

HOUSE OF ASSEMBLY

Thursday, March 2, 1978

The **SPEAKER (Hon. G. R. Langley)** took the Chair at 2 p.m. and read prayers.

PETITION: PETROL RESELLERS

Mr. **MILLHOUSE** presented a petition signed by 115 residents of South Australia, praying that the House would reject any legislation that could cause petrol resellers to trade seven days a week until 9.30 p.m.

Petition received.

PETITION: CHARLTON GULLY ROAD

Mr. **BLACKER** presented a petition signed by 264 residents of South Australia, praying that the House would support the upgrading and sealing of the Wanilla to North Shields road known as the Charlton Gully Road.

Petition received.

MINISTERIAL STATEMENT: POLICE FILES

The **Hon. D. A. DUNSTAN (Premier and Treasurer)**: I seek leave to make a statement.

Leave granted.

The **Hon. D. A. DUNSTAN**: Two inquiries were made by the Chief Secretary and me of the Commissioner of Police concerning material contained on police files relating to unconvicted persons. One of the inquiries related to a question that was asked following the publication in newspapers about the possible existence of so-called "pink" files relating to homosexuals in South Australia. The other inquiry was about the process by which the police examined irrelevant material relating to unconvicted persons, material which was not relevant to the detection of crime but which was recorded on police patrol reports or otherwise in event reports by the police. The Commissioner of Police has reported on both matters and I intend to read his report to the House as follows:

Following my discussion with the Hon. the Premier and yourself on February 14, 1978, concerning so-called "pink files" allegedly held by the Police Department in relation to homosexuals, I confirm my comments regarding those files and other matters related to the same discussion. I have checked Special Branch, Crime Intelligence Unit and Vice Squad and am satisfied that there are no pink files in existence. The term is unknown in this department. I have inspected cards held by the Vice Squad, many of which related to observations concerning specific homosexual people. All of the cards I inspected related either to circumstances some years past, or the information was not currently used by Vice Squad, or it contained nothing of current use in my opinion. I instructed their destruction. This has been done.

Generally, files and/or information concerning homosexual people are not maintained solely because some people coming in contact with police are homosexual or may be considered to be. However, in the course of criminal investigations it is necessary to interview people who are or may be thought to be homosexual. The types of offence, for example, may be murder. In the case of the murder of Dr. Duncan, many people considered to be or who were homosexual were interviewed. Their names and some other personal particulars are held on file but only as part of the

murder investigation papers. This file is held in my office in a locked cabinet. It is available only after reference to me, and none of it can be destroyed because the case remains unsolved.

In another murder investigation there was a need to pursue a line of inquiry in homosexual circles. That file contains names of homosexual people and includes a card index partially relating to the registered numbers of vehicles seen in various places and noted as being interesting in keeping with the circumstances of the investigation of the murder. The index system cards (most of which do not refer to homosexual people at all) are of varied colours, predominantly pink, and those relating to the cars are brown. The murder was cleared up and the person convicted but retention of the file and cards is necessary against future possibility of some legal action. Other information which is collected and recorded is contained in indices maintained by crime collators in patrol bases and in Crime Intelligence Unit at C.I.B. headquarters.

This relates not simply to the matter of homosexuals but to the second matter I mentioned. The report continues:

This information originates on a field report submitted by a patrol officer or detective. The field report serves a variety of purposes such as reporting of unsecured premises, contact with criminals, their associates, the vehicles they use, places they frequent and their addresses. Also reported are sightings of unconvicted persons found in circumstances which reasonably call for the police to query them as part of their duty of crime prevention and/or detection. This is not to say that every person spoken to by the police in "unusual" circumstances has a field report submitted about them. Field reports are first examined by crime collators in regional patrol bases and an index card prepared in cases of convicted persons, and for unconvicted persons if the related information is of sufficient significance. The destruction rate of cards on unconvicted persons is six months provided there is no continuing significant need.

After scrutiny by collators, the field reports are forwarded to the Crime Intelligence Unit at C.I.B. headquarters. They are filed and numbered sequentially, the names of the person and the report number being indexed on a card where the information gives rise to a suspicion that there is relationship to a crime pattern or some course of conduct related to crime. Destruction of card and field reports is carried out each month in respect of those papers which are 12 months old, provided there are no other entries relative to more recent reports concerning the same person.

The information recorded in both places is subjected to regular scrutiny by a commissioned officer, and questionable information based on the criteria laid down is also referred to the commissioned officer for decision of recording or otherwise. I am satisfied from my inquiry that the recording of the information referred to is necessary for effective crime prevention and detection; it is kept in strict security and available only to police officers in the course of their duties.

ASSENT TO BILLS

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

Election of Senators Act Amendment,
Statutes Amendment (Remuneration of Parliamentary Committees).

QUESTIONS

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

PORT AUGUSTA WEST SCHOOL

In reply to Mr. KENEALLY (February 9).

The Hon. D. J. HOPGOOD: The Education Department is aware of the needs of Port Augusta West and the new school is scheduled for construction in 1980-81 on the present programme. However, as I stated in the House on February 9, the ability to maintain that programme will be affected by the loan allocations for 1978-79 and subsequent years. The construction of the school will be in Demac.

ST. AGNES WEST PRIMARY SCHOOL

In reply to Mrs. BYRNE (February 22).

The Hon. J. D. CORCORAN, for the Hon. D. J. HOPGOOD: The land in question is the site of the proposed St. Agnes West Primary School, which is to serve the large South Australian Land Commission development in that area. Design of the school is at working drawing stage, and, provided that the programme can be maintained, is scheduled to open in February, 1980.

REGENCY ROAD TRAFFIC LIGHTS

In reply to Mr. WELLS (February 21).

The Hon. G. T. VIRGO: The need for a pedestrian crossing at Regency Road to service the Nailsworth High School is currently being investigated. I will advise the honourable member further when the results of the investigation are known.

The SPEAKER: Before calling for questions I inform the House that any questions for the Deputy Premier will be taken by the Minister of Mines and Energy, and any questions for the Minister of Labour and Industry will be taken by the Minister of Transport.

POPULATION PROJECTIONS

Mr. TONKIN: Will the Minister for Planning say on what population projections the Government has based its latest plans for the development of the Adelaide metropolitan area? Are these figures those contained in the report *Development 77* prepared by the Economic Development Department, and, if so, how can they be reconciled with the middle Borrie estimates, and with the statement that South Australia's share of the national work force growth will decline significantly by 1986? The population projections upon which Government planning has been based in the past few years have been shown to be seriously excessive and incorrect. The Premier's Department in June, 1975, projected a population increase of 160 000 by 1991.

The middle Borrie estimates for total Adelaide growth in the period 1976-91, which are now widely accepted as the most reliable predictions, project an increase of 86 000. The Federal Government's national population inquiry projects an increase for South Australia of 33 000 by 1986, and is in line with the Borrie figures. In sharp contrast, the report, *Development 77*, prepared by the Economic Development Department and issued on January 30, 1978, estimates an increase of 128 000 by 1986, at the same time predicting a fall in the growth rate of the labour force in manufacturing industry of more than 15 000 in that time. Accurate and realistic population projections are essential if taxpayers' money is to be spent

efficiently and effectively on new developments. Will the Minister now demonstrate to this House that the Government is not again using over-inflated population projections for present planning, such as those which caused the Government to throw so much of the taxpayers' money away on a costly project like Monarto?

The SPEAKER: Order! The honourable Leader is commenting. The honourable Minister for Planning.

The Hon. HUGH HUDSON: First, I think I should say that there are some technical problems with the Borrie estimates, and I am surprised that the Leader does not know of those, because they have been known for some time. For example, the death rates that are assumed in the Borrie estimates are clearly incorrect so far as South Australia is concerned; a mistake has been made there. Since the Borrie estimates were produced, the Economic Intelligence Unit in the Premier's Department, now in the Economic Development Department, has been responsible for preparing revised and up-to-date population projections.

Those projections are subject to continual revision in the light of the latest information. After all, the Borrie estimates were produced a few years ago, and there would be no possible basis for relying on those estimates when they are inaccurate even in relation to the population figures for 1976, and 1977, and no doubt for 1978. However, we are doing not only estimates of population but also estimates of projected housing demand, taking into account estimates of rates of household formation. No doubt the Leader would be aware, because I have tried to tell him a couple of times, and I presume it has been absorbed by now—

Mr. Gunn: You are complimentary!

The SPEAKER: Order!

The Hon. HUGH HUDSON: It is very difficult to be other than complimentary to the Leader, and I am glad the member for Eyre appreciates it.

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: I apologise, Mr. Speaker, for answering the interjection. The Leader would appreciate, I am sure, that rates of household formation are functions of population change in previous years and, whilst there may be difficulty in predicting with any high degree of accuracy future population changes, because they are subject to the influence of migration, both from overseas and net migration as between South Australia and other States, a good deal more confidence can be had about projections made with respect to rates of household formation. It is those projections that influence fundamentally estimates of urban development requirements, especially the likely further development that will take place in Adelaide, including estimates of future population.

I wish to make two points: first, any projections of the future are inevitably subject to revision, and the method that is adopted within the Government enables continuous revision of those estimates. Secondly, if one is going to err at all in projections of future population requirements and future household formation, there is a strong case for erring a little on the optimistic side. Nothing is worse than having a situation, especially in Adelaide, where facilities cannot be made available, because the population has been underestimated and because the population forecast that has been used for planning in the provision of water supply and sewerage, education, and all other Government services, has been too low. Whilst there may be some criticism when an estimate of population turns out to be too high, it is on balance wise to err on that side.

It is worth nothing in that context that, in most Government planning that has taken place in years gone

by in this State, we have tended, as a community (and it is true of all Governments), to drag our tail and to be behind in the provision of required services. New areas have developed, quite often without adequate educational and other facilities. But it is extraordinary that, even though that is true, there is a tendency amongst the public—and to some extent the Leader of the Opposition apes that tendency—to crow in an almost obscene fashion when something is provided ahead of time.

Mr. Tonkin: Was Monarto ahead of time?

The Hon. HUGH HUDSON: I am happy to leave it to the next generation to judge about Monarto; I am not happy to leave it to the Leader of the Opposition.

Mr. Millhouse: You'll be safely out of the way by then.

The Hon. HUGH HUDSON: I suggest that the member for Mitcham should take the advice he has been given in the past two days. He has got into enough trouble in opening his mouth in recent times, and he should learn that there are occasions when it pays to keep silent. He has been in this place for a long time, but he has not yet learnt that lesson.

The SPEAKER: Order! I hope that the honourable Minister will get back to replying to the question.

The Hon. HUGH HUDSON: I am sorry, Mr. Speaker, for my aberration. I can recall an occasion when, acting on the latest forecast from the Housing Trust the Education Department built the Long Street Primary School in Whyalla, but the trust turned out to be a bit behind in its housing development. The Education Department built the school, which was ready on time, with the assistance of the Public Buildings Department. Nine teachers were sent up for the opening day of the school, but on that first day five children turned up. There was great hilarity in the community generally about that event, but it turned out to be helpful for the Education Department because the Stuart High School was not ready on time and for the first year of its operation that high school used the Long Street Primary School.

We have had too many instances just in the education area, especially in the days of past Liberal Governments, when new schools were started in temporary buildings because permanent buildings were not ready. I suggest to members that, while we have a responsibility to make the most accurate population and household formation forecasts that we can, if we are to err in any way we should err a bit on the optimistic side, in order that we provide the facilities when they are required and not have them subject to a delay of a year or two. I will try through the help of the Premier to ascertain in great detail for the better education of the Leader of the Opposition precisely what is wrong with the Borrie estimates with respect to population in South Australia. I am sure that, if the Leader can absorb that information, we may get better questions in future.

HAPPY VALLEY BUS SERVICE

Mr. DRURY: Can the Minister of Transport say whether a community bus service can be implemented before State Transport Authority services are made available in the Happy Valley area? Has the Meadows council indicated its intentions regarding such a service? For some weeks now, I have received complaints from constituents in that area who believe that the lack of transport services disadvantages them. Knowing that community bus services are being initiated by local government, I wonder whether such a service can be an alternative until the S.T.A. is able to provide orthodox services.

The Hon. G. T. VIRGO: We have engaged in a couple of experiments in this area but, regrettably, we have not yet met with the degree of success in relation to the number of passengers carried that would be desired. At present we are engaged, through a private consultant, in having a full examination of public transport needs in this area, and I hope that later this year the report will be available so that we can take the appropriate action. In the meantime, however, if a community bus project would solve the problem to which the honourable member has referred, I would be receptive to any suggestion along those lines. If the council is prepared, as has occurred in several other areas, to be involved in such a project, I am sure that we would be able to find a way in which to solve the problem. I will discuss with my officers what can be done and, if a solution can be found along the lines suggested by the honourable member, we will be receptive to it.

PETROL

Mr. GOLDSWORTHY: I address my question to the Minister of Mines and Energy.

Members interjecting:

Mr. GOLDSWORTHY: I hope that he will not be as prolix as he was earlier. Can he say whether the Government intends to support the recommendations of the National Energy Advisory Council, which recommends a new octane rating and lead level in motor spirit designed to produce significant cost and energy savings? The report recommends, among other things, that the octane rating of regular grade motor spirit be increased from 89 to 92, with a view, I think, to phasing out the use of super grade (although that detail is beside the point). The likely result of this, according to the council, would be an energy saving of about 2 000 000 barrels of crude oil a year and an annual cost saving of about \$30 000 000. I understand that the implementation of the report's recommendations will need the co-operation of State Governments.

The Hon. HUGH HUDSON: Like the Deputy Leader, I am much in the position at this stage of having only the benefit of press reports, and I am sure that he would agree that it would be inappropriate to base Government policy simply on what had appeared in the press.

Mr. Goldsworthy: What about the report?

The Hon. HUGH HUDSON: I have only just received a copy of the National Energy Advisory Council's report. It has not yet been subject to a detailed analysis, and I certainly would not propose to make submissions to the State Government with respect to these matters until the report had been subjected to some detailed consideration. Furthermore, a meeting of Ministers of Mines and Energy will be held in Hobart on Friday of next week and, no doubt, the recommendations of N.E.A.C. will be considered at that meeting. I am sure that the Deputy Leader would appreciate that it would be most unwise to act prematurely in relation to any of these matters, particularly when the information that one has is only sketchy because it is based only on the potted versions of reports that have appeared in the press.

LIFE ASSURANCE

Mr. WHITTEN: Can the Premier provide any information about State Government Insurance Commission life assurance policies, which were offered to the public as from yesterday, and does he agree that the report

that appeared in the *Advertiser* on March 1, 1978, could be misleading and thus adversely affect the business of the commission? The *Advertiser* report, headed "S.G.I.C. life policy could be costly", states:

Term insurance offered by the State Government Insurance Commission could prove more expensive than life policies offered elsewhere in the long term, the South Australian President of the Life Underwriters Association (Mr. I. Elliott) said yesterday . . . Mr. Elliott said it appeared the S.G.I.C. was not offering anything new. "All companies are selling comparable contracts," he said. "The commission is just restricting itself to term insurance and this can be extremely dear over the life of the policy."

The Hon. D. A. DUNSTAN: I do not believe that Mr. Elliott is particularly representative of the insurance industry in South Australia. The statements he has made cannot be supported. The terms on which life assurance is offered by S.G.I.C. are the lowest in the industry; in fact, there are quite real advantages to people in cashing in their existing policies, investing the proceeds, and taking out policies with S.G.I.C. at the lower rates. Some people have already done that. The commission has been inundated with inquiries, and that is not surprising. Yesterday, the commission did a tremendous amount of business. That business is keeping up both by telephone and by personal inquiries to the office. The Manager of S.G.I.C. has expressed his great satisfaction with the way it is going and I am sure that this service will be extremely useful in providing death cover for workers in South Australia at prices that they can afford.

MR. AND MRS. PLENTY

Mr. VENNING: Will the Attorney-General discuss with Mr. and Mrs. Plenty their varying problems? The Attorney is well aware of what I am leading up to.

The Hon. G. T. Virgo: It's your tenth birthday here today.

Mr. VENNING: That is right. Are you going to sing happy birthday?

The Hon. G. T. Virgo: No, you are.

Mr. VENNING: The Minister of Transport is also celebrating 10 years of activity in the House, as is Mr. Evans. I ask the Attorney whether he will consider my request.

The Hon. PETER DUNCAN: The honourable member well knows that the reply is "No". I do not intend to see Mr. and Mrs. Plenty, because their problem, which is well known to me, involves the Commonwealth Government and the Commonwealth Taxation Office; the matter is totally outside the province of the State Government. If the honourable member can raise any matter affecting the Plentys that he believes touches on the responsibility of the State Government, I shall be pleased to see them. However, no useful purpose can be served by the State Attorney-General seeing people who have a matter of this sort that involves the Federal Government. I might say in passing that I think Mr. and Mrs. Plenty have seen nearly everyone in the Federal Government in any case. The member for Stuart indicates that they have seen everyone. No useful purpose can be served by my seeing these people about this matter. I am always only too pleased to see any resident of South Australia who has a problem in which the State Government has an interest, but in this matter the State Government has no interest and it would be fruitless for me to see them.

There being a disturbance in the public gallery:

The SPEAKER: Order! I do not want to have to clear

the public gallery. As everyone knows, silence is required, and I hope the person concerned will keep quiet.

GRANGE BUILDINGS

The Hon. G. R. BROOMHILL: Will the Minister of Education obtain a report for me on the future plans for the Grange Primary School buildings? A wide section of the community is interested in the use being made of the old primary school buildings. At the moment they are being used for adult education and by youth organisations within the area, as well as being used as a primary school. The buildings have been developed in different ways during recent years, and the future use of the buildings is of much interest to many people. I hope the Minister will be able to obtain a report for me.

The Hon. D. J. HOPGOOD: The Further Education Department has property in the area on which it hopes eventually to develop a community college. No resources are available currently to enable the department to develop such an institution, so it is conceded that further education classes will continue to use these facilities for some time. I am glad to hear that community organisations are making use of the premises and I hope that situation will continue. Although the Further Education Department plans to develop a further education institution locally, it will not be able to do so immediately. I will get more specific information from my department for the honourable member.

