HOUSE OF ASSEMBLY

Tuesday, March 14, 1978

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

SOUTH AUSTRALIAN HERITAGE BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: SUCCESSION DUTIES

The Hon. D. A. DUNSTAN presented a petition signed by 29 residents of South Australia, praying that the House would urge the Government to amend the Succession Duties Act so that the position of blood relations sharing a family property enjoy at least the same benefits as those available to other recognised relationships.

Petition received.

PETITIONS: MINORS BILL

Mrs. ADAMSON presented a petition signed by 179 residents of South Australia, praying that the House would reject any legislation that deprived parents of their rights and responsibilities in respect of the total health and welfare of their children.

Mr. BECKER presented a similar petition signed by 158 residents.

Petitions received.

CONSTITUTION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1976. Read a first time.

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

That this Bill be now read a second time.

This short Bill is introduced as a consequence of certain advice given to the Government by its legal advisers. Briefly, this advice suggests that section 71 of the Constitution Act, 1934, and the corresponding previous enactments have, since 1856, operated so as to render formally invalid most of the instruments to which it relates.

Section 71 provides:

> No officer of the Government shall be bound to obey any order of the Governor involving any expenditure of public money, nor shall any warrant for the payment of money, or any appointment to or dismissal from office be valid, except as provided in this Act, unless the order, warrant, appointment, or dismissal is signed by the Governor, and countersigned by the Chief Secretary.

An examination of a sample of relevant Executive Council minutes going back some 80 years suggests that few, if any, could properly be described as being countersigned by the Chief Secretary, and there is a distinct possibility that they would all be invalidated by the provision.

The normal course of events within living memory in Executive Council has been that a recommendation has been signed to the Governor by officers of Executive Council. The signature has either been by the Premier or by a Minister acting for the Premier. There has been no countersignature of any of the documents. That applies to all Governments for the whole of this century, and certainly as far back as we have checked in the last century.

I shall give members a few examples. In 1891, the then Premier, Mr. Thomas Playford, signed as Prime Minister (the title of convention of referring to the chief Minister of the State as "Premier" had not then become current practice throughout Australia), and the only signature was by Mr. Playford as Prime Minister, and the Governor approved. In that same year, Mr. Bray, who was Chief Secretary, signed, but he signed for the Prime Minister; the Governor approved. There was no countersignature by him as Chief Secretary.

In 1894, Mr. Kingston signed as Premier, but there was no Chief Secretary's signature. In 1915, Mr. Butler, as he then was, signed as Acting Premier, and the Governor approved: there was no countersignature of the Chief Secretary.

Mr. Millhouse: What documents are these—are they appointments?

The Hon. D. A. DUNSTAN: They are appointments.

Mr. Millhouse: Of what and whom?

The Hon. D. A. DUNSTAN: Of persons to public office.

Mr. Millhouse: Can you give me the details?

The Hon. D. A. DUNSTAN: I cannot give the exact details, but I shall deal with the schedules in a moment. In 1930, Mr. Lionel Hill signed as Premier, and the Governor approved. In the Playford Government appointments were made in that way, either under the signature of the Premier or of a Minister on behalf of the Premier, until 1955, when appointments and other recommendations were made in the form of schedules for the first time by Executive Council: that is, there was a blanket recommendation of appointments to public office by a schedule.

The first set of recommendations by schedule was signed by Mr. Malcolm McIntosh, as he then was, as Minister of Works, not Chief Secretary, for the Premier. In 1955, Sir Lyell McEwin in Executive Council signed another set of schedules for appointment to public office. He was Chief Secretary, but he signed for the Premier, and did not countersign as Chief Secretary. In the same year, Mr. Hincks, as I think he then was (later Sir Cecil Hincks), also signed documents in Executive Council for the Premier.

We have checked back as to whether there was any provision at any time varied in Executive Council in living memory for a countersignature by the Chief Secretary, and it seems that the only thing that began to approach this was that an instruction was issued as to the way in which Executive Council should deal with documents before it, and the then Under Secretary said that the Governor's signature should be blotted by the Chief Secretary.

Mr. Millhouse: When was this?

The Hon. J. D. Corcoran: I should think that was very necessary.

The Hon. D. A. DUNSTAN: Mr. King was the Under Secretary at the time, so that it was in the latter years of the Playford Government.

Mr. Millhouse: I suppose he used a pen and not a biro.

The Hon. D. A. DUNSTAN: I do not think that they were using a quill at that time, but the signature needed to be blotted. In consequence, it would seem that all present appointments to public office in South Australia could have their validity challenged. In the case of judges, given a recent decision in a case relating to the Industrial Court, it would seem that judges may continue to exercise

jurisdiction until challenged by a writ of *quo warranto*, which is a prerogative writ that still exists in South Australia and which could call into question the exercise of office. Any judge being challenged by a writ of *quo warranto* would then be in difficulties as to continuing to sit in the jurisdiction for which he had been appointed, and that applies to magistrates as well as to justices of the peace. In addition to that, senior officers of the Police Force and all senior public servants are appointed by Executive Council and, in consequence, the exercise of their office could be called in question. It is necessary for us to ensure that that situation does not continue if, in fact, government and the discharge of judicial duties in South Australia are to be effective.

Mr. Tonkin: The judges can continue to sit if they're not challenged?

The Hon. D. A. DUNSTAN: Yes, provided that they are not challenged, but the moment that this matter is public (as it now is), anyone wanting to hold up a measure, to challenge an appointment, or to contest the jurisdiction of a judge could immediately issue a writ of *quo warranto*.

Mr. Chapman: You're hurrying to make it public.

The Hon. D. A. DUNSTAN: How else was I to act? Obviously, it is necessary for us to deal with this matter at the earliest possible moment and to remedy what has been a defect of Governments of all political Parties within living memory in South Australia.

Dr. Eastick: When did the deficiency become known?

The Hon. D. A. DUNSTAN: The question was raised by the Solicitor-General with me at the end of last week. We have had to do research on it and to get up the law on the matter in the intervening period. The Solicitor-General raised this matter with us in checking material that was to go before the Royal Commission. That was where it originally arose.

Mr. Goldsworthy: Mr. Salisbury's dismissal was not legal.

The Hon. D. A. DUNSTAN: Neither was the appointment. So, I do not think that that proves anything.

Mr. Tonkin: That's not what the Solicitor-General was reported as saying. He said that the appointment was constitutional.

The Hon. D. A. DUNSTAN: That is open to question also on the advice to us, because there is no countersignature anywhere of any kind. The Chief Secretary, even where he has signed the document, has done so not as Chief Secretary but for the Premier.

Mr. Tonkin: Did he sign it himself in the case of the original appointment?

The Hon. D. A. DUNSTAN: Yes. The honourable member apparently considers that he has a wide knowledge of the law. I can only tell him that that is a matter which is extremely arguable. In consequence, it would seem on one line of argument, very strongly supported, that no single document, whether or not the Chief Secretary chanced to be the Minister signing for the Premier, is valid within living memory. In fact, most of the documents were not signed by the Chief Secretary: they were signed by other Ministers or by the Premier.

Mr. Goldsworthy: You woke up when they asked for the dismissal notice, is that it?

The Hon. D. A. DUNSTAN: That is when the Solicitor-General drew my attention to the matter; that is when he first found it. It is extraordinary that it has not arisen at any time in the past 100 years.

Members interjecting:

The SPEAKER: Order! The honourable Premier has the floor.

The Hon. D. A. DUNSTAN: I point out that this practice existed under Governments of Liberal persuasion. It existed during the period when the member for Mitcham was Attorney-General in a Liberal Government, and during the period when the Hon. Mr. DeGaris was Chief Secretary in a Liberal Government.

Mr. Goldsworthy: You didn't even know you could suspend the Commissioner: that's how dumb you were.

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

The Hon. J. D. Corcoran: All of your predecessors have been dumb then.

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

Mr. Goldsworthy: We knew you could suspend him.

The Hon. D. A. DUNSTAN: I am sorry for the honourable member, but I have had the very best advice from colleagues in the legal profession that my view that that was not a possibility is in fact right.

Mr. Goldsworthy: You'd better read the Acts Interpretation Act.

The Hon. D. A. DUNSTAN: The honourable member is not a lawyer. I advise him that the matter is not confined to questions of the Acts Interpretation Act and that there are High Court judgments in favour of the opinion I gave. I suggest that the honourable member does not proceed to suggest to the House that he is quite as much of a bush lawyer as he would have us believe. He had better go out and do a bit more brewing of billy tea before he gives legal opinions of that kind.

There appears to be no real doubt that the constitutional requirements that should precede actions by His Excellency have *de facto* been complied with; that is, in the very words of section 33 of the Acts Interpretation Act, His Excellency has invariably acted "with the advice and consent of the Executive Council." The original purpose of the provision in the 1855 Constitution was quite clear. At that time, the Governors in several of the States had been acting and issuing orders in the council at times without the consent of their Executive Council. In framing the Constitution in 1855, it was determined by the then Legislative Council in South Australia that that should not happen and that therefore any order in Executive Council should be countersigned by the chief Minister of the Government.

In those days, the chief Minister of the Government was the Chief Secretary. Subsequently, by convention, the chief Minister of the Government came to be the Treasurer. It appears that a practice then grew up for the chief Minister simply to sign the orders into Executive Council but, unlike the warrants for expenditure, those orders were not countersigned. The warrants for expenditure are, in fact, countersigned by the Chief Secretary; that is, they are signed after the Governor's signature by the Chief Secretary, but that has not occurred in the case of appointments or dismissals in Executive Council over practically the whole history of the State, as we can establish it. Therefore, this cannot gainsay the apparent effect of section 71 of the Constitution Act, and in the Government's view any doubts should be resolved as soon as possible.

Clause 1 is formal. Clause 2 amends section 71 of the Constitution Act by substituting for "the Chief Secretary" the passage "a Minister of the Crown". The effect of this amendment is to ensure that the strict terms of section 71 can be complied with without requiring the presence of any particular Minister of the Crown at every Executive Council meeting. Clause 3 formally validates the instruments referred to in section 71 that may be invalidated by operation of that section. From an abundance of caution, any such instruments that may have been invalidated by the corresponding previous enact-

ment, that is, section 33 of the Constitution Act of 1855-6, have also been validated.

It would appear that at least one member opposite has been exercising his mind about this matter, concerning matters before the Royal Commission. I inform the House that, at a meeting of Executive Council today, those matters were dealt with. The Royal Commission has been apprised of that, and an amended term of reference for the Royal Commission appropriately has been provided to the Royal Commissioner. Those documents will be made available to the Opposition before this matter comes before the House again.

Mr. TONKIN secured the adjournment of the debate.

MINISTERIAL STATEMENT: UNIONISM

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I seek leave to make a statement.

Leave granted.

The Hon. J. D. WRIGHT: On February 23, I was asked by the member for Florey in this Chamber and the Hon. Mr. Foster in another place to make a statement on the decision of the High Court of Australia in relation to proceedings for prerogative writs against Justice Gaudron of the Australian Conciliation and Arbitration Commission on behalf of Uniroyal Proprietary Limited. The five separate judgments which constitute the court's decision were delivered on February 22.

I believe it is appropriate to make such a statement, as the decision is one of great significance for South Australia, not only because it concerns a major long-term industrial dispute in this State that has been widely publicised, but also because it canvasses issues of principle which have been frequently debated in this Chamber and elsewhere. I have therefore studied the judgments of the court in this light. Justice Gaudron had inserted in the award a provision requiring the employer to give preference to all members of the union who indicated their desire for employment, excepting only those members whom it had reasonable grounds to believe, after inquiry and trial, to be unsuitable for the work in question. To give effect to this, she provided that applications for employment were to be deferred for two weeks while notice was given to the union, except for members of the union and those who signed a written agreement to join the union.

The employers appealed this decision to a Full Bench of the commission without success. They then took High Court proceedings claiming the decision was outside the powers of the Commission under the Commonwealth Act and the Constitution. In the course of his submissions to the court, senior counsel for the employers made extravagant claims that the provision in question amounted to compulsory unionism, that, if it were upheld, this compulsory unionism would soon cover the whole work force, and that it was unconstitutional.

Certain sections of the media chose to give wide and dramatic publicity to these allegations, in some cases treating them as matters of established fact. Apparently, they are now joined by the member for Alexandra.

Mr. Chapman: You know damned well it's compulsory unionism.

The Hon. J. D. WRIGHT: Just listen. The newsworthiness of the allegations was no doubt enhanced by the fact that the senior counsel in question holds, and has held, high office in the Commonwealth Parliament. A significant feature of the five separate judgments is that they are unanimous in rejecting these claims. Only the member for Alexandra now disagrees.

Mr. Chapman: You should—

The Hon. J. D. WRIGHT: If the honourable member listened he might learn something. All agreed that the provision in question was properly described as preference rather than compulsion, even if in practice it would tend to create a monopoly of union membership. Several of the judges expressed the further view that, even if the award were one for compulsory unionism, there was no constitutional reason why it should be invalid, while pointing out that the question did not arise in the case, as it was clearly a preference clause.

Two of the five judges rejected all of the employer submissions and upheld the award. Two others rejected all except one, and that a technical legal submission that, in providing preference not only to unionists but also to people who agreed to join the union, the clause went outside the Commonwealth Act, which only provides for preference to unionists. These judgments recognised that this extension of preference was of practical benefit to the employer and, in their words, "No doubt this approach has a lot to commend it." They are not my words; they are the court's words. They were nevertheless constrained to rule it invalid.

The fifth judgment agreed on this point, and also accepted the employer's submissions in relation to a technical but constitutional point based on the form of the original log of claims.

The practical result, of course, is that the award was ruled invalid by a 3-2 decision, a narrow margin in itself, but more so when the legal and somewhat technical basis of the majority judgments are analysed. In fact, all decisions provide substantial legal support for the general concepts of preference to unionists as detailed in Justice Gaudron's award. I point out that those concepts and principles are similar in effect to those which have been appointed by this Government for its Legislative programme and as a major employer in practice.

As the Minister responsible for industrial relations, I welcome the unanimous affirmation of the highest court in the land that our policies fall squarely within the description of preference to unionists. It is also implicit in the decision that such preference is legal, constitutional and proper. Our policies are no different in substance from those which might properly be applied in Federal awards.

Mr. Dean Brown: Under the Commonwealth Act and not under the State Act. It's a different Act.

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

The Hon. J. D. WRIGHT: Members opposite do not like this interpretation. In framing amendments to the Industrial Conciliation and Arbitration Act to allow the Industrial Commission to award effective preference to unionists, we have stated on many occasions that we intend no more than to give it the same powers as are enjoyed by the Australian commission and those in other States. This decision of the High Court that even the Opposition recognises as an industrial landmark effectively removes all legitimate grounds of objection to a measure which is, quite clearly, one of preference and not compulsion.

For the parties directly concerned in the dispute, I point out that the court's decision in no way disposes of the dispute which is now many years old. One way or another the question must be settled or relitigated, and I hope common sense will prevail and the parties turn to conciliation and reach some amicable settlement rather than waste resources in further protracted litigation.

QUESTIONS

LEASEHOLD LAND

In reply to **Mr. RUSSACK** (February 23).

The Hon. D. A. DUNSTAN: The Government is at present reviewing the policy of freeholding.

PORT LINCOLN ROADS

In reply to **Mr. BLACKER** (February 28).

The Hon. G. T. VIRGO: Subject to the availability of funds, the programme for the western approach to Port Lincoln is as follows:

1. 1977-78:

Complete the approaches to the new Dublin Street bridge.

2. 1978-79:

(a) Construct Porter Street from King Street to Edinburgh Street.

(b) Construct a new road between Blackman Place and the intersection of Le Brun Street, Mortlock Terrace and Sleaford Terrace.

(c) Construct a roundabout at the above intersection.

(d) Construct portion of Mortlock Terrace south of the roundabout.

3. 1979-80:

(a) Construct Mortlock Terrace from the end of the work in paragraph 2 *(d)* to Barley Road.

(b) Construct a new road from Barley Road to the Freezers-Pines Road.

The above work will complete the project.

ELECTION CANDIDATES

Dr. EASTICK (on notice):

1. What is the Government's policy on candidates for election who are in Government employment in respect of either resignation or continuation of employment?

2. If the policy varies from department to department or authority to authority, what are the differences, and why?

3. What is the Government's policy in respect of either immediate or delayed re-employment for unsuccessful candidates and, if there is a variance, what are they and why?

4. Have any or all of the candidates who resigned from Government employment prior to the September 17 election lost any service entitlement and, if so, what are the details in each case and, if there is a variation in respect of any of the candidates, who are they and what are the reasons for the variation?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The Government's policy is to encourage employees contesting elections to resign prior to the election and to seek re-employment afterwards if unsuccessful. Employees not wishing to do this are permitted to take recreation leave prior to the election or to continue in employment if practical. The regulations make special provision for resignations and re-employment of employees contesting elections.

2. The policy does not vary from department to department, although some departments may be more inclined to suggest resignation than others.

3. The Government is willing to re-employ candidates as soon as it is clear that they have been unsuccessful. There have been some variations between departments as to the time of resignation. Some have re-employed candidates immediately it was clear that they were unsuccessful and others have advised candidates to wait for the declaration of the polls. Under the Public Service Act, a period of two months is allowed within which to re-employ an unsuccessful candidate.

4. Those candidates who resigned were treated as being on leave without pay between the date of resignation and the date of re-employment. Their continuity of service was not broken, but other leave entitlements may have been reduced. In the Public Service, up to 22 days leave without pay may be taken in a year without affecting other leave entitlement.

FLINDERS ISLAND

Mr. GOLDSWORTHY (on notice): Are negotiations continuing between the National Parks and Wildlife Division and Mr. Ken Eustice to buy Flinders Island in the Great Australian Bight and, if not, are any other proposals being considered by the Government in relation to Flinders Island?

The Hon. D. A. DUNSTAN: No. There are no other proposals being considered.

TRAIN CONTRACT

Mr. CHAPMAN (on notice):

1. By what means will the Government finance the $17 000 000 train contract announced and confirmed by the Minister of Transport on February 16, 1978?

2. If part or the whole of the funds are to be borrowed—

(a) what is the source of the funding and has it yet been obtained;

(b) what interest and capital repayment arrangements are applicable to the funding;

(c) on what date is repayment to commence; and

(d) are any forward payments required before delivery and, if so, how much and when are such payments to be made?

3. Was a feasibility and economic study into this project undertaken by the Government and, if so, by whom and will the Minister table the reports and, if not, why not?

4. What were the economic details, if any, that encouraged the Government to proceed with letting the contracts?

5. What is the anticipated effective life of the trains and associated equipment in this project?

6. What is the anticipated annual return on the capital so expended?

The Hon. G. T. VIRGO: The replies are as follows:

1. Finance will be provided from funds allocated through the State Budgets. It is also expected that some financial aid by means of Commonwealth grants under the provisions of urban public transport improvement legislation will be directed toward the purchase of this rolling stock.

2. The normal arrangements for borrowing loan funds via the Australian Loan Council procedures will be adopted with some expected non-repayable grants as mentioned in the earlier part of this answer to the question. Under the conditions of the contract, the supply of the goods or services of subcontractors will require payment upon satisfactory completion of that subcontract. For example, the subcontract supplier of engines for the rail cars will require payment upon delivery and satisfactory inspection of these engines at the agreed contract rate per engine.

3. The S.T.A. examined its future rolling stock requirements and presented the Government with a report

accordingly. This was an internal Government report and it is not proposed that it should be a public document.

4. See No. 3 above.

5. The stainless steel bodies will have a life of approximately 50 years and the engines approximately 30 years.

6. It is not considered this information should be publicly released.

INDUSTRIAL DEMOCRACY CONFERENCE

Mr. DEAN BROWN (on notice): What is the total anticipated cost to the Government of the International Industrial Democracy Conference to be held in Adelaide during May-June of this year, and what is the anticipated break-down of these costs?

The Hon. D. A. DUNSTAN: As indicated in the Estimates of Expenditure for the financial year ended June 30, 1978 (P.P. 9), as approved by Parliament, $40 000 has been voted for the Conference under Part II—Premier, Miscellaneous. Some additional expenditure may be incurred, but the total cost cannot be accurately determined until the number of registrants (at $175 per person) is known.

INDUSTRIAL DEMOCRACY POLICY

Mr. DEAN BROWN (on notice): How many South Australian companies to the knowledge of the Unit for Industrial Democracy, have adopted the full structural changes up to and including the board as outlined in the 1975 Industrial Democracy Policy Statement of the Labor Government, and what is the name of each company?

The Hon. D. A. DUNSTAN: None.

INDUSTRIAL DEMOCRACY PROGRAMMES

Mr. DEAN BROWN (on notice):

1. In which Government departments have industrial democracy programmes been adopted as at January, 1978?

2. What is the anticipated additional expenditure for 1977-78 for each department as a result of such programmes?

3. What is the anticipated total number of manhours for each department in 1977-78 that will be spent by employees on both salaries and wages, in any aspect of industrial democracy programmes and what is the anticipated total cost of wages and salaries for these manhours?

4. For which departments were papers prepared on the proposed budget and accounting arrangements for industrial democracy programmes in 1977-78, and will the Premier table each of these papers and, if not, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No industrial democracy programme is adopted. They develop pragmatically and flexibly.

2. Vide No. 1.

3. The time spent by employees on industrial democracy programmes is not separately recorded, but it is not expected that there will be any increase or decrease in expenditure in any department as a result.

4. I am aware of only one department that has prepared a form of budget and accounting arrangements for industrial democracy programmes. Although the member for Davenport was provided with a copy of the document that contained those arrangements, it has now been found that the calculations made therein were based on faulty premises. It would, therefore, be inappropriate to table the document.