RAILWAYS

Mr. DEAN BROWN: Can the Premier say how much money the State Government has now received from the sale of the non-metropolitan section of the South Australian Railways to the Federal Government; how this money has been spent so far; what would have been the State's deficit this year if that sale had not proceeded; and whether he still believes the State will benefit by \$800 000 000 over the next 10 years through the sale of the railways? During the 1975 State election campaign the Premier made a clear statement that over the next 10 years South Australia would benefit by over \$800 000 000 if the sale of the non-metropolitan railways proceeded. That statement was made 2½ years ago. As a quarter of the period of 10 years has now passed, I am assuming that we in this State should be at least \$200 000 000 better off.

The Hon. G. T. Virgo: What an idiot!

The SPEAKER: Order! The honourable Minister of Transport is out of order.

Mr. DEAN BROWN: I have the statement and advertisements in front of me and, although there may have been a slightly graded scale in the escalation of that amount, there is no doubt that the Australian Labor Party made that promise—and the Premier confirmed that promise—that over 10 years the State would be \$800 000 000 better off from the sale of the non-metropolitan railways. I will not read out all the details of the advertisements and the statement.

The Hon. D. J. Hopgood: I wasn't Minister when he went to school.

The Hon. Hugh Hudson: Neither was I.

The SPEAKER: Order! I would like honourable Ministers on the front bench to give the honourable member an opportunity to explain his question.

Mr. DEAN BROWN: I realise this is an embarrassment to them. They came out and lied to the people of South Australia.

The SPEAKER: Order! I ask the member to withdraw the word "lied".

Mr. DEAN BROWN: I will withdraw the word. They misrepresented the facts on that occasion to the people of South Australia. I doubt, and I think most South Australians doubt, whether this State will ever get the so-called \$800 000 000.

The SPEAKER: Order! The honourable member is now commenting.

Mr. DEAN BROWN: The deficit proposed for this year is \$26 000 000; I wonder what the deficit would have been if the sale of the railways had not gone ahead and whether it would have been about \$200 000 000 over the past two years.

The Hon. D. A. DUNSTAN: I have drawn the attention of the honourable member before to the fact that his strong subject at school was evidently not arithmetic. I now have to give him a little bit of instruction. I suggest that, if he were serious about this matter (and he quite obviously is not), he would have gone back to the statements that were made in explanation of the railways transfer contract. The explanations were given in detail to this House. I gave the replies to the member for Mallee, as a matter of fact. Admittedly, because they were complex, he had some difficulty at that time, even with his accounting ability (which far exceeds that of the member for Davenport), to follow it, but eventually it was evident that he caught the drift.

Mr. Dean Brown: Do you agree that those advertisements were wrong?

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

The Hon. D. A. DUNSTAN: The position was that the State faced a continually escalating deficit on the railways, as has every other State. In fact, the deficits on the railways in Victoria, Queensland and New South Wales are horrendous at this stage of proceedings.

The Hon. G. T. Virgo: Hundreds of millions.

The Hon. D. A. DUNSTAN: Yes, hundreds of millions. The deficit on the railways in South Australia was escalating, as has the deficit on those railway systems, at a very much greater rate than the rate of inflation in the community. The prospective deficit over a 10-year period, given the rate of escalation foreseen then and currently confirmed by experience in other States, was somewhere in the region of \$800 000 000.

Mr. Dean Brown: That's right: you're \$800 000 000 better off, or should be.

The SPEAKER: Order! The honourable member has asked his question. I do not want to have to call him to order again.

The Hon. D. A. DUNSTAN: As that was a rapidly escalating amount—

Mr. Dean Brown: It's here in red.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: It is obvious that the honourable member does not want a reply. If members opposite want a reply, I suggest that instead of going in for juvenile—

Mr. Venning: Oh, rubbish, rubbish!

The SPEAKER: I have to call the honourable member for Rocky River to order.

The Hon. D. A. DUNSTAN: I had excluded those who had got into their second childhood, but obviously I should not have. As the amounts were rapidly escalating, the deficit falls most heavily in the last period of the 10 years and not in the first two years. I hope that is clear to the honourable member. The next matter that has to be taken into account is that, effectively, by the agreement, the debt structure on the railway system in respect of the State

was written off and the State got a number of benefits in cash payments. There were amounts in capital payments which were paid to the State and then written into the base figure of the annual repayment from the Commonwealth of income tax to the State and escalating according to the old formula, which was our base rate formula on which we have been, in fact, until this year.

As the arrangement with the Commonwealth now stands in respect of income tax payments to the States, the base rate formula is our fail-safe position; that is, the amount cannot fall below that, and the amount that we get above it is still based on the old formula, so we are still getting the benefit of the building into the formula base of the extra payments made by the Commonwealth, both in capital payment and at the rate at which we were paid out of the Grants Commission. All of those amounts then proceeded to escalate.

Although the present Prime Minister has talked about a re-examination of the formula, and the Grants Commission will be going through that, in fact the Grants Commission will be bound to take into account the agreements which have been made and how we got to the present stage in the formula. If that is taken over the 10-year period, the extra paid to the States would be about \$600 000 000. Again, the major amounts of that will fall into the latter part of the 10-year period, because they escalate annually, according to the formula. We were able at the outset, because of initial capital payments—the payment out under the Grants Commission and the initial payment which was made for the purchase of the goods and property of the railways—to build up considerable reserves in this State. It was a very good deal for the State. The Federal Government has been trying to take it away by some means or other ever since. It was a very significant improvement in the finances of the State. Mr. Nixon has been complaining bitterly, and the Prime Minister said I had taken the Commonwealth to the cleaners.

Mr. Dean Brown: How much have you received so far?

The SPEAKER: Order! I must call the honourable member to order for the fifth time.

The Hon. D. A. DUNSTAN: The honourable member, I suggest, had better get the research assistant in the library to help him do some sums from the answers I have given him. The answers repeat what has been knowledge in this House since the beginning of 1976.

Mr. Tonkin: Obviously you can't tell us.

The SPEAKER: Order! The honourable Leader is out of order.

The Hon. D. A. DUNSTAN: The Leader is being as obtuse as he normally chooses to be on such occasions.

Mr. Dean Brown: You didn't answer the question.

The SPEAKER: Order! I call the honourable member to order. If he flouts the Chair once more, I shall have to take appropriate action.

FREE BOOKS

Mr. KLUNDER: Can the Minister of Education give an indication of the increase in free book applications in schools? It would seem that an increase in such applications would be linked directly to a decrease in income, and therefore give a good indication of the decrease in employment in a given area. I should think that such information would be useful to the Minister of Community Welfare and also the Federal Ministers dealing with unemployment and social security.

The Hon. D. J. HOPGOOD: I doubt very much whether that information would have been collated by my

department for this year, although most of the information would be in. The honourable member would be aware that the application occurs at school level and that eventually the statistics are passed on to the department. I shall get whatever information I can.

The premise behind the question is quite accurate. We have noticed in the past that these figures are particularly susceptible to fluctuations in the rural economy, for example; rural depression can certainly increase considerably the number of applications for free books in those areas, and I have no doubt that the same sort of trend would be appearing now. One of my colleagues has provided me with information in relation to one school, which I will not name, according to which seven applications for free books were made four years ago; currently there are 41 applications. I do not have the global figures to indicate whether that trend continues throughout the State, but I imagine that the figures have increased considerably. I will get the information for the honourable member.

DROUGHT

Mr. GUNN: Can the Premier say whether officers of the South Australian Government have yet put forward to Commonwealth Government officers a proposition put to the Premier a few weeks ago during a deputation which met the Premier and which consisted of me and the Chairman of the United Farmers and Graziers, Wirrulla branch, Mr. Miller? The Premier will recall that on that occasion we discussed with him and the Minister of Agriculture a proposition that farmers who had been affected by drought for three consecutive years should be given direct financial assistance on a non-repayable basis. The Premier indicated that he had been approached by the Prime Minister seeking further suggestions in relation to drought aid, and he said that he would have South Australian Government officers put the suggestion to the Commonwealth. Can the Premier say whether that proposition has been put forward?

I point out that the situation in the upper Eyre Peninsula and on other parts of the peninsula is serious, because some of these people have suffered three consecutive years of drought and consider that there is little purpose in borrowing more money, as they could not possibly repay fully any loan. They are asking for direct assistance in order to be able to plant crops for the forthcoming year.

The Hon. D. A. DUNSTAN: As the Minister of Agriculture has been conducting these negotiations with the Commonwealth, I will obtain a report from him.

REDCLIFF

Mr. KENEALLY: My question is directed to the Minister of Mines and Energy, with some trepidation, as only 20 minutes of Question Time remains. Can the Minister report to the House on the present state of gas reserves in the Moomba Basin and associated gasfields, and can he say whether recent discoveries have significantly increased the feed stock available for the proposed petro-chemical plant at Redcliff?

The Hon. HUGH HUDSON: One could give a treatise on the question, but the brief reply is that about 12 months ago we did not have all the gas discovered in the Cooper Basin necessary to meet schedule A requirements for the Sydney market. The discoveries that have taken place over the past year (at Namur and, more recently, at Munkarie No. 1) have altered that position to the extent that the

latest assessment of the Cooper Basin would no doubt suggest that the proven and probable reserves there are now capable of meeting the contracted requirement of the Sydney market and of the Adelaide market through to 1987.

That means that further gas discoveries will go to supply the requirements of the Adelaide market from 1987 to 2005, and in that connection I point out that the discovery of a reserve of 100 billion cubic feet is sufficient to sustain the Adelaide market for one year. A further discovery of the size of Munkarie No. 1 would be equivalent to about two year's supply for Adelaide.

Concerning the latest discovery at Munkarie, until detailed logging has been done it will not be possible to estimate the degree of wetness of the well and what contribution that well could make to feed stock for the proposed petro-chemical complex at Redcliff. The variation in the degree of wetness in the fields in the Cooper Basin is quite significant, and the basic requirement for Redcliff is ethane gas, but in the process of using ethane at Redcliff one would also be processing the propanes, butanes, and any heavier fractions found within the gas.

There are significant variations in the way in which the gas is made up in various parts of the Cooper Basin. I suspect that the Munkarie No. 1 well will turn out similar to Brumby, but whether or not that will be the case has yet to be confirmed. When I am able to give a further report to the honourable member I will do so, and I will ensure that it is given in a form appropriate to the manner in which he asked his question.

BRUCE MURDEN

Mr. MILLHOUSE: Can the Premier say what further employment, if any, the Government is offering to Mr. Bruce Muirden in view of his disloyalty to his former Minister, the Minister for the Environment? Last Tuesday, in quite an outburst in the House—

Mr. Bannon: Let's get at the principles, instead of personalities, for a change.

Mr. MILLHOUSE: Well, I am going to quote what the Deputy Leader of the member for Ross Smith's Party said on Tuesday. He said:

I learnt last Thursday (and, indeed, I was shocked to learn) that my Press Secretary, Mr. Bruce Muirden, who was a Ministerial appointment, I might add, and who does not belong to the Environment Department, had, in fact, drawn up and circulated a petition about the permanent head of the department, Mr. Dempsey. I was shocked because I considered that an act of gross disloyalty to me, an act that I was not prepared to tolerate, or let pass lightly. I know that Mr. Muirden did this because I asked him the direct question and he confirmed that he did it.

Later on (and I apologise for this, because it was by way of interjection, and I should not have interjected), I asked whether he was going to be sacked, and the answer obviously was "No". Although a direct answer was not given, the answer "Yes" was not given either, so the irresistible inference is "No". There is no doubt that the morale of the department is low, as Mr. Muirden had suggested, and therefore its effectiveness is low, and we are wasting money and effort on that department.

The SPEAKER: Order! The honourable member is starting to comment.

Mr. MILLHOUSE: Yes. It is not working effectively.

The SPEAKER: Order! I hope that the honourable member does not continue to comment.

Mr. MILLHOUSE: I will not comment on that matter. I beg your pardon, Sir. I understand (and the Premier might

be able to correct me) that Mr. Muirden, of all the Press Secretaries, is the most active member of the Australian Labor Party, that he is also a favourite of the Premier, and that the Premier was not too pleased with his Deputy's outburst.

The SPEAKER: Order!

Mr. Millhouse: I contrast the mercy being shown to Mr. Muirden with what happened to Mr. Salisbury, the former Commissioner of Police.

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: It is obviously the sort of thing we can expect from the honourable member.

Mr. Millhouse: What about answering the question!

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

The Hon. D. A. DUNSTAN: The honourable member asks what employment is to be provided for Mr. Muirden. That matter is still subject to discussion.

Mr. Millhouse: It's a tussle, I suppose, between—

The SPEAKER: Order! I do not want to call the honourable member to order again. He has asked his question, and surely he will give the Premier the opportunity to answer it.

The Hon. D. A. DUNSTAN: The honourable member makes aspersions constantly without the slightest basis whatever, and it is his normal mode of operation. There is no difference between my Deputy and me. The honourable member and other members have constantly tried to suggest that there were divisions within the Labor Party. The reason they do that is not that there are no such divisions but, as there are not any such divisions, they invent them in order to give themselves something to talk about.

Mr. Bannon: To cover their own tracks.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I would have thought that the divisions on the honourable member's side of politics were so open and, at times, daunting to anyone on that side that he would not start inventing them on this side. The position regarding Mr. Muirden is being discussed. A proposal has been put to Mr. Muirden about it. Mr. Peter Baker has been appointed Press Secretary to the Minister for the Environment.

The Hon. Hugh Hudson: Where did he once work?

The Hon. D. A. DUNSTAN: He worked at one time for the Leader of the Opposition.

Mr. Millhouse: A good chap, too.

The Hon. Hugh Hudson: Did he get sacked by the Leader of the Opposition?

The SPEAKER: Order! The honourable Minister is out of order.

The Hon. D. A. DUNSTAN: I would ask the honourable member not to damn anyone in our departments by giving them his approval.

INTAKES AND STORAGES

Mr. BECKER: In the absence of the Minister of Works, will the Minister of Mines and Energy obtain for the House information regarding the present holdings of the State reservoirs and give a comparison of their present storages with those at this time last year? Everyone is concerned about the weather conditions that are prevailing in this State and the quality of water that we are receiving through our taps. I should also like the Minister to ascertain whether the Minister of Works is satisfied that the pumping programme will meet our requirements for the rest of the season.

The Hon. HUGH HUDSON: I shall be pleased to get

that information for the honourable member; however, I can assure him now that the pumping capacity through the Mannum-Adelaide main and the Murray Bridge to Onkaparinga main, together with the storages that are held, is more than adequate to meet Adelaide's requirements. I will get precise information for which the honourable member asks.

MENINGIE COUNCIL

Mr. RUSSACK: Can the Minister of Local Government say whether it was necessary to proclaim the Local Government Act Amendment Bill that was passed on December 8 last, and will the Minister explain what is the present situation applying to the District Council of Meningie, as it was the difficulties in this council that prompted the introduction of the Bill? A Bill was rushed through both this House and another place as a matter of urgency on the last day of sitting before Christmas. It is only reasonable that the Minister should explain what eventually happened to the measure, because at the time the Minister stated:

If the problem is resolved through commonsense negotiations [and I hope it is] I would not recommend the proclamation of the Act.

I should like to know whether the Bill was proclaimed and what is the present situation.

The Hon. G. T. VIRGO: The Bill was not proclaimed. I am pleased about that, because what I said at the time turned out to be true: the fact that the legislation was available and that we were able for the first time ever to take action if necessary was sufficient incentive to overcome what then was a real problem. However, that matter has still not been resolved, and that Act is still alive, because it had an expiry date of May 31 before it ceased to have effect. I am not sure whether I am permitted to tell the honourable member that I will introduce a Bill later this afternoon that will contain a clause so that that power will be a permanent and continuing power. However, the clause will have a tag attached to it, and I am sure that that will be a matter of debate later.

As far as the Meningie area is concerned, the matter has not yet been resolved satisfactorily. The Local Government Advisory Commission has spent much time trying to solve the problem. I had a discussion last week with the Chairman of the commission, His Honour Judge Ward, and I have asked him if he would again call the local government body before him to see whether a satisfactory solution can be found.

The immediate problem for Meningie has been resolved to the extent that the proceedings against the former Clerk were determined out of court by the council's agreeing to pay him six months salary after terminating his services, an arrangement which I understand is acceptable to the Clerk but which caused the resignation of a councillor because he did not agree with it. I understand that the Assistant Clerk has applied for and is almost certain to be appointed to a position with another council. I am sure that the honourable member would realise that, with the Clerk gone and the Assistant Clerk about to go from Meningie, its chances of continuing are certainly not bright. I would not imagine, with Meningie's history, that it would be capable of attracting many people to apply for those positions if and when applications were called.

For those reasons, I believe that the only solution to the problem is the original proposition that half of Meningie should be attached to the Peake council area and half should be attached to the Coonalpyn Downs council area.

I hope that that will be the solution. I believe it is the only satisfactory way to resolve the present problem, which is now in the hands of the Local Government Advisory Commission, which I hope will soon be able to report to me success in its efforts in trying to achieve a solution to the problem.

SCHOOL SUBSIDIES

Mr. ALLISON: Can the Minister of Education say what is the Government's policy regarding the availability of subsidies for school halls and activity rooms? On November 7, the Minister stated that subsidies for school halls and activity rooms had been discontinued and were being provided for only a limited number of projects to honour long-standing agreements.

The Hon. D. J. HOPGOOD: A final decision has not been made on the matter. As people are coming to talk to us about subsidy arrangements, we are asking them to stay their hand until we have completed the current review of the subsidy system. That situation should have been made clear in the letter to the honourable member. I regret that that was the case, although the letter did report accurately the situation as it applied to a particular school that requested a subsidy at that time. When I am in a position to come down with a definite policy, I will make it known to the House and, of course, to the honourable member.

ALFRED DAVID HEIN

Mr. MATHWIN: Will the Minister of Community Welfare say whether Alfred David Hein has been released from gaol either on leave or permanently? I have been approached and asked to investigate whether Alfred David Hein is now free and whether he has been seen in certain suburbs of Adelaide recently. This person was placed in the custody of the Juvenile Court and later transferred to Yatala by order of the Minister under section 70 of the Juvenile Courts Act after having been convicted of the shocking murder of a woman taxi-driver last year or late the year before. The community has expressed much concern about this matter, and I ask the Minister whether he will clarify the situation. I have directed the question to the Minister of Community Welfare because it was on his order that this person was sent to Yatala from McNally Training Centre.

The Hon. D. W. SIMMONS: I am not sure of the legal position but I believe that, because the particular person was transferred to Yatala, he might well come within my jurisdiction. I undertake to get a report for the honourable member.

COMMUNITY WELFARE ACT

Mr. WOTTON: Can the Minister of Community Welfare say when it is expected that a draft of the rewritten Community Welfare Act will be completed? Is it intended that such a draft will be made available to any persons or organisations who have shown an interest in this proposed legislation?

The Hon. R. G. PAYNE: Several imponderables surround this matter. I think the honourable member is referring to a draft of the Community Welfare Act, which will be rewritten as a result of a major community participation exercise instituted by me that is currently being undertaken. There is input from my department, from the voluntary sector, and from various other

organisations—virtually anyone in the community who wished to do so has been able to make a submission. The period for the receiving of submissions has ended, and workshops are now being conducted in which the submissions are being sorted and collated. Further discussions will take place and I think it will be late this year before a draft of the Bill will be available. Further input would be due as a result of the Corbett committee, which was originally supposed to report to the Premier a couple of weeks ago.

Mr. Wotton: Is it before Cabinet yet?

The Hon. R. G. PAYNE: No.

At 3.12 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

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

That, for the remainder of the session, Government business take precedence over all other business, except questions.

Mr. TONKIN (Leader of the Opposition): I am surprised that perhaps the Government thinks that this motion would pass unnoticed. As I have done before in this place and as my predecessors have done, I protest at the amount of time allowed for private members' business and point out yet again that private members' business is not the monopoly of the Opposition but is a right and privilege of every member of this House. This session we have had six days out of a total so far of 37, and out of what will probably be a total sitting time of 45 days. Of necessity, it has been a short session. In 1975-76, there were also 45 sitting days, but we had eight days for private members' business. That was 17.8 per cent of Parliamentary sitting time. By the time we have finished this session, only 13.3 per cent of the time will have been allowed for private members' business.

Although there were unusual circumstances on this occasion and although there was a relatively shortened session, I make the point that at the end of last year we were told we would be sitting past Easter until the end of April or early May. The Government has indulged in all sorts of exercises to keep us sitting longer than the usual time for the adjournment. It has said it has a heavy programme to get through, but now apparently we find that we are to get up at Easter, that the programme is not as heavy as all that, and that the Opposition and the other back-bench members of this Parliament are to be denied their use of private members' time. The member for Spence once said by way of interjection, when we were talking about the rights of the Opposition, "You're the Opposition; you have no rights." More and more it is becoming evident that that is the Government's attitude.

As I have said before, the Government of this State more and more regards Parliament as a necessary formality and nothing more. I again protest at the cutting off of private members' time after such a relatively short number of days. I have said that if it is necessary for us to sit after Easter, we will be delighted to do so because many matters ought to be ventilated; we could use profitably grievance debates and debates on the adjournment.

Dr. Eastick: There are questions we might get answered.

Mr. TONKIN: Indeed; I refer to the member for Light's Question on Notice 209, which has been on the paper every Tuesday since November. The Opposition and individual members are being treated by the Government with a total lack of respect for our rights as members of this Chamber and as representatives of the people. I do not think it is in any way appropriate for the Government to do this. There is no question at all that the Government is becoming more and more arrogant in its attitude not only to members of Parliament generally but also to the people they represent. I oppose this motion. I believe that private members' business should be allowed for as long as possible, and I believe the Government has no real reason for cutting off its own announced programme four or five weeks before the date it announced last year.

Mr. MILLHOUSE (Mitcham): Members of the Liberal Party have only themselves to blame for what has happened about Questions on Notice. Persistently I tried to get them to support me in protesting against the change that took place subtly. The position used to be that all Questions on Notice got some sort of answer on the following Tuesday. The Liberals would not support me when I tried to move urgency motions and so on about that matter. It ill behoves the Leader of the Opposition now, when it is far too late, as I warned the members of the Liberal Party at the time, to do anything about it.

The SPEAKER: Order! The motion does not deal with questions. Only the interjection of the member for Light referred to questions. The motion concerns private members' time.

Mr. MILLHOUSE: Actually, it was canvassed by the Leader of the Opposition but I have made the point; I do not want to go on with that. At the beginning of a session every Government, if for no other reason than it wants to put out a press release, says that it has a busy legislative programme ahead of it. I cannot remember one session when the *Advertiser* has not faithfully reported some Minister as having said that. It means nothing, and in fact this has not been a busy legislative programme and there is really no point in Parliament's continuing to sit when there is so little business before it. I am disappointed. Many major Bills have been promised repeatedly but they have not been brought forward. The off-road vehicle legislation has obviously been messed up time and time again by the previous Minister, and the present Minister for the Environment cannot get around to it. The Juvenile Courts Bill, which the Minister—

The SPEAKER: Order! I think the honourable member has made his point. The main concern of the motion is private members' time.

Mr. MILLHOUSE: This all involves the length of session. That is the way the Leader of the Opposition debated the motion, and I am only saying that I regret that it has not been a busy session. I regret that the Government has not kept its undertaking to bring in legislation of significance such as the Juvenile Courts Bill. This session has only three weeks to go. We are just more than half-way through this Lenten, penitential sitting of Parliament which started on Shrove Tuesday and which will end, I think, on the Wednesday in Holy Week. It could not have been more precise. I do not think that is through any religious conviction on the part of the Government—it is sheer coincidence.

The Hon. Hugh Hudson: Our penitence is having to put up with you for 40 days.

The SPEAKER: Order! The honourable Minister is out of order. The honourable member for Mitcham has the floor.

Mr. MILLHOUSE: I would like to compliment the

Minister, despite his beliefs, on his knowledge, elementary though it may be, of matters Biblical. I am making the point that there are a number of Bills that should have come before the House (off-road vehicles legislation, environment impact statement legislation, and juvenile courts legislation). All these things have been promised for years, but we still have not got them. It is obvious, with only three more weeks to go, that nothing introduced now of any consequence will get through both Houses of Parliament; those things will not get through, despite the undertakings given repeatedly by the Government about them.

I cannot support the rather routine complaint made by the Leader, and he had to admit that every Leader makes such a complaint at this time every year, not because of the proportions or percentages, or whatever he worked out, but because we are now only three weeks from the end of the session.

I do not think an Opposition can complain when private members' business is allowed to go to within three weeks of the end of a session. In previous sessions, if my recollection is correct, it has been cut off much earlier than that. I would be more enthusiastic, and I think the Leader himself would be more enthusiastic, about his complaint if there were matters of substance that the Opposition was bringing forward. Although there is a great volume of notices of motion, there really is not much of great consequence, so on this occasion I must support the motion. I think it is quite justified in view of the fact that the sittings are to end on the Wednesday of Holy Week.

Motion carried.

STATUTES AMENDMENT (IRRIGATION ACTS) BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Irrigation Act, 1930-1975; the Agricultural Graduates Land Settlement Act, 1922-1971; the Discharged Soldiers Settlement Act, 1934-1940; the Irrigation on Private Property Act, 1939-1958; the Pyap Irrigation Trust Act, 1923-1974; the Ramco Heights Irrigation Area Act, 1963; and the Renmark Irrigation Trust Act, 1936-1977. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends a number of Acts dealing with irrigation: namely, the Irrigation Act, 1930-1975; the Agricultural Graduates Land Settlement Act, 1922-1971; the Discharged Soldiers Settlement Act, 1934-1940; the Irrigation on Private Property Act, 1939-1958; the Pyap Irrigation Trust Act, 1923-1974; the Ramco Heights Irrigation Area Act, 1963; and the Renmark Irrigation Trust Act, 1936-1977.

The amendments to each of these Acts remove references by title to the Minister of Irrigation or the Minister of Lands in order to enable the administration of irrigation functions to be performed by the Minister of Works and land tenure functions to be performed by the Minister of Lands. Allocation of these administrative functions will instead be effected under the Administration of Acts Act, 1910-1973.

Clause 1 is formal. Clause 2 provides that the measure is

to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Part II of the Bill, comprising clauses 4 to 29 (inclusive), amends the Irrigation Act, 1930-1975, by removing references to the Minister of Irrigation, the Director of Lands and the Drainage Committee. All the remaining provisions of the Bill provide for amendments to each of the other principal Acts removing references by title to the Minister of Irrigation or the Minister of Lands.

Mr. ARNOLD secured the adjournment of the debate.

DAIRY INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to facilitate provision of financial assistance to certain sections of the dairy industry and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Some time ago the Federal Government asked the Industries Assistance Commission to inquire into dairy marketing arrangements. The recommendations by the I.A.C. have been considered by Australian Agricultural Council at several meetings during 1976 and 1977. Agreements so far reached by Agricultural Council have resulted in the development of Commonwealth legislation which has been designed to stabilise the marketing arrangements. Stage 1 of this legislation was introduced in July, 1977, and involves a compulsory equalisation scheme designed to protect the domestic market for a prescribed range of manufactured dairy products.

Stage 2 legislation is designed to bring about a production restraint by identifying a quantity of milk which will be called "a manufacturing milk entitlement". Agricultural Council has agreed in principle that a national aggregate entitlement should be determined and that this entitlement will be proportioned to each State. Commonwealth stage 2 legislation will be operative from July 1, 1978. This legislation will provide for a tax on the milk fat used in the manufacture of prescribed products.

The Commonwealth legislation for stage 1 which provides for compulsory equalisation will continue to operate in conjunction with stage 2 of the Commonwealth legislation, which will provide for a tax on all milk fat used in the manufacture of prescribed products. This tax will be levied against the factories. In order that this State can participate in stage 2 of the Commonwealth scheme which is understood to be operative from July 1, 1978, it is necessary for the Government to introduce this Bill.

Clause 1 is formal. Clause 2 provides that the Act will come into force on a day to be fixed by proclamation. Clause 3 defines "Commonwealth grants moneys", "proclaimed dairy factories" and "proclaimed dairy producers". Clause 4 is formal, dealing with the arrangement of the Act. Clause 5 gives the Treasurer power to enter an agreement for the State to be an agent of the Commonwealth in connection with any tax which may be levied on the dairy industry by a Commonwealth Act.

Clause 6 enables the Treasurer, on the recommendation

of the Minister, to make grants on an equitable basis to proclaimed dairy factories out of any Commonwealth grants moneys which he receives. This clause also gives the Governor power to declare dairy factories to be proclaimed dairy factories. Clause 7 enables the Treasurer, on the recommendation of the Minister, to make grants from any Commonwealth grants moneys which he receives to proclaimed dairy producers, and the Governor may, under this clause, declare dairy producers to be proclaimed dairy producers. If the Minister considers it desirable, he may establish a system to give proclaimed dairy producers entitlements to grants made under this clause.

Clause 8 provides for offences against the Act to be disposed of summarily. Clause 9 gives the Governor power to make regulations and, in particular, regulations to establish a system of grant entitlements under clause 7 if the Minister considers that such a scheme is desirable. There is also a power to prescribe a penalty of not more than \$500 for breach of regulation.

Mr. RODDA secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1977. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It contains extensive amendments to a large number of sections of the principal Act. This large Bill has come about because there was no opportunity in the last Parliament to carry out numerous minor amendments that had been approved over the last year. This Bill, therefore, brings about many changes to the Act requested by local government bodies and will facilitate the operations of local authorities in their normal day-to-day business.

The greatest proportion of these amendments has come from local government itself. I am grateful to the South Australian Local Government Association and individual local authorities for the free and constructive discussions that I and my officers had with them on most of the matters in this Bill.

This Bill introduces a number of amendments that continue the process of substantial revision to the Act. Some of the most significant of these are detailed further. The Bill provides for revision of Division VIII of Part II of the Act which deals with the process of altering the boundaries of local government areas. Our intention is that the Local Government Advisory Commission will be permitted to act upon a petition which in its view, though having technical problems, is clear in its intention and description. Recent decisions of the Supreme Court have prevented the commission dealing with the substance of matters and lengthy and expensive Supreme Court actions have occurred based on minor inaccuracies in petitions. Next, the Government has been concerned that the advisory commission can make comment only on proposals exactly as contained in petitions. This has led to the unfortunate situation where the commission may be forced to recommend against a proposal, although all parties are generally in agreement with the basic need to bring about boundary adjustments. It would seem

reasonable that the commission be given flexibility to suggest alternative proposals to the parties so that local intentions may be given effect, although these may not be in the exact terms of the original petition. The flexibility granted to the commission under this new Division VIII of Part II will enable the commission itself to make alternative proposals; however, any such proposals would be subject to exactly the same scrutiny by councils and electors as the present provisions.

Recently, the Parliament accepted legislation to enable the Minister to ensure the proper administration of a council where the council has ceased to properly exercise its responsibilities. This Bill seeks to insert a new Part IIA to make this provision permanent but adds the additional safeguard that the Minister must report to the Parliament within 10 sitting days the circumstances relating to action the Governor takes under this provision.

Following recent amendments to the electoral provisions of the Act, further developments are proposed that will continue the process of bringing the Local Government Act in line with the Electoral Act and also overcome certain mechanical difficulties that have affected the compilation and management of voters rolls. In section 88, the definition of "elector" is extended to all persons over 18 who are resident in local authority areas and also provides for ratepayers not living in the State who have an interest in property to exercise the right to vote. This amendment is a response to requests by councils bordering Victoria to overcome the disfranchisement of many ratepayers who do not live in this State.

Section 89 will be amended to provide for two closing dates for rolls in each year to enable ease of administration of the numerous petition and polling provisions in the Act. It will also streamline the maintenance of the voters roll by providing for the roll to be kept in two parts. The first part will be a roll of resident electors made by the Electoral Commissioner, and the second for all other electors whose qualifications are based on other rights which will be maintained by the Clerk. Relevant sections of the Act will be amended to provide for the appointment by the council of an officer of the council who will be the permanent returning officer and will be responsible for all aspects of preparation for and the conduct of elections and polls that may occur throughout the year. A particular measure will prohibit the returning officer from disclosing any information in regard to nominations prior to the close of nominations. This will remove the quite heavy pressure sometimes placed on returning officers by candidates around election time. These amendments would not be proclaimed until after the next annual local authority elections. The Bill provides for a court of disputed returns.

Section 259 of the Act will be amended to provide to councils the right to no longer raise fines where these are below an amount set by council. As well, the definition of "financial hardship" will be widened so that councils may remit fines where circumstances other than financial hardship have created genuine difficulties in meeting rate payments on time. This will save councils considerable expense where fines, frequently less than \$1 must now be statutorily raised on rates that are in arrears by only one or two days.

Following strong and unanimous pressure from the Local Government Association and each of its regional associations, amendments are proposed to section 427. These are directed at the avoidance of expensive and time-consuming polls which generally fail. It is now accepted that the use of loan funds is part of the normal financial management of any modern local authority. As a result, this Bill would require that the demand for a poll must be signed by at least 10 per cent of the enrolled electors

instead of the present 21 electors for district councils and 100 for municipalities which has made it possible for very small numbers to commit a council to an expensive and unnecessary poll. Also, a proposal to borrow can only be defeated by 40 per cent of those enrolled voting against the proposal; this again will ensure that a council's forward financial planning cannot be arbitrarily disrupted by small groups with special interests in the community while retaining the principle of genuine community objection.

The Act will be further amended to remove the power of councils to distrain the goods of resident occupiers where rates are overdue. The Henderson Poverty Commission commented unfavourably on this practice, and from time to time it is clear that a few authorities have used this power insensitively. Local authorities have other recourse to enforce collection of rates including the ultimate weapon of forced sale after a minimum three years non-payment.

A new section 50A will be introduced to permit a council wide powers of delegation to its officers, with proper safeguards in matters of fundamental financial or legal significance. Modern local authorities now require proper streamlined management procedures based on sensible delegations, while councils will now, if they so wish, be able to clear their business papers of the voluminous routine material that prevents proper discussion of major policy matters. Members will note that it will be up to individual councils to decide the extent of any delegations.

Lengthy amendments are to be made to the sections of the Act dealing with by-laws. However, in practice these will have the effect of bringing all by-law-making powers into line for municipalities and district councils. The most significant variation will make the Parliamentary disallowance procedure similar to that for regulations. No longer will the implementation of by-laws have to wait for Parliament to resume, forcing councils occasionally to wait some months. As well, all penalties in the Act of less than \$200 will be raised to this figure. If penalties are to act as effective deterrents the present levels, often as low as \$5, need to be made realistic in terms of today's costs. Numerous other amendments are being made that will clear up problems of definition and operation, these are outlined in the attached detailed explanations of clauses.

Clauses 1, 2 and 3 are formal. Clause 4 amends the definition section of the principal Act by providing new definitions of "elector" and "nominated agent". These definitions reflect the different approach to enrolment on the voters roll whereby the names of corporations and groups are entered on the roll and the name of their nominated agents recorded alongside. The clause amends the definition of "foreshore" so that it extends to the boundary of any road, section, reserve or privately held land and is not limited to a distance of 30 metres from the high-water mark which does not include areas of foreshore reclaimed by the Coast Protection Board. The clause also amends the definition of "ratable property" so that lands or buildings owned or occupied by a university for use as a dwelling house are ratable.

Clause 5 repeals Division IA of Part II of the principal Act which is to be re-enacted with slight modifications as a permanent Part IIA of the principal Act. Clause 6 amends section 12 of the principal Act by providing that a proclamation for the union of areas may determine that a council will be a declared council pursuant to section 65a. Clause 7 amends section 22a of the principal Act by providing that an officer of the Local Government Office appointed by the Governor, rather than the Secretary for Local Government, shall be a member of the Local Government Advisory Commission.

Clauses 8 and 11 make it clear that the time for making a proclamation upon petition or presenting a counter-petition under Part II is fixed by reference to the last publication of the substance of the petition. Clause 9 amends section 27a of the principal Act by requiring that an electors' petition for severance and annexation must be signed by one-half of the electors on the roll for the portion concerned and by deleting subsections (2), (3) and (4) which provide for an elaborate notice procedure in addition to the notice given by the Minister under section 41.