Mr. DEAN BROWN (on notice):

1. In which statutory authorities have industrial democracy programmes been adopted as at January, 1978?

2. What is the anticipated additional expenditure for 1977-78 for each authority as a result of such programmes?

3. What is the anticipated total number of manhours for each authority in 1977-78 that will be spent by employees, on both salaries and wages, in any aspect of industrial democracy programmes and what is the anticipated total cost of wages and salaries for these manhours?

4. For which authorities were papers prepared on the proposed budget and accounting arrangements for industrial democracy programmes in 1977-78, and will the Premier table each of these papers and if not, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No industrial democracy programme is adopted. They develop pragmatically and flexibly.

2. Vide No. 1

3. Not known.

4. Not known.

JUSTICES OF THE PEACE

Mr. ALLISON (on notice):

1. Will the Minister make available a comprehensive and up-to-date list of names and addresses of justices of the peace appointed to the South-East of South Australia and have such list published in local newspapers to assist the public in locating justices?

2. Will the Minister make available, free of charge to justices, copies of the publication *Handbook for Justices* by Mr. Justice Marshall?

3. Will the Minister encourage the commencement of the regional further education courses of instruction for justices of the peace so that they may be more fully educated in local court procedures?

The Hon. PETER DUNCAN: The replies are as follows:

1. Lists of justices of the peace are kept at each country police station, and the police officers are regularly advised of new appointments and any relevant changes of address that my office is advised about. It is, I think, fairly well known to country people that their local police station has a list of justices. It is not considered necessary to publish lists in local newspapers, nor is it intended to do so.

2. No. Copies of the *Handbook for Justices* are kept at all courts of summary jurisdiction and are made available to justices who sit on the bench. The handbook is available for purchase privately from Government Publications Sales, Grenfell Centre Plaza, 25 Grenfell Street, Adelaide.

3. Yes.

BANKS AMALGAMATION

Mr. BECKER (on notice):

1. What are the recommendations of a report prepared by the Economics Division of the Economic Development Department into the amalgamation or integration of the State Bank of South Australia and the Savings Bank of South Australia?

2. When was the report prepared and by whom?

The Hon. D. A. DUNSTAN: I can discover no such report as is described by the member's question.

STATUTORY AUTHORITIES

Mr. BECKER (on notice):

1. Which statutory authorities did not comply with the request to transfer their banking accounts to the State Bank of South Australia or the Savings Bank of South Australia by December 31, 1977, and what reasons were given for refusal?

2. What action does the Government now propose to take to enforce the request?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The following organisations have retained their previous banking arrangements with banks other than the State Bank or Savings Bank of S.A. with the approval of the Government.

(a) Samcor. This corporation has a substantial overdraft with the Bank of Adelaide.

(b) Betting Control Board. The board's bank account with the A.N.Z. bank is only used as a clearing account to the Reserve Bank. There are also strong security reasons for the board maintaining its present account with the A.N.Z. Bank.

(c) Totalizator Agency Board. Its banker, the Bank of Adelaide, has provided overdraft facilities together with substantial sums to the board under the semi-governmental borrowing programme. The position, however, will be reviewed in two years time.

(d) State Lotteries Commission. There are special security considerations involved in the commission's banking arrangements with the Bank of N.S.W. Furthermore, the bank provided funds for the building of the commission's headquarters.

(e) Electricity Trust of South Australia. The trust receives considerable support through the private banking system and has been satisfied with the services of the Bank of Adelaide over many years.

(f) Pipelines Authority of South Australia. Similar reasons to *(e)* above.

2. No action is required.

SOUTH AUSTRALIAN DEVELOPMENT 1977

Mr. BECKER (on notice):

1. Why was phase 4 of the construction of Flinders Medical Centre, estimated to cost $23 000 000, included under Building and Construction (commencing on page 33) in the publication *South Australian Development* 1977?

2. When was the project officially cancelled?

3. Are there any other inaccuracies contained in the publication and, if so, what are they?

4. When was the publication compiled?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Phase 4 of the Flinders Medical Centre was included in *South Australian Development* as a major development which had been commenced and on which construction was expected to proceed during 1977 and 1978.

2. Construction of phase 4 of the Flinders Medical Centre has not been cancelled.

3. It is not proper to describe the inclusion of this project in the publication as an inaccuracy.

4. The publication was compiled during the second half of 1977 and submitted for printing in November, 1977.

FROZEN FOOD FACTORY

Mr. BECKER (on notice):

1. What is now the final estimated cost of the centralised frozen food factory at Dudley Park?

2. When will the frozen food factory now commence production?

3. What additions have been made to the original proposal for the factory?

4. What estimated savings in cost can be anticipated from such additions?

5. What is the estimated cost a meal and overall savings to hospitals and institutions?

6. What is the total amount of professional fees that will be paid for this project?

7. Has any water filtration equipment been installed or is any to be installed and, if so, where and for what purposes?

8. Is all water to the property now filtered and, if not, why not?

The Hon. R. G. PAYNE: The replies are as follows:

1. Approximately $8 611 000.

2. Initial food production commenced on October 25, 1977.

3. An increase in floor area of 11 per cent; the provision of four full-size package and freezing lines instead of three full-size lines and one half-size line as originally proposed; additional equipment and modifications to proposed equipment.

4. None. The additions are modifications seen to be necessary for efficient future operating procedures as the design and construction programme progressed.

5. $1·25. It is not possible to isolate and quantify the indirect and overhead costs of a kitchen and catering service within the total complex of a major hospital. However, identifiable savings are: reduction in labour costs in hospitals; up to 20 per cent in food costs for kitchen waste; up to 15 per cent in food at ward level; a major reduction of the capital cost for conventional kitchens in institutions.

6. Approximately $1 100 000.

7. No.

8. Yes.

PENANG WEEK

Mr. BECKER (on notice):

1. What plans have been formulated at this stage for Adelaide Week in Penang later this year?

2. Who is in charge of the arrangements and—

(a) what is the estimated or total cost of preliminary arrangements to date;

(b) how many visits to Penang have been made by such officers and when; and

(c) how many more visits are proposed or planned and by whom?

3. Which aircraft has been or will be chartered to take the South Australian contingent to Penang and what is the estimated total cost of the charter and—

(a) what is the estimated number of persons likely to be transported by the chartered aircraft;

(b) how many fare-paying persons will be accepted and what is the estimated fare; and

(c) how many fares will be paid for by the Government and what categories will they represent?

4. What is the total estimated cost of Adelaide Week in Penang and how is the amount arrived at?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The plans formulated for Adelaide Week in North Malaysia during November-December, 1978, are subject to confirmation with the Malaysian authorities and at this stage are only of a conceptual nature. The concept formulated includes an audio-visual display, a small

professional theatre group, musicians, and Australian style barbecues. It is planned to play soccer matches with a representative South Australian team and the North Malaysian States. It is planned to include schoolchildren in the interaction process and interested groups within the community will be invited to join the contingent.

2. The South Australian Government has appointed a board of management to determine policy and guidelines to an executive officer and a working group who will be responsible for carrying out detailed planning for Adelaide Week in North Malaysia, 1978. The board of management comprises the following persons:

Mr. G. J. Inns (Chairman) Director-General, Premier's Department.
Mr. R. D. Bakewell, Director-General, Department of Economic Development.
Mr. J. Parkes, Manager, Publicity and Design Services, Premier's Department.
Mr. G. Joselin, Director of Tourism, Tourism, Recreation and Sport Department.
Mr. M. L. Liberman, Company Director.
Mr. J. A. Uhrig, Managing Director, Simpson Pope, and
Mr. D. Harwood, Member, Adelaide City Council.

(a) No costs have been debited to the project as at March 7, 1978.

(b) As at March 7, 1978, no visits have been made to Penang although the Director-General of my department held preliminary discussions with Penang officials when he and I visited Malaysia in November last year.

(c) Three officers will be visiting the North Malaysian States during late March to early April, 1978, to carry out pre-planning discussions with the North Malaysian authorities.

All officers are employees of the Premier's Department.

3. A decision has not been made regarding the charter flight to Penang in November, 1978. Negotiations are continuing.

(a) It is proposed that approximately 400 people are likely to be transported by charter aircraft.

(b) A final decision has not been made regarding the fare-paying persons and the board of management has not made a final decision on the fare to be paid for the charter flight.

(c) No decision has been made regarding the persons travelling at Government expense.

4. Cabinet has approved in principle the staging of an Adelaide Week in North Malaysia during November-December, 1978. The estimated cost has an upper limit of $300 000.

LAND CLEARANCE

Mr. WOTTON (on notice): Has the Government received any reports of an acceleration in land clearance as a result of the release of a report which called for it to be curbed and, if so, what action, if any, does the Government plan regarding the situation?

The Hon. J. D. CORCORAN: There has been a temporary increase in the actual clearance of scrub following the release of the vegetation clearance report. This has been mainly attributed to some farmers on the West Coast and in the Murray Mallee, panic clearing land in the mistaken belief that the report was proposing a ban or freeze on further clearance. Studies are at present being made on 43 submissions which have been received since the release of the vegetation clearance report. Statistics from the Agriculture and Fisheries Department regarding past clearance approvals are also being analysed.

COAST WATCHERS

Mr. WOTTON (on notice):

1. Is the coast-watcher system, which was devised by the Coast Protection Board and set up as a pilot scheme in 1975, still in operation and, if not, why not?

2. If it is still in operation:

(a) which sections of the coastline are being watched under this system and how many people are involved; and

(b) are the watchers working on a voluntary basis and, if not, how are they paid?

The Hon. J. D. CORCORAN: The replies are as follows:

1. No. The coast-watcher system was set up as a trial to examine the feasibility and usefulness of measuring various coastal parameters on a daily basis and to determine the amount of supervision which would be needed. This purpose has been achieved and the trial was, therefore, discontinued in November, 1977.

2. Vide 1.

RECREATION PARKS

Mr. WOTTON (on notice):

1. What is the total expenditure for the year 1977 for each of the following recreation and conservation parks—

(a) Cleland Conservation Park:
(b) Para Wirra Recreation Park;
(c) Belair Recreation Park; and
(d) Morialta Recreation Park?

2. What was the total revenue gained by the Government for each of the above parks for the year 1977?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Direct revenue and loan expenditure for financial year 1976/77 was:

(a) $201 000
(b) $131 000
(c) $340 000
(d) $70 000

Total annual expenditure is not currently identified to specific parks. Direct costs are segregated to parks while service costs (for example, planning, administration, fire protection, etc.) are costed by function.

2. Revenue for the financial year 1976/77:

(a) $33 000
(b) $8 000
(c) $37 000
(d) $2 000

BIRDS

Mr. WOTTON (on notice): What plans does the Government have for this season in regard to the trapping of birds which are damaging apple and other orchard crops?

The Hon. J. D. CORCORAN: It is intended to continue the programme of trapping pest bird species.

RUTHVEN MANSIONS

Mr. BECKER (on notice): If Ruthven Mansions is to be demolished will the Government donate to the National Trust and/or its branches items of historical interest such as the iron entrance gates and the iron lacework for use in restoring historical buildings?

The Hon. D. A. DUNSTAN: The Government will

consider any approach by the National Trust on the preservation of items of historical interest from Ruthven Mansions. However, additional approaches have been made by groups interested in restoring the building as a whole. These are being considered.

INDUSTRIAL DEMOCRACY

Mr. DEAN BROWN (on notice): Who were the industry leaders from South Australia who applauded the Premier's recent remarks on industrial democracy at the Australian Administrative Staff College, as claimed by the Premier in an interview with the A.B.C.?

The Hon. D. A. DUNSTAN: The lecture which I gave at the Australian Administrative Staff College was the luncheon speech to the whole course. This was for the top executives of major companies throughout Australia including executives from South Australian companies. The member is aware of the large size of these audiences. There was a lengthy question time, and it was obvious to all that what I had to say was well received.

Mr. DEAN BROWN (on notice):

1. Will the Minister of Labour and Industry release a copy of the five page submission on industrial democracy which was presented to the recent meeting of Federal and State Ministers and, if not, why not?

2. Are such Ministerial conferences confidential and, if so, why did the Minister release details of the submission to the press?

The Hon. J. D. WRIGHT: The replies are as follows:

1. In view of the interest the member has now shown in the paper on industrial democracy I presented to the Ministers of Labour Conference held on February 24, 1978, I have sent a copy to him. I would have sent one earlier had he indicated to me his interest.

2. While discussions at Ministerial conferences are confidential, it has been accepted that each Minister is free to make his own press statement regarding the discussions, should he think it appropriate to do so, without disclosing anything said in confidence.

Mr. R. I. BAIL

Mr. BECKER (on notice):

1. When was Mr. R. I. (Danny) Bail appointed to the Premier's Department?

2. What position did he hold and what was his annual salary and allowances, if any?

3. What were the reasons for termination of his employment and what was the date of the termination?

4. Did Mr. Bail commit any misdemeanours whilst in the employ of the Premier's Department and, if so, what were they?

5. Upon whose recommendation was he employed?

6. Was a security check made before Mr. Bail was appointed to his position?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Mr. Bail's date of appointment was August 16, 1976.

2. His position was Ministerial Officer Grade Five. Annual salary was $12 217 as at 17/12/77, plus 10 per cent loading for overtime.

3. With the creation of the Ethnic Affairs Unit it was considered that the work load of the Inquiry Unit was reduced, and it was felt the numbers of staff could be reduced accordingly.

4. Not so far as we know—no charges were made against Mr. Bail.

5. On the recommendation of my Senior Inquiry Officer in consultation with my Private Secretary who is responsible for the Inquiry Unit.

6. No security checks are made on officers.

PREMIER'S DEPARTMENT

Mr. BECKER (on notice): What Ministerial or private staff outside the Public Service have been engaged in the Premier's Department since July 1, 1976, and—

(a) who were the persons engaged;
(b) what were their positions;
(c) what were their annual salaries and allowances;
(d) what were their dates of birth; and
(e) what were their previous positions or employment?

The Hon. D. A. DUNSTAN: I refer the honourable member to previous answers and suggest he serves his electorate more efficiently by reading *Hansard.*

ENVIRONMENT DEPARTMENT

Mr. MILLHOUSE (on notice):

1. What is the definition of the Environment Department of a "senior officer"?

2. How many persons holding positions in the National Parks and Wildlife Division of the Environment Department have resigned in the past 12 months and—

(a) who are they;
(b) what position respectively, did each hold;
(c) what was the reason in each instance, for the resignation; and
(d) has each position thus made vacant since been filled?

The Hon. J. D. CORCORAN: The replies are as follows:

1. A branch head or above.

2. Twelve.

(a) Mr. J. E. N. Smith
Mr. G. C. Cornwall
Dr. T. J. Fatchen
Mr. J. K. Abbott
Mr. B. M. Eves
Mr. J. J. Barnes
Mr. B. Calderwood
Mr. L. Grasby
Mr. R. Fisher
Miss S. Mahalm
Miss K. Lewis
Mr. R. McRorie

(b) Superintendent, Central Region
Senior Ranger, Northern Region
Scientific Officer Grade I, Projects and Resources Sect.
Fauna Control Officer
Senior Inspector
Maintenance Worker, Morialta Conservation Park
Maintenance Worker, Cleland Conservation Park
Maintenance Worker, Golf Course, Belair Recreation Park
Maintenance Worker, Morialta Conservation Park
Maintenance Worker, Athelstone Wildflower Garden
Park-keeper, Belair Recreation Park
Maintenance Worker, Morialta Conservation Park

(c) Reasons have not been given in several instances. Where reasons have been given, they are considered confidential.

(d) All positions have been filled with the exception of Superintendent, Central Region; Senior Ranger, Northern Region; Scientific Officer Grade I, Projects and Resource Section; Senior Inspector.

FULHAM LAND

Mr. BECKER (on notice): What amount did the sale of Highways Department land situated at the corner of Henley Beach Road and Ayton Avenue, Fulham, realise?

The Hon. G. T. VIRGO: The sum of $125 000.

STATE GOVERNMENT REGIONAL OFFICES

Mr. GUNN (on notice): Is Whyalla no longer a regional centre and if so how many—

(a) new offices will be established in the future at Port Augusta;

(b) State Government Regional Offices will be remaining at Whyalla;

(c) offices are being transferred to Port Lincoln or elsewhere; and

(d) new employees will be stationed at Port Augusta?

The Hon. D. A. DUNSTAN: The report of the Committee on Uniform Regional Boundaries recommended that Port Augusta be nominated as the regional administrative centre for the Northern Region with Whyalla as a sub-regional centre. In the light of current employment problems being experienced in Whyalla, Cabinet directed that these proposals be re-examined. The Whyalla Task Force has reported on this matter to the Co-ordinating Committee on Regional Administration, and the report will be considered by Cabinet shortly.

EDUCATION DEPARTMENT

Mr. MILLHOUSE (on notice): What has been the increase, if any, since July 1, 1977, in the number of—

(a) teachers in the Education Department;

(b) teachers in the Department of Further Education; and

(c) daily-paid workers, on average, in each department in which they are employed?

The Hon. D. A. DUNSTAN: The replies are as follows:

(a) 70.

(b) 42.

(c) Education Department 7.
Department of Further Education 23.

ROAD WIDENING

Mr. MILLHOUSE (on notice):

1. When, if at all, is it now proposed to widen the whole or part and, if so, which part, of Cross Road between Duthy Street and Goodwood Road?

2. By how much is it to be widened?

3. On which side is the widening to be made?

The Hon. G. T. VIRGO: The replies are as follows:

1. The Highways Department has no current proposals for widening the pavement of Cross Road between Duthy Street and Goodwood Road.

2. Not applicable.

3. Not applicable.

STATE LIBRARY

Mr. MILLHOUSE (on notice): Is there a position of Assistant State Librarian and if so—

(a) is it filled at present and by whom; or

(b) is it at present vacant and if so, for how long has it been vacant, what is the reason for its being vacant and when is it to be filled?

The Hon. D. J. HOPGOOD: The replies are as follows:

Yes.

(a) No.

(b) The position has been vacant since June 18, 1976. It has been advertised three times, including once overseas. An appointment was made in August, 1977, but after a lengthy delay the appointee decided not to take up the appointment. Further advertising of the position has been delayed pending the outcome of a Public Service Board review of the Libraries Department.

DENTAL DEPARTMENT

Mr. BECKER (on notice):

1. What is the current waiting time for pensioners requiring dental treatment and dentures at the Royal Adelaide Hospital?

2. What is the reason for the delay?

3. What action is being taken to reduce the waiting time?

The Hon. R. G. PAYNE: The replies are as follows:

1. This varies with the type of treatment required and is difficult to estimate because many persons obtain treatment elsewhere without informing the hospital.

2. Requests for treatment are beyond the capacity of the Dental Department, which is principally a teaching centre.

3. The staff and facilities of the Dental Department are being used to the maximum and there are no short-term plans to increase the output of the department.

WOMEN PRISONERS

Mrs. ADAMSON (on notice):

1. What activities are available to women prisoners in South Australia?

2. Are there any skills or trades taught and if so, what are they?

The Hon. D. W. SIMMONS: The replies are as follows:

1 and 2. Due to small numbers of women prisoners, and the comparatively short sentences awarded by courts, the planning of long-term industrial or social activities for women prisoners is extraordinarily difficult. The women perform the requirements of cooking, waitressing, commercial sewing, laundry, etc., which combine training under prison industry officers with the domestic requirements of the institution. Other skills and interests are handled by the education officer. Courses being undertaken by individuals at the present include English II, typing, bookkeeping, fabric craft, introductory accounting, showcard and ticket writing and water colour techniques. At the moment, there are two mothers and babies in prison and the women are receiving instruction in mothercraft from a nurse from the Mothers and Babies Health Association.

GOVERNMENT DEPARTMENTS

Mr. MILLHOUSE (on notice):

1. In which Government departments, since July 1, 1977:

(a) have new positions been created, how many such positions have been created in each department and what are they; and

(b) has there been an increase in the number of public servants and what has been that increase in each department?