Clause 10 substitutes a new section 27b providing for a poll on a petition to sever and annex. New section 27a provides that a poll may be requested by thirty per centum of the electors for the portion concerned. The poll is to be deemed to be carried unless a majority of those voting, constituting not less than forty per centum of the electors for the portion, vote against the question. Under the new section, the Governor may make the proclamation giving effect to the petition if a poll is not demanded or the poll is carried.

Clause 12 clarifies section 36, which provides for presentation to the Governor of petitions and counter-petitions. Clause 13 is a drafting amendment to section 41. Clause 14 widens the scope of section 42 of the principal Act so that the Local Government Advisory Commission may investigate matters connected with a petition or counter-petition that is invalid and the matter of any non-compliance with the procedures and requirements under the Act in relation to petitions and counter-petitions.

Clause 15 inserts a new section 42a under which the Local Government Advisory Commission may, on considering a matter connected with a petition or counter-petition, put forward a proposal alternative to that in the petition or counter-petition and the proposal may be given effect to by proclamation if a poll on the question is not demanded or is carried. A poll must be demanded by fifteen per centum of the electors for the area or portion concerned and is carried unless the question is voted against by a majority of the electors, constituting not less than forty per centum of the electors for the area or portion.

Clause 16 amends section 45 of the principal Act enabling the Governor to make a proclamation under Part II of the Act notwithstanding any minor non-compliance with matters required by the Act as preliminary to such proclamation. Clause 17 amends the definition of "prescribed number" in subsection (4a) of section 45a of the principal Act so that the number of electors is related to the number of electors for the area rather than the number of separately assessed properties.

Clause 18 inserts after section 45a of the principal Act a new section 45b dealing with defaulting councils and the procedures to be adopted by the Minister in relation to them. The new defaulting councils provision differs from the present provision in that a proclamation declaring a council to be a defaulting council is to continue until revoked by proclamation but not longer than twelve months and that the Minister is to cause a report to be made to Parliament within ten sitting days of the circumstances giving rise to the proclamation.

Clause 19 inserts after section 50 of the principal Act a new section 50a providing for the delegation of powers of a council to its officers. Clause 20 amends section 52 of the principal Act by striking out subsection (1a), the requirement that a member of a council must be a British subject. Clause 21 amends section 65a of the principal Act and provides for the selection of deputy mayors. Clause 22 deletes reference to the Highways Department, and substitutes reference to the Public Service.

Clause 23 substitutes a new Part VI dealing with enrolment of local government electors. New section 88 sets out the criteria for entitlement to be enrolled. These are that a natural person may be enrolled if he is enrolled as a House of Assembly elector in respect of a place of residence within the area or ward; his place of residence is within the area or ward; or he is a ratepayer in respect of ratable property within the area or ward and solely owns or occupies that property. The significant change reflected in these criteria is that a person need not be entitled to be a House of Assembly elector to be enrolled for local government purposes as a resident or ratepayer. New section 88 also provides that a body corporate that is the sole owner or occupier of ratable property may be enrolled as a ratepayer, but, in the case of a proprietary company, only if one or more of its members is not enrolled as a natural person. The section also provides for enrolment of a group of persons, whether companies or natural persons, who are ratepayers in respect of jointly owned or occupied property, but, again, only if one or more of the members of the group is not entitled to be enrolled individually either as a natural person or as a body corporate that is the sole owner or occupier of ratable property. These provisions are intended to ensure that persons or companies do not obtain more than one vote, in the sense that the members of a company or a group of ratepayers, if all are enrolled as individuals, may not have a further vote through the company or group. Resident electors are required by subclause (2) of new section 88 to apply annually for enrolment. This is necessary for the obvious administrative reason that a council has no way of knowing nor the capacity to ascertain those persons other than House of Assembly electors or ratepayers who are resident in its area.

Subclauses (3) and (4) of new section 88 provide that a body corporate or group of persons entitled to be enrolled may nominate a nominated agent. Nominated agents may vote in their own right as electors and on behalf of each company or group in respect of which they are nominated agents.

New section 89 provides that the Minister may fix two closing dates for each year and that only those electors entitled to be enrolled as at one month before any closing date may vote at an election, meeting or poll occurring between that closing date and the next closing date.

New section 90 provides that it is an offence for any officer to enrol a person or group knowing that the person or group is not entitled to be so enrolled. This offence is necessary for the reason that the voters' roll as prepared by the clerk and other officers is by virtue of new section 92 to be conclusive evidence of the right of any person enrolled thereon to vote and for the reason that it would not be practicable to have a procedure for objecting to entries on a local government roll given the frequency of elections, meetings and polls and the shortage of staff in many councils. The provision that local government voters' rolls are to be conclusive evidence of the right to vote substantially reduces the possibility of elections being invalidated. It is thought that this approach is a justifiable compromise given that those persons whose names are entered on voters' rolls as a result of clerical error are not likely to vote, while those persons whose names are not entered on the roll, but who are entitled to vote, may obtain a vote by virtue of new section 94 which corresponds to the present section 91. New section 91 provides that voters' rolls are to be made available to the public. New section 93 provides that voters' rolls are not invalidated by reason of printing or copying errors or by reason of any misnomer or misdescription so long as it may be understood. New section 95 provides that any reference

in the principal Act to a number of electors shall be construed as a reference to the number of electors enrolled on the voters' roll.

Clause 24 amends section 102 of the principal Act which presently provides for the appointment of the returning officer to preside at a particular election so that instead a returning officer is appointed annually by each council.

Clause 25 amends section 105 of the principal Act by providing that nomination forms are to be lodged and the nomination procedure is to be carried out by the returning officer instead of the clerk as at present and also by providing that there is to be no right of public inspection of nomination forms or any disclosure of information as to any nomination before the hour of nomination when nomination forms are to be made available for public inspection.

Clauses 26 and 27 make amendments consequential on the amendment providing for annual appointment of a returning officer. Clause 28 provides for the enactment of a new Part VIIA establishing a Court of Local Government Disputed Returns and a disputed returns procedure that is in substance the same as that applying under the Electoral Act, 1929, to State elections. New section 142aa provides a definition of the court. New section 142b provides for the establishment of the Court of Local Government Disputed Returns. The court under this new section is to be constituted of a panel of Local Court judges who are to sit individually and in different places to hear proceedings on disputed returns. New section 142c provides that the court shall have jurisdiction to hear and determine any petition disputing the validity of an election or return. New section 142d provides for the appointment of a clerk of the court. New section 142e sets out the procedure for petitions. New section 142f sets out the powers of the court. New section 142g provides that the court shall not inquire into the correctness of a voters' roll, the qualification of any nominator, the sufficiency of any nomination or into the qualification of voters but only into the identity of voters and the acceptance or rejection of votes. New section 142h provides that a finding that an illegal practice occurred in connection with an election shall not invalidate the election unless the result of the election would be likely to have been affected by the illegal practice. New section 142i requires that the clerk of the court advise the Minister of any finding of an illegal practice. New section 142j provides that the court is not bound by the rules of evidence and is to consider each case on its own merits. New section 142k provides that decisions of the court are to be final and not subject to appeal. New section 142l provides that parties to proceedings may be represented by a legal practitioner. New section 142m provides that the court may state a question of law to the Full Court of the Supreme Court. New sections 142n to 142p deal with the costs in proceedings before the court. New section 142q provides for the effect of decisions of the court. New section 142r provides that the members of the court may make rules as to procedure and fees.

Clause 29 amends the provisions in section 157 of the principal Act providing for portability of long service leave for local government officers. The clause provides that portability applies notwithstanding a break between local government employment of 13 weeks or such longer period as is agreed to by the council. The clause also enables the superannuation and long service leave provisions to be extended to other authorities by regulation.

Clause 30 amends section 170 of the principal Act by removing the requirement that names may not be removed from the assessment book within ten days before an

election, meeting or poll. This provision is no longer required in view of the changes made to the enrolment procedure. Clause 31 makes a similar amendment to section 172.

Clause 32 amends section 190 of the principal Act by providing that a demand for a poll on the application of Division III of Part X, that is, assessments based upon land value, must be made by not less than ten per centum of the electors for the area instead of, as at present, 100 electors. Clause 33 makes a corresponding amendment to section 197 in relation to a demand for a poll on the question whether Division III of Part X should cease to apply to an area.

Clause 34 makes a corresponding amendment to section 227 in relation to a demand for a poll on the imposition of a special rate. The clause also extends the period within which such poll must be held to 42 days after the demand is made. Clause 35 amends section 251 of the principal Act to remove the liability for rates of residential occupiers of ratable property.

Clause 36 amends section 259 of the principal Act which provides for the imposition of fines for late payment of rates. The amendments enable a council to fix a level of rates which will not attract fines for late payment and to remit a fine where there is a reasonable excuse for late payment.

Clause 37 provides for the repeal of sections 261, 262 and 263 of the principal Act. These sections empower councils to distrain goods on non-payment of rates. Clause 38 makes an amendment consequential on the repeals effected by clause 37. Clause 39 amends section 267b to empower a council to remit rates payable by any non-profit organisation that provides facilities for children or young persons. Clause 40 amends section 286 of the principal Act to enable councils to use cheque-writing machines in accordance with a procedure approved in writing by the auditor.

Clause 41 amends section 293 of the principal Act so that the provisions providing for an audit of the accounts of the council on the termination of the services of the clerk apply on the termination of the services of any other officer in charge of the accounts of the council. Clause 42 amends section 319 of the principal Act by applying to the recovery from owners of the cost of constructing a public street, the provisions providing for payment by instalments and imposing fines for late payment that apply in relation to payment of rates.

Clause 43 makes a corresponding amendment to section 328 which deals with recovery of the cost of paving footways. Clause 44 makes the same amendment as to the imposition of fines for late payment of the cost of paving a footway at the request of the owners of property under section 330. Clause 45 amends section 342 of the principal Act by providing for the imposition of fines for late payment of the cost of construction or repair of a private street carried out by the City of Adelaide. Clause 46 makes a corresponding amendment to section 343 in relation to recovery of such costs by other councils.

Clause 47 amends section 344a by providing for the imposition of fines for late payment of the cost of construction or repair of a private street carried out under that section. Clauses 48, 50, 51 and 52 remove the subheadings to Division XIV of Part XVII which divide the Division into provisions dealing with municipal councils and those dealing with district councils. This method of division is inappropriate in view of the amendment proposed by clause 53 to section 375 whereby councils may allow owners of land within a municipal council area as well as a district council area to fence in public roads that are not in use as roads.

Clause 49 amends section 362 by providing that councils may provide cycle tracks across park lands, squares, reserves or any other council lands. Clause 54 enacts a new section 392a empowering the Minister to vary a scheme for joint works and undertakings of councils under Part XIX of the principal Act. Clause 55 removes the requirement of the consent of the Minister to the letting or sale of surplus land or property of a council under section 422 of the principal Act.

Clause 56 makes a number of amendments to section 424 of the principal Act which confers borrowing powers on councils for permanent works and undertakings. The clause amends this section providing that borrowing pursuant to section 382d shall not be included for the purpose of determining the amount of borrowings pursuant to section 424. The clause amends the section by providing that both municipal and district councils may borrow under the section at the level presently prescribed for municipalities. Finally the clause provides that council borrowings under the section may exceed the prescribed limit with the consent of the Minister.

Clause 57 amends section 426 of the principal Act by providing that the rate of interest payable on debentures need not be included in the notice of proposal for borrowing, that public notice of a proposal for borrowing is not required to be given by the council in respect of borrowings under section 435 but only before proceeding to borrow under section 424 and that the notice be given before adoption of the borrowing and not within the period presently fixed by the section.

Clause 58 amends section 427 by providing that ten per centum of the electors must demand a poll with respect to a council borrowing, whether the council is a municipal or district council, and that forty per centum of electors must vote against the question before the poll is lost.

Clause 59 makes a drafting amendment to section 430. Clause 60 amends section 435 by including within the schemes for authorisation by the Minister schemes for providing financial assistance for community facilities provided within the area whether or not provided by the council itself and by providing that the Minister may with the approval of the council amend any scheme under the section.

Clause 61 amends section 437 by fixing the rate of interest on council debentures at the rate fixed by the Australian Loan Council for local government borrowing at the time the loan is entered into. Clause 62 amends section 449c by providing that loans under the section may be secured by debentures issued on the security of the general rates.

Clause 63 amends section 454 by providing that the consent of the Minister of Lands must be obtained in respect of the use as a camping ground or caravan park of any lands dedicated or reserved under the Crown Lands Act, 1929. Clause 64 amends section 457 by providing that councils may lease park lands or reserves for the purpose of providing any community facilities and that councils may resolve to hold a poll on the question even though a poll is not demanded.

Clause 65 amends section 530c of the principal Act by empowering the Minister to amend a sewerage effluent disposal scheme with the approval of the council; by providing that any connection to a sewerage effluent scheme must be in accordance with specifications laid down by the Central Board of Health; and by empowering councils to, at any time, require the desludging of septic tanks and, upon any failure to do so, enter, carry out such work and recover the cost.

Clause 66 amends section 536a by providing that it is an offence to discharge waste, impure water or other matter

into a stormwater drain and by increasing the penalty for an offence against the section. Clause 67 makes a drafting amendment to section 602 of the principal Act. Clause 68 amends section 603 by empowering the council to revoke a licence for erecting hoardings and charge a monthly licence fee which may increase during the period of the licence. Clause 69 amends section 666b which empowers municipal councils to require owners to eliminate unsightly conditions by extending its application to district councils.

Clause 70 repeals Divisions I and II of Part XXXIX of the principal Act (sections 667 to 690 inclusive) and enacts new corresponding divisions containing new sections 667 to 684. Section 667 sets out, in rearranged form, the pre-existing purposes for which councils may make by-laws. These are grouped in categories relating to (1) procedure at meetings, (2) structures, (3) uses and licences, (4) nuisances and health, (5) animals, (6) fires and fire prevention, (7) streets, roads and footways, (8) council property and (9) miscellaneous. Section 668 sets out the procedure for passing by-laws and section 669 provides for the submission of by-laws to the Crown Solicitor. Section 670 lays down the procedure on by-laws after the Crown Solicitor's certificate of validity has been obtained and section 671 provides for the special approval of by-laws relating to particular matters, that is, the foreshore and public health. Section 672 provides for the saving of past operation of repealed or altered by-laws and section 673 for the title and numbering of all by-laws. Section 674 provides that by-laws shall not exempt any person from proceedings for nuisance, and section 675 that by-laws shall not be inconsistent with other laws of the State. Section 676 empowers a council to prescribe any forms or requisitions required by a by-law and section 677 provides that by-laws may fix minimum and maximum penalties. Section 678 provides that by-laws dealing with the granting or issue of licences may stipulate that the granting or issue be subject to compliance with an examination by the council or subject to council requirements. Section 679 provides that by-laws may apply only to portions of an area, and section 680 for the fixing and variation of rates, fares or fees. Section 681 deals with the adoption of by-laws of previous councils when two or more areas unite. The procedures laid down are similar in substance to those prevailing for the adoption of model by-laws by councils. Section 682 empowers the Governor to make model by-laws and provides for the procedure by which they may become available for adoption by councils. Section 683 provides that no alteration or repeal of a model by-law shall affect any prior adoption by a council and section 684 sets out the power and procedures for councils to adopt model by-laws.

Clauses 71, 72 and 73 effect amendments that are consequential on the amendments providing for the disputed returns procedure. Clause 74 makes a minor drafting amendment to section 743. Clause 75 enacts a new section 748ba after 748b of the principal Act and empowers a council to recover the cost of clearing debris resulting from motor vehicle accidents from the drivers of the vehicles involved.

Clause 76 provides for minor amendments to subsections (1) and (2) of section 782a of the principal Act, dealing with walking or driving a vehicle on a cycle track, that are consequential on the amendments to section 362 effected by clause 49.

Clause 77 effects minor amendments to paragraph (d) of subsection (1) of section 796 of the principal Act, providing that the returning officer instead of the clerk is to fix the day for a poll demanded by a meeting of electors

and that the day is to be not less than 28 and not more than 42 days after the day of the meeting.

Clause 78 effects corresponding amendments to section 797 of the principal Act which is concerned with the procedures for taking a poll of electors on the question of a loan. Clause 79 strikes out subsection (1) of section 799 of the principal Act and inserts a new subsection in lieu providing that the returning officer shall preside at any poll of electors.

Clause 80 repeals section 800 of the principal Act, which formerly empowered a returning officer to appoint a deputy in certain circumstances. Clause 81 effects amendments to subsection (2) of section 833 of the principal Act, providing that applications for postal votes may be made up to the day of the election.

Clause 82 amends section 835 of the principal Act by inserting a new subsection after subsection (3) concerning applications for postal votes made by persons whose names do not appear on the relevant voters' roll. Clause 83 inserts after paragraph III of section 841 of the principal Act a new paragraph providing for persons referred to in the amendment to section 835 above to state, by declaration, the grounds on which they claim to vote. A consequential amendment is also effected to paragraph VI of section 841.

Clause 84 amends section 846 of the principal Act by striking out paragraph (b) of subsection (1) and inserting a new paragraph providing for procedures on scrutiny of postal votes, including votes made by persons having made a declaration pursuant to amended section 841. Clause 85 corrects a cross-reference in section 858 of the principal Act.

Clause 86 amends section 871e of the principal Act by inserting after subsection (3) a new subsection providing that notice of intention to acquire land for purposes of re-aligning streets need not for the purposes of the Land Acquisition Act, 1969-1972, be served on all persons having an interest in such land. A new subsection is also inserted after subsection (12) empowering the council to abandon any re-alignment proposal and offer the land concerned for sale to the previous owner.

Clause 87 effects an amendment to section 875 of the principal Act providing that the clerk or any officer of a council may provide a statement of the charges upon any ratable property. Clause 88 repeals the ninth and tenth schedules to the principal Act, which set out certain forms for inventories and fees and charges upon distress for rates.

Clause 89 amends the twenty-third schedule to the principal Act by substituting a reference to electors for that of ratepayers in the form for the declaration verifying a notice or writing demanding a poll. Clause 90 amends, by way of schedule, all penalties under \$200 provided in the principal Act. In general, the maximum for such penalties has been increased to \$200. In cases involving continuing offences other appropriate modifications have been made.

Mr. RUSSACK secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from February 15. Page 1569.)

Mr. CHAPMAN (Alexandra): On February 15 the Minister introduced this Bill, and he accompanied that introduction with a request to insert the second reading explanation in *Hansard* without reading it. As has been

the practice in this House for some time, this request was agreed to. He produced a copy of that second reading explanation immediately, and on perusal of that explanation I find that there is a gross inconsistency in the report compared to the stated intent of the Bill.

I respectfully draw the attention of the Minister to the fact that in his explanation it was stated that the measure was a simple one to overcome an apparent deficiency in the Transport Authority Act and that the only comparable borrowing power that the State Transport Authority can use is a specific power contained in section 14 of the Bus and Tramways Act. I studied the Bus and Tramways Act only to find that the section to which the Minister referred was repealed some 26 years ago. In 1952, section 14 of the Bus and Tramways Act was repealed and has not existed since section 14 was repealed by Act No. 16 of 1952. It related to the term of office of members of the old Municipal Tramways Trust; it had nothing whatever to do with borrowing powers, nor in any way did it then relate to the intent of the current Bill.

I am not sure of the procedure in these circumstances and whether I should presume what the Minister intended and recognise that as a typographical error or oversight. From the prompt nod from the Minister in that regard, I assume that he meant section 43 of the Bus and Tramways Act, because I agree that that is the only section in the Act that refers in any way to powers to borrow with the consent of the Treasurer. I thank the Minister for his enlightenment and co-operation in that regard.

Before referring to the details of this Bill, I draw to the attention of members some of the more salient points of the principal Act. First, I refer to the powers of the Minister as they apply within the principal Act, because they are relevant to the powers that are intended to be incorporated by this Bill. Section 13 of the State Transport Authority Act, in relation to the authority's being subject to the general control and direction of the Minister, provides:

In the exercise and discharge of its powers, duties, functions and authorities, the authority shall, except where it makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

That in itself is a unique way of describing the powers of the Minister over a department, or indeed over a semi-government identity or a statutory authority, which this is: for example, in the Highways Act the Commissioner may, subject to the approval of the Minister, proceed, etc., in the ordinary course of carrying out his functions and duties as Commissioner in control of that Act.

I understand that the Minister has been asked to give his interpretation of what is meant by the words "general control" and "direction of the Minister", and that his attitude has been that it is complete control. This leads me to the point of recognising the State Transport Authority as clearly an arm of the department, a direct arm of the Government, and not a statutory authority or an autonomous body, as one may describe several of the other statutory authorities we have in South Australia.

Regarding the financing of this authority (and that is what this Bill is all about), it seems that the authority has power to obtain funds from two avenues: direct from general revenue, and from prescribed or acknowledged loan sources. The Bill proposes that those opportunities to borrow funds be extended into an area in which the authority may borrow direct from any other source or person for the purposes of carrying out its functions within the ambit of its Act or any other Act.

I turn now to the functions of the authority. It was set up to co-ordinate all systems of public transport in the State,

to recommend to the Minister the manner and means by which the powers and functions of any prescribed body in relation to public transport in the State may be assumed by the authority, until a recommendation referred to in the above clause has been given effect to, and to control and direct the activities of any prescribed body in relation to public transport within the State. That is a fairly wide and embracing role. Indeed, they are the terms that embrace the ordinary functions of a Government department. In fact, it is an operational arm of the transport system of the South Australian Government, and it assumed those functions of the previous South Australian Tramways Trust and the South Australian Railways Commissioner, which was a single person or a corporate sole organisation.

I will trace the history of the State Transport Authority briefly before proceeding with my comments about the Bill. It was set up as an authority to oversight, advise, and co-ordinate the two rolling stock operations of the Transport Department and, on negotiations to transfer the outer area rail activities to the Commonwealth in 1975, the State Transport Authority assumed more direct control over the metropolitan railways and the tram and bus services at or about the same time. Also, at about that time, the State Transport Authority secured a number of South Australian private bus services. Therefore, one may anticipate (and recent actions certainly indicate this) that the merging of both facets of the rolling stock operations under the one Act will become a matter of fact, and that the State Transport Authority will be the State Transport Department.

I refer to those matters to demonstrate that from research, observation, and discussion with persons directly associated with these respective parts of transport activity in South Australia, it can be seen that it is more clearly a direct arm of the Government and not an autonomous body, as we may well have been led to believe at its inception and by general promotion since it was formed in 1974. It is not like other trusts and statutory authorities which are listed in South Australia and which have the protective borrowing powers proposed to be extended to this authority.

The State Transport Authority cannot in real terms be described as a semi-government authority. It is simply by convenience within the State Transport Department that this prescribed body has been set up to reorganise the affairs of what has been for many years (and I think members will agree with this statement) a very unorganised service department of the State. It does not relieve that authority in any way from its financial responsibility to the Government, nor does it relieve in any way its financial responsibility and its accountability to Parliament and the people. Sound financial management of public expenditure requires public commitment of open Government and a clear demonstration that open Government is being practised. There is no point in this Government's continuing to tell us that it supports an open Government policy: it is of paramount importance that its activities in every regard demonstrate that an open Government policy is being practised and not just talked about.

On the need for a facility being established, there must not only be accountability for expenditure and constant scrutiny of the authority and a method by which the funds are obtained, but also information indicating the source of the funds and the encumbrances, if any, applicable to the funds, and full and proper information about the nature of the facility proposed to be funded. It is not good enough that an arm of the Government should be authorised to borrow with Treasury guarantee protection and that, by default or failure to meet capital repayments or interest,

that authority be underwritten by the Treasury without the full reporting of same.

All of these facets involving the determination and financing of public services within the Government's control directly, and by semi-government control indirectly, should be available to Parliament, and that information should not be clouded, distributed, or hidden by distribution within multiple reports. In cases of borrowings outside the traditional methods—

The Hon. G. T. Virgo: What are they?

Mr. CHAPMAN: I will tell the Minister in a moment how hidden the reporting is with respect to the particular aspects of borrowings by statutory authorities in South Australia. In cases of borrowings outside the traditional methods, such as borrowings particularly where they are underwritten by the State Treasury, they should be presented to Parliament in such a form that they are easily and readily identified. This leads me to the basis of my concern and to the wide ramifications incorporated in this Bill is to be passed in this place.

I accept that guarantees may be justified to organisations where it can reasonably be expected that they will not need to be supported by the State's Revenue Budget. If that is not the case, particularly where it is obvious that the guarantee will impose a charge on the State's Revenue Budget, it is against the principle of responsible State budgeting to proceed. There are numerous traditionally accepted avenues through which the State may gain revenue, both with and without State contribution.

I draw to members' attention some of those avenues, at least the major ones, through which State Governments may obtain funding for the purposes of governing and managing their affairs within the State. The largest source of funds is from the Commonwealth, through the Commonwealth-State income tax agreement. Our share of the income tax collected by the Commonwealth Government is distributed in accordance with the agreed State and Commonwealth formula. Apart from the major part of our State funds from that source, other sources provide financial assistance—special grants recommended by the Grants Commission, financial grants, special revenue assistance, and capital grants.

The Commonwealth makes payments to the States for many specific purposes, some details of which I shall bring to members' attention. For example, we receive State grants specifically for schools, universities, and a host of other public facilities. South Australia receives money by reimbursement via the Grants Commission for the purposes of funding local government under the terms of section 96 of the Constitution. We also receive grant funds available for special purposes, for which we qualify as a claimant State. By "claimant State", I mean that we enjoy greater assistance than does, for example, New South Wales. As a claimant State, we enjoy that special consideration, but, along with it, there are special responsibilities, not the least of which is to demonstrate that we can manage our affairs properly at the State level. Also at the State level, our service charges and other charges must remain comparable to the charges levied in other States.

Finances received from those Commonwealth sources are granted to the State without encumbrance and without State contribution and, accordingly, are direct non-repayable grants. All of these payments are recorded annually, as they should be. South Australia has its own internal avenue of funding. The Minister is showing some impatience about my reference to these numerous sources of traditional funding, but I am raising this matter because I believe that those numerous sources of funding, through traditional avenues of raising money, have not been fully

and properly explored by the Minister with respect to the functions of this authority. South Australia has funds available for expenditure from within its own general revenue system—general revenue being accrued from taxes, licences, registration, pay-roll tax, and other rates and charges for services levied in our own State. Incidentally, all the funds raised through these various sources of revenue are reported in considerable detail. Those reports are available to us regularly in Parliament, and it is via those avenues, wherever possible, that funds ought to be raised.

The final avenue from which funds could be obtained from without South Australia involves loans. The Loan Council was established to receive submissions by respective States and, on approval, the Commonwealth, on behalf of the States, agrees to borrow moneys at the best possible interest rate and to make those funds available to the States. The Financial Agreement, which is part of the Commonwealth Constitution of 1927, has clearly established that over that whole period, and it is a practice that ought to be carefully recognised and, wherever possible, exercised.

However, I come back now to the proposed extension of the practice of protected borrowing by our State authorities. With borrowing with internal Treasury consent and underwriting, in the event of default, particularly when such authority borrows for internally-decided facilities where there is no hope of meeting either the capital repayments or the interest rates attracted to those loans, there is real reason for concern. It is certainly not a practice that should be adopted lightly nor one that should be adopted at all without the requirement of proper and regular upgrading, and then underwritten power should be given only to authorities that have demonstrated that they could handle their own affairs or if all other avenues of funding have been thoroughly exhausted. I shall refer to those specific points later.

I will now briefly trace the growth history of this unique type of funding and, later, I will draw to members' attention my further reasons for caution generally about it and, finally, I will state my reasons for opposing the Bill, which proposes to extend those protective powers to the State Transport Authority, in particular. Traditionally, it has been the practice in Australia to rely on borrowing to finance public works, other than roads, and under the Financial Agreement of 1927 the Loan Council was established to co-ordinate Commonwealth and State borrowing programmes. The States were precluded, under the agreement, from direct public borrowing, which is undertaken on their behalf by the Commonwealth. In this way, they obtain lower interest rates by elimination of mutual competition and by borrowing, in effect, on the credit of the Commonwealth. The size, terms, and timing of the Commonwealth loans issued on behalf of the States had to be approved by Loan Council, and those loans have been arranged directly by the larger semi-government and local authorities from 1936. All of those conditions are clearly set out in the Financial Agreement that is attached to the Constitution.

The year 1936 is something of a landmark in this matter, since it marks the gentlemen's agreement whereby the Loan Council specifically formed a policy to prevent erosion of its effectiveness through State Government use of semi-government authorities as substitute resources of Loan moneys. Therefore, Loan Council agreed, in May, 1936, on strict limitations on the borrowing programmes of semi-government and local authorities. Borrowings of \$200 000 a year or more were to be the subject of council approval, approval as to the aggregate amount being required. Since 1962-63, Loan Council has placed no limit

on borrowings by small authorities, and in 1967-68 the borrowing limit covered by the gentlemen's agreement was raised from \$200 000 to \$300 000. Those details were taken from the Matthew and Jay book on Federal finance matters. It should be noted that some States have recently made proposals to reduce the cost of borrowing and to circumvent Loan Council restrictions in special circumstances. However, the Commonwealth Treasury's view is that Loan Council procedures are sufficiently flexible to cope with such problems and, indeed, have been so used in the past.

The South Australian Government's apparent borrowing policy has precisely the effect of circumventing the supervision and control of Loan Council. The 29 semi-governmental authorities have been or may be empowered to borrow directly from outside financial sources. Such borrowing is without limitation by the council and is not necessarily subject to public scrutiny. Having referred to the 29 separate authorities, I think it is fair to say that, in the attempt to secure borrowing powers by those authorities in the past, the Government received the support of the Opposition, at least in principle. Accordingly, I do not intend to reflect on my predecessors for their agreement in that respect.

However, it is extremely interesting to note that, out of 28 of the 29 authorities (and I apologise for not having details about the Industries Assistance Commission, in particular), 19 have been granted this protected borrowing power since 1970. Therefore, nearly 70 per cent of these bodies, with the power to borrow under Treasury guarantee, have acquired that power in the past seven years. This contrasts with the gradual extension of this power to the remaining bodies between 1946 and 1969. My concern is further aroused by the Premier's stated policy to use this power to borrow outside the Loan Council, to deliberately—

The Hon. G. T. Virgo: It's not outside the Loan Council.

Mr. CHAPMAN: It is his stated policy to borrow outside Loan Council control, through the venue of these authorities and further new authorities to be established in South Australia, to the tune of \$1 000 000 each year by each authority.

The Hon. G. T. Virgo: That's not outside—

Mr. CHAPMAN: That is outside the perusal, recommendations and approval of the Loan Council. I agree that it is part of a gentleman's agreement to exercise this power and I am simply reflecting, with great respect to the Minister's objections, the facts of the matter and the position as it applies today. I was not going to bother to refer in detail to the Premier's remarks in that regard, but I shall do so now for the benefit of the Minister, and I do so without the slightest apology. In the Premier's 1977 pre-election policy speech, he stated:

New authorities will be created and some additional borrowing powers for existing ones will be provided. As an example, library services in the State are not adequate and urgent action needs to be taken. By tight budgeting measures we can provide \$1 000 000 beyond normal funding to ensure the provision of shopfront and mobile library services this year, particularly in the deprived western suburbs, and the board will be able to borrow \$1 000 000 to get warehousing, mobile libraries and cataloguing space for the suburbs to relieve the congestion on North Terrace.

I do not know what the Premier meant by "tight budgeting measures" but it certainly does not relate to the open-ended scheme of borrowing by these authorities. In that same policy speech the Premier referred to funding of this type that would be made available to a clothing factory at Whyalla. I know that I cannot particularly relate that remark to the Bill, but it demonstrates clearly what the

Premier has in mind in relation to extending this type of open-ended protected borrowing power to the State's authorities—borrowing power without reference to the Loan Council.

The Premier, in his election policy speech, stated that the clothing factory at Whyalla would save the Government up to 15 per cent on current annual costs for clothing and that he would give details of the factory the following day. I took the trouble the following day to read the newspapers to see what follow-up report had come from the Premier's remarks on that subject. I found no reference was made to the clothing factory; no reference was made to the library facilities proposal; but on August 31, 1977, under the heading "Outback to get help for public facilities", the following appeared:

The South Australian Government will form an outback areas development trust to provide local government services to people in the northern parts of South Australia.

The Premier went on to give details and said that the far-flung nature of many of the towns of the State meant that the Government was called on to provide facilities normally organised by local government. He said that most of the far-northern areas of the State were not within local government areas and relied on the tremendous work done by local community groups and other civic organisations. He said that the Government proposed to establish a statutory authority, the Outback Areas Development Trust, to fund projects in the Far North. He said that financial problems of small towns were obviously crucial because they were disadvantaged by not being in local government areas, so that they did not receive grants from the Commonwealth Grants Commission or have the borrowing powers available to local government.

The Premier also said that the Government, through the Electricity Trust of South Australia, would acquire the present power generating service at Coober Pedy. He said that the town's present electricity service was having difficulties and that E.T.S.A. would acquire the service and greatly upgrade it. He then specifically pointed out that he believed that the Outer Areas Development Trust would be able to borrow up to \$1 000 000 and would give far-flung areas financial assistance. He said that the debt servicing of that \$1 000 000 would be met by the South Australian Government.

That is a clear sign of what the Premier had in mind. I have referred to his speech and quoted reports in the *Advertiser* the following day and they all clearly signify the intent of this Government not only to give existing statutory authorities in this State the extended power to borrow where it does not already exist but also to create further authorities with that protected borrowing power. Regarding the proposal to establish an Outer Areas Development Trust, I have no argument. I believe that in an unincorporated area, such as the Far North, or in any other isolated area or remote situation—

The DEPUTY SPEAKER: Order! I do not believe that the honourable member should comment on matters that do not come specifically within the Bill when putting his argument. The Chair has listened closely to what the honourable member has said. There is a thread that follows through the honourable member's speech, but he should not comment on the other authorities, as he is now doing.

Mr. CHAPMAN: I appreciate that, Sir. I thought it fair to give credit where credit is due. I intend throughout my address to recognise that there may well be a place for extending protected borrowing powers, but that does not apply to the State Transport Authority of South Australia. I support the adoption of this principle for the Outback Areas Development Trust as proposed by the Premier and

reported on by him at or about the time of the recent State election. I can see no problem about that. I have not studied in detail that situation but it seems reasonable for the trust to obtain funds. Obviously, it is an area that does not enjoy the many avenues for raising funds enjoyed by the inner areas or inner authorities.

I now return to the undesirability of extending this power without careful perusal and scrutiny, for without public scrutiny the possibility of irresponsible borrowing leads to over-extension and failure to meet interest commitments and enhances that practice. Within this framework, and short of such a failure, it is also possible that inefficient and wasteful practices will be enhanced, too. The original financial agreement was framed principally to prevent competition for funds between the State and Federal Governments and thus to restrain interest rates. The competition proved particularly costly to Australian Governments on the London money market after the First World War. The tendency for semi-government authorities increasingly to operate independently in the money market and therefore in competition with the Loan Council could signal the return to the interest rate problems that preceded the financial agreement that we have now.

It is only common sense to recognise that the more bidders in the field the higher the price, and in this instance the more bidders for funds from the same resource area the more likelihood there is of interest rates rising. In their book on Federal finance matters published in 1972, Matthew and Jay argued that the Loan Council concept had the special advantage that it contributed significantly to the situation whereby the Commonwealth had the fiscal power necessary for the promotion of economic stability and growth. With the relative growth of the autonomous borrowing power of semi-government authorities this situation is disruptive. The unco-ordinated borrowing activity of the growing number of these authorities, whose financial considerations are purely local in character, could conceivably grow to a point where they weaken the financial controls necessary for economic stability. Semi-government borrowings with Treasury guarantee must undoubtedly lead to increased taxes. I think this situation can be amply demonstrated by the few details I have been able to obtain, with difficulty, from independent snippets of reporting where the source and terms of funding and the rates of interest are noticeable by their absence.