2. What is the estimated total annual increase in salaries in each department as a result?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. *(a)*

Department	Position	No.
Agriculture and Fisheries	Quarantine Officer	1
	Senior Agricultural Adviser	2
	Chief Regional Officer	1
	Agricultural Economist	3
	Senior Research Officer	1
	Regional Officer	1
	Agricultural Adviser	3
	Research Officer	2
	Regional Veterinary Officer	1
	Veterinary Officer	3
	Inspector of Stock	3
	Technical Assistant	1
	Field Assistant	2
	Management Services Officer	1
	Clerk (base grade)	2
	Clerk	4
	Office Assistant	2
	Sub-Total	33
Art Gallery	Registrar	1
	Office Assistant	1
	Sub-Total	2
Auditor-General	Auditor, Grade I	2
	Sub-Total	2
Community Welfare	Escort Officer	3
	Senior Escort Officer	1
	Project Officer	1
	Assistant Project Officer	1
	Community Welfare Worker	21
	Staff Development Officer	1
	Clerk (base grade)	2
	Office Assistant	2
	Sub-Total	32
Corporate Affairs	Senior Inspector	1
	Inspector	3
	Assistant Inspector	1
	Clerk (base grade)	2
	Clerk	1
	Office Assistant	2
	Sub-Total	10
Correctional Services	Prison Officer	15
	Prison Industry Officer, Grade II	1
	Prison Industry Officer, Grade III	1
	Probation and Parole Officer	3
	Senior Probation and Parole Officer	1
	Clinical Psychologist, Grade I	1
	Clerk	1
	Clerk (base grade)	1
	Office Assistant	1
	Sub-Total	25
Economic Development	Chief Project Officer	2
	Project Officer	2
	Manager	1
	Senior Advisory Officer	1
	Senior Administrative Officer	1
	Clerk	2
	Clerk (base grade)	3
	Office Assistant	3
	Sub-Total	15
Education	Principal Education Officer	2
	Regional Director	1
	Regional Guidance Officer	2
	Speech Therapist, Grade I	4
	Senior Internal Auditor	1
	Accounting Officer	1
	Clerk	2
	Clerk (base grade)	3
	Office Assistant	7
	Sub-Total	23
Engineering and Water Supply	Mechanical Superintendent	2
	Assistant Maintenance Superintendent	1
	Senior Technical Officer	1
	Technical Officer	1
	Drafting Officer	1
	Director, Management Services	1
	Engineer	1
	Irrigation Development Officer	1
	Computer Systems Officer, Grade II	1
	Project Officer	1
	Clerk	4
	Clerk (base grade)	5
	Office Assistant	4
	Sub-Total	24
Environment	Assistant Director	1
	Senior Co-ordination Officer	1
	Senior Policy Officer	1
	Project Officer	9
	Assistant Project Officer	3
	Park Manager	1
	Nursery Manager	1
	Scientific Officer, Grade II	1
	Ranger, Grade II	2
	Ranger, Grade I	5
	Assistant Ranger	1

Department	Position	No.
	Clerk	4
	Clerk (base grade)	3
	Office Assistant	4
	Sub-Total	37
Further Education	Technical Officer, Grade I	5
	Senior Library Officer	2
	Librarian, Grade II	1
	Director, Administration and Finance	1
	Accountant	1
	Assistant Accountant	1
	Finance Officer	1
	Management Services Officer	1
	Assistant Management Services Officer	1
	Clerk	3
	Office Assistant	9
	Sub-Total	26
Highways	Senior Safety Officer	1
	Assistant Safety Officer	1
	Sub-Total	2
Hospitals	Staff Specialist	1
	Supervisor, Engineering Trades	1
	Finance Manager	2
	Finance Officer	8
	Administrative Officer	1
	Clerk	1
	Clerk (base grade)	4
	Office Assistant	15
	Sub-Total	33
Housing, Urban and Regional Affairs	Manager, Metropolitan Policy	1
	Manager, Housing Policy	1
	Manager, Forecasting	1
	Chief Projects Officer	4
	Senior Projects Officer	3
	Projects Officer	7
	Sub-Total	17
Institute of Medical and Veterinary Science (not a department)	Senior Administrative Officer	1
	Clerk	1
	Clerk (base grade)	4
	Office Assistant	2
	Sub-Total	8
Labour and Industry	Accounting Officer	1
	Industrial Inspector	1
	Clerk (base grade)	3
	Sub-Total	5
Lands	Senior Drafting Officer	2
	Registration Officer	1
	Assessor	1
	Noting Clerk	1
	Clerk	2
	Clerk (base grade)	7
	Sub-Total	14
Law	Director, Office of Crime Statistics	1
	Statistician	1
	Senior Solicitor	1
	Solicitor, Class I	2
	Inspector	1
	Reporter, Grade III	5
	Assistant Project Officer	1
	Office Assistant	7
	Sub-Total	19
Libraries	Librarian, Grade II	1
	Library Officer	2
	Office Assistant	2
	Sub-Total	5
Marine and Harbors	Senior Market Research Officer	1
	Public Relations Officer	1
	Management Services Officer	1
	Clerk (base grade)	2
	Sub-Total	5
Mines and Energy	Geophysicist, Class IV	1
	Geologist, Class III	1
	Assistant Director	1
	Chief Development Engineer	1
	Engineer	1
	Senior Project Officer	1
	Project Officer	1
	Office Assistant	1
	Sub-Total	8
Police	Clerk	3
	Clerk (base grade)	4
	Computer Systems Officer	15
	Sub-Total	22
Premier's	Senior Project Officer	1
	Project Officer	7
	Assistant Project Officer	2
	Senior Research Officer	1
	Co-ordinator, Community Interpreter Service	1
	Senior Interpreter/ Translator	1
	Interpreter/Translator	1
	Senior Ethnic Information Officer	1
	Ethnic Information Officer	4
	Ethnic Affairs Adviser	1
	Co-ordination Officer	1

Department	Position	No.
	Journalist	1
	Clerk	1
	Office Assistant	5
	Sub-Total	28
Public Buildings	Senior Technical Officer, Engineering	1
	Manager, Central Workshops	1
	Scientific Officer, Class II	1
	Clerk	1
	Sub-Total	4
Public and Consumer Affairs	Deputy Director-General	1
	Senior Management Services Officer	1
	Accounting Officer	1
	Inspector	1
	Senior Project Officer	1
	Assistant Project Officer	1
	Consumer Education Officer	2
	Investigation Officer	3
	Typist in Charge	1
	Clerk	5
	Office Assistant	9
	Sub-Total	26
Public Health (now in Hospitals Department)	Scientific Officer, Grade I	1
	Technical Officer	1
	Regional Dental Officer	4
	Dentist	3
	School Dental Therapist	32
	Dental Technician	1
	Dental Assistant	22
	Instrument Technician	1
	Office Assistant	2
	Sub-Total	67
Public Service Board	Regional Officer	1
	Senior Industrial Officer	1
	Assistant Industrial Officer	1
	Chief Management Services Officer	1
	Senior Management Services Officer	1
	Personnel Officer	1
	Computer Systems Officer	2
	Clerk	1
	Office Assistant	1
	Sub-Total	10
Services and Supply	Computer Systems Officer	3
	Regional Supply Officer	1
	Work Study Officer	4
	Engineer	1
	Senior Administrative Officer	1
	Analyst	1
	Senior Clerk	1
	Clerk	1
	Office Assistant	3
	Sub-Total	16
Tourism, Recreation and Sport	Promotion Officer	1
	Administrative Officer	1
	Receiver of Revenue	1
	Publicity Officer	1
	Senior Recreation Officer	1
	Clerk	1
	Office Assistant	4
	Sub-Total	10
Transport	Licence Examiner	10
	Staff Development Officer	1
	Administrative Officer	1
	Assistant Inspector	1
	Field Officer	1
	Clerk	1
	Sub-Total	15
Treasury	Senior Finance Officer	2
	Finance Officer	1
	Clerk	2
	Office Assistant	2
	Sub-Total	7
Woods and Forests	Senior Technical Officer	1
	Economist	1
	Management Services Officer	1
	Manager, Cavan Distribution Centre	1
	Computer Systems Officer	1
	Project Officer	1
	Ranger	1
	Forester	1
	Sub-Total	8
	Total	558

There were no positions created in the Electoral and Supreme Court Departments.

(b) The table below sets out the information sought; it is pointed out that the statistics should be read in the context of the creation and abolition of departments and the transfer of units between departments within the period mentioned.

Department	No. of Officers as at 14/2/78	No. of Officers as at 30/6/77	Increase or Decrease
Agriculture and Fisheries	787	729	58
Art Gallery	23	23	—
Auditor-General's	100	100	—
Community Welfare	1 171	1 160	11
Correctional Services	530	492	38
Corporate Affairs (created 24/11/77)	32	—	32
Economic Development	55	53	2
Education	968	937	31
Electoral	20	18	2
Engineering and Water Supply	1 674	1 657	17
Environment	224	285	(−61)
Further Education	385	357	28
Highways	1 026	1 021	5
Hospitals	2 648	2 492	156
Housing, Urban and Regional Affairs	173	128	45

Department	No. of Officers as at 14/2/78	No. of Officers as at 30/6/77	Increase or Decrease
Institute of Medical and Veterinary Science (not a department)	75	73	2
Labour and Industry	266	259	7
Lands	1 001	1 055	(−54)
Law	465	463	2
Libraries	282	286	(−4)
Marine and Harbors	292	286	6
Mines and Energy	281	269	12
Police	92	90	2
Premier's	190	192	(−2)
Public and Consumer Affairs	373	387	(−14)
Public Buildings	1 152	1 157	(−5)
Public Health (now in Hospitals Department)	658	636	22
Public Service Board	197	196	1
Services and Supply	569	558	11
Supreme Court	62	63	(−1)
Tourism, Recreation and Sport	151	139	12
Transport	557	573	(−16)
Treasury	234	220	14
Woods and Forests	245	243	2
Total	16 958	16 597	361

2. Based on the minimum adult salary of the range for each position as at March 1, 1978, the increase in salaries for a full year is estimated at $6 100 000.

CLASSIFICATION OF PUBLICATIONS BOARD

Mrs. ADAMSON (on notice):

1. Who is the Chairman of the Classification of Publications Board, who are the members, and in what category under the Act was each appointed?

2. What is the attendance record of each member of the board at meetings held in the past 12 months?

3. Does the board publish a classification for every publication submitted and, if not, how is the classification brought to the attention of purchasers?

4. How many publications brought before the board in each month of 1977 were—

(a) submitted by police as a result of inspections of retail outlets;

(b) submitted by retailers or wholesalers or distributors immediately following police inspection of retail outlets; and

(c) submitted routinely without prompting?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. R. Layton, Chairperson, Legal Practitioner; Dr. P. Eisen, M.B.B.S., F.A.N.Z.C.P., D.P.M., skilled in child psychology; D. Bradley, wide experience in education; and D. Horsell, W. Worrall, J. Holland, persons who possess, in the opinion of the Governor, proper qualifications to participate in the deliberations of the board.

2. R. Layton, 10; Dr. P. Eisen, 7; D. Bradley, 10; D. Horsell, 8; W. Worrall, 11; J. Holland, 12; M. Ward, 1; and Dr. K. LePage, 0.

3. Yes, unless the publication is resubmitted and the classification remains unaltered. The decisions of the board are published in the *Government Gazette*.

4. It is not possible to obtain this information.

PUBLIC SERVICE

Mr. WOTTON (on notice):

1. How many new positions which were created in the Public Service in the past eight months carried a salary of—

(a) up to $10 000;

(b) $10 000 to $20 000;

(c) $20 000 to $30 000; or

(d) $30 000 and above?

2. How many Government employees have been employed outside the Public Service Act since July 1, 1977?

3. How many new Government employed positions have been created outside the Public Service Act since July 1, 1977?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Based on the minimum adult salary as at March 1, 1978:

(a) 315

(b) 229

(c) 13

(d) 1.

2. The Public Service Board is not involved in the employment of persons or the creation of positions outside the provisions of the Public Service Act, and therefore no statistics are kept. However, the answers to questions numbered 439, 447, 448, 457, respectively (directed to other departments) provide some information on the major areas of Government employment outside the provisions of the Public Service Act. The following additional information has been provided by other major departments not included in the above questions:

Department	Employees at 30/6/77	Present employees	Increase/ decrease
Public Buildings	2 555	2 553 at 1/1/78	−2
Engineering and Water Supply	5 360	5 234 at 1/3/78	−126
Highways	2 171	2 150 at 1/3/78	−21
Marine and Harbors	660	669 at 31/1/78	+9

(Note: It would be necessary for all departments to be approached individually for comprehensive details to be provided, at some considerable time and expense to the board. The Australian Bureau of Statistics does not maintain the information required to answer the question.)

3. These details are not known by the board.

(Note: Departmental daily/weekly paid positions are usually established on the recommendation of the permanent head to the responsible Minister, and are not subject to control by the board. To be comprehensive, such statistics would have to include all positions established by departments (for example weekly paid, daily paid, Ministerial, contract appointments) and statutory authorities, and would include all police, teaching, and hospital appointments.

It is also pointed out that positions are being established by the South Australian Health Commission for the appointment of staff transferring from existing Public Service Act positions which will then be redundant and will remain vacant until they are abolished *en masse* when the Health Commission is fully operational. Thus there will be an obvious duplication in numbers of positions but not employees or salaries, for the changeover period).

ENVIRONMENT DEPARTMENT

Mr. WOTTON (on notice): How many people employed in the four divisions of the Environment Department have or will be placed in positions to staff the

new Policy and Co-ordination Division, and from which divisions will each such person come?

The Hon. J. D. CORCORAN: This will not be known until applications for the positions have been assessed and appointments are made.

POLICY DIVISIONS

Mr. WOTTON (on notice): Which major policy divisions still exist in the Public Service?

The Hon. D. A. DUNSTAN: Divisions with the title mentioned by the honourable member are the Policy Division, Premier's Department, the Co-ordination and Policy Division, Environment Department, and the Policy Research Unit recently established in the Public and Consumer Affairs Department. Following a recent reorganisation, the Policy Division of the Housing, Urban and Regional Affairs Department ceased to exist. The Housing and Metropolitan Division and the Country Planning Division of the Housing, Urban and Regional Affairs Department both have major policy functions. It is a major function of all Government departments to give policy advice as appropriate. Departments and agencies develop different organisational arrangements in order to perform this task.

FISHING

Mr. BLACKER (on notice):

1. Is it the intention of the Government to establish a State-owned fishing fleet to fish the waters within the 200 mile fishing limit and, if so, how many vessels are envisaged to comprise the fleet?
2. What will be the approximate size of the vessels and what will be their cost?
3. Where will such vessels be built?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. No.
2. See above.
3. See above.

ENGINEERING AND WATER SUPPLY DEPARTMENT

Mr. BECKER (on notice):

1. What is the current total of employees of the Engineering and Water Supply Department in—
   (a) depot and service staff;
   (b) construction; and
   (c) maintenance?
2. How do these totals compare with the number of employees in each category in each financial year since 1973-74?
3. What is the reason for the variation?

The Hon. J. D. CORCORAN: The replies are as follows:

1 and 2.

No. of Employees	30/6/74	30/6/75	30/6/76	30/6/77	28/2/78
Depot and Service Staff	3 579	3 700	3 847	3 893	3 798
Construction	2 029	2 391	2 162	2 015	1 790
Maintenance	1 059	1 039	1 054	1 131	1 358
Total E.W.S. Employees	6 667	7 130	7 063	7 039	6 946

3. The level of staffing in each area is determined by demand for services and the availability of finance.

FURNITURE

Mr. DEAN BROWN (on notice):

1. Has the new suite of furniture been ordered for the Attorney-General's office and if so, what is the cost of this furniture?
2. What type of furniture has been ordered and what are the individual items?

The Hon. PETER DUNCAN: The replies are as follows:

1. No.
2. Not applicable.

LONG SERVICE LEAVE

Mr. DEAN BROWN (on notice):

1. Is it departmental policy that teachers should take their long service leave when it becomes due?
2. Is this policy enforced and if not, why not?
3. How many additional teaching positions, either temporary or permanent, would be created if all long service leave which is currently due was taken immediately?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. It is not departmental policy to oblige teachers to take their long service leave when it becomes due.
2. The Education Department has not sought to force teachers to take long service leave when it becomes due, because until recently there has been a teacher shortage rather than a surplus. Even in 1977, when during the middle term many teachers chose to take long service leave, it was difficult to find replacement teachers in some of the lesser popular areas of the State. If the Education Department enforced the taking of long service leave by all teachers to whom it is due at present, there would be a need for more funds than are available in the present financial year.
3. The information requested is not available and it has been calculated that to provide an accurate answer to this question would require one man to work for at least six weeks.

WHYALLA JOB OPPORTUNITIES

Mr. DEAN BROWN (on notice):

1. What specific proposals have been recommended by the Premier's working party to create new job opportunities in Whyalla?
2. What specific action has been taken to adopt each of these recommendations?
3. Is the production of rolling stock for the railways one of the projects and if so, what are the specific details of this project, how many people could be employed and when could work commence?
4. What reports have been forwarded to the Premier from the working party and will the Premier table these reports and if not, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. *(a)* Manufacture of railway freight rolling stock.
(b) Manufacture of railway track and railway sleepers.
(c) Utilisation of B.H.P. salt at Whyalla.
(d) Manufacture of Bailey bridges for domestic demand and export to South East Asian countries.
(e) Manufacture of fishing vessels.
(f) Manufacture/assembly of heavy dump and haulage trucks for mining industry.

2. *(a)* Department of Transport in Canberra is preparing a report for the Minister for Transport, Mr. Nixon, on Whyalla working party's proposal.

(b) Currently being investigated by B.H.P.

(c) Negotiations in progress with B.H.P. and other interested parties.

(d) Preliminary negotiations have taken place with British Ministry of Defence to obtain drawings, specifications and technical advice. Application has been made to Decentralisation Advisory Board for funding of market study in South East Asia.

(e) Whyalla working party is currently preparing feasibility study.

(f) Whyalla working party is currently preparing market survey. Preliminary discussions have taken place with overseas manufacturer.

3. A detailed and confidential report has been submitted to the Commonwealth Government. The proposal has the potential of employing up to 1 100 people and work could commence three to four months from the time an order is placed. This project has the potential of overcoming, to a large degree, the adverse effects of the shipyard closure.

4. *(a)* Railway rolling stock report.

(b) A number of progress reports, both written and verbal, have been made to the Premier by the Chairman of the Whyalla working party, Mr. Roy Rainsford, to keep the Premier informed about the work of the committee on a continuing basis.

COMPUTER SYSTEM

Mr. BECKER (on notice): Has the Engineering and Water Supply Department reorganised its computer system and if so—

(a) to what extent; and

(b) what is the estimated or total cost of the project?

The Hon. J. D. CORCORAN: The replies are as follows:

Yes.

(a) The revenue and supply systems have been reprogrammed. In addition, the revenue system has also been expanded to allow more meter information to be maintained on file and to permit on-line inquiries at a later stage. The stores system also incorporated the changeover from the use of flexiwriters for the production of orders to the use of key to disc equipment.

(b) Revenue systems—estimated cost $435 000.
Supply systems—final cost $120 000.

HENDON DEPOT

Mr. BECKER (on notice):

1. Has the Engineering and Water Supply Department property, previously known as the Hendon Depot, been disposed of and if so—

(a) to whom; and

(b) what is the amount the sale realised?

2. If the property has not been sold, why not and what action is being taken to obtain a sale?

The Hon. J. D. CORCORAN: The land was surplus to Engineering and Water Supply Department requirements and, in accordance with Government policy, was handed over to the Land Board for disposal by public auction on September 13, 1976.

ADOPTIONS

Mr. BECKER (on notice):

1. How many children have been adopted in South Australia in each of the last five financial years and how many were male and female, respectively?

2. What is the current waiting time for parents wishing to adopt children?

The Hon. R. G. PAYNE: The replies are as follows:

1.

Year	Number of Children Adopted		
	Male	Female	Total
1972-73	334	315	649
1973-74	283	275	558
1974-75	295	256	551
1975-76	267	282	549
1976-77	312	346	658

These figures are taken from the 1976-77 annual report of the Community Welfare Department. It is suggested that the member should read it.

2. Up to four years approximately.

FISHING FLEET

Mr. BECKER (on notice):

1. What action has the Government taken in pursuing the establishment of a deep sea fishing fleet?

2. Are discussions continuing between the State Government, South Australian Fishermen's Co-operative Limited and the Polish Co-operative, Dalmor and, if so, what stage have the discussions reached?

3. If no action is proceeding, why not?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. There are no new initiatives beyond what has previously been announced.

2. No, discussions have ceased because SAFCOL has withdrawn from the proposal.

3. No action is proceeding because of the Commonwealth Government's refusal to define clear policies on deep sea fishing and joint ventures.

PRISON EGGS

Mr. BECKER (on notice):

1. What was the egg production at prison farms during the past 12 months?

2. Have there been any incidents of pilfering of eggs and if so—

(a) to what extent;

(b) were any persons apprehended and if so, how many persons; and

(c) what was the loss involved?

The Hon. D. W. SIMMONS: The replies are as follows:

1. Total egg production for all units from March 1, 1977, to February 28, 1978, was 16 587 dozen.

2. The Correctional Services Department is not aware of any egg pilfering.

COMPUTERISATION

Mr. BECKER (on notice): Was computerisation of the Engineering and Water Supply Department (branch by branch method) considered incorrect and, if so, why and what was the estimated or total cost expended on such a system?

The Hon. J. D. CORCORAN: No. Realistic cost information is not readily available.

WATER POLLUTION

Mr. MILLHOUSE (on notice): Does the policy of the Government concerning water pollution control as set out

in the Minister's letter to me of May 22, 1975, still stand and, if so, is it subject to alteration following the report of the Committee of Inquiry into the Recreational Use of Reservoirs and, if not, what is now the policy on this matter?

The Hon. J. D. CORCORAN: The replies are as follows:

1. Yes.
2. Yes.

VEHICULAR ACCIDENT

Mr. MILLHOUSE (on notice):—Did any member of the staff of the Premier's Department (other than Mr. Stephen Wright), and which member, have an accident when driving a Land-Rover motor vehicle, owned by the Government and normally used by officers of the Public Buildings Department in or about the month of July, 1977, and, if so—

(a) where did such accident occur;
(b) what was the precise date of such accident and at what time of the day or night did it occur;
(c) was that member alone in the vehicle at the time and if not, who was with him;
(d) for what purpose was the member using the vehicle at the time and by whom had such use been authorised;
(e) has it been determined what was the cause of the accident and who was responsible for it and, if so, what was that cause and who was responsible;
(f) what damage was done to the vehicle;
(g) has the vehicle been repaired and, if so, at what cost and who, if anyone, has paid for the repairs; and
(h) what was that member's position in the Premier's Department at the time?

The Hon. D. A. DUNSTAN: No.

MOTION FOR ADJOURNMENT: Mr. SAFFRON

The SPEAKER: I have received from the honourable member for Mitcham the following letter:

> I desire to inform you that this day it is my intention to move that this House at its rising do adjourn until 1.30 p.m. tomorrow, Wednesday, March 15, for the purpose of discussing a matter of urgency, namely, that this House disapproves of the refusal of the Premier to support the calling of Mr. Abraham Saffron to the Bar of the House as shown in the answer to my question to him last Thursday and expresses the opinion that once Mr. Saffron has signified in writing to the honourable Speaker his willingness to appear he should, in all justice, be given the opportunity to do so during the present sittings of the House due to end tomorrow week.