If we are to guarantee additional borrowing we are saying that what the Australian Loan Council gave us is not enough. Let us borrow through the guarantees and hope that the State can afford to repay what has been borrowed. The repayment of the Adelaide Festival Centre Trust guarantee of debenture loans of \$14 000 000 as at June, 1977, has to be funded from the State Revenue Budget, as the trust makes an annual deficit. This guarantee cost the State \$1 300 000 last financial year. The Monarto Development Commission had a guarantee of debenture loans of \$6 000 000 as at June, 1977. The commission is increasing its borrowing each year to raise funds to pay its interest, presumably in the hope that one day it can become solvent by selling its own land. I understand that in June, 1977, its liabilities totalled \$22 200 000 and that it held 19 271 hectares. To recover the cost at that date it would have had to clear \$1 152 a hectare.

The South Australian Film Corporation had guarantees of debenture loans of \$2 500 000 in June, 1977, and the corporation has made operating deficits since its inception in 1972. The State Government has been required to contribute \$2 500 000 to cover those operating deficits and

debt services since that date. The South Australian Meat Corporation report reveals a disastrous situation under exactly the same sort of protective borrowing canopy, whereby the State Treasury is responsible for the default—for the payment of the commitments and the interest or both—when the authority is unable to repay. At least the Adelaide Festival Centre Trust provides a service to the community of which we might all be proud, as do many other authorities. I have no intention of reflecting on the integrity or the intent of many of the authorities which have this power. I am not reflecting on the principle of borrowing generally but I am reflecting on the principle of extending the protected borrowing powers to authorities that cannot in their own right demonstrate good management and cannot demonstrate any indication that they will be able to service those loans.

I am particularly concerned about the lack of detailed reporting of the sources of the funding, the terms of loans, the commitments, and the interest rates applicable to those loans. It also concerns me that there is absolutely no suggestion in the Bill or in the second reading explanation of what the S.T.A. will want to use the money for. One would have thought that out of courtesy to the Opposition the Minister might mention for what purpose he intended to use this protected borrowing.

Mr. Becker: What do you think it is for?

Mr. CHAPMAN: I might make an observation or two on that before I finish. I have the distinct impression from one side of the House that I am giving this Bill more attention than it deserves. Notwithstanding that attitude of some members, I intend to continue and list every single area of my concern with respect to this Bill. I do not intend to apologise to the Minister or anyone else for having done so.

The Hon. G. T. Virgo: Your own members are complaining, not I.

Mr. CHAPMAN: I have not heard any complaints from this side. If my colleagues on this side of the House want to complain about it, I suggest they do so directly.

Mr. Tonkin: What's he talking about?

Mr. CHAPMAN: I am aware of the concern expressed by the Minister about the time spent on this matter, but I am not aware of anyone on this side of the House being disturbed. I have given due credit to the festival trust for its activities and its contributions to society generally, but I cannot extend the same credit to Samcor. Samcor has been given the protected borrowing powers, and its public image has got progressively worse since it was established.

The DEPUTY SPEAKER: I take it that the honourable member is referring to copious notes.

Mr. CHAPMAN: Yes, indeed. My remarks during the last quarter of an hour has been as a result of referring to no notes, but rather to the expressions on the faces of some members. My point is that, if the attitude is to borrow as much as possible from whatever source regardless of financial viability, we are going to load future Governments and the taxpayers with hidden commitments. I believe that we should give a hard look at the principle of extending these powers to existing authorities. We should consider seriously any proposal that comes up for extending such powers to new authorities. We should also take particular note of the report which followed the last Loan Council meeting on July 1, 1977. That report in the *Advertiser* was headed, "Premiers get a caning". Whilst the *Advertiser* may make statements from time to time, I am not prepared to make a statement about what it has reported without specifically referring to it.

The DEPUTY SPEAKER: The honourable member knows that he should not read a speech.

Mr. CHAPMAN: The *Advertiser* report of July 6, 1977,

states:

Under the Commonwealth-State Financial Agreement the States cannot go outside the Loan Council for borrowings. They can go outside the council for borrowings for the semi-government projects such as E.T.S.A. or the Housing Trust. But there is a catch—even though the States are only bound by a gentlemen's agreement. The Commonwealth has the power to cut back on other funds if the States do this, and also has the right to take 20 per cent of whatever the States might raise in way of loans.

I have not been able to check whether that *Advertiser* report is valid because the public does not have access to the minutes of the Loan Council meetings held between State Premiers, the Prime Minister and Treasury representatives of the Commonwealth. If we can reasonably rely on the *Advertiser* reporters, that is a serious statement and I leave it with members and the Minister, in particular, for consideration.

Regarding the control we should have over borrowing practices, I was interested to research the control that we have over the expenditure of such borrowed funds, that is, when those borrowed funds come from the traditional sources that I referred to earlier. I find that the only official standing committee in South Australia that has those scrutinising and overseeing powers is the Public Works Standing Committee. Section 24 of the Public Works Standing Committee Act, 1927-1975, states:

The committee shall, subject to the provisions of this Act, consider and report upon all public works which are referred to it under this Act.

However, section 3, which defines the meaning of "public works" clearly excludes the direct right of scrutiny over the expenditure of those special borrowings by the Public Works Committee, because the definition of "public works" within the meaning of that Act is:

... any work proposed to be constructed by the Government or any person or body on behalf of the Government out of moneys provided by Parliament . . .

One sees there is a very thin line here, but it happens to place all moneys obtained from the protected borrowing sources outside the ambit and control of the Public Works Committee as well, including items of expenditure of more than \$500 000, even when they are involved in construction work undertaken by the authorities mentioned with the State, because they are not moneys voted directly by the Parliament, but are in fact moneys underwritten by the Treasurer for which we could ultimately become responsible. Even though that is the case those moneys, too, escape the scrutiny and oversight of our Public Works Committee, which is a well respected, long-standing committee.

I draw attention to an article taken from the *Bulletin* entitled, "Payments to or for the States and local government authorities, 1975-1976", under the heading, "Borrowing programmes for State authorities", as follows:

Under the "gentlemen's agreement", originating in 1936, the Loan Council approves an aggregate annual borrowing programme for larger semi-government and local authorities. For 1977-78 and 1978-79, larger authorities are defined as those borrowing more than \$1 000 000 in the financial year, the Loan Council having decided at its July, 1977, meeting to increase the limit from the figure of \$800 000 which applied in 1976-77. For information on the limits applying in previous years, see page 29 of "Payments to or for the States and local government authorities 1975-76". From 1962-63 no overall limit has been set by the Loan Council on borrowings by smaller authorities, that is, authorities borrowing within the financial year up to the amounts mentioned above.

It could be that it was from that reference, and that

invitation, if I may say so, that the Premier explored the policy to which I referred earlier and went on with his policy speech during the 1977 election campaign to announce what he did about extending opportunities for protected borrowing to some existing authorities, and he went on very deliberately to report again next day on new authorities that he would establish in the outer areas. Members will recall that, following an interjection by the Minister earlier, I referred to the details of the Premier's speech and to some extent I talked about the report of the following day.

Let us now look at the State Transport Authority itself since it took office in 1974, bearing in mind that the authority was designed to co-ordinate the two arms of public transport in South Australia and that it was obviously set up to improve and get out of trouble a department that was notorious for bad management generally in providing the public facilities required in and about South Australia.

The DEPUTY SPEAKER: Order! The honourable member's remarks should be directed towards the State Transport Authority. That does not relate to any previous experience of any other authority or department. I appreciate that the honourable member is trying to tie his remarks to the powers to borrow, so the Chair has been tolerant, but I feel the last comments he made were a little out of order.

Mr. CHAPMAN: Again, Sir, I recognise your ruling on this matter. Let us be fair about it: the State Transport Authority does consist of the existing arms of the Transport Department, namely, the Bus and Tram Division, and the rail division of the department; there are various segments.

The DEPUTY SPEAKER: The honourable member is reflecting on the efficiency of the other instrumentalities to which he is now referring and that is the point I made.

Mr. CHAPMAN: I respect that point. What I am interested in is the present condition of that authority. What I am more particularly interested in is where it is going in the future. Let us look at the performance of the State Transport Authority since it was established in South Australia.

The DEPUTY SPEAKER: So long as the matters the honourable member raises deal with the powers of the authority, he will be allowed to continue.

Mr. CHAPMAN: They deal with the reasons why power should not be given to that authority to borrow in the way the Bill proposes. Last year I made some references to reports by the Auditor-General about the situation that existed in the State Transport Authority establishment. For example, the report for the year ended June 30, 1977, states that, during that period, the bus and tram work force had been increased by more than 20 per cent from 1 673 at the close of 1974-75 to 2 033 for the year ended June, 1977.

The Minister, who was commenting on a question I had asked on this subject earlier, objected to my reference to take over at that time; he said that the private bus owners had each requested the Government to assume responsibility and ownership of the services, and that the improved service in the southern metropolitan area reflected the paucity and economic-based decision of the Briscoe operation. The Minister then said that the decline in the number of passengers had halted, and that since the train service was extended to Christie Downs many people who had previously travelled by bus and road had chosen to travel on the better and quicker service provided by rail.

Checking the accuracy of the Minister's answer about bus services will require some research, and I have not yet been able to check those details. However, my claim is

that the number of passengers travelling on State Transport Authority services has decreased. Figures that I shall give the House will prove that the Minister's reply is inaccurate. The number of passengers carried by the M.T.T. and by licensed bus operators before the takeover in 1974 and afterwards in 1977 was as follows. With your permission—

The SPEAKER: Order! I have listened to the honourable member for a few minutes. He has unlimited time, of course, in which to speak. However, the Bill refers only to borrowing, and I hope the honourable member will stick to that subject.

Mr. CHAPMAN: I do not support the Bill, and I am setting out to demonstrate to the House that, because of the management of the S.T.A., we are not able to support the Government in its proposal to extend the borrowing powers. In doing so—

The SPEAKER: Order! The purpose of the Bill relates to borrowing, and I want the honourable member to stick rigidly to that subject. I want him to link up his remarks, but from what I have heard he is not doing so.

Mr. CHAPMAN: With great respect, Mr. Speaker, you have been in the Chamber only a short time.

The SPEAKER: Order! As the honourable member well knows, we have other devices for listening in.

Mr. CHAPMAN: With your permission, Sir, I should like to insert in *Hansard* a table setting out the number of passengers carried on the buses. It is a short table, entirely statistical, referring to the figures from 1970 to 1977.

The SPEAKER: If the honourable member can say that it has something to do with borrowing, yes, but I will not give permission otherwise. If it concerns borrowing of moneys, I shall be only too willing to give permission.

Mr. CHAPMAN: It concerns the department and the ability of the department to borrow, in the opinion of the Opposition. It is directly associated with my comments to the House about the inability in this instance of that department to demonstrate good management, good practices, and good services within its role.

The SPEAKER: Order! I do not want the honourable member to follow that line. I want him to stick strictly to borrowing.

Mr. CHAPMAN: I accept your ruling, Sir, and I shall come back to the situation in relation to finance and borrowing. We cannot support the authority in its request, through the Bill, to borrow funds in this way. It is already in too much trouble with its own departmental finances, and already, in our opinion, it has adequate opportunity to borrow funds from traditional sources. For example, in 1972-73, the services were run at a deficit of approximately \$2 300 000. Last year the deficit was \$12 000 000. I understand from reliable sources that this year—although we have not yet seen the report for 1977-78—the deficit will approach \$20 000 000, not for the whole authority, but simply for the Bus and Tram Division. It would be irrelevant to talk about railways, for my name is not McAnaney!

The SPEAKER: Order! I think the honourable member is straying again, and I hope he will stick to the subject of borrowing.

Mr. CHAPMAN: I respect your ruling, Sir. I refer briefly to an item appearing in today's *News*. I think it sums up in a few words the reasons for my caution about this department. The report relates to Mr. J. S. King, Assistant State Secretary of the Motor Omnibus Employees Association, as follows:

He had tried to contact the S.T.A. officers and Mr. Virgo yesterday afternoon, but they had not been available. That is typical of the S.T.A.

The SPEAKER: Order! I want the honourable member

to link his remarks to the subject of borrowing. He is now talking apparently about a union matter.

Mr. CHAPMAN: In all fairness—

The SPEAKER: The honourable member must not go on with that matter.

Mr. CHAPMAN: I have referred to the report, and that is all there was in it. I thought it was noteworthy. I cannot subscribe to that sort of statement in relation to my contact with the Minister or his officers, as they have been very fair to me personally. However, that does not alter the fact that we cannot get through public sources from this department the information that we need. Therefore, we cannot agree to give this authority the borrowing powers it is seeking.

On October 6 last, I sought to get sufficient information so that I could have some understanding of the functions of the department, not specifically to determine whether we could give it these borrowing powers, but to determine whether as a department of the Crown it practised good management. I asked the Minister in this place for some indication of when we could expect that information. The Minister said:

I would have thought that the honourable member's intelligence would extend to the point of knowing that I cannot present him with the information he wants until I have received it.

The Minister put the whole responsibility back on to the authority. Until that authority can come up with a report in accordance with section 18 of the Act—

The SPEAKER: Order! Is this a report concerning borrowing?

Mr. CHAPMAN: Yes, indeed.

The SPEAKER: I want the honourable member to link up his remarks, otherwise I shall have to take action.

Mr. CHAPMAN: It concerns every facet of funding within the department, or it should.

The SPEAKER: Order! I do not want the honourable member to say whether it should or should not; I want him to link up his remarks, otherwise I shall have to take appropriate action.

Mr. CHAPMAN: It has reported once since 1974. One solitary report has come from the S.T.A. giving us information about its financial activities, including its overdrafts, its borrowings, its expenditure, and its income. I agree that there was some considerable detail in the report. It even went as far as dealing with how many passengers were carried and how much it cost to carry them from one point to another, but that is the one solitary report this House has had since 1974, the only avenue through which we can be informed about the borrowings and the activities of the authority. A report is the only way in which we have access to any documents which may demonstrate whether or not the authority manages its affairs properly, including its borrowings. That is the only document we have received. Section 18 of the Act requires that to be available to us each year, and we have had one—

The SPEAKER: Order! The honourable member has been talking about 1974. I am only too pleased to listen to what he has to say on the matter but, if he has had no report since 1974, in some cases his remarks must be hearsay. I give the honourable member his last warning.

Mr. CHAPMAN: I am sorry if I misled you, Mr. Speaker, because I was not talking about a report in 1974. The authority was formed in 1974, but the report was for the year 1975-76. Of course, the fact that I have not got a report for 1976-77 on the borrowings and on the financial activities of the authority is one of the main reasons why I do not intend to support the Bill. I believe that this is directly relevant to the debate on the Bill before the

House.

The SPEAKER: Order! I do not intend to let the honourable member continue in that vein.

Mr. CHAPMAN: If the subject of the State Transport Authority cannot be debated in this House during the passage of this Bill, it is a very poor state of affairs, because it is the Bill. The Bill proposes to give to this authority not just borrowing powers but extended borrowing powers.

The SPEAKER: Order! It is borrowing, extended or otherwise. During the course of his speech the honourable member has moved away from this. I have said several times that borrowing is the crux of the Bill.

Mr. CHAPMAN: I respect the need to stick to the Bill and I do so sincerely, but I am damned if I can find how anyone can speak to it unless we speak about the authority and its powers to borrow, to which both the Bill and the Minister's explanation refer. The Minister spoke about borrowing powers that were incorporated in section 14 of the Act, 26 years ago in 1952. That is what the Minister did in his second reading explanation.

The SPEAKER: Order! That was an explanation of the Bill. There is nothing in the Bill relating to what the honourable member is saying.

Mr. CHAPMAN: I am explaining our attitude to the Bill, but I do not know what the purpose—

The SPEAKER: Order! I do not know, either, and I want the honourable member to get back to borrowings. I cannot follow his train of thought in any way at all.

Mr. CHAPMAN: I would find it difficult: indeed, I should think it would be impossible to continue in this debate unless I can refer to the activities, including the borrowings, of the State Transport Authority, when indeed that is the guts of the subject: that is what it is all about. It is unbelievable—

The SPEAKER: Order! The honourable member has had his opportunity. I want the honourable member to stick to borrowings and not to digress in any way at all.

Mr. CHAPMAN: Oh, well, perhaps I had better have another look at the Bill.

The SPEAKER: Order! The honourable member is out of order. I hope he has read the Bill.

Mr. CHAPMAN: The Bill provides clearly that the State Transport Authority may borrow money from the Treasury or with the consent of the Treasurer, or from any other person. That is as wide as the State is long: it may borrow from any other person for the purpose of carrying out its functions under this Act or any other Act. It may borrow within the system, by consent of the system, or outside the system; it may borrow for functions within the Act, or it may borrow for functions without the Act. Indeed, the authority can do more than that. If we take it back to the principal Act, it can go in any direction, up or down or out or about, by direction and general control of the Minister. That is what I said when I started to debate this Bill.

The SPEAKER: Order! The honourable member is now referring to the matters in the Bill, but he was digressing a long way from it.

Mr. CHAPMAN: I take that as a compliment, Mr. Speaker, and I continue. Clause 3 (2) provides:

Any liability incurred with the consent of the Treasurer under subsection (1) of this section is hereby guaranteed by the Treasurer.

That is a wide and embracing opportunity for any borrower and, if I may be permitted to say and if it is all right to do so, if there is a borrower there has to be a lender, and anyone will lend the authority money with the knowledge that the State Government will guarantee it. There does not have to be a viable case or a prospectus

submitted that indicates that one will make a profit. The lender would not care whether the borrower made a profit or not, because he would be absolutely guaranteed. The money would be available from any source or person, as provided by the Bill.

The SPEAKER: Order! Although the honourable member is now speaking to the contents of the Bill, I do not want him to go any wider.

Mr. CHAPMAN: Clause 3 (3) provides:

Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) of this section shall be satisfied out of the general revenue of the State.

That is the point on which I have been expressing concern for some time. Under the present system, we do not enjoy full and proper reporting on the borrowing, the source of the funding, the proposed project to be funded, or the interest rate applicable to that borrowing. That information is not provided to us.

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

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

Motion carried.

Mr. CHAPMAN: The general principle of borrowing is not opposed by the Opposition. Indeed, we acknowledge that many facilities and projects must be funded by borrowings. We recognise the principles laid down by the Loan Council for amounts above \$1 000 000, and we support the principle of proposals being submitted to the Loan Council for its approval.

Accordingly, we recognise that such borrowings, if approved by the Commonwealth on behalf of the State, are more likely to attract a lesser interest rate than would multiple borrowings by multiple authorities seeking funds. We are not against the principle of extending protected borrowing powers to prescribed authorities, especially where those authorities have demonstrated that they are providing a service that is needed and can demonstrate good management, good accountability and control in their respective roles. I refer more especially to cases where the relevant authorities do not have access to funds through the traditional avenues of borrowing. We have supported this principle of extending Treasury guarantee, that is, with protected borrowing powers, to authorities in South Australia in the past and, undoubtedly, we will support that principle in future. But until we can get an assurance that the full details of those borrowings covering all of the points to which I referred earlier (all the encumbrances, interest rates, etc.) will be reported to us in Parliamentary Papers, regularly in the House, we will not support the S.T.A.'s having this power.

There is a further reason, to which I have referred to some extent, why we will not agree to the authority's having such power, and it is that the authority has failed to report on its operations.

The SPEAKER: Order! The honourable member has stuck closely to the Bill, and was doing an excellent job, but now he is starting to move away from the Bill, and I will not allow him to do so.

Mr. CHAPMAN: I am extremely disappointed that I am unable to demonstrate in debate in the House the reasons why we do not agree with the borrowing powers being extended to that authority, in particular. We are dealing with a specific authority in this instance, the S.T.A., and with an identified and a unique system of borrowing—unique, in that it is different from the wide and traditional avenues of borrowing available to State Governments. However, being prevented from exploring that avenue does disappoint me somewhat. I believe that it was a relevant part of the whole argument. It may well have

been the basis of an argument to be advanced by my colleagues.

The SPEAKER: I can assure the honourable member that I do not intend to allow his colleagues to transgress on this matter and get away from the borrowing provisions. The honourable member is starting to do it again, and I warn him for the last time.

Mr. CHAPMAN: I get the message, which is patently clear, not only to me but also to my colleagues.

Mr. Wotton: You aren't allowed—

Mr. CHAPMAN: We are not allowed to talk about matters that do not involve direct borrowing.

The SPEAKER: Order! The honourable member has his opportunity. As I have already said, he must stick to borrowings. He is moving away again, and this is the last time I will warn him.

Mr. Mathwin: It's a gag job.

Mr. CHAPMAN: It is a gag job, all right.

The SPEAKER: Order! I want the honourable member to withdraw that remark, which is a reflection on the Chair.

Mr. MATHWIN: It was my fault. I made the remark, and I apologise to you, Mr. Speaker.

The SPEAKER: Order! I did not hear the honourable member for Glenelg, but I did hear the honourable member for Alexandra.

Mr. CHAPMAN: I have been asked to withdraw many remarks, and I will withdraw that one, if it is a request of the Chair. I cannot follow why there is a restriction on a member who has the adjournment on a debate on a Bill involving \$1 000 000 a year borrowings by a specified authority. I cannot see why I cannot demonstrate to the House our opinion on whether that authority should or should not be given this extra borrowing power. That is where I am being restricted, and in these circumstances I am restricted from referring to the background, the current performance or the function of the S.T.A. in order to show that that authority is unworthy of this new borrowing power until it can come forward with reports on its borrowings and functions, as it is required to do under the Act.

The SPEAKER: Order! The points the honourable member is making are not contrary to the Bill before the Chair, but when the honourable member digresses from what is before the Chair, he is out of order.

Mr. CHAPMAN: I have got the message: there is little point in the Opposition's pursuing this important subject, which can mean many millions of dollars of borrowings about which this House and the people outside know nothing at all. There is no requirement in this legislation or any other legislation that information should be furnished about these borrowings by the existing 29 authorities or any other new authorities prescribed in the future. There is no requirement that they make regular reports to this place about their activities. It is incredible that one should be prevented from referring to this situation in debating this Bill. This is the whole basis of the argument.

The SPEAKER: Order! It is not the whole basis of the argument: the whole basis is whether or not the Opposition is willing to support the Bill and also their reasons in connection with borrowings.

Mr. CHAPMAN: It is the whole reason why I have come to this Parliament this afternoon.

The SPEAKER: Order! The honourable member has the opportunity if he so desires. I will not allow him to continue in this vein.

Mr. CHAPMAN: I am disappointed in the attitude you have taken, Mr. Speaker. I will have to close my remarks on this subject at this stage, because of your restricting me in the matters on which I may address the House. I do not

believe in any circumstances I have gone away from the authority mentioned in the Bill, its functions and practices as an arm of the Government; that is directly associated with the matter before the Chair. I do not believe I have gone away from the principles of borrowing within this State, as they have applied, as they do apply, and as they will continue to apply, and I do not believe I have gone away from the specific reference to borrowings under this statutory authority and the protected, guaranteed basis referred to. It is referred to in this Bill and in the one to be dealt with subsequently.

The SPEAKER: Order! I point out to the honourable member for Alexandra that Standing Order 156 provides:

If the Speaker or Chairman of Committees shall have twice warned any member then speaking that his speech is irrelevant to the question being discussed, or that he is guilty of undue repetition or prolixity, a motion that such member be not further heard may be moved at any time so as to interrupt such member speaking, whether in the House or in Committee, if supported by the rising in their places of not less than seven members. Such motion shall then be put without debate, and if it be carried by a majority of the members present, being not less than fourteen members the member so interrupted shall not be again heard on that question in the House or during that sitting of the Committee: Provided that the Committee may at any time, on motion without debate, permit a member so interrupted to speak on any subsequent question during that sitting, but no such motion shall be put unless supported by the rising in their places of at least fourteen members: Provided also that in the warning the Speaker or Chairman of Committees shall call the member's attention to this Standing Order.

On several occasions I have given the honourable member many a chance, but he is saying the same things over and over again. I do not intend to allow him to get away from the contents of the Bill.

Mr. CHAPMAN: I could not hear your reading the Standing Order, Mr. Speaker, but I have had a quick look at it and I respect its intent. I do not believe that I have deviated from the requirements of Standing Orders at all at any stage during the debate. I have been gagged in this instance, and I have no alternative to closing my contribution to the debate.

Mr. WILSON (Torrens): Before I start, I should like to congratulate the Minister on his 10 years in this Parliament. I believe that he, the member for Rocky River and the member for Fisher celebrate their tenth anniversary today. I doubt whether the Minister will see another 10 years here, however.

The Hon. G. T. Virgo: I assure you that you are right!

Mr. WILSON: I have already strayed from the Bill in my first few words, but I will be briefer than I intended because of your ruling, Mr. Speaker. The nub of this Bill is that "the authority may borrow money from the Treasurer or, with the consent of the Treasurer, from any other person, for the purpose of carrying out any of its functions under this or any other Act".

The problem here is whether we are going to find out those borrowings, the source of the borrowing, the amount borrowed, the terms of repayment, the interest rates, or for that matter the purposes for which the Loan funds are to be invested or expended. We new members have come into this House and have already seen in the forms of the House how, in our opinion, democracy is being trampled on as far as the back-bench member is concerned. Unless the Opposition has an absolute guarantee (we would prefer to see it enacted) that we are going to see those items that I have mentioned in the Auditor-General's Report or in the report of the State

Transport Authority, the Opposition must oppose the Bill. Because of the way in which these funds are to be borrowed and because they are to be borrowed from "any other person", it is vital that we receive the information. I close on the fact that (and, as the member for Alexandra says, we have not received reports from that department) unless we see those items in the reporting from that department or those other reports I have mentioned or unless we get a guarantee from the Minister that we shall see them, we shall have to oppose the Bill.

Mr. BECKER (Hanson): This Bill is really a simple measure, and there is reason for the Opposition reacting and wanting to oppose the Bill; but that is only in line with the statement made by the Premier during the last State election about his Government's policy. I will read that again to remind members; it is at page 3 of the policy speech:

There is another way in which we can get limited access to additional Loan funds. Statutory authorities can borrow up to \$1 000 000 a year each without the permission of Loan Council. Each \$1 000 000 borrowed costs \$100 000 a year to the State Budget to service, and so does not create a heavy burden on revenue as compared with the immediate benefit of capital expenditure. New authorities will be created and some additional borrowing powers for existing ones will be provided.

The Opposition, I take it, is assuming that this legislation will be the beginning of many other similar types of legislation in relation to new authorities that will be created and some additional borrowing powers for existing ones will be provided.

All we want from the Minister is a reassurance that we shall get the State Transport Authority's report, as outlined by the member for Alexandra, although, in my opinion, I would accept the Auditor-General's Report on the State Transport Authority, where it outlines the amount of loans in that respect. The Bus and Tram Division has borrowed from the South Australian Government to the extent of \$21 900 000; the Railways Department, of course, is a little difficult because it is still in the process of being rearranged.

If one goes to the Loan Estimates, one sees in Appendix 11 a statistical tabulation on a cash basis of contributions to or from Revenue Account during 1976-77 in respect of activities financed from loans. Again, one finds that the State Transport Authority is one of the many bodies that have received an advance under the heading "Advances to public authorities". The amount of the loan, the interest cost to Treasury, sinking fund and total debt services, and so on, are all shown. So, the details are, in some respects, shown.

If one goes further into the Loan documents, one comes to debt services and can ascertain the rate of interest, the date of maturity, and so on, of much of the State's borrowings. I assume that the member for Alexandra would like included in the State Transport Authority's report or the Auditor-General's Report details of these loans and, indeed, that this could be done. I could not oppose the Bill, because the State Transport Authority, like any other authority, must have power to borrow, and must be supported by the Government. I do not think any of us will see the day when the authority will go bankrupt, because it is guaranteed by the Government.

Mr. Nankivell: It has a tremendous asset.

Mr. BECKER: Of course it has. It has increasing assets, and it is backed with a Government guarantee. The authority therefore has the opportunity to obtain money in the market place or elsewhere at a beneficial rate. A total of 29 authorities in this State have borrowed about

\$53 000 000. If we make the State Transport Authority a statutory authority, able to obtain money with Government guarantees, it will be subject to the provisions of the gentlemen's agreement made between the Federal and all State Governments in about 1936.

That agreement has been carried on and, subject to the decision of the South Australian Government, the authority will be able to borrow up to \$1 000 000 a year on terms approved by Loan Council without the need for programme authority. A Loan Council programme will be required if the authority's borrowings exceed \$1 000 000 in a year. The guarantee of borrowing by public authorities is the concern of the relevant Government, and is not a matter for Loan Council determination.

I see nothing sinister in the issue at all, except in relation to the one principle: that we would like (and I ask the Minister and the State Transport Authority whether this can be done in future) the amount and source of the borrowing, the terms of repayment, interest rate, and so on. State debts are all included in the Loan documents. We borrow money, the arrangements for which are made through Loan Council, throughout the world, and certain repayments must be made. Fortunately, most borrowings are arranged in Australia through Commonwealth loans. Although the Opposition may oppose in principle the lack of information, I must support the Bill.

The Hon. G. T. VIRGO (Minister of Transport): I think that the House ought to appreciate that this Bill simply seeks to place in the State Transport Authority Act, the principal Act and the one that governs the operation of the State Transport Authority, the normal borrowing powers vested in any statutory authority. We are not giving the authority any new area of operation, because now the authority, which also administers the Bus and Tramways Act, uses that Act to do its borrowing and, for good, tidy housekeeping it has been suggested that we should give the authority borrowing powers in its own Act.

The matter is as simple as that, yet it took the member for Alexandra an hour and twenty minutes to speak on the Bill, and finally he complained that he had been gagged. I sincerely regret the quite unjustified abuse that the honourable member has levied at members, officers, and employees of the authority. I thought it was an absolute disgrace. I have heard only one worse attack, and it came from the member who normally sits behind the member for Alexandra. I think that a member who comes into this House and uses coward's castle to attack people who faithfully serve the Government in instrumentalities and departments is getting down into the gutter. As far as I am concerned, the State Transport Authority, its officers, and its employees are all trying to do an extremely difficult job, but they are applying themselves well. I certainly have the highest respect for them. I do not know whether all the colleagues of the member for Alexandra share my view or hold the view that the honourable member has expressed, but I suggest that most Opposition members would share my view.

Mr. Chapman: They had better—

Mr. Mathwin: Will you—

The SPEAKER: The member for Alexandra has spoken, and the member for Glenelg is out of order.

Mr. Mathwin: So is the Minister.

The SPEAKER: The Minister has the opportunity to reply to the debate.

The Hon. G. T. VIRGO: To say, as the member for Alexandra did several times, that the power being vested in the State Transport Authority would give it borrowing powers that were outside the control of the Loan Council was arrant nonsense. He was completely wrong. An arrangement has been made (and it is one of long

standing) within the framework of the Loan Council. The arrangement was made with the Prime Minister and the Premier, going back many years, that delegated authority may be used to borrow up to \$1 000 000 for statutory purposes. That is within the arrangement of the Loan Council. Surely whoever wrote the speech for the honourable member ought to know that.

I should have thought that the honourable member would have acquainted himself with the facts better than he has done. I am extremely disappointed that he obviously did not absorb the information that the Chairman of the State Transport Authority gave him. The Chairman went to great pains to try to explain the whole ramifications to the honourable member, but obviously it did not sink in. We will try again at some time convenient to the honourable member.

The only other point worth making relates to the tabling of the annual report of the authority. The honourable member once or twice during his speech referred to the lack of presentation to the House of that annual report.

Mr. Chapman: Except for 1975-76.

The Hon. G. T. VIRGO: Yes. I thought I had explained the situation, although I am not absolutely sure of that, but had the honourable member sought information about that matter he would have been told that it has not yet been tabled because its delay is one of the by-products that has arisen because of the transfer and the necessity to amalgamate within the State Transport Authority's annual report detailed information that is available only from the Australian National Railways Commission. I am not using the commission as an excuse for a failure to do something, because I have high respect for officers of that commission, too.

Over the past two years everyone has been working under extreme pressure to try to finalise the transfer agreement and resolve all the details. If officers of the commission had to allot priorities on what they did, they must have considered that it was more important to ensure that all the details associated with the transfer were resolved satisfactorily and that the transfer went through with as little trouble as possible. I believe that those officers have been signally successful, because yesterday was declaration day and there was hardly a ripple on the water. I doubt whether the honourable member noticed anything, nor did the public.

If the price of that success was not tabling a report on time, that is too bad. I am confident that, from now on, we can expect that reports will be laid on regularly in exactly the same way as they have been in the past, with the exception of the past couple of years. There has been no difficulty about that in the past, and I do not expect there to be any difficulty in future. I conclude by saying that I have the highest respect for officers, employees and members of the State Transport Authority; they are doing a great job, and I am sorry that the honourable member obviously does not appreciate the good work that they are doing.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Power to borrow."

Mr. BECKER: Can the Minister give me an assurance that full details of loans to the authority could be made available in future?

The Hon. G. T. VIRGO: I see no reason why the State Transport Authority's annual report could not refer to the loans, if loans have been negotiated during the year. I believe that the old Municipal Tramways Trust reports included details of loans in the schedule. I will certainly take up the matter with the authority and ask it to do that.

The CHAIRMAN: The question is "That the clause stand as printed." For the question say "Aye", against "No". I think the Ayes have it.

Clause passed.

The CHAIRMAN: Title: "A Bill for an Act to amend the State Transport Authority Act, 1974-1977." The question is "That that be the title of the Bill." For the question say "Aye", against "No". I think the Ayes have it.

Title passed.

Mr. TONKIN: On a point of order, Mr. Chairman. The member for Alexandra was on his feet, and I clearly heard him say "Mr. Chairman".

The CHAIRMAN: Does the honourable member for Alexandra want to speak on the title of the Bill?

Mr. CHAPMAN: No, not on the title—on clause 3.

The CHAIRMAN: The point of order is not upheld.

Mr. TONKIN: Mr. Chairman, I must persist with my point of order. The last three clauses, including the title, were taken through at an enormously rapid rate without any pause.

The CHAIRMAN: Order! The Leader should sit down while I am addressing him. There were three clauses to the Bill. I put the three clauses initially. The honourable member for Hanson drew my attention to the fact that he wanted to speak to clause 3. I put clauses 1 and 2, and he spoke to clause 3. The question was put after the Minister ceased speaking. That was carried, and I then put the title. When the vote on the title was completed, the honourable member for Alexandra drew my attention. The Leader of the Opposition's point of order is not upheld.

Bill reported without amendment.

BUS AND TRAMWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1569.)

Mr. CHAPMAN (Alexandra): This Bill simply confirms the action of the previous Bill before the House and refers to the deletion of section 43 of the Bus and Tramways Act. The previous Bill's having been dealt with in the way it was and the incorporation of the borrowing powers that were previously in section 43 of this Act now being upheld and available for use within the authority, it no longer requires that borrowing provision in the Bus and Tramways Act. Therefore, we support its deletion in accordance with the Bill.

The second part of the Bill, which refers to the entry of the metric schedule in the Bill, is also acceptable to the Opposition, which regards it as being a formality only. The Opposition supports the Bill in its total form.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

Mr. CHAPMAN: Mr. Chairman, I must say that I am damned if I can hear you from this end, because the whole area is just a hum when you are speaking. With great respect, I was unable to hear any words you spoke, only a continual hum, during the processing of the clauses of the last Bill. Perhaps you have your head down and are speaking into the microphone, but I could not hear anything you said. In view of the repealing of the borrowing powers incorporated in section 3 of the Bus and Tramways Act and their incorporation in the Transport Authority Act, will the Minister give an assurance that as and when the reports from the authority are tabled in this place in future—

The CHAIRMAN: Order! The matter raised by the

honourable member has nothing to do with the clause. The honourable member cannot canvass this matter under this clause. I do not consider the point raised by the member for Alexandra to be entirely valid. There is a problem if difficulty is experienced in hearing the Chairman speak, but there were only three clauses to the Bill, and it was quite evident how they were put.

Clause passed.

Clause 2—"Repeal of section 43 of principal Act."

Mr. CHAPMAN: This clause refers to the deletion of the requirements of section 43 of the principal Act. I ask the Minister for an assurance that in future reports under that principal authority in terms of section 18 of the principal Act will be furnished, covering the features of concern expressed throughout the debate today. This Bill and the previous Bill are linked.