I call on those members who agree with the motion to rise in their places.

Several members having risen:

Mr. MILLHOUSE (Mitcham): I move:

> That this House at its rising do adjourn until 1.30 p.m. tomorrow, Wednesday, March 15,

for the purpose of discussing a matter of urgency, namely, that this House disapproves of the refusal of the Premier to support the calling of Mr. Abraham Saffron to the Bar of the House as shown in the answer to my question to him last Thursday and expresses the opinion that once Mr. Saffron has signified in writing to the honourable Speaker his willingness to appear he should, in all justice, be given the opportunity to do so during the present sittings of the House due to end tomorrow week. I appreciate the support of a number of members of the Liberal Party.

Mr. Bannon: You've done a preference deal, and now you've lost out.

Mr. MILLHOUSE: I know that I am now political enemy No. 1—I hope not public enemy No. 1—of the Labor Party, but that, of course, as I have said, will not affect me at all in the discharge of my duties in this place. Perhaps the time when the House first meets on Tuesday is a time of unusual happenings; we have had another one today. On Tuesday last we had, for the first hour of the sitting, two Ministerial statements, one from the Premier, and one from the Attorney-General, both of which got wide publicity in all the forms of news media immediately after they had been made and for some time afterwards.

Those two Ministerial statements, in their differing ways, both reflected on a man called Abraham Saffron and, for all I know, the allegations, such as they were (and I will go into that in a moment), may be entirely true. Stories about him have been going around here and I suppose in other States, from what I have been told, for a long time; they certainly do not make me want to have anything to do with him. However, no evidence whatever was advanced by either the Premier or the Attorney-General for the allegations made in their Ministerial statements and, since then, on Thursday (and I shall refer to this again) the Premier has said that he will not support the request made publicly by Mr. Saffron to come and give his side of the story.

An honourable member: Not game.

Mr. MILLHOUSE: I suspect that that may be so. Certainly, that is all he said, and he gave no reasons, and I will go into that in a moment. I propose to refer briefly to the two Ministerial statements that we had last week in support of what I have just said, that there is no evidence whatever in either of those statements to back up the allegations that were made.

Mr. Chapman: I thought there was some honour among—

Mr. MILLHOUSE: I will allow the member for Alexandra to speak in support of my motion, perhaps. In his statement, the Premier referred to certain allegations that had been made against him, and then said, in part:

> The Attorney-General this afternoon will give details of the concerted action which the Government has taken for some time to make life extremely difficult and unpleasant for Mr. Saffron's business interests in this State.

He then talked about Ayers House. When I asked him why he was making the statement at that time, he said that I would find out, but I never did. He then said (again referring to the Attorney-General):

> I concerted a plan of action with the Attorney-General that all opportunities be taken by Executive action in South Australia to oppose, as far as we were able, any spreading or continuation of Saffron's interests in this State. That has been done.

Then he went on to refer to the Licensing Court. That was all he said. It was noted by a number of people that the Premier did not have a written statement. He had notes from which he spoke, and that was in contrast to the Attorney-General, who had his statement written out. There is a good deal of speculation about the reason why the statement was made by the Premier and, of course, he will be able to answer this in due time. There is speculation that he was pushed into making his statement at the last minute. It was certainly known the day before, I understand, by people in the media that something about Saffron was to be said the House on the Tuesday. It is of some significance that the Premier spoke only from notes which, I think, were prepared during the morning,

whereas the Attorney-General spoke from a prepared statement that must have been prepared well in advance. Anyway, the Premier blackguarded Mr. Saffron, but gave no evidence for doing so.

I now come to the prepared statement of the Attorney-General. What he said in the course of blackguarding Mr. Saffron was the following:

> The Hon. John Cornwall had on October 12, 1976, asked questions about associated matters, in particular, about Mr. Saffron's possible involvement in illegal sales of drugs in South Australia and illegal activities in other States and overseas.

No evidence was given by the Attorney-General for what he said. He spoke about the steps that the Government had taken to stop the spread of Mr. Saffron's activities. He then said that he would detail Saffron's involvement in South Australia and also give details of his other activities in other States and overseas. We never did get those; they were dropped from the statement. The Attorney then referred to Saffron's criminal activities. He referred to a murder in New South Wales in 1975 of a woman called Juanita Nielsen, and he called Mr. Saffron the Mr. Sin of Australian organised crime. He said:

> What emerges from all this is that Mr. Saffron has been, from time to time, publicly linked with criminal and illegal activities in the State of New South Wales in particular, and that his behaviour and organisations with which he is associated have been the subject of a number of Royal Commissions and inquiries conducted by various authorities. I am making no claims as to the veracity of the allegations made in the documents I have produced this afternoon.

The statement (and I spent much time on it) continues in that vein.

There is nothing in the Ministerial statement of the Attorney-General any more than in that of the Premier to substantiate the allegations which they made against Mr. Saffron. I have already said that there is some speculation about the making of the statements last Tuesday. There is also a great deal of speculation about the motives for making them and the timing (that is, last Tuesday) of those statements. Whatever that speculation may be does not matter, but the effect of the statements that were made in here was an attack on Mr. Saffron, which has been widely reported in the press and the other news media. I do not believe that Parliament should be used as a vehicle for attack under privilege on persons without the clearest justification for doing so, and no justification was given in either of the Ministerial statements we heard last Tuesday.

The fact is that the Hon. Mr. Cornwall is a member of the Legislative Council; he is not a member of this place. He put a number of questions on the Notice Paper which, presumably, were perfectly proper questions. The invariable practice is that the Minister in this Chamber sends through his colleague an answer to those questions and they are given in the other place. Although I challenged the Minister by way of interjection for an explanation, we were given no explanation as to why that practice was not followed in this case.

Subsequently, as I said, Mr. Saffron has made it plain in public that he wants an opportunity to appear at the Bar to justify himself. I took up this matter by way of question with the Premier at the first opportunity, which was last Thursday. I asked whether the Premier would support a motion to allow Saffron to do that, and the answer, quite a long one, was mostly abuse of me. I know the Premier well enough to know that, when he hands out personal abuse either in answer to a question or in a debate and avoids the arguments and issues, he has not got an answer to them; that is exactly what happened here. There was a good deal of abuse of me, and then he said this (and this was an extraordinary thing to say):

> I am suggesting to the honourable member that he is already well aware of the nature of the associations of Mr. Saffron, and he must be so aware.

Well, I do not know; I am not aware. I do not know why the Premier thinks I must be aware of them. This was all he could say in direct answer to my question:

> No purpose would be served by Mr. Saffron's coming in here, getting up at the Bar and going through the kind of exercise we saw on television the other night. What would that serve?

One might well ask what purpose his statement in this place served last Tuesday.

To me, this is a matter of fundamental principle. No person, whether he is regarded poorly or well in the community, should be condemned unheard. That is a fundamental principle of justice, and one which I imagine the Premier espouses; I guess that he has often said so. Let us take the comparison of a court—a criminal court, if you like. A person is charged, evidence is given, and then that person has an opportunity to defend himself and put his side of the case. We all regard that as only right and fair and it is invariably followed, yet here the Premier, for his own ends to answer one of the multitude of rumours which are floating about the community about him and other members of the Government, chose to use this House as a vehicle to attack Saffron under privilege and to say things about him (and I include the Attorney-General in this) which if said outside would undoubtedly attract an action for defamation. Then, to cap it all, he says "No", that he will not allow the man, when he asks for it, an opportunity to come to this place and give his side of the story.

Where is the sense of justice of this honourable gentleman? If he will do that he will do anything. It was a very wrong thing to do, and I regard this as a matter of fundamental justice. I do not care whether it is Saffron or the Archangel Gabriel: if he is attacked in here under privilege and asks for an opportunity to clear his name (he may not succeed, but he asks for the opportunity), we, in all fairness, ought to give him that opportunity. I cannot see that anyone (the Premier, the Attorney-General or anyone else) could possibly gainsay that principle.

I challenge members opposite, especially those with some legal training, but not only those, to gainsay that principle if they dare. None of them can, of course. This was a very shabby exercise carried out for reasons about which we can only guess but which have reflected on the institution of Parliament. Until last Thursday anyway, the Premier was entirely unrepentant, and refused to do anything about it.

I have moved this motion with the support of some members of the Liberal Party, and I am grateful for that support, to give the Premier and his Attorney-General an opportunity to repent before it is too late. We still have another four sitting days to go, and if Mr. Saffron indicates to you, Mr. Speaker, his wish to come to this place, in all fairness we should give him that opportunity. That must be with the support of the Premier and his Government. It is for that reason that I have moved this motion today.

The Hon. D. A. DUNSTAN (Premier and Treasurer): We heard a speech from the honourable member this afternoon in which he would have us believe that he is the gladiator for those people—

Mr. Millhouse: We're simply going to get more abuse of me.

The SPEAKER: Order! The honourable member for Mitcham was heard almost in silence, and I hope he will remain silent.

The Hon. D. A. DUNSTAN: —in the community who

believe in a sense of justice and fair play, who are concerned with the reputation of others, and who are careful to see that that reputation is not soiled by any unfair treatment or misuse of Parliamentary process. I can only be astonished that the honourable member has the effrontery and gall to come before Parliament and suggest that he is fulfilling any such role. I am sure that view is shared not only by people on this side of the House.

The honourable member suggests that somehow or other this Parliament should concern itself with having Mr. Abraham Saffron appear at the Bar of the House to say that, in fact, he is a thoroughly legitimate trader and has in no way been involved with organised crime of any kind in Australia. The Government believed that it was necessary to reveal to the House, in reply to questions asked by members of Parliament, what the Government had done in relation to Mr. Saffron, and we did that on advice to the Government from the Police Force that any action that could be taken within the law that would prevent the spread of interests in which Mr. Saffron was involved in South Australia would be in the interests of the people of South Australia, and that it was necessary to do so to avoid the spread of organised criminal interests into this State from New South Wales.

The honourable member from time to time suggests that the Government does not act in accordance with the views of the Police Force, but the strongest representations as to fears in relation to what the Saffron interests would do in South Australia, if they were allowed to spread were made to us by the Commissioner and by his senior officers. The Government has detailed to the Parliament the action it has taken within the law in objecting to the spread of licensing interests by Mr. Saffron. We did that, and I believe we did it properly, with the motive of protecting the South Australian public. I believe that it is proper for us to detail to Parliament the fact that we did that, and the reasons why we did it.

The rest of the honourable member's speech was to the effect that he could not understand why any statement should have been made. Certainly, questions had been asked (and not for the first time) concerning Saffron interests, and immediately further questions were asked by the Opposition in relation to the police view of Saffron interests. Does the honourable member believe that it is necessary to call Mr. Saffron before the Bar of the House to answer the suspicions that were mentioned in the reply by the Commissioner of Police in relation to drug traffic? The honourable member then questions why I should have made any statement at the time.

It seems that it is quite all right, as far as the honourable member is concerned, for rumours to be circulated, and fuelled by members in this place, concerning me and that I should be in a position to be defamed and condemned by innuendo in newspaper headlines and in radio broadcasts without any specific charge having been made against me. I told the House what I knew of this matter. That may have been inconvenient for the kind of campaign with which the honourable member has seen fit to associate himself recently that that sort of thing should have happened in the House, but I have no sympathy for him about that.

I believe that what the Government has done is perfectly proper; what I have done is proper; and I believe that there is no purpose whatever to be served by calling Mr. Saffron before the House. I am not convinced in any way by the honourable member's crocodile tears on this occasion for what he calls justice.

Mr. TONKIN (Leader of the Opposition): On this matter I make it quite clear that the Opposition holds no brief whatever for the activities of Mr. Saffron as reported to this House and holds no brief at all for organised crime or the spread of it into this State no matter who may allegedly be at the head of it. That is a fundamental principle that we must all support. I do not defend the activities that have been described to this House by the Attorney-General. Indeed, I would go further and say that I believe that the Attorney-General still has a duty to perform by replying to questions raised by members on this side in relation to the activities of Mr. Saffron in spheres other than those related to the Licensing Court.

The member for Mitcham has expressed his gratitude for the support of members on this side. That support has been given because we believe it is a fundamental principle that members should have the proper freedom to raise subjects if they wish. That is something that the Opposition will never, in opposition or in Government, deny people the right to do.

The Hon. G. R. Broomhill: You've often denied him the chance.

The SPEAKER: Order!

Mr. TONKIN: Obviously, that guarantee applies always when a matter of substance and concern is involved. The honourable member has made it quite clear that he is concerned about the matter. We have investigated thoroughly the possibility of bringing Mr. Saffron or, indeed, anyone else before the Bar of the House in these circumstances. I find it extremely difficult to find a precedent for taking that action. I doubt that precedent exists: it certainly does not exist in a form that is covered by the Standing Orders of this House.

If every person mentioned in an adverse fashion by Ministers or by members of this Chamber was paraded before the Bar of the House to justify himself, we would never get on with the business of the House. There are many people whose activities have been commented on and whose characters have been reflected on, but we do not take the step of calling them before the Bar of the House, even if they make that request.

Mr. Millhouse: Can I get this quite clear—

Mr. SPEAKER: Order! The honourable member for Mitcham has already spoken.

Mr. TONKIN: Anyone who is charged with an offence or a breach of privilege can certainly be brought before the Bar of the House, but I fail to see how anyone not so charged can be brought before the Bar of the House anyway.

I now refer briefly to the Attorney-General's statement. On this matter, I agree with the member for Mitcham. There was very little in it that was new or of new substance. It contained large quantities of extracts from newspaper articles and from verbatim reports of court proceedings, and it had very little in it that was in fact new material. Why it was brought up at that time I have no idea, except that it was purported, anyway, to be in answer to a question asked in another place.

The licensing activities which were detailed were given in spite of the Premier's refusal to give those same details to the member for Davenport when he raised the matter two years ago. They were brought up at that time—

Mr. Dean Brown: Why do you think there was a sudden change in attitude?

Mr. TONKIN: I cannot imagine why there has been a change in attitude.

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

Mr. TONKIN: The member for Davenport asked for that information in 1976 and the Premier, if I recall correctly, said that time that he had received only a verbal report.

Mr. Dean Brown: No, he said it was confidential.

Mr. TONKIN: He said it was confidential; in any case, he refused to make it available, and now the Attorney-General has made it available. I find the whole episode extremely puzzling. I believe that the opinions of the police, the forces of both New South Wales and South Australia, were properly brought forward in this Chamber, because it is the job of the police to provide Government with opinions, and there are times—unusual circumstances, certainly—when those opinions must be given the widest possible promulgation.

Organised crime and the activities that go with it—stand-over tactics and vice, and all the things that have become all too commonplace overseas and, unfortunately, in the Eastern States—are all things we can do without in South Australia. Many people in this State would be most surprised if they knew to what extent those activities had already intruded into our community life.

I repeat that the unusual circumstances were that, although the question was asked in the Upper House, it was answered in the Lower House by way of Ministerial statement. I understand that inquiries originating in South Australia were made in Sydney in relation to those matters well before the question was asked in the Upper House. If that is true—and I have no reason to suppose that it is not—I find that interesting, too. The inevitable questions arise of why the question was asked at all in the other place, why it was answered in this place, and what precipitated the whole business. Those are questions which the community is asking. Members of the community cannot understand why the matter was raised suddenly, without any apparent precipitating cause.

Mr. Dean Brown: Can we get this clear—

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

Mr. Dean Brown: Raise the point—

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

Mr. TONKIN: The community is asking questions regarding the Premier's statement. Inevitably, this question is being asked: why was the Premier's statement made when it was? Why, suddenly, out of the blue, would that statement have been made to this House in the most unusual circumstances, taking up half an hour of Question Time, at a time that would have been the eleventh hour or possibly the fifty-ninth second, the last opportunity the Premier would have to make this statement before his Attorney-General got to his feet and made a statement about the activities of Mr. Saffron?

Mr. Millhouse: That's the—

The SPEAKER: Order! I call the honourable member for Mitcham to order.

Mr. TONKIN: The reason the Premier has given on more than one occasion now is that I had raised the subject in debate and I had made the statement that some journalists had found to their sorrow that if they crossed the path of the Premier they could find themselves out of employment. I said exactly that, and I shall say it again now.

Mr. Dean Brown: Some have.

Mr. TONKIN: Yes, indeed, some have. That is the reason the Premier gave. I listened to the introduction and thought that obviously this was to be another attack on the Opposition, but it turned out to be self-defence of the Premier. I should have thought that the journalists who were quoted, Mr. McEwen and Mr. Ryan, might have had more reason for wishing to be called before the Bar of this House to justify themselves than would Mr. Saffron.

The Premier rambled through his long account of his relationships with Mr. Ceruto and of his knowledge of Mr. Saffron which, he said, began in, I think, 1974. The whole business has led to considerable conjecture and questioning in the community, and most people fail to see any real reason why he bought into this one at all.

The Attorney-General (and we do not in any way support any sort of activity such as that attributed to Mr. Saffron) has a clear duty to pass on to the House and the community any sort of warning either from the Police Department of this State or from other departmental sources. He should give a clear warning to the people of the community and show clearly that organised criminal activities could be extending into the State. If by giving that warning he increases public awareness and helps prevent the extension of organised crime into the State, I support the action he has taken in that regard. It is a most unusual step to have to take, but I believe that on occasions it is justified. On this occasion, I will do everything possible (and I pledge, I believe, the support of all members of the Opposition to do everything possible) to stop the development and spread of organised crime in this State. In this respect, I believe that the Attorney-General has simply been fulfilling his duty.

The Hon. PETER DUNCAN (Attorney-General): I hardly know that there is much to which to reply following the Leader's words. However, there are a couple of matters which the member for Mitcham has raised and which, I think, require some comment from me, first, as the first law officer of the State, and, secondly, as a member of this House. I think that he has again most unfortunately shown his complete lack of awareness of the real world and his total lack of ability to understand what is going on outside the Chamber. He seems to have little or no regard for the welfare of South Australia in raising this matter in the way in which he has raised it. At least members of the official Opposition have shown their clear and grave concern about this matter. It was not raised in any lighthearted fashion in the House, and I think that honourable members who have taken the trouble to read my statement last week will clearly see that this has been a matter of considerable concern to the Government over a long period and a matter on which we have been expending many of our resources in trying to combat the kind of activities that now threaten South Australia.

I appreciate the co-operation that has become apparent from the comments of the Leader of the Opposition this afternoon. However, those comments cannot be applied to the member for Mitcham, who, I think not intending to say it, described himself early in his comments as public enemy No. 1. Whether or not he meant that comment, I believe that, acting in the way in which he has acted this afternoon, he has shown such a disregard for the welfare of the people and society of this State that he could well be described by that title. There is no doubt in my mind that the kind of activities which he stood up publicly this afternoon and defended (whether he says semantically or not that he has not does not really matter) the implications of what he has done this afternoon—

Mr. MILLHOUSE: On a point of order, Mr. Speaker, that is complete misrepresentation. I have not stood up and defended anyone's activities, and I ask that that imputation against me be withdrawn.

The SPEAKER: I do not think that there is any point of order. On this occasion I cannot uphold the honourable member's point of order.

The Hon. PETER DUNCAN: The honourable member obviously did not hear what I said, so I repeat that I said that the effect of what he has said this afternoon (I did not say that he stood up and defended it) has given comfort to the kind of people we do not want to see in this State or to

the kind of people any decent, honourable and upstanding citizen would want to see here. He has given comfort to such people and, by doing that, I believe that he has shown himself to be a fair wearer of the title of public enemy No. 1. As a member, he has certain responsibilities over and above those of other members of the community to try to provide protection for the community in these matters. I, for one, and all Government members are thoroughly disgusted with the kind of approach he has taken on this matter. But this is not the first time on which he has stood up as champion for this type of activity in the House.

One recalls that the way he acted during the past session of Parliament in certain matters involving the Licensing Court and the activities of certain people was similar to the way in which he has acted in this matter. I roundly condemn him for taking the kind of attitude he has taken. He knows full well that the sort of procedures involved in bringing a person before the Bar of the House are, apart from anything else, inappropriate for dealing with the kinds of challenge which Mr. Saffron and his associates throw out to a decent society such as we have in South Australia. If he checks Standing Orders, he will see that questions can be asked only by the Speaker. The matter is not one that could properly be dealt with by the Parliament, and that is the very reason why there are, to my knowledge, no precedents for this kind of activity.

Mr. Saffron, faced with the Government statements made last week, which he saw as being a challenge to him, was no doubt left in the situation whereby he had to make some kind of public posturings and public statement. I suppose that his offering to come before the Bar was the first thing that came into his head. With his track record before tribunals, boards and Royal Commissions, bringing him before the House would have done no good to us or to him or to our society in any way, because, as the Moffitt Royal Commission (and the report is there for all members to see) said, Mr. Saffron was found guilty of misleading the Royal Commission on a number of matters. He was also found guilty of misleading the Licensing Commission in New South Wales on matters he put before it, and he had shown, by his actions, total disregard and contempt for the whole process of taking an oath or affirmation. To have him before the Bar of the House would be of little benefit to the Parliament and to the people of South Australia. I am hardly surprised to hear the member for Mitcham saying that he does not know what were the motives of the Government in making the statements we made last week.

Mr. Millhouse: I'm in company with thousands of others, too.

The Hon. PETER DUNCAN: I will come to that in a moment. There are a couple of friends and associates of the honourable member who have shown themselves not to have that view. It is hardly surprising that the honourable member, in making the statement he made in the House today, proved that he did not know what the Government's motive was. He does not have any appreciation of the kind of threat or danger of these sorts of people to a society such as South Australia's. I am prepared to boast that South Australia has the cleanest Government and society in Australia, and that is well known. If he were to ask the people in the community their views, they would say that that was the case. The reason is that the Government is committed to ensuring that the kind of influences represented by Mr. Saffron will not be introduced to South Australia and flourish while we are the Government.