The CHAIRMAN: Order! The honourable member is referring to the debate on a Bill that has reached the third reading stage. We are now dealing with a different Bill. If he wishes to do so, the Minister may reply, but I do not see that the point is entirely relevant.

The Hon. G. T. VIRGO (Minister of Transport): I think the honourable member is genuinely concerned. The member for Hanson raised the same matter. I replied to him under clause 3 of the previous Bill, and I say the same thing to the honourable member. I do not see a problem. I shall discuss it with management to see whether we can do it. I think we can.

Clause passed.

Clause 3 and title passed.

Bill reported without amendment.

CONSTITUTIONAL MUSEUM BILL

Adjourned debate on second reading.

(Continued from February 22. Page 1735.)

Mr. NANKIVELL (Mallee): This is an interesting piece of legislation that we are dealing with so late in the day, on a somewhat quieter subject than that of the previous Bills. The old Legislative Council building is surely one of the most historic buildings in this State. Over the past few years, it has had a multiplicity of functions. I think I am correct in saying that, until now, it has been occupied recently (since the departure of the motor vehicles organisation and the land tax people) by the South Australian Railways Institute. It is now, I presume, as a result of the change of authority from March 1, still used by the institute, but it is only a matter of time before it reverts to Parliament, where it originally belonged.

It is interesting to look back. I can recall that, when I was a member of the Public Works Committee, it dealt with the question of the redevelopment and improvement of accommodation in Parliament House and the possibility of using that building in some way to improve facilities for members. It was thought that it could be a library annex. All of those things were examined but set aside because of what was then thought to be the extraordinary cost involved to restore that building in such a way that it could be used for this purpose. I have the minutes of the committee as printed in Parliamentary Paper 103, of 1971, when Mr. Feodoroff, the architect given the task of designing the improvements to Parliament House, made the following comments in evidence to the committee:

After the completion of work in Parliament House, the out-buildings at the rear of the old Legislative Council building be demolished and the front building be restored; the galleries of the old House of Assembly Chamber reinstated and refurbished; and the old Legislative Council

building be reopened as a Parliamentary museum to which furniture of historical value will be transferred.

That was in 1971, when the committee was considering further improvements to accommodation in Parliament. Subsequently, a report was published in the *Advertiser* of October 1, 1976, as follows:

The Premier was speaking at the opening of an exhibition. "Adelaide Views and Panoramas 1837-1976," in the newly restored South Australian Art Gallery historical museum. Mr. Dunstan said he hoped the Legislative Council building on North Terrace would be restored as an interpretative centre and South Australian political and social history museum.

The building has had a multiplicity of uses, and it is now time to consider what we are to do with it, especially as it is a National Trust building. Certain historical work has been done to try to establish whether or not some of the out-buildings ante-date the front building, and perhaps were the original assembly chambers of the Legislative Council. Be that as it may, the State now has the responsibility to do something about restoring or maintaining the existing Legislative Council building and putting it to some functional use. I support the proposal that has been put forward in the Bill as a worthwhile use to which the building can be put. I was amazed at the rhetoric of the second reading explanation: I have not read anything like it before. I am used to listening to second reading explanations, which are usually precise and which say as little as possible. I cannot help but quote from the Premier's second reading explanation, as follows:

The State's constitutional history will be told by words, pictures, illustrations and exhibits, and will culminate in an extensive and dynamic *son et lumiere* and audio-visual presentation in the restored Legislative Council chamber. In general, the displays will be bold and striking, featuring large reproductions of documents, photographs and the written word.

I must say that I was impressed by those words. I have listened to the Premier use the phrases, but I was not aware that he wrote his second reading explanations.

The Hon. D. A. Dunstan: The Manager of the Publicity Services Division has caught my style.

Mr. NANKIVELL: Is he your speech writer? The Premier continues:

There will be specialised display areas featuring current legislation; a section called "Your Government Today", where electorates and the sitting members will be shown, together with an explanation of the operation of the two Houses, their traditions, offices and procedures, and the role of Government and Opposition.

The Premier says much more, including the remark that it will be a fully automated show. That will be magnificent: I suppose a person will put his 10c in a slot when he goes in the door and be led around by an audio-visual person employed by the trust. I suppose he is a mystical person. He cannot be a real person if he is to be invisible and automated.

The Hon. G. R. Broomhill: It sounds like a job for you.

Mr. NANKIVELL: Many things have been said about me, but I have never been accused of being invisible. In concluding his second reading explanation, the Premier said:

Because of the extensive use of special effects—

I am not sure what that means, but I presume it is the *son et lumiere*, audio-visual presentation—

the museum cannot be perceived as a museum in the traditional sense. It will be an "experience"—to entertain, to stimulate, and most importantly, to inform.

That is an interesting introduction to an interesting topic—the purpose to which this fascinating old building will be

put. This Bill seems strange to me, coming from a Party that does not quite know whether it believes in the sovereignty of States, except when it is in opposition in the Federal sphere. Then the Premier becomes the Leader of the sovereign State of South Australia. Therefore, I find it rather hard to understand why the Government wants to preserve all these historic trappings that go with the independence of South Australia, because there has always been amongst members opposite the feeling that we should centralise things, forget about the States of Australia, and be one whole group of Australians. The explanation therefore fascinated me. When I discovered that the Government wanted to retain the historical records of how Parliament worked, I thought how frequently lately I had heard people in the Government Party saying that they were uncertain whether the present system of government was suited to our time. All I can think is that perhaps we will create something that will enable people at some future stage to come along and see what it used to be like.

The Bill deals with many aspects of the detail of the running of the museum, when it is set up as a trust of five persons with the powers set out. Some interesting facets are involved. It will have a refreshment room which, according to the second reading explanation, will serve coffee. However, according to my reading of clause 14, refreshment facilities in the area will be provided subject to the management of the trust applying under the Licensing Act, as may be considered appropriate. That goes further than possibly having tea, coffee or refreshments. Nonetheless, I believe that, if this historic building is developed as a museum of the kind that is envisaged, it will no doubt attract attention. I do not think that it will be that dry that people will want to stop there and drink coffee. They might want that extra stimulation after enjoying the experience of going through the precincts of that building. Some important aspects of the work are to be carried out. I believe that much research will need to be done on the historic side of Parliament and on the social development that has taken place. Detail could be provided on some of the development that took place in South Australia when it was one of the leaders in many freedoms that were provided for the underprivileged. We can say for South Australia that it has always been innovative, certainly in its early stages, in relation to many aspects of politics.

Having said all that, I do not oppose the Bill. I am concerned (although this is not stipulated in the Bill) at the information given by Kym Tilbrook, in the *Advertiser* on February 23, when he reported on this project, that it was anticipated that the museum would cost about \$2 000 000 to set up. The trust will have borrowing powers, so that will make it to some extent independent of Parliament. However, one of the things I find hard to justify is expenditure of such magnitude on such an exercise (no matter how worth while it may be) at a time when the State's resources are so limited. As I have said, it may be possible to raise funds through the special borrowing powers given to the trust under Treasury guarantee.

The Hon. D. A. Dunstan: It would be a semi-governmental loan to a statutory authority for which Loan Council approval is not required.

Mr. NANKIVELL: Yes, it will be a statutory authority, and that is the point I have been making—that the trust can borrow funds through its own resources. But it will have to service the \$2 000 000 loan. Despite fees collected by visitors and other means of earning income, it will become a substantial charge on the general revenue of this State to meet the interest incurred from borrowing \$2 000 000, if that is the amount to be spent on this

project.

Mr. Goldsworthy: One can't stand too much of that nowadays.

Mr. NANKIVELL: I have reservations about spending such a sum on such a project, but that does not mean that in the long term I do not believe that it will not be a fitting use for the historic Legislative Council building, the first Parliament of this State, to be used to commemorate these matters of South Australian politics, and the system of democratic government to which we are so firmly committed in South Australia. I support the second reading.

Mrs. ADAMSON (Coles): I support the idea of a constitutional museum and, as a member of the National Trust and as a resident of Adelaide, I am delighted to think that the old Legislative Council building will be restored to its former condition, if not its former glory. South Australia has a unique constitutional history, which should be widely known and understood by all its citizens. When people have a clear idea of their past and the events that have shaped their past, they are invariably better equipped to maintain a sense of identity and to direct their future with a real sense of purpose.

South Australia was settled in 1836 by men and women who professed ideals of civil liberty, social opportunity and equality for all religions. The struggle to achieve these ideals has been, and will always be, a dynamic one. Indeed, there is nothing static about constitutional development, and that point should be made strongly when discussing the establishment and administration of a constitutional museum. Ideals of civil liberty and social and economic opportunity are still at the heart of the political struggle in South Australia. The fact that religious liberty is now assured does not mean that it should be taken for granted.

South Australia's history has been marked from the beginning by a conflict between radical and conservative ideals, ideals that are now stamped on our Statute Book. This point should also be strongly made when discussing the establishment and administration of a constitutional museum. I use the word "radical" in its true sense of going back to the roots of things, and "conservative" in the sense of retaining existing institutions. I allude here to the remarks of the member for Mallee and the irony of this Government's wishing to preserve in perpetuity some of the institutions that it is pledged to destroy.

I refer briefly to the Premier's second reading explanation in which he refers to the subjects to be covered by the museum, such as the years from the arrival of the *Buffalo*, the development of the Party system and so forth, including women's rights. Certainly, I hope that when that topic is dealt with it will not only be reforms that are illustrated and demonstrated in that museum, but also a deeply considered view of the influences of women that have brought these reforms to fruition.

I strongly support the notion of a section featuring current legislation, because it seems to me that that section will bring the Government closer to the people, and the people closer to the Government; that is an ideal toward which we should be striving in a modern and complex democracy. I am concerned, though, to read in the Premier's second reading explanation that the museum will open in 1979. I find it incredible that such a mammoth task can be completed satisfactorily in such a short time. Here I am referring not to the physical restoration of the building but to the designing and setting up of the exhibits and contents of the building.

I applaud the notion that there should be communication with members through local member question forms.

If this provision is properly used it could go a long way toward establishing better communication between Parliament and the people.

Clause 7 (1) provides:

The trust shall consist of five members appointed by the Governor.

What are the criteria for selecting these five members? I hope the Government will appoint people of calibre not only for their management skills but also for their sound scholarship. It is absolutely essential that the museum has on its management committee people who are scholars and who will view history in a totally objective way, including all the relevant aspects—not just those that appeal to a certain viewpoint.

Clause 10 provides:

A member of the trust shall, if the Governor thinks fit, be paid such fees as may from time to time be fixed by the Governor . . .

Are trust members to be paid on the basis of time spent? In view of their functions, outlined in clause 14, the time spent would vary considerably and necessarily on a regular basis, at least for the first three-year period.

Clause 14 provides that the functions and powers of the trust are as follows:

(a) To administer, develop, maintain, manage and control the Constitutional Museum.

These functions and powers, in the establishment stages, will represent a massive job. I wonder how much of that work has already been done. If it has been done, who has done it? Again, one is bound to ask: how can all this be set up in the space of 12 months or 18 months? On examining the detailed provisions of clause 14, one is bound to ask whether there will be room for expansion, modification, and revision as fresh scholarship brings different aspects of our history to light. It is clear that South Australia is a relatively young State and, whilst the principal developments have been historically noted, there are large areas of our history that are still being researched. When that research comes to light, its contents should be included in the museum.

Clause 16 (1) provides:

For the purposes of this Act the trust may employ such persons as it thinks necessary for the administration of the Constitutional Museum.

Again, there is nothing here to indicate whether the administrator is to be a scholar or whether any academic qualifications are required. This point should be strongly borne in mind by the Government when it is appointing that person.

Other aspects of the clauses can be covered in Committee. I refer now to the book *Paradise of Dissent*, which outlines South Australia's early history and in which there is the following appropriate quotation from Governor Young when he spoke at the official opening ceremony of the Legislative Council on August 10, 1851:

I cannot refrain from reminding you . . . that representative institutions are not unmixed blessings nor self-acting charms. In themselves they can confer neither personal freedom nor good government nor national prosperity. They are simply the measure by which, under certain conditions, those signal advantages may be most effectively obtained . . . Their real value must depend on the wisdom and virtue of those to whom their administration is confided.

I suggest that those last words are appropriate to this museum—its real value will depend on the wisdom and virtue (and, may I say, the vision) of the trustees. I hope that, for the sake of South Australians, both present and future, those appointed to these positions will be people who have a very clear idea of their responsibility to history, scholarship, and integrity.

I have reservations, which will be expressed in the Committee stage, about the management of the museum, but I wholeheartedly support the concept of a Constitutional Museum and, therefore, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Terms and conditions upon which members of the trust hold office."

Mrs. ADAMSON: What criteria has the Premier in mind for the selection of members of the trust to be appointed by the Governor? Also, has he in mind that there should be scholars on the board?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Some of them should be scholars. I anticipate, for instance, that Dr. Tregenza will be a member of the board, but I also believe it should be representative of people experienced in museums and in the kind of presentation forms that have been outlined in the feasibility study and mentioned in the second reading explanation; also, it should be representative of people who are experienced, of course, in management and administration. It is necessary for us to get an effective mix. I point out to the honourable member that the Government, in selecting boards of this kind, has been careful to select a balance of people with the necessary talents for a board of this kind. For instance, the board of the Festival Centre is the sort of thing I am talking about.

Mrs. ADAMSON: In his reply the Premier referred to a feasibility study. I do not recall a reference to that in any previous announcement about the museum, although there may have been. Who conducted the feasibility study?

The Hon. D. A. DUNSTAN: I will see whether I can get the names of the people. I do not have them in the docket, but I will get a copy of it for the honourable member. I have not one here, but it has been released to the press, and I will endeavour to get a copy for the honourable member as soon as I can.

Clause passed.

Clauses 8 and 9 passed.

Clause 10—"Remuneration of members."

Mrs. ADAMSON: Are the trust members to be paid on the basis of time spent, or is there to be a set honorarium or fee? What has the Premier in mind?

The Hon. D. A. DUNSTAN: It is normal to have demands of time examined by the Public Service Board and for it to make recommendations for remuneration in respect of all boards. I point out that, if any public servants are sitting on these boards in the course of their specific duties in a certain office, they are not paid fees, because it is a part of what they are already paid for. If other people are sitting on boards, they are paid and their remuneration is recommended by the Public Service Board.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—"Functions and powers of the trust."

Mrs. ADAMSON: This is probably the appropriate clause on which to make the point that should be made: it is important, especially in automated museums, that there should be provision for flexibility that will allow the uncovering of new knowledge to be taken into account and included in the museum. I should like to hear the Premier's comment on that matter and his undertaking that the museum will not be set up in such an automated and mechanised way that it will be static and not able to become dynamic as new research uncovers new aspects.

The Hon. D. A. DUNSTAN: I agree entirely with what the honourable member has said. I expect that numbers of areas will have changes in exhibitions quite steadily in the

museum. I do not expect that it will be a set show for all time, not to be changed. There would be more material than we could possibly show at any one time even in this museum, and it will be necessary, to keep liveliness and interest and to take account of new discoveries historically, to be able to change various aspects of the presentation from time to time, and that is intended.

For instance, in the *son et lumiere* presentation within the Chamber it is intended that certain topics and the debate on them will be used from time to time. So, one will come in there as if a debate was proceeding, and one will hear voices actually debating. Those topics will be changed from time to time, because there are many topics over which they could range. So, it is intended to have the type of flexibility suggested by the honourable member.

Mr. WILSON: The powers contained in this clause are extensive. Are these the usual powers that are vested in this type of legislation? The powers conferred under a previous clause that we passed could be delegated to one person. Is that usual practice?

The Hon. D. A. DUNSTAN: It is usual practice for the Parliamentary Counsel to make certain that we do not have to come back here and ask for something else that is found the people do not have power to do. He has gone through the proposal and put in a comprehensive set of powers in a form that is as near to standard as he can get.

Mrs. ADAMSON: Regarding subclause (1) (g), what guarantee is there that the museum will co-operate with existing bodies such as the South Australian Historical Society and the Royal Geographical Society, and how can it be ensured that there will be no duplication of function?

The Hon. D. A. DUNSTAN: We have tried to ensure that there is not duplication of function, simply because we do not want to waste cash in this area. By having someone such as Dr. Tregenza associated with this development, we would anticipate being able to keep closely in touch with what was being done by other bodies and to encourage them to co-operate with the Constitutional and Historical Museum so that they might combine with it in the preparation and dissemination of material.

Mrs. ADAMSON: I am greatly reassured by the knowledge that a scholar of Dr. Tregenza's calibre will play a leading role in this museum.

Clause passed.

Clauses 15 to 19 passed.

Clause 20—"Budget."

Mr. WILSON: Is the Minister bound to report to Parliament, or will the financial results for the year be tabled?

The Hon. D. A. DUNSTAN: Any support of the budget would have to come from revenue and, in these circumstances, would be subject to Parliamentary debate, because provision will be made in the lines in the Estimates. The Minister would have to approve the budget beforehand. That budget itself does not come before Parliament, but the vote of the money is discussed in the Estimates debate.

Clause passed.

Clause 21—"Accounts."

Mr. NANKIVELL: I am pleased that the Minister will cause a copy of the audited accounts of the statutory authority to be laid before Parliament. In such audited accounts, will there be, as there would be in a balance sheet, a record of borrowings and repayments, etc.?

The Hon. D. A. DUNSTAN: Yes.

Clause passed.

Clause 22 to 25 passed.

Clause 26—"Regulations."

Mrs. ADAMSON: Subclause (1) (d) provides for the recovery of charges for admission to the museum. If such

charges are made, it is important that all persons under 18, ail students and also pensioners be exempt from them, to encourage visits to the museum by people in those age groups.

The Hon. D. A. DUNSTAN: I cannot give the honourable member a guarantee on that score, but I imagine that, with people of that kind, if a charge was made, it would not be a big one. The charge made for the Chinese Exhibition for instance was not great, and 80 000 people including many pensioners and students found it possible to visit the exhibition. It is a matter that must be left to the discretion of the trust to examine the working of the museum and possibly to make a small charge. To

charge an admission fee at Birdwood Mill Museum was found to be a sensible course. That charge has not limited people's attending there; in fact, the museum has been doing better than anticipated.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.57 p.m. the House adjourned until Tuesday, March 7, at 2 p.m.