The honourable member's lack of appreciation of the Government's motives in this matter stems from his complete lack of understanding of the sort of threat that the Saffron interests bear and that organised crime bears to a community such as ours. I find it amusing (and I do not want to link the two together totally) that, if one looks at the American situation, it is now folklore and history in America that the interests of the Mafia and organised crime, and of people such as Al Capone and others in the 1920's and 1930's, were beyond the influence, and outside the scope, of the normal law.

As it turned out (as we all know), the only way in which Mr. Capone could be brought to justice was through the Federal income tax laws, because the police forces and Government officials in the United States had become so corrupted by the influence of Capone and others associated with him that it became impossible to bring him to law and deal with him under normal processes. The only way that it could be done—

Mr. Chapman: You've been reading too many dead-eye dicks.

The Hon. PETER DUNCAN: This is a well known fact, not a matter of conjecture. That is the insidious way organised crime operates. The member for Mitcham ought to know that by now and ought to know the sort of serious problem that I and the Premier have been referring to in this House. It is a serious matter, not a matter of conjecture in the way he has been dealing with it. This should not become a matter of cheap Party politics. I appreciate the fact that members of the official Opposition are not doing that in any way, unlike the member for Mitcham.

The Leader referred to a change of attitude. He spoke about questions asked by the member for Davenport in, I think, 1975 or 1976. The Government has been trying, for a considerable time, to counter the activities of organised crime in South Australia and of Mr. Saffron in particular. The Hon. J. R. Cornwall raised these matters previously, also.

Mr. Dean Brown: Why didn't you answer my questions in 1976? Why did you hide behind confidentiality?

The Hon. PETER DUNCAN: At that time it was my judgment that it was in the interests of South Australian society that the matter should not be made public. That was a judgment I had to make in consultation with the Police Force. On this occasion, in consultation again with members of the Police Force, consideration was given to questions that had been asked and it was decided that the activities that the Government had been taking to counter Mr. Saffron and his associates in this State should be made public and that the public should be warned of the danger that Saffron and his associates pose to South Australian society. By that warning, we hope that the public will co-operate and that we will see an end to the sort of activity that he represents in this State.

The member for Mitcham spoke about the conjecture and questioning in the community as to why this matter was raised. On the contrary, I have had a flood of correspondence to my office congratulating the Government on raising this matter, more particularly, congratulating the Government on the way in which it has been handling this matter and fighting crime. The member for Mitcham would be familiar with, Mr. Dolek Thiele, a legal practitioner in South Australia. Mr. Thiele contacted my office to congratulate the Government on its action in this matter. He is, or certainly was, a member of the Liberal Movement, so I presume he is now a member of the Australian Democrats, and a leading member. He has been a candidate for the Liberal Movement and was certainly a prominent and active member of it. He certainly believes that the Government's stand in this matter was one of courage and great principle.

There is no doubt that that is the attitude of thousands

and thousands of South Australians who are thankful that they have a Government of principle and honour that can be depended on to fight the sort of insidious influences that are represented by organised crime. It is a great pity that we cannot say that all members of this House support the actions that the Government has taken, because there is no doubt that by raising the matter in the way in which the member for Mitcham has raised it this afternoon he has provided comfort, sympathy and support to the Saffron interests in their fight to survive in South Australia. I roundly condemn him for doing that.

At 3.15 p.m., the bells having been rung, the motion was withdrawn.

STAMP DUTIES ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1977. Read a first time.

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

That this Bill be now read a second time.

This Bill is an urgent measure designed to protect stamp duty revenue in two respects. The Bill deals first with the duty payable by companies upon life insurance premiums. At present, the Stamp Duties Act provides that, in order to carry on insurance business in the State, a company must hold a licence. Duty is then payable on the licence in proportion to the net premiums received by the company. Although these provisions have been operating since 1902 they are now being challenged in the Supreme Court by one life insurance company as being inconsistent with the provisions of the Commonwealth Life Insurance Act, 1945. The Government is defending this challenge.

If, however, it is held that the requirements to hold an annual licence is inconsistent with the Life Insurance Act, revenue to the extent of some $1 800 000 during the current financial year could be lost. Therefore, it is proposed to amend the Stamp Duties Act to remove the obligation for a life insurance company to hold an annual licence but to continue the liability of such a company to pay stamp duty at the rates at present applying by means of a return system. It is intended that the relevant provisions of the amending Act will be proclaimed in the event only that the provisions of the Stamp Duties Act are struck down by the court, but I emphasise that in that event it is intended that they certainly would be proclaimed.

The Bill also attacks a tax-avoidance scheme that is designed to avoid the duty payable under the principal Act in respect of share transfers. Under this scheme, a branch register of the company is established outside the State in some place where share transfers do not attract duty. The share transfer then takes place on the branch register. The register is then closed down. Because the transactions take place entirely outside the State, no duty is payable. The Bill contains provisions designed to close this loophole in the principal Act. The Bill also contains a new provision enabling the Governor to exempt statutory corporations from stamp duty. This new provision will obviate doubts as to whether certain statutory corporations, such as the Adelaide Festival Centre Trust, are liable to stamp duty.

The remainder of the explanation is formal as to the clauses, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3, 4 and 5 amend the provisions of the principal Act that impose an obligation on an insurance company to hold a licence. The amendments remove life insurance companies from the purview of these provisions. Clause 6 provides for the imposition of duties in respect of premiums received by life insurance companies.

Clause 7 provides for the imposition of stamp duties upon share transfers that take place outside the State. Of course, where the law of the State or Territory in which the transfer takes place itself imposes an appropriate duty upon the transfer, then the new provisions will not apply. Clause 8 empowers the Governor to exempt statutory corporations from the payment of stamp duty. Clause 9 makes consequential amendments to the second schedule to the principal Act.

Mr. TONKIN secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. J. D. CORCORAN (Minister for the Environment) obtained leave and introduced a Bill for an Act to amend the National Parks and Wildlife Act, 1972-1974. Read a first time.

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

That this Bill be now read a second time.

This Bill, which amends the principal Act, the National Parks and Wildlife Act, 1972-1974, provides for the creation of corporate bodies to be known as development trusts to assist in the development of reserves as defined in the principal Act. Reserves are national parks, conservation parks, game reserves and recreation parks.

At June 30, 1977, there were eight national parks, 158 conservation parks, eight game reserves, and 15 recreation parks. Certain of these reserves, and particularly those intended for recreation purposes, require very considerable amounts of capital for development that is impossible to provide under existing circumstances. With this in mind, I have considered the opportunies available to the State Government to provide funds for the development of selected reserves so that they may be provided with facilities that are appropriate to the heavy visitor usage that is now apparent in a number of our parks, particularly those close to the metropolitan area.

The Government is currently spending well over $1 000 000 annually from Loan Account on the development of this State's park system, but this does little more than provide some upgrading of facilities in existing parks. Very little impact has been made on the development of the more recently acquired parks and, although it is certainly not intended that parks of prime conservation interest will be developed under the provisions of this Bill, diversion of funds from the highly developed parks that would be possible will in turn enable important protective features required for conservation parks, for example, fencing, fire tracks, and so on, to be given higher priority than has been the case in the past.

It is not intended that there will be any proliferation of

these development trusts. The formation of each trust for each individual part will have to be the subject of a separate Bill to come before the House. It is intended to include under the provisions of this Bill the Black Hill native flora park in which immediate action is required to develop a unique recreational and educational facility.

In 1973, the State Government gave an undertaking to provide a major conservation park in the Black Hill area with the following aim:

> To create a major native Australian flora park and bird sanctuary for the people of, and the visitors to, South Australia.

In January, 1974, the State Cabinet commissioned a feasibility study into the establishment of the Black Hill conservation park. The results of that feasibility study were presented in a report to the State Government in 1974, the recommendations were substantially accepted by the State Government, and the area was purchased in late 1974. Since January, 1975, interim management of the area has been carried out by the National Parks and Wildlife Division of the Environment Department until the appointment of a Director in March, 1977. Since the appointment of the Director, a draft report and development proposal has been prepared and released for public comment outlining the basic aims and concepts for the Black Hill native flora park.

This report was made freely available for inspection within the area, and a letter from the Minister for the Environment was circulated personally by staff of the Black Hill native flora park to householders in the immediate vicinity. The Director of the Black Hill native flora park also met various individuals and discussed the draft report with them. The reception was overwhelmingly in favour of the adoption of the draft plan. The proposal envisaged:

1. A native flora park with informal recreation areas: The native plant nursery will be resited and amenities such as walking trails, benches, landscape constructions, picnic and barbecue facilities and car parks will be planned and built.

2. An information and administration centre: The centre will provide display and information facilities for visitors and special education facilities for groups such as schools or university classes. Lecture rooms, storage and preparation rooms will be included as well as library facilities. The administrtion of the park will be from this building, which will be designed and built to blend in with the surrounding environment.

3. Wilderness area: This area, which will include Black Hill itself, will be kept undisturbed and in its natural condition.

4. Woodland recreation area: A separate area with signposted walking tracks and educational nature trails to the more inaccessible northern areas of the park, but with informal recreation facilities such as barbecues and picnic areas, which will not be permitted in the wilderness area.

5. Expansion of the wildflower garden: The present garden size will be increased by about a hectare, with the possibility of future expansion towards the quarry. The plantings will be rarer species which have potential for landscape uses. These new plantings will give the garden a very comprehensive and clearly labelled range of wildflowers, which will have both educational and recreational aspects.

To enable initial work to proceed, $660 000 was allocated from the planning and development fund and grants were also made available from the State Unemployment Relief Scheme. To date, the enlarged wildflower garden has been fenced and landscaping of the creek areas has commenced. General clearing of rubbish from the area to be developed has been completed, principal access tracks between the existing wildflower garden and the proposed nursery have been created, and a substantial planting of trees in the buffer area between the park and adjacent householders is under way. Excavation of the proposed nursery site has been commenced, and it is anticipated that this facility will be available by mid-1978.

It is apparent that to provide facilities appropriate to this unique and important project additional funds will be required, and it is for this requirement and similar projects in the future that I propose the amendment to the National Parks and Wildlife Act which is now before the House.

Proposed Section 45D deals with the appointment of members of a trust and provides for their remuneration and, in addition, has a provision relating to "interests" of any employee members of the trust. It is my intention that a member of the National Parks and Wildlife Service will be *ex officio* a member of the trust, so that proper co-ordination and communication will exist between the National Parks and Wildlife Service. Some members might ask why the National Parks Act itself has been amended to provide for this trust. The answer is that a fairly substantial part of Black Hill is a national park. The only way in which the trust could operate in its own right outside the National Parks Act would be for a resolution to be put before both Houses of Parliament in one session to have this area excised as a national park. It was not my intention, nor my desire, to create a precedent whereby that would happen. Doing it in this way means that any additions to Black Hill that may occur in the future, whether they be from the State Planning Authority or from land purchased by the development trust, will become national park, and security of tenure will be assured.

I seek leave to have the remainder of the explanation of the clauses of the Bill inserted in *Hansard* without my reading them.

Leave granted.

Remainder of Explanation of Clauses of Bill

Clauses 1, 2 and 3 are formal. Clause 4 amends section 35 of the principal Act which deals with the functions of the Minister under the Act to recognise the existence of the proposed trusts. Clause 5 performs a similar function in relation to the powers of the Director of National Parks and Wildlife.

Clause 6 is the main operative provision of the Bill and inserts a new part IIIa in the principal Act, and for convenience the provisions proposed to be inserted will be dealt with *seriatim*. Proposed section 45a sets out the definitions necessary for the purposes of the new part. Proposed section 45b formally provides for the establishment of the trusts. Proposed section 45c provides for the incorporation of a trust established under proposed section 45b.

Proposed section 45e makes the usual provision for meetings of the trust. Proposed section 45f sets out with as much particularity as is possible in the circumstances, the functions of the trust, and also provides for the general control and direction of the Minister. The activities of the trust will remain subject to the provisions of the National Parks and Wildlife Act.

Proposed section 45h provides for a trust to employ its own staff, if the circumstances warrant it. Proposed section 45i provides for a power of land acquisition subject of course to the Land Acquisition Act. Proposed section 45j provides for borrowing of moneys by the trust and for the giving of a Treasury guarantee for the repayment of moneys borrowed, and proposed section 45l provides for

the audit of trusts' account. Proposed section 451 provides for the dissolution of a trust where this is necessary.

Mr. WOTTON secured the adjournment of the debate.

RESIDENTIAL TENANCIES BILL

Returned from the Legislative Council with amendments.

MOTOR FUEL RATIONING BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 146.)

Mr. TONKIN (Leader of the Opposition): This is an amazing situation which confronts this Parliament and the people of South Australia. It is a situation which has paradoxically been played at a low key level before this Chamber but at a very high key level in the community. On the surface and in the community there is apparently a constitutional crisis in South Australia of the most serious order, so much so that South Australia is grinding to a halt.

In sharp contrast to the wave of publicity that this has received over the past few hours, the Premier comes into this Chamber, introduces the Bill by suspending Standing Orders with a great show of urgency, gives us several historical examples of how former Prime Ministers of South Australia signed because they were chief Ministers, goes back in history to 1856, and then basically treats the whole subject as though it is fatally Gilbertian. The Opposition does not believe that this matter is Gilbertian or amusing; we regard it as a serious matter, as any Constitution Bill should be.

Wide and sweeping statements have been made this afternoon that the courts are at a standstill and that the business of South Australia just cannot proceed because senior public servants who have been appointed by Executive Council are not secure in their positions. Before this matter came before the Chamber, the question was raised whether the Premier and his Ministers had been properly appointed. Unfortunately, we found that they had been appointed quite legally. I am sure that they checked that for themselves.

On inquiry I find that the courts in this State (perhaps not all of them, but I do not know) are still sitting. Generally, the courts are still going about their business. I wonder just how much the business of South Australia and its Administration is at a standstill. As far as I can see, everyone is at his post; everyone is performing his duties as he should. I cannot help wondering just how urgent this entire crisis is.

If one considers the Premier's second reading report (not the somewhat emotional speech that he gave at the time but the report to which he referred mostly and which he used as the peg on which to hang another speech) one finds that an examination of relevant Executive Council minutes going back for some 80 years suggests that very few, if any, could properly be described as being countersigned by the Chief Secretary, and hence there is a distinct possibility that they would all be invalidated by the provision. That is hardly strong material: it is hardly a strong opinion. It certainly does not back up in any way the constitutional urgency about which we have heard from the Premier today. The Premier's report continues:

> In passing, there appears to be no real doubt that the constitutional requirements that should precede actions by His Excellency have *de facto* been complied with.

Where is the urgency? Why the need to rush this Bill into the House forthwith and create a constitutional crisis in the minds of the people? The report continues:

> Thus, in the very words of section 33 of the Acts Interpretation Act, His Excellency has invariably acted "with the advice and consent of the Executive Council". However, this does not gainsay the apparent effect of section 71 of the Constitution Act and in the Government's view any doubt in the matter—

that presumes that there is no definite doubt—

> should be resolved as soon as possible.

The Hon. Hugh Hudson: How many hands do you think lawyers normally have?

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

Mr. TONKIN: I repeat that the exercise to which we and the community of South Australia have been subjected today has been vastly out of proportion to the seriousness of the situation. Any citizen of this State could be forgiven for wondering why the Government is taking this action at this time and in such a way and with such a build-up. How widespread is the effect of this deficiency? Are all judges affected? Apparently, they are not. Are we to see tabled in this House the copies of the commissions of all judges so that we can see exactly what is the position? Have the Premier and the Government examined that position in detail? I do not know. We cannot be sure about it. We are told that they are still working. Even in this Chamber the Premier has modified his approach and has said that they can still continue until they are challenged.

Mr. Groom: You'd take the risk, then?

Mr. TONKIN: I certainly would not take the risk. No-one is for a minute suggesting that we should take the risk. I am going on a statement made by the Solicitor-General and reported in today's *News* when he told the Royal Commission that despite his disclosures there was no need for anyone to be uneasy about any judgments, sentences or penalties imposed in the past. He quoted a judgment that confirmed that these were valid where courts were acting *bona fide*.

I repeat that, although this is a serious matter, it is not as serious as the Government has attempted to make it in the past few hours. Of course, more questions come to mind about it. Are statutory bodies and also the appointees to statutory bodies affected? If so, will we see the evidence of the Government's close and careful examination of this situation? What proportion of these officers who might be appointed by Executive Council are appointed in such a way that their appointments could be considered illegal or unconstitutional?

The Hon. D. A. Dunstan: There has not been a single countersigning this century.

Mr. TONKIN: According to the information that I have received, I do not believe that that is so.

The Hon. D. A. Dunstan: It is.

Mr. TONKIN: It is up to the Premier to explain that very carefully.

The Hon. Hugh Hudson: He did.

Mr. TONKIN: Not to my satisfaction, nor, I believe, to the satisfaction of the members of this House.

The Hon. Hugh Hudson: I can understand that it might not be your understanding.

The SPEAKER: Order!

Mr. TONKIN: I do not believe that this so-called constitutional crisis is as big a crisis as the Government

would have us believe. How did the matter come to the attention of the Government? Obviously it came to its attention because of the events of the Royal Commission. Obviously, when it came to the notice of dismissal of the former Commissioner of Police, it was found that that form of dismissal did not conform to section 71 of the Constitution Act. That is obviously the reason why it came forward: it was obviously something that was in the minds of counsel appearing before the Commission.

If we pass this legislation, I believe that we will change the entire emphasis of the Royal Commission and the entire status of the former Commissioner of Police in his standing before the Commission and in his standing before any other court, if that should ever occur. I understand that the dismissal document has been redrawn and re-enacted, or whatever is the term. It is effective as of January 17, 1978, and it has been prepared, signed and countersigned in the proper way.

What we are being asked to do is validate a situation whereby the dismissal of the Commissioner of Police under the provisions of section 71 of the Constitution Act, because his dismissal notice did not conform to that form, was clearly illegal.

The Hon. Hugh Hudson: In view of the fact that it had to be done again, you are not being asked to validate it.

The SPEAKER: Order! The honourable Minister will have a chance to speak.

Mr. TONKIN: I am grateful to the Minister for his interjection, because what we are being asked to do is pass retrospective legislation that probably goes back for a longer period than any retrospective legislation I could possibly imagine. This will go back to 1856. The important period that this retrospectivity will cover is the period back until January 17 or January 16. That is where we find a sting in the tail: it is where the Premier said (and this is one of the main reasons why we view this measure, which was brought before us in some haste, with some suspicion) that there is now to be a change in the terms of reference of the Royal Commission. During the course of his speech the Premier promised this Chamber that he would let honourable members have details of the change in the terms of reference.

The Hon. D. A. Dunstan: I said they were available to you.

Mr. TONKIN: I have not seen them. I have available to me from other sources the change that has been made. Certainly, the Premier has not made available to this House details of the changes in the terms of reference. I find the whole position quite amazing.

The second term of reference has been changed. It no longer reads as follows:

> Whether the dismissal of Harold Hubert Salisbury from the office of Commissioner of Police was justifiable in the circumstances.

"Justifiable" is to be interpreted as the decision, the manner, and the form of the dismissal. It is now to read:

> Whether the decision to dismiss the Commissioner of Police—

and so on. If we confine this term of reference to the decision only, we are tying the hands of the Commission. If we pass this Bill and bring this legislation into effect to cover that period, it will be quite impossible for the Commission to say that the dismissal was illegal, and the Premier and the Government know that perfectly well. As matters stand, a finding could come down that the dismissal was illegal.

The SPEAKER: Order! I ask the honourable Leader to refrain from mentioning anything about the Royal Commission.

Mr. TONKIN: I have been endeavouring to keep away from matters and evidence before the Commission, and I am sorry if I have transgressed. There is the matter of a small but significant change in the terms of reference, and that is something that should concern everyone in the community. It also changes Mr. Salisbury's legal status. Perhaps something should be done to exclude Mr. Salisbury from this legislation, in that instance. I should like to ask the Premier further whether the settlement with Mr. Salisbury has been finalised.

The Hon. D. A. Dunstan: Yes, it has.

Mr. TONKIN: That is news. I thank the Premier, and I am pleased to hear it; apparently it has been a satisfactory settlement. I should like to know whether, if Mr. Salisbury's legal advisers believe that it is an appropriate course of action, it is possible that he could be considering further action for unlawful dismissal or whether that is covered in the settlement that he has received in some way as a condition.

The SPEAKER: Order! There is nothing in the Bill concerning the settlement to Mr. Salisbury.

Mr. Allison: But it is relevant.

The SPEAKER: Order! The Chair will decide that.

Mr. TONKIN: We have the Premier's assurance that the settlement has been concluded, and it is important to know whether any conditions were involved.

The Hon. D. A. Dunstan: The documents have not been signed, but the terms have been agreed, and the amount is in full settlement for all rights of action of any kind by the Commissioner.

Mr. TONKIN: That makes a considerable difference, and I think the matter could have been raised by the Premier earlier. By the passage of this Bill, the former Commissioner of Police could be placed in a position where he would have no ground for taking action.

The Hon. D. A. Dunstan: It was a very considerable and very generous settlement.

Mr. TONKIN: I do not doubt that for a minute, and I think everyone in South Australia will be pleased to hear it. I repeat that the so-called constitutional crisis has been, in my view, vastly inflated. It has been a public relations exercise, blown up out of all proportion, and I believe it is related to the terms of reference of the Royal Commission which we understand have been changed. There is no gainsaying that: they have been changed.

The story is that they have been changed because of the difference that now applies in the timing of the dismissal, because the dismissal has to be made now retrospectively instead of on January 17. I cannot see that. I believe that the change in the terms of reference is of necessity restricting on the Royal Commission and its possible findings, and therefore I am most unhappy about it. Obviously, we cannot oppose the Bill. The possibility of action in another place is something yet to be considered, but only the Government can adhere to the terms of reference of a Royal Commission. I think every member of the community in South Australia knows how hard they had to work to persuade the Government to change its adamant opposition to the setting up of a Royal Commission.

The SPEAKER: Order! The honourable member is straying from the Bill.

Mr. TONKIN: I believe this is most pertinent, Sir, but I must accept your ruling. The community has worked so hard to see the Royal Commission established and, having seen the terms of reference and expressed considerable concern about them, I do not believe that the people of South Australia will take kindly to this further change which has been made, with the excuse of a constitutional crisis, to the terms of reference of the Royal Commission. The people of South Australia will continue to regard this

with great suspicion.

Mr. MILLHOUSE (Mitcham): I think this a storm in a teacup, and one wonders what would have happened if Parliament had not been sitting today, and whether we would have been called back to a special session for this purpose or (and this is far more likely) whether the thing would have been allowed to take its proper course. Noise of this matter has been abroad for several weeks. The Government may not have heard it until the end of last week, or whenever it said, but it has been common knowledge, or at least it has been whispered amongst counsel of the Royal Commission for a fortnight or so that something was wrong with the dismissal of the Commissioner of Police.

Mr. Tonkin: When was the first request for the tabling of the dismissal document made?

Mr. MILLHOUSE: I do not know about that. It may be that the Leader of the Opposition asked for it and that that was the purpose he had in mind in seeking it. Certainly, this imperfection was discovered some time ago, and not by the Solicitor-General. I am not criticising the Solicitor-General for not having discovered it. None of us had seen what the Premier now says has been a long-standing error in appointments. It was discovered by one of the counsel engaged in the Royal Commission. It was common knowledge amongst counsel that there was something wrong, and this was the cause of some quiet merriment amongst them. Now it has come to the notice of the Government, which has panicked over it. I must say that that is my reaction.

The Premier telephoned me personally this morning and told me that he was going to introduce the Bill. I said to him then that I did not believe that the Bill ought to be pushed through both Houses in one day, and that is still my very strong view. I have looked at the Bill. The Premier was good enough to send me a copy of it and also the Parliamentary Counsel's report, and I read them both before lunch.

The Bill may be all right; it may be required; but it is a bad thing to put any piece of legislation through both Houses in one day. It is bad enough to push it through one House in one day, suddenly, and out of the blue, because that does not give people in the community a chance to react to it, to see aspects of the thing which we cannot see at first view, and I do not believe that there is the urgency to push this measure through today.

I have looked at the Bill and, so far as I can see—and I have given it my best attention—it is all right, but whether people more expert than I in these matters outside the Chamber may see some vital flaw in it, I do not know. We should give them at least 24 hours to do it; that is my view.

I have communicated that indirectly to members in another place and I hope that, even if it gets through this House, as it must if the Government insists, it will be held up in another place at least until tomorrow to have a look at it. There is great doubt in my mind as to whether there is any haste over it at all and whether it is even necessary. I think the Premier rang me a little before 10 o'clock, so I have not had much time to do any work on this, but I have found a couple of authorities on this. I should be grateful if the member for Morphett and the member for Ross Smith would give me their attention and perhaps take part in the debate and tell me what they think about this. The authorities are to the effect that really we do not need to get as uptight about the matter as we are doing. The first reference is to *Smith's Judicial Review of Administrative Action*, at page 122. I apologise, Mr. Deputy Speaker, that because I have not had a chance to cull out the few sentences that are the crux of the thing I shall have to read a paragraph. It starts under the heading "Disregard of procedural and formal requirements", which is precisely the situation we have here, and reads as follows:

> The law relating to the effect of failure to comply with procedural requirements resembles an inextricable tangle of loose ends.

So far no doubt the Premier would say that that justifies his putting aside all doubts. It continues:

> Although it would be futile to attempt to unravel or cut all the knots, it is possible to state the main principles of interpretation that the courts have followed and to illustrate their application in a few settings. When Parliament prescribed the manner or form in which a duty is to be performed or a power exercised, it seldom lays down what will be the legal consequences of failure to observe its prescriptions. The courts must therefore formulate their own criteria for determining whether the procedural rules are to be regarded as mandatory, in which case disobedience will render void or voidable what has been done, or as directory, in which case disobedience will be treated as an irregularity not affecting the validity of what has been done (though in some cases it has been said that there must be "substantial compliance" with the statutory provisions if the deviation is to be excused as a mere irregularity).

In this case, it is agreed on all hands that there has been substantial compliance since the date the Premier goes back to, namely, 1856, before the beginning of responsible government. The authority continues:

> Judges have often stressed the impracticability of specifying exact rules for the assignment of a procedural provision to the appropriate category. The whole scope and purpose of the enactment must be considered, and one must assess "the importance of the provision that has been disregarded, and the relation of that provision to the general object intended to be secured by the Act".

Authority is quoted for that. It continues:

> Furthermore, much may depend upon the particular circumstances of the case in hand. Although "nullification is the natural and usual consequence of disobedience", breach of procedural or formal rules is likely to be treated as a mere irregularity if the departure from the terms of the Act is of a trivial nature, or if no substantial prejudice has been suffered by those for whose benefit the requirements were introduced, or if serious public inconvenience would be caused by holding them to be mandatory, of if the court is for any reason disinclined to interfere with the act of decision that is impugned.

That exactly covers the position here. There may have been a technical irregularity because the Chief Secretary had not countersigned, as required by section 71 of the Constitution. What more is there than that? I think it most unlikely that any court in this State would say that, because there was no counter-signature by the Chief Secretary (and that would be difficult to prove), everything that person did was invalid and a nullity. That is what the Premier is apparently afraid of. I laughed when I learned that the courts were having a holiday today, because none of them was prepared to sit. That may have been a furphy, and may not be so, but certainly Her Honour the Royal Commissioner did not sit at the appointed time, but only after Executive Council had put through another commission for her. I shall be grateful to hear from the member for Ross Smith and the member for Morphett, whose opinions on this matter particularly I value. They are welcome to borrow Smith if they want to, and I shall be pleased to hear what they have to say about it. There is a Latin tag I will use, *omnia praesumuntur rite et solemniter esse acta*, that is, that there is a presumption of right doing, and that may or may not be sufficient to carry us through if there were any challenge. Apart from

that, I have also looked at *Jesting Pilate*, a collection of papers written by the late Sir Owen Dixon, a former Chief Justice of the High Court of Australia. He wrote a paper (and again I will give this to my friends on the other side, if I have any friends left on the Government side) headed "De Facto Officers". With the greatest deference to the late Chief Justice, his style is somewhat prolix. He says, at page 229, the following:

> From an early time, however, one clear qualification to the application of the general rule has existed, a qualification which should be conspicuous, but which for some reason has fallen strangely out of notice among us.

Perhaps the Solicitor-General overlooked this when he advised the Government on the matter. The quote continues:

> It relates to the invalidity of the title of a person apparently filling a public office.

The very point—right on this time. The quote continues:

> It is no new thing to find that a man who is in point of fact performing duties and exercising authorities of a public nature has in point of law no title to do so. His want of title may be due to some defect in his original appointment—

that is what is feared here—

> or it may arise subsequently by disqualification, effluxion of time or some other cause, or he may be a mere usurper or intruder. Indeed the reasons why it may appear that one who has assumed the exercise of public functions has nothing but a void foundation for performing them are almost infinite in their variety. An inexorable application of the general principle that a nullity produces no legal consequences would mean that, since such a man was no more than a private citizen, his public acts must be considered ineffectual. It would mean, for instance, that an order of a court of summary jurisdiction—

we heard the Premier talking about the magistrates this afternoon—

> would bind no-one, if the appointment of a magistrate who made it were found to be invalid for want of the requisite qualifications: that an assessment for income tax was no assessment if the appointment of the Deputy Commissioner by whom it was authenticated were found to be void; and, to take an ancient example which has not lost its application, that a permit to land goods would not avail to make the landing lawful if the appointment of the officer of customs who gave it were bad.

The Premier might like to comment on the next passage, as follows:

> Such consequences were intercepted by an independent principle which can be traced as far back as the Lancastrian period at least. Under that principle the acts of an officer *de facto* done in the apparently regular execution of his office have equal force and effect with those of an officer *de jure* when they concern the rights and duties of the subject.

That principle is the complete answer to the irregularity which has been found in the observance of section 71 of the Constitution. He goes on to say:

> There are questions outstanding as to the limits of he principle or the conditions controlling its operation.

He gives one very amusing example of an old judge in New South Wales.They did not know how old he was. There was some suggestion that he had gone on after he was 70 years of age and after he should have retired. A disgruntled litigant took proceedings for a declaration that the hearing had been invalid, because he was over 70 years of age. It came to nothing. However, there was a more serious case in New Zealand, and Sir Owen Dixon quotes it, as follows:

> It proved of the utmost importance in New Zealand after the decision of the Privy Council holding void the appointment of Mr. Justice Edwards as a judge of the Supreme Court.

He cites the authority for it. He continues:

> It sufficed to sustain the validity of the convictions obtained before the court over which he had actually presided and of the judgments he had pronounced.

He goes on to give references to the law in the United States of America (and this is a quotation from a New York case, I think) as follows:

> When a court with competent jurisdiction is duly established, a suitor who resorts to it for the administration of justice and the protection of private rights should not be defeated or embarrassed by questions relating to the title of the judge who presides in the court to his office. If the court exists under the Constitution and laws, and it had jurisdiction of the case, any defect in the election or mode of appointing the judge is not available to litigants.

That is an old authority of 1893. He sums the matter up by saying:

> In the United States, the matter has received much consideration. As a result, the view appears to be accepted that sufficient colour exists, not only when the assumption of, or continuance in office is referable to a title supposedly good though actually defective, but also when there is such a general or official acquiescence in the *de facto* incumbent's execution of the office that, in the circumstances of the case, a public reputation or assumption of the lawfulness of his authority arises.

I will not quote any more from that, but at the very least there is a strong counter argument to the one advanced in such haste by the Premier.

The Hon. D. A. Dunstan: Will you deal with the case of *Adams v. Adams*, and the consequences of it?

Mr. MILLHOUSE: No, but I shall be glad if the Premier will do so when he replies. I hope that, tit for tat, he will also canvass the points I have made.

Mr. Bannon: Let us put it beyond doubt by an Act of Parliament; then we cut through all this.

Mr. MILLHOUSE: Okay, but not in one day, in a panic, before anyone outside has had the opportunity to see the Bill, comment on it, or to point out to us any consequences of it that were unforseen by us. The member for Ross Smith is intelligent enough to know that it is dangerous for Parliament, in haste, to start fooling about with Acts of Parliament, with the law.

Mr. Bannon: It is a simple procedural matter.

Mr. MILLHOUSE: I do not know how many times we have heard that about other matters and it has turned out to be anything but simple or procedural. There is no need for the haste with which this Bill is being pushed through Parliament; that is my point. What I have said may be entirely wrong, but I think that it is right. I put it forward *in arguendo* to show that there is another side to this matter. It was not canvassed by the Premier that there can be any other side. From what he said, one would think that the whole State would fall to pieces unless we passed this Bill. That is absolute nonsense. Enough things have been happening in South Australia lately to make us the laughing stock of the Commonwealth, if that matters a damn. I shudder to think what people in other States will think about us after this exercise. It is an absurd situation that has been magnified out of all proportion; it is a storm in a teacup. Those are my reasons for believing that this Bill should not be pushed through today. For the reasons I have given, I will oppose the third reading of the Bill, if the Government attempts to move it today.

Dr. EASTICK (Light): I want to take up the point that the member for Mitcham has just made, that there is an air of indecent haste about the proceedings today. The parroting of the member for Ross Smith that it is only a

procedural matter and therefore let us put it beyond all doubt is not, in my mind, a satisfactory answer to what may yet prove to be a complicated piece of legislative and Parliamentary business.

The Premier said an abundance of caution should be exercised in taking all the steps that will assist in correcting the apparent wrong. Caution should also be exercised by giving Opposition members sufficient time to look at all the ramifications of the matter before us. I have not had time to consider all the possible ramifications of the actions we are being asked to take.

It is very simple to say that the Bill may be held up for some time in another place. That will still deny members on this side the opportunity to address themselves to the importance of the issue. It is not as if this is the last day on which the matter can be canvassed, as Parliament will continue to sit for sufficient time to allow time for deeper consideration of the matter and for other evidence to be gathered. Because I feel this way, and because I believe it is in the best interests of the people of this State that the matter be considered for a longer time, I seek leave to continue my remarks later.

Leave not granted.

Dr. EASTICK: The arrogance of the Premier in his statement will not help his case to the public in any way whatsoever. We have a situation which may well crystallise down to the point of whether Harold Salisbury will be seen to have been discharged correctly or incorrectly. Harold Salisbury—

The DEPUTY SPEAKER: Order! I think the honourable member should confine his remarks to the Bill before the House. The issue as to whether the Commissioner of Police was correctly dismissed is not a matter dealt with specifically in the Bill.

Dr. EASTICK: This piece of legislation, at this time, if not in the opinion of the Premier, certainly in the minds of every other thinking person in Australia (and, indeed, in the world), revolves around the position of one Harold Salisbury. I say, without transgressing or moving into an area which may well be considered to be *sub judice,* that Harold Salisbury would not want to win his case on a technicality which might have been available to him in the situation that this Bill now seeks to resolve, any more than he would want not to be able to prove his point by the Government's entering into a retrospective piece of legislation that would deny him the opportunity to have his case properly heard.

The Hon. D. A. Dunstan: How can it possibly do that? Just have a look at the terms of reference. How can it possibly do other than provide him with a means of having the matter decided according to the merits?

Dr. EASTICK: The Premier delights in being judge and jury on these matters. I have made the point to this House that it is important that persons other than Government members who are dictating the activities on this matter at this moment have the opportunity of looking at these matters fairly and squarely. I will be the first to stand in this place on another occasion and say that the Government has done what it has said it has done and that there is nothing wrong with its actions, if that be the case. I want, on behalf of the people of this State, and more particularly those I represent, to be able to be quite certain that in being asked to cast a vote on this matter, whether for or against, that I have been able to give justice where justice has been deserved, and on this occasion the justice, in the public mind and in my mind, is in respect of Harold Salisbury.

I repeat that I am not in a position at this moment to be able to decide whether by supporting the Bill, as the Premier asks, I will be doing justice to Harold Salisbury and to the people of this State. It is on that basis that I completely agree with the point that has been made here that there is undue haste in this matter. It gives one the distinct impression that the Premier and his Government want to sweep the whole matter under the carpet. I believe that there is sufficient doubt in relation to this whole matter that it needs to be examined and not forced through without abundant caution, to use the words of the Premier.

The Parliamentary system in this State is in a position of ridicule, as a result of the nonsense today, and we should not be subjected to the possibility of greater ridicule by having to come back here tomorrow or the next day, or early next week, to do something else to correct completely a position which the Government tells us will be corrected by this simple measure. We need more time to consider the Bill, and that it is the view of many members on this side of the House. From expressions made to me by telephone and verbally since this matter broke this morning, I believe that that is also the view of many people in the community.

I am precluded by Standing Orders from seeking again the course of action which I sought to take a short time ago, but I certainly trust that a member on the other side of the House, or indeed on this side, will take that course of action and that there will be a stay of proceedings which allows the matter to be considered in its totality, and that there is finally a decision of this House that can be unanimous. The decision, if taken tomorrow, can be unanimous by virtue of the feed-in we have been able to get. I cannot accept the view that this is all a matter of poppycock. We have to make sure that it is not poppycock, and that the problem is being correctly resolved, and I do not believe we are able to do that on the evidence currently before us.

Mr. BANNON (Ross Smith): It is unfortunate that this matter has arisen in the context of the Salisbury Royal Commission, because it has produced a certain amount of heat and fire over something which really can be dealt with quietly and expeditiously to correct a long-standing procedural defect in appointments by the Government over a long period of time. It is unfortunate that the defect has been discovered during the Salisbury Royal Commission hearings. Now that it has been discovered, it is important that it be corrected as a matter of considerable urgency.

I listened closely to the remarks made by the Leader of the Opposition and the member for Mitcham. The member for Mitcham traversed administrative law precedents as to whether or not, despite such a procedural invalidity, appointments can still nonetheless be seen as being valid, and any actions taken by those appointees in turn be seen as valid. That might be so, and I think the case is probably arguable, although we have heard from the Premier (and no doubt when he summarises this debate we will hear from him again) that the advice to the Government is such that the matter should be cleared up, whatever the member for Mitcham might say about it. That is what is important to remember. If there is doubt of this kind, it should be cleared up as expeditiously as possible, because while it is true that, if there is no challenge to the status of, for instance, a judge hearing a case (as the member for Light has instanced), whatever is done by the judge is valid, at any time the challenge could be made and the *quo warranto* writ could be called on.

In those circumstances, the points that have been raised by the member for Mitcham would have to be argued out. Possibly his view, that the matter is of a minor nature, that

substantial compliance exists and that therefore such appointments have been validly made, would be sustained. It is equally possible it would not be sustained. I think the important thing confronting us today is that the defect has been discovered and is public. It has been discovered in a highly dramatic way, by means of the current Salisbury Royal Commission, and therefore, we should prevent a rash of litigation, blocking of courts, challenges and writs and all the things that would stem from this. It would be a lawyer's field-day, no doubt; countless points could be taken and argued. All this is totally unnecessary.

Let us get back to the intention of this provision in the Constitution Act, and the correction that the Government proposes in this Bill. Clearly, as the Premier has stated, the reason that the counter-signature of the Chief Secretary was required in the 1850's, at the early stages of our constitutional Government's development, was in order to ensure that the sovereign and supreme Governor's actions (that was the position then) and appointments made by him, carrying his signature, should be seen, as a matter of public record, to have met with the approval of the chief Minister of the Government of the day. That was why he was required under the Act to counter-sign it.

Mr. Millhouse: One thing that does not stand up to what the Premier said and what you are arguing is that from 1857—

The SPEAKER: The honourable member for Mitcham has already spoken.

Mr. BANNON: In the early days of the Legislative Council the Chief Secretary was an appointed officer. Nonetheless the advisers of the Government had in some way to signify that they consented to and approved of the actual instrument of appointment the Governor was issuing. The counter-signature was the way of demonstrating this clearly on the face of the instrument. The Act used the words "Chief Secretary" at a time when the Chief Secretary was the Premier or Prime Minister. That situation changed from 1856 onwards. The Treasurer, traditionally in this State, when it was a Crown and sovereign colony, and subsequently one of the States of Australia, has been the Premier or Prime Minister, and has been seen and recognised as such. All Ministers that have countersigned since then have done so on his behalf.

That is important, to remember for those who say that, if the Chief Secretary by accident at any time has countersigned on behalf of the Premier, it therefore makes it valid. That means that some appointments are accidentally valid, and others are invalid. I think that is arguable, too. It is arguable that the Chief Secretary signing on behalf of someone else is, in fact, not strictly, at law, countersigning. But it is the sort of argument that we should not be bothering with, and we should be attempting to keep out of the courts, and out of litigation in the community at large, because it is a red herring, a furphy, when measured against the real meaning and intention of this particular section.

The Government's Bill amends the Constitution Act to put into effect what has been the practice for well over 100 years, namely, that a Minister of the Crown can sign on behalf of the chief Minister of the day or in his own right. It is a simple procedural amendment. I would have thought that it should not cause us disquiet that it is retrospective, or that there is any call for long and contentious consideration of the matter. It simply recognises by law what has been going on for so long. It is important we pass this legislation quickly because the matter has been ventilated and obviously all sorts of action could be taken, actions which may or may not be sustained. The Government's advice is that those actions could well be sustained and, if they are, we must correct the situation urgently. Even if there is argument that they could not be sustained, why go through the process of having it tested in a court? Let us deal with it here once and for all. There is nothing hidden in this Act.

The Opposition's suspicion has been aroused because this defect was discovered in the context of the Salisbury Royal Commission. That matter has been corrected in fact, anyway. Mr. Salisbury's rights before the Royal Commission are not in any way affected. This Bill does not deal with the Salisbury Royal Commission as such, because, in this context, Mr. Salisbury is no different from any other judge or public officer who has been appointed, dismissed, superannuated or whatever in the history of South Australia. I do not believe that he should be considered in any way different. The Royal Commission is grappling with the matter of the facts surrounding Mr. Salisbury's dismissal. That is the proper place for those views to be ventilated; they should not be confused with a minor procedural defect which may have larger implications that we do not know about, and which can be so easily corrected here and now by us. It is a simple Bill with a simple intention. I do not believe that it contains a hidden meaning or purpose. We should pass it with as little discussion as possible and get it on the Statute Book.

Mr. GOLDSWORTHY (Kavel): It seems to me that an air of unreality has come into this place in the past week or two. Last week we were regaled for about an hour at the beginning of Parliamentary procedures with an off-the-cuff diatribe by the Premier into the activities of Mr. Saffron about whom we have all known for a good many years.

The DEPUTY SPEAKER: Order! The activities of Mr. Saffron have absolutely nothing to do with the Bill before the House.

Mr. GOLDSWORTHY: I am making the point in relation to this legislation that, by comparison, we are in precisely the same situation this afternoon. Last week the Premier's remarks were embellished by the Attorney-General. Last week it was the saga of Saffron, and today we have a constitutional crisis. I know perfectly well that the Government is rather keen to take the public mind off events that have occurred during this part of the session. We can well understand the Government's wish for public attention to be diverted and if possible to get headlines other than the Premier's putting on a suit of clothes other than that which he normally wears. We are all waiting with bated breath for next week's saga.

The Hon. Hugh Hudson: Aren't you aware of the fact that once the difficulty becomes known the kind of contention that the member for Mitcham was talking about does not apply?

Mr. GOLDSWORTHY: The member for Ross Smith bemoans that this matter has been raised in the context of the Salisbury Royal Commission. I would suggest to the honourable member that if this matter had not been raised by the Salisbury Royal Commission it would not have seen the light of day.

Mr. Chapman: Do you reckon it's a link in the chain?

Mr. GOLDSWORTHY: I understand that it was the request to table the dismissal notice that led to the discovery that Mr. Salisbury had been wrongfully and illegally dismissed. That request rather fouled up the first term of reference of the Royal Commission. It ill behoves the new member for Ross Smith to bemoan the fact that the Royal Commission is tied up with this matter when, in fact, it led to the introduction of this Bill. Nothing is simpler than that. I am really not convinced by his

eloquence this afternoon that we will be faced with a rash of litigation if this Bill is put off until tomorrow. I am not convinced that the courts will be choked with people wanting to take the Government to task because they have been appointed illegally or dismissed illegally. I do not believe that even he would expect members of this House to be that gullible.

I get the impression from people like the member for Ross Smith and, indeed, the Premier and lawyers in this place that they are a race apart from us and that if one is not a lawyer one cannot understand the intricacies and the like of legislation. The Premier poured scorn on us because we are not lawyers and do not have the nouse to understand what this is all about. In many instances the law is quite clear. The efforts of some lawyers (and I will not include them all) befuddle the issue. For the Premier to pour scorn on us because we do not understand the intricacies of the law, is a shameful and poor exercise.

Today we have a constitutional crisis, as it is explained to us. No doubt the Premier has been seeking the sort of headline, which we are getting in connection with this Bill. There is a phoney air about this exercise, just as there was a phoney air about what went on last week in this House. The Government has managed to get the terms of reference changed as a result of this Bill.

The Hon. Hugh Hudson: Do you oppose the Bill?

Mr. GOLDSWORTHY: I am not saying that; I am saying that it would be more proper if members had time to consider this measure and discover its ramifications. I do not believe that by delaying the measure for even a day there will be a rash of litigation before the courts. That is nonsense, and the member for Ross Smith should know that. The Premier's report on the Bill is surprisingly thin. He made some fairly sweeping assertions. The sort of thing he was saying was that most if not all the appointments since before the turn of the century were invalid. The inquiries we have managed to make from a former Chief Secretary were that he always countersigned documents. That was the practice for the period of one Government.

The Hon. Hugh Hudson: Who was that?

Mr. GOLDSWORTHY: You find out; you make your own inquiries. The Premier came in here and cited a few selected examples.

The Hon. Hugh Hudson: Who was it, come on!

Mr. GOLDSWORTHY: I said that the Minister could find out for himself. If the Government has done the research it claims to have done, it ought to know. We darted this afternoon from 1892 to 1902, to 1915, to 1930, to 1953 and then to the present day. They were the examples cited by the Premier. He asserted that—

The Hon. Hugh Hudson: Who was the Chief Secretary? You made it up.

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

Mr. GOLDSWORTHY: The Minister seems to be treating this matter with a degree of levity that was not apparent in the stress on urgency in the remarks of Government members. One of the Minister's ploys is to try to divert attention from a point that is being made, but he is not being successful.

The Hon. Hugh Hudson: You made the point about talking to a former Chief Secretary; now you won't tell us who it is.

Mr. GOLDSWORTHY: I suggest that the Minister should do the homework he suggests the Government has done, and find a Government in recent times, and certainly since the turn of the century, where the Chief Secretary was in the habit of signing those documents.

The Hon. Hugh Hudson: There are cases—

The DEPUTY SPEAKER: Order! I do not want to have to keep calling the Minister to order.

Mr. GOLDSWORTHY: The claim has been made here on the flimsiest of evidence that, if not all, certainly most of the appointments and dismissals have been illegal and that if we do not rush this Bill through this afternoon there will be a rash of litigation, presumably tomorrow, before the courts challenging the alleged invalidity of the Act. That leads me to assert that an air of unreality is creeping into the activities of this House. The Act is quite clear. It is obvious that the checking of legislation does not occur often. There is another case, to which I am not allowed to refer, of illegality in Government action because the Government was not aware of what was in the legislation. However, if I pursue that I shall be ruled out of order. Section 71 of the Constitution Act is spelt out in the explanation; it is clear, and it is incredible that this situation could occur. Probably it occurred because of the change in function of the Chief Secretary.

Unless I am doing the member for Ross Smith a disservice, I understood him to say that that means that the Premier (originally the Prime Minister, as I think he was called) and the Under Secretary were one and the same, so that means that the Premier ought to sign. That is hardly consistent.

The Hon. Hugh Hudson: That's not what he said. Come on!

Mr. GOLDSWORTHY: Let the honourable member answer if he wishes.

The Hon. Hugh Hudson: Any fool could work out what he said. Why misinterpret it?

Mr. GOLDSWORTHY: The strong impression given by the member for Ross Smith was that, as they were rolled up in the one person initially, that is what the law was all about. If I have the wrong impression, perhaps he could make the point more clearly.

The Hon. Hugh Hudson: He made the point that that was how the practice started.

Mr. GOLDSWORTHY: The Minister is one of the most testy debaters in this House, and he is the first to complain and get annoyed if anyone interjects when he is speaking. Obviously, he pays no attention to Standing Orders, or perhaps he thinks there is one set for him and one for people on this side. I should like to make one or two points, if the Minister would shut up.

The DEPUTY SPEAKER: Order! The honourable member for Kavel has drawn my attention to the fact that the Minister has interjected once or twice. I hope the Minister will cease interjecting.

The Hon. Hugh Hudson: He has not made a point in the 10 minutes he's been speaking.

The DEPUTY SPEAKER: Order!

Mr. GOLDSWORTHY: If that is so, the Minister is getting rather excited about the points I am not making, indicating that he is a penny short of two bob. I would be more convinced about some of the Premier's statements if he tabled some of the documents. The few isolated examples he quotes indicate to me that they may well be a random sample. Quite recently, we have had examples of random samples about which some fairly serious reservations were expressed on statements made by the Premier.

I believe that the matter has been blown up out of all proportion. The only reason I can adduce for that is that the Premier wants to grab another headline today to take attention from more pressing matters. I was abused today by the Premier for my lack of legal expertise in suggesting that the Government did not know that it could have suspended the Commissioner of Police. That is now a matter of litigation. If one is not a lawyer, one cannot offer

an opinion on that matter. The Liberal Party had the benefit of the advice of a leading constitutional laywer and expert in South Australia.

The Hon. Hugh Hudson: What was his name? Was he the former Chief Secretary?

Mr. GOLDSWORTHY: I do not believe it is proper for me to disclose his name without his wishing to have it mentioned in the House. If the Government is not prepared to accept my assurance that he is a leading constitutional expert and that his opinion was quite unequivocal—

Mr. Groom: How would he know?

Mr. GOLDSWORTHY: Because of his position in the community. He is widely recognised as such, and we sought his opinion in relation to the suspension of Mr. Salisbury. His opinion was quite unequivocal. I have been abused roundly today by the Premier because I am only a poor simple layman and I would not understand. I had the wit to understand the legal opinion which said, of course—

The DEPUTY SPEAKER: Order! I hope the honourable member does not intend to canvass a legal opinion on the dismissal of the Commissioner of Police, because that is being dealt with by the Royal Commission.

Mr. GOLDSWORTHY: I am dealing with the possibility of suspension.

The DEPUTY SPEAKER: Or equally the possibility of suspension.

Mr. GOLDSWORTHY: That is not before the Royal Commission. The opinion was unequivocal: the Police Offences Act must be read in conjunction with the Acts Interpretation Act. I am sure the Premier would respect the opinion of a leading constitutional lawyer.

The Hon. D. A. Dunstan: I am sorry, but I disagree—

Mr. GOLDSWORTHY: I shall make a point of contacting the gentleman. He may be prepared to reply; I doubt whether he would back off. I believe, as do my colleagues, that this Bill has been rushed into this place with a great flourish, as we had in last week's saga. It seems unfortunate that the Government has tampered with the terms of reference of the Royal Commission, and I hope that the manner and form of the dismissal will still be matters before the Commission. This watering down of the terms of reference by the reference to the decision of the Government seems unfortunate. I believe we should have time to make further inquiries about the ramifications of the Bill. I see no necessity for the haste or for the sort of fanfare and the phraseology with which it has been introduced; the constitutional crisis has been blown up to remedy, in a matter of an hour or two, a situation that has obtained in this State for about 90 years. I find that quite incredible.

Mr. GROOM (Morphett): As usual, the Opposition has sought to gain political capital out of a matter that is serious for the State of South Australia. The Opposition wants to delay the matter to see what political mileage it can get out of the measure overnight, and hopefully to raise it tomorrow. This is a sad state of affairs. The matter is quite serious for the State, and the crisis can mount hour by hour if allowed to go unchecked.

Members interjecting:

Mr. GROOM: It does not take much imagination to take for example a situation of a person who is arrested on a warrant issued by a magistrate and brought before the court this afternoon. If the magistrate has not been validly appointed, what a confusion of authority, a confusion of discipline, and what a mess for the courts and for administration. It could happen at 2 a.m. or 3 a.m. Thousands of warrants might have been issued by magistrates or by any other courts, and persons could be arrested on warrants issued by magistrates or justices of the peace who might not have been validly appointed. Each person could challenge his arrest and take a private suit against the police officers, who were acting in pursuance of the warrant which would later be found invalid. All sorts of situations could crop up.

A great number of decisions could be made between now and tomorrow morning that could have important consequences for the administration of this State. What the Opposition wants to do is delay the measure overnight simply to see what political mileage it can get out of the issue. It wants to promote a situation that has the potentiality for chaos. I am sad that the Opposition has taken that stand.

Mr. Chapman: Why didn't you make—

The DEPUTY SPEAKER: The honourable member is out of order.

Mr. Venning interjecting:

The DEPUTY SPEAKER: Order! The honourable member for Rocky River is equally out of order.

Mr. GROOM: Section 71 of the Constitution Act, which is clear, provides:

> No officer of the Government shall be bound to obey any order of the Governor involving any expenditure of public money, nor shall any warrant for the payment of money, or any appointment to or dismissal from office be valid, except as provided in this Act, unless the order, warrant, appointment, or dismissal is signed by the Governor, and countersigned by the Chief Secretary.

The Constitution Act was re-enacted in 1934. The Acts Interpretation Act, in section 34, provides:

> Where, in any Act passed after the first day of January, eighteen hundred and seventy-three, the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion; and where in any such Act the word "shall" is used in conferring a power, such word shall be interpreted to mean that the power so conferred must be exercised.

The word "shall" is used in section 71 of the Constitution Act, and the Acts Interpretation Act elevates a rule of statutory construction to have compelling effect. That is one line of argument, but there is a second line of reasoning. The second line is that the courts will say, as they did in *Simpson v. the Attorney-General*, a 1955 New Zealand case, in which the Governor-General had issued his warrant for the holding of a general election later than the date specified by Statute. A challenge was raised against the validity of the election, and the challenge failed. The statutory provisions were held to be discretionary only.

Notwithstanding the fact that there was an expressed charge in the particular enactment, the court held that, if it found otherwise, a serious public inconvenience would result. So already there is confusion in the line of authority. Simpson's case in New Zealand clearly shows that the court can interpret the matter in a different way than could another body of opinion.

In Gambia there was a case in which a similar situation arose. Two years before independence, the local court of appeal held that a general election had been conducted on the basis of an improper register, so that the results could not stand. The legal vacuum thus created was filled by an order in council validating the elections with retroactive effect. An attempt was then made to challenge this retrospective validation. The Government in Gambia had no compulsion about giving the legislation retroactive effect to avoid any possible confusion rather than waiting for the situation that occurred in New Zealand which had the potentiality for chaos, because, if the elections were not valid, the proper authorities could not function.

It is proper that this legislation should be passed on the day on which the crisis arose. To suggest that the matter ought to be delayed has the potentiality for confusion in this State and a great confusion, in particular, among the courts, because the most obvious situation is that which I have related whereby persons could be arrested, and all kinds of consequences could accrue. If the legislation were allowed to be postponed until tomorrow, the exact number of situations that could arise is not foreseeable. It is in the interests of the administration of the State that the legislation proceed today. It is simple and uncomplicated. It is certainly retrospective legislation, because all kinds of challenges could otherwise arise in the State regarding decisions taken in the past, and there would otherwise be no end to it. I support the Bill.

Mrs. ADAMSON (Coles): Lawyers on the other side have done their best to defend this legislation, which has been introduced with almost unprecedented haste and which is being attempted to be passed with similar haste. I am not a lawyer; I am here to represent the people of Coles, just as my colleagues are here to represent that almost 50 per cent of people in South Australia who voted against the Party which now holds power.

The member for Morphett says we are here to gain political mileage by trying to defer the Bill to permit some consideration by the community and by people who are equipped to assess its effects. To that, I reply that, if it is political mileage to enable proper consideration of an important and possibly far-reaching Bill, I am all for political mileage, because I am here in the belief that people's rights should be represented by the Opposition; they are certainly not being acknowledged by the Government, which is attempting to push this Bill through.

This issue has lain dormant for nearly a century, yet the Government tells us that it must be dealt with this afternoon, and, if it is not, the whole State will come asunder and there will be immense and unforeseen legal consequences. I am prepared to take the risk on that and to think that, after 24 hours consideration, we might come to a better conclusion with the benefit of the advice of people who are better informed than are we in the House and also with the generally expressed opinion of the community.

I get the impression that the Government is paranoid about trying to cover its tracks. It seems to me that there must be immense fear on the Government side if legislation has to be rushed through the Chamber in a couple of hours. When I heard the Premier speak to the Bill, I had the feeling that I was listening to someone who had the capacity to look at the colour black, to call it white because it suited him to do so, to pass a law that says that it is white, and suddenly it becomes white, and we are all supposed to go along with that. I am not prepared to go along with that. I think that the effect on the Royal Commission and on the people of South Australia, who hitherto have had faith in their laws, to be told suddenly that something which has been operating for 90 years must be put right this afternoon, is that they hardly have confidence in the Government.

I believe that, by this evening, we will find that the people of South Australia are reeling with incredulity about the Government's actions this afternoon. They would certainly would want to know that their impressions could be taken into account when debate is resumed tomorrow. The member for Morphett says that there is a potentiality for chaos and confusion. I suggest that any potentiality for chaos and confusion if the Bill is not passed would pale into insignificance compared to the confusion and chaos that could result if were to rush the Bill through without proper consideration.

Mr. Groom: Do you realise the police might be reluctant to make arrests tonight?

Mrs. ADAMSON: The point has already been made, when the member for Mitcham canvassed the legal precedents, that there is no risk of this State's crumbling into chaos and confusion overnight if the Bill is not passed. There is some suspicion indeed about the indecent haste with which the Bill has been introduced. I hope that, in another place, reason and caution will prevail and that there will be a pause to reflect on the consequences of passing this hasty legislation. It is not possible that a situation which has been allowed to continue for nearly a century should suddenly have to dealt with between 2 p.m. and 5 p.m. today.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have listened to what honourable members opposite have had to say. I am distressed that members of the Liberal Party have not seen fit to give this matter the attention which they could have given during the time they have been apprised of it. That is to say, they have had details of the problem of the proposed measure since early this morning.

Dr. Eastick: You didn't even table the documents until after you made your statement.

The Hon. D. A. DUNSTAN: Table what documents?

Dr. Eastick: You informed the House that documents would be made available to the Opposition at a later stage.

The Hon. D. A. DUNSTAN: I said that documents were available. I was not asked for any documents. Arrangements were made for honourable members to have time from the moment that this measure was introduced to make further inquiries if they wished to do so. If honourable members had wanted additional information, I was perfectly prepared to provide counsel to assist them, or the Parliamentary Counsel. I was not asked for anything. The member for Mitcham came and got a document from me. The member for Light did not ask to see it, and when some matter about that particular document was raised I found that the Leader, in fact, already had it, so I do not know what the honourable member is protesting about.

Mr. Millhouse: Will you just give me one bit of information? Has Mr. Salisbury been dismissed again, dated today?

The Hon. D. A. DUNSTAN: I am not quite certain how far I am allowed, in the House, to tell the honourable member things on this score.

Mr. Millhouse: I understand that—

The SPEAKER: Order! The honourable member will have his opportunities when we are in Committee.

The Hon. D. A. DUNSTAN: The position is that the original dismissal has been countersigned. There is quite a strong argument, particularly on the basis of what the honourable member had to say in the House this afternoon, that that makes that original document valid anyway.

Mr. Millhouse: But has it been dated again today?

The Hon. D. A. DUNSTAN: There has been a further document in Executive Council in case that document should not have been valid, yes.

Mr. Millhouse: Is that dated today?

The Hon. D. A. DUNSTAN: That is dated today.

Mr. Chapman: You're absolutely determined that he shall go, aren't you?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Those documents have been provided to counsel and the Royal Commission. That

is the position: there can be no question of anything arising in that matter. That has been dealt with.

Mr. Venning: He's been well and truly sacked.

The SPEAKER: Order! That will be a decision for the Royal Commission to make, not this House.

The Hon. D. A. DUNSTAN: All that members of the Opposition had to say, otherwise, was that they feared there might be something in this measure which could give rise to difficulty but they could not at this stage of proceedings imagine what it was. Nobody has raised any specific objection. Nobody has said that this Bill will do anything other than what it purports to do. We have heard that it is supposed, somehow or other, that there will be a rising of public opinion about something ill defined and imagined, which honourable members have not been able to specify, and that is a reason, apparently, for us not to deal with the matter before the House.

The only person opposite during the whole of the debate who addressed himself to the argument of whether this should pass at this stage was the member for Mitcham. The member for Mitcham has referred to the doctrine, that, where somebody is exercising an office and there is some informality in appointment to that office, the actions of that person in that office are nevertheless held to be valid because of the *de facto* exercise of the office, and his contention is that that doctrine means that we can simply go on at this stage of proceedings without any hindrance and clear up this matter in some due season, perhaps next week, next month or something.

Mr. Millhouse: Next year!

The Hon. D. A. DUNSTAN: Or next year. The problem for him in that doctrine is that it does not apply once the defect is known. The person involved in the exercise of the office cannot exercise the office *bona fide* once knowing of the defect. There is a limitation on that, very probably in the case of judicial officers, following the decision of the Full Court in the *Queen v. Cawthorn* which was heard in August of last year. A decision was given in August of last year. It was related to an industrial magistrate in the South Australian Industrial Court who had not been validly appointed. The finding of the court was that in the case of the courts the exercise of the court's jurisdiction can still be valid until challenged by *quo warranto*. It does not appear that that doctrine applies to other public offices. I am advised by the Solicitor-General that, once the defect is known, the exercise of office by other public officers is immediately in question and the validity of the exercise of the offices is doubtful indeed. The strong advice of the Solicitor-General is that that must be put right at the earliest possible moment, and there is reason for haste in order to set that right.

If honourable members, in talking to their colleagues in another place, want to question that, I will see to it that the Solicitor-General is made available to members of this House and of another place as to just what is required at the present time. The advice of the Solicitor-General on this matter is unequivocal, and it is that it is necessary to pass this measure at the earliest possible moment. The Government accepts that advice. I believe it is soundly based in law and, indeed, the Solicitor-General in his advice to us canvassed the very matters that the member for Mitcham raised. Of course, the member for Mitcham did not deal with the further matter which I have pointed out to him and which, in consequence, disposes of his argument about the need for lack of haste.

Mr. Millhouse: Nonsense! It does not.

The Hon. D. A. DUNSTAN: It does. That is certainly the belief of the Government. It is the advice to it and the advice on which it intends to act.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Signature and countersignature of certain orders, warrants, etc."

Mr. TONKIN (Leader of the Opposition): Under section 71 which relates to the present situation by which the Chief Secretary must countersign, I understand that certain actions have been taken in Executive Council today to validate the appointments which have been made and which might have been in question. Can the Premier say whether these documents have been prepared in respect of every officer (for instance, the judiciary) suspected of having been improperly appointed, or whether one document encompassing the entire appointment in each sphere has been prepared? Obviously, this is of extreme importance. The enormous task of going through each appointment would make it impossible to take such steps without encompassing the whole matter, perhaps in a blanket document.

The Hon. D. A. DUNSTAN (Premier and Treasurer): It was a blanket document, but without this legislation there are still some questions as to the effect of the document. It has been done out of caution in order to take every step the Government can take to cover the matter. It is a blanket document, and there are some reasons that that could, in some cases, be brought to question.

Mr. TONKIN: This is the very point I wish to raise, because if correcting action has been taken, apparently very simply, by the preparation of another document which presumably covers all possible eventualities, I fail to see why we are considering this Bill in such an atmosphere of constitutional crisis.

Mr. Millhouse: There's no atmosphere of constitutional crisis.

Mr. TONKIN: The radio news this morning indicated a most superbly designed public relations exercise on the constitutional crisis which is bringing South Australia to a grinding halt, and yet we now hear that South Australia is not grinding to a halt; the problem has been sorted out; documents have been prepared. Earlier I read of some of the proceedings before another body this morning, and I understand that the proceedings are continuing and Her Honour is now once again a judge.

The Hon. D. A. Dunstan: She is a Royal Commissioner.

Mr. TONKIN: Yes. If the Premier reads the transcript of evidence given this morning, in the Solicitor-General's opinion, she was at that stage not Her Honour, but she is now. The situation has been resolved by the action of this fearless Government, which has taken the necessary steps to relieve us of the tremendous crisis situation. Why are we pushing this legislation through with such haste under such pressure when the Government has already sorted it out? It makes an absolute joke of everything that the Premier and other members opposite have said this afternoon about the urgency of the Bill. A remedy was available and it has been utilised, and all is well with South Australia.

Mr. Chapman: This is to make the Government's media campaign valid.

Mr. TONKIN: Yes. The only significance I see in the exercise is that the terms of the Royal Commission have been changed, and I suspect that that is what it is all about, anyway.

Mr. MILLHOUSE: I have no objection to this clause. If it stood on its own, I suppose I would say that, on principle, it is a bad thing to push a Bill right through in one day, but the force of the argument would be considerably weakened. There is, however, more to the Bill than that. I have never heard of Adams and Adams, the case brought up at an earlier stage of the debate. I

asked the Premier for a copy of the judgment, which he does not have; he only knows the ratio of the case which was quoted by the Solicitor-General. Its effect is that actions taken by those invalidly appointed are perfectly all right up until the time when the defect is discovered. If that is the case, (and I concede it only for the purposes of my argument) of course we do not need any more than this clause, because on the Premier's argument the defect of appointments has just become known and, therefore, anything done up to now is all right. If we put it right today for appointments in the future we will be all right. I am told Adams and Adams is reported in the probate reports; it could be as high as the Court of Appeal. I do not know the ratio or the facts behind it.

I have not had time to look at Cawthorne's case and I do not know what the Full Court decided there, but if I were in court I would not accept simply at its face value the explanation the Premier has given. I am not prepared to do it even here. If what he says is correct, we do not have to go further than this clause, which will validate appointments for the future. Some debate has ensued on this clause regarding the dismissal of Mr. Salisbury.

Mr. Salisbury has now been dismissed on two dates: the first was January 17, and the second March 14. What about poor Mr. Draper who has taken his place? What about his standing between January 17 and now? We will have two instruments on two dates dismissing the former Commissioner of Police. Where do we go from there? Mr. Salisbury may be well looked after by the generosity, so-called of the Government, but what about his purported successor? Has he been reappointed from today? What about the validity of everything he has done in the past couple of months? We had one man who was a *de jure* commissioner and one who was a *de facto* commissioner. The member for Morphett is wondering about arrests of people tonight if the Bill does not go through. What about his clients who have been arrested in the past two months; what will happen to them?

This is an ill considered piece of legislation. When one panics (and it does not matter whether it is a Government or an individual), one get oneself into a hell of a mess, and I suspect that by the precipitate action the Government has taken today, through the sheer coincidence that Parliament was sitting today which made it possible to bring in the Bill, we are getting ourselves into a worse tangle than we can hope to unravel.

The Hon. D. A. DUNSTAN: The honourable member puts forward a curious argument. He says that, by this provision, we are taking the care for all future appointments, and all past appointments are all right, under the doctrine which he has outlined previously; but they are not. The actions may have been valid; the appointments, however, are not. Therefore, by the simple passing of this provision, we do not cure the situation to which the honourable member refers.

Mr. Millhouse: I see your point.

The Hon. D. A. DUNSTAN: I am glad that the honourable member does. A further matter, which has been canvassed in relation to this provision, is the suggestion that in cases where, by accident, the Chief Secretary has actually been the Minister signing recommendations to the Governor on behalf of the Premier that is taken as a valid exercise of the power under section 71.

Mr. Millhouse: That would be a very refined argument.

The Hon. D. A. DUNSTAN: It is too refined.

Mr. Millhouse: One could argue it.

The Hon. D. A. DUNSTAN: Yes, but most lawyers would rather be on the other side of the argument. The practice in relation to warrants has been that there is a specific counter-signing by the Chief Secretary after the Governor has signed the warrant. Again, that has been uniformly the case since the last century. The counter-signing is done specifically in the name of as well as by the Chief Secretary after the signing by the Governor. When that is considered by the court, and when the situation in relation to appointments under section 71 is considered, I believe there would be little doubt that the court would conclude that no document in Executive Council has, since the Chief Secretary ceased to be the chief Minister, been counter-signed by the Chief Secretary, whether or not the Chief Secretary happens to sign the document for the Premier.

That then means that virtually all appointments within living memory have this defect in the formality of appointment. It is therefore proposed to allow a counter-signing but, in future (and I have already given the instructions, as the honourable member would imagine that I would have), all documents in Executive Council for appointment or dismissal will actually be counter-signed.

Clause passed.

Clause 3—"Validation of certain warrants, etc."

Mr. MILLHOUSE: This is the clause on which we ought to spend some time; far more time than today. This is the retrospective part of the Bill to which I take exception simply because I do not know what are the ramifications of it. The Premier, in another part of the debate, challenged members on this side to give any set of circumstances or make any reflection on the clause as it stands. I have been able to think (and I was not unprompted—it was put to me) of one set of circumstances to bring forward. It is perhaps, only by coincidence, something that was put to me during the height of public outcry over the dismissal of Mr. Salisbury. It was that there was a defect in the meeting of Executive Council at which the original dismissal was effected. At the time I said that I had no evidence of that and I thought there was nothing in it. It was one of the rumours flying around Adelaide at the time.

What has been put to me this afternoon is that, whilst we are being told by the Government that we are making up for what has been an omission under section 71, it is possible (and I put it no higher than that) that there has been as yet undiscovered or at least still concealed other defects in the way in which the Commissioner of Police, Mr. Salisbury, or anyone else perhaps was dismissed.

What we are doing with this clause is, at one stroke, on the pretext of getting over section 71, validating any other defect that may have occurred in that dismissal or any other appointment or dismissal in the past that may have been invalid on a completely different ground. One does not need to be paranoid to put that as a possibility, yet, if one considers the clause, other defects, quite apart from the one we have canvassed in Committee, may be validated.

Even waiting a few hours will show whether there is anything in that point. Heaven knows, it is impossible to give considered thought to these things in the time that we have had. We have been doing other things. This is the sort of matter that requires a good deal of thought. Whether there is anything in this or whether there are any other consequences that could flow, I do not know. There may be nothing wrong with this at all, but I am afraid that I have been in this place long enough with the Premier not to accept his assurances on things like this, nor would I accept them from anyone else.

Therefore, I do not believe that we should go on with the Bill today beyond this point. In a moment (and I give members of the Liberal Party notice) I will move that progress be reported because I think it is at this moment that we should pause until at least tomorrow when,

hopefully, the *Advertiser,* the *Australian* and the Australian Broadcasting Commission will have made these things known publicly and there will have been some opportunity for someone in the Law School, the profession or somewhere else to consider the matter and maybe come up with a valid reason why the clause should be amended.

That may not happen, but I cannot believe that, after going, according to the Premier, from 1856 until 1978, it will make too much difference if we go to March 15 rather than March 14 to pass this measure. I hold that view strongly. The Premier knows that that was the first reaction I had when he spoke to me on the telephone this morning about the Bill. Nothing that has occurred since has caused me to change my mind. I therefore move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 6 for the Noes.

Motion thus negatived.

The Hon. D. A. DUNSTAN: I listened attentively to what the member for Mitcham had to say about possible other problems in relation to the section, and he cited defects which might have occurred in the actions of Executive Council other than under section 71. It is obvious that he has not read the clause. Let me read it to him, as follows:

> 71a. (1) Where, by virtue of the applicable provision, any warrant for the payment of public money or any appointment to or dismissal from office would, but for this section, have been invalid then that warrant, appointment or dismissal, as the case may be, shall be and shall be deemed always to have been valid.
>
> (2) In this section—
>
> "the applicable provision"—

It sets out the original provision of section 71, which was section 33 in the original Act, and section 71. It relates only to any defect that might have arisen in relation to procedure under section 71, and it therefore can relate only to a defect in appointment which arises by the failure to counter-sign or the failure of the Governor to sign on the advice of Executive Council.

Mr. Millhouse: That's one of the things that has been said.

The Hon. D. A. DUNSTAN: Is the honourable member suggesting that the Governor did not actually sign in Executive Council?

Mr. Millhouse: The suggestion made quite widely—and it may be a complete furphy, and I have regarded it as such—is that in fact he did not sign it on that day.

The Hon. D. A. DUNSTAN: That is just not true. Even then, section 71 is not what applies. How has the honourable member got any difficulty?

Mr. Millhouse: I wouldn't be very confident about that. It may be all right for you here to say it, but I'm not sure it would stand up in other places.

The Hon. D. A. DUNSTAN: It would be a strange Executive Council order which has the Governor signing on one day but has his signature dated another, and of course this did not occur in this case, nor have I known it to occur in any other case. There is nothing in that contention whatever.

The Hon. G. R. Broomhill: He knows it, too.

The Hon. D. A. DUNSTAN: I am sure he does. It relates only to the question of the formalities under section 71.

Mr. Millhouse: What action or appointment made in 1860 could possibly be reflected on now?

The CHAIRMAN: Order! The honourable member for Mitcham is out of order.

Mr Millhouse: It's a good question.

The CHAIRMAN: But nevertheless irrelevant.

Mr. TONKIN: We have come to expect a great degree of efficiency from the Premier in these matters. As the member for Mitcham asked by way of interjection, on what appointment made in 1860 could this possibly reflect now? I think probably this is an appropriate time to ask the Premier if he could enlighten the Committee as to what categories of people have been dealt with by the actions taken in Executive Council today.

The Hon. D. A. Dunstan: I do not see how that arises under this clause.

Mr. TONKIN: I submit that it does arise under this clause, which is the retrospective validating clause. Obviously, we want to know whether or not this clause will apply to those appointments that have been validated today. I am anxious not to know the ones that have been validated but the gaps that have been left, and what areas have not been covered by the action taken in Executive Council today that makes it imperative for this clause to be passed.

The Hon. D. A. DUNSTAN: The action taken in Executive Council today is a blanket validation of appointments but, in fact, that can only be effectively reappointing as of now. It does not affect the appointments from the date on which they were originally made, nor does it affect dismissals on the days on which they were originally made. There have been numbers of dismissals over the past years on the advice of the Public Service Board and the like, and those things are required to be effected by this back-dating legislation. I am now informed that this is not the first time on which the House has had to deal with a matter of this kind, this having come to the notice of the Government in 1862; nevertheless, a subsequent practice arose on that matter. I will read what happened on September 16, 1862.

Mr. Millhouse: We can do better now than they did then.

The Hon. D. A. DUNSTAN: Yes. The document states:

> Whereas doubts exist as to the validity of certain appointments and dismissals of officers in the service of the Crown in the province of South Australia—be it therefore enacted . . .
>
> 1. The *South Australian Government Gazette,* containing a notification of the appointment to or dismissal from office of any person, shall be conclusive evidence of the validity of such appointment or dismissal; and every such person shall be deemed to have been so appointed or dismissed at the date stated in such notification, and if no date shall be so stated, then at the date of the notification: Provided that this provision shall not be applicable to any appointments or dismissals which may take place after this Act shall come into operation, or to any appointment excluded from the operation of the 33rd clause of the Constitution Act.

It was a failure to comply with section 33 (the section with which we are dealing now) which occasioned that matter in 1862 but, unfortunately, that did not seem to be very present in the minds of people later in that century.

Mr. Millhouse: Who was the Premier of the day?

The Hon. D. A. DUNSTAN: I cannot say. The Governor

was Governor Daly. One would have to look at which particular part of the year it was. I point out to the honourable member that Premiers changed with very much more distressing frequency than is the case now.

Mr. MILLHOUSE: I raise the position of that hapless man, Mr. Draper. There have been, as we know now from the Premier himself, two instruments of dismissal of Mr. Salisbury—one under the old practice, which may be invalid, and another one today, in which I take it that every "i" was dotted and every "t" was crossed. There have been two appointments of Mr. Draper, one under the old practice and another today under the new one. What will be the position in the Government's view if the first dismissal and first appointment of Draper are, as the Premier is so fearful about, invalid? Draper has carried out the duties of Commissioner of Police for almost two months. Is it proposed to introduce a special relief Act for him to validate what he may have done in that time, or is the Government considering adding to the Bill, in another place, to cover that?

There are all sorts of difficulties with double appointments and dismissals into which we could get. I do not know whether the Government has given any thought to this matter. I suspect not, because it has acted so hastily. It is a distinct possibility, on the Government's own case here today, and it may require some particular action or, on the other hand, the Government may with its usual pretended omniscience have thought about this and be working out a remedy if one is required.

The Hon. D. A. DUNSTAN: I can appreciate the honourable member's interest in this matter; he having been a double deputy in his time, that is obviously something that would exercise his mind.

Mr. Millhouse: Come on! I think you have an answer.

The Hon. D. A. DUNSTAN: The Premier at the time I mentioned previously was the Hon. G. M. Waterhouse.

Mr. Tonkin: Was he Premier or Prime Minister?

The Hon. D. A. DUNSTAN: He was called the Premier. He was a member of another House.

Mr. Millhouse: That's not a very good precedent for you to follow, is it?

The Hon. D. A. DUNSTAN: It is obvious that even those learned and reverent gentlemen in another place sometimes fail to appreciate the full nature of the obligations in the Constitution. Under the Police Regulation Act, the Deputy Commissioner can act and carry out—

Mr. Millhouse: We haven't got one!

The Hon. D. A. DUNSTAN: We did have one, did we not?

Mr. Venning: When did we have one?

The Hon. D. A. DUNSTAN: If he was not Commissioner, he was still deputy, was he not? I really do not think that we have the difficulty the honourable member fears.

Mr. Millhouse: I must concede the force of the argument.

The Hon. D. A. DUNSTAN: Yes. I think that, if the honourable member looks at the Police Regulation Act, he will find that there is not the lacuna that he was looking for and all the "double double toil and trouble" with which he was going on.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

Mr. TONKIN (Leader of the Opposition): This Bill is no more satisfactory now than it was when it first came into this place and as it came out of Committee. It still has a tremendous defect—not so much in the drafting as in the time that has been allowed. We have heard from the Premier that the immediate problems of the validity of various people's appointments in the judiciary and otherwise have been dealt with. The constitutional crisis has been resolved and, therefore, I see no justification or merit in simply the retrospective part of the validating legislation being pushed through with such haste under the suspension of Standing Orders. I see no reason why, the Government having taken the action it said it would take, we should be considering the Bill in this way. I believe that the whole constitutional crisis concept has been blown up out of all proportion in order to give some pressure and justification for the haste with which it is being approached.

The Bill undoubtedly will go from here to another place, and I hope that the members in another place will take all the time that is necessary to examine it as carefully as possible. It may well be that, as the Premier has said, it fulfils the requirements, of the situation. It may be that there are other areas that it does not cover and there may be other steps and measures that need to be taken to make certain that it covers every eventuality.

The member for Mitcham said early in the piece, before we had an assurance from the Premier, that he would vote against the third reading as a protest at the haste. At that stage I was not convinced that that was an appropriate course of action to take but, following that assurance from the Premier that the immediate crisis has been dealt with, I believe we have only one option—to register our strong displeasure at the haste and pressure with which the Bill has been introduced and pushed through in this House and with which it will be transferred to another place. I intend to vote against the third reading.

Mr. MILLHOUSE (Mitcham): I am glad the Leader of the Opposition intends to take my advice on the third reading. I now have a complaint to make. The Premier has conned me. If Mr. Draper was still Deputy Commissioner of Police—

The DEPUTY SPEAKER: Order! The member for Mitcham is out of order. He can discuss the Bill as it comes out of Committee but he cannot refer to the second reading or Committee stage debates. The honourable member for Mitcham.

Mr. MILLHOUSE: I just wanted to recant my generosity in saying that the Premier had a point; he did not have a point at all.

The DEPUTY SPEAKER: The honourable member for Mitcham is disregarding the ruling of the Chair.

Mr. MILLHOUSE: I will not do it any more. There is now only one way in which those of us who are free to make up our own minds on these things can show our displeasure at what has happened, and that is to vote against the third reading. I would have preferred not to do that, because it may be, as I have said all along, that the Bill is all right; but I am not convinced that it is all right. I do not believe that, as a matter of principle, we should push legislation through Parliament when people outside have not had a chance to react to it. Certainly, no sufficient case has been made out for the complete and utter haste shown by the Government in its insistence in pushing the Bill through. That being so, the only thing to do, as the Leader of the Opposition has said, is to vote against the third reading and trust that the old people in another place may not be prepared to deal with the Bill tonight. I hope they will not be.

The House divided on the third reading:

Ayes (26)—Messrs. Abbott, Bannon, Broomhill, and

Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (19)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Majority of 7 for the Ayes.

Third reading thus carried.

Later:

Returned from the Legislative Council without amendment.

RACING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I move:

That this Bill be now read a second time.

This short Bill expands the membership of the Dog Racing Control Board from five members to six members by adding to the membership a nominee of the Greyhound Owners, Trainers and Breeders Association of South Australia, Incorporated. The amendment gives effect to an undertaking to the Parliament made by the Government at the time of the passage of the Racing Act, 1976.

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 amends section 27 of the principal Act by expanding the membership of the Dog Racing Control Board from five members to six members by adding to the membership a nominee of the Greyhound Owners, Trainers and Breeders Association of South Australia, Incorporated.

Mr. GOLDSWORTHY secured the adjournment of the debate.

DAIRY INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT BILL

The Hon. HUGH HUDSON (Minister for Planning) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

The Hon. HUGH HUDSON: I move:

That the report be noted.

I think I can summarise the overall position that the committee took, namely, that it is fully in support of the Bill with two minor amendments, with which I will deal in a moment. The evidence that the committee took was virtually all in support of the measure, apart from that of one gentleman who was opposed to the Land Commission's making a surplus on its activities but who was, in my view, not able to present to the committee any really rational case to support his position. Apart from that one person, the evidence from the Tea Tree Gully council, the Local Government Association, the Urban Development Institute of Australia (South Australian Branch), together with other evidence that was received, was all in support of the measure.

I think it was made quite clear that, so far as the further development of the metropolitan area of Adelaide is concerned, the availability of land for further development is most restricted in the north-east area and that there is a case for immediate further planning to proceed so far as the development proposals of this Bill are concerned.

The main feature of the Bill, which of course is to institute a development committee on which the Tea Tree Gully council is represented for the functions normally carried out by the local council, the State Planning Authority or the Director of Planning, is a means of trying to ensure a more effective, flexible and quick method of development control.

In a sense, the proposal contained in this Bill is an experiment, but it is seen as a worthwhile experiment involving co-operation between the State Government and local government on the one hand and co-operation between private and public sectors on the other. It is seen by most people associated with the development of the ideas contained in this Bill as an opportunity for producing a much more integrated and better planned development in Tea Tree Gully than would otherwise be the case. A number of matters were raised before the Select Committee, and the report of the Select Committee draws attention to these matters. I will refer briefly to them.

The committee believes that the area is unique in two particular respects: first, because of its natural beauty, and secondly, because the land in question is virtually entirely under the ownership of one public body, the South Australian Land Commission. The natural landscape of the area will be effectively protected by the feasibility plan of the Land Commission, and the approach that has been taken is generally supported by others who gave evidence before the committee. Representatives of the Corporation of Tea Tree Gully gave evidence before the committee and strongly supported the Bill because of the opportunity it provided for the greater involvement of the Tea Tree Gully council and its officers in the planning process which will be involved in this area.

It was made clear that, so far as public housing in the area is concerned, the Housing Trust will be involved to the extent of about 20 per cent of the total housing that will take place over the area. The evidence from the Housing Trust was that its efforts would be divided approximately equally between residences for sale and homes for rental. However, it was made very clear that the activity of the Housing Trust in the area would be scattered throughout the development: there would not be a single area or a small number of areas in which the Housing Trust was involved. In other words, there would be an attempt in this development to achieve a much greater social mix in the development of the whole area than has been possible in the past.

As I have said by implication, the private sector will be

involved in the development of the remaining 80 per cent of the area, and the representatives of the Urban Development Institution made it clear that they thought the opportunity for flexible and more effective planning that the Bill created would be advantageous so far as they are concerned. They would support the Bill, so long as the private sector involvement would be encouraged in a fundamental and effective way. The evidence given by the Land Commission made it clear that that, in fact, would be done.

The evidence that came before the committee indicated that particular attention will have to be given to such matters as stormwater drainage, provision of transport, preservation of historical buildings, retention of areas of natural flora and vegetation, and the overall social requirements of residents within and surrounding the area. The gradual development of the area, commencing from the south, would facilitate the provision of public services, particularly those relating to roads, drainage, water, sewerage and transport.

The committee also considered the location of this area in relation to the zoned area for extractive industry in the Golden Grove area. The eastern boundary of the prescribed area in the Bill is Golden Grove Road, and immediately to the east of that is the area zoned for extractive industry. This area was inspected by the committee, evidence was taken from an officer of the Mines Department, and submissions were received, one verbal and one oral, from those industries that were involved in that particular area.

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

The Hon. HUGH HUDSON: Regarding the impact of the quarry areas of Golden Grove on the proposed development area, the committee considered this matter carefully from the evidence it received and also as a consequence of its inspection of the area. It determined that it was insufficient to provide a buffer zone merely on the eastern side of Golden Grove Road between the quarries and Golden Grove Road. True, because of the nature of the quarries there is not a significant problem in the area from either blasting or dust. They are sand quarries mainly, so that blasting does not take place. The nature of the mining operation results in not a significant quantity of dust. Nevertheless, many trucks use Golden Grove Road as a consequence of the extractive industry, and that will continue. Clearly, some kind of buffer zone between the residential area and Golden Grove Road will be necessary to protect the prospective residents of the area from traffic noise.

The amendments proposed by the committee relate entirely to the question of road closures. The Bill provides a simplified method for the closure of roads within the prescribed area. It was considered, originating from the suggestion of the member for Fisher, that it was appropriate that some kind of notice was given to people before the closure of a road. The amendment does not alter the simplified method of closure where the development committee can recommend the closure of a road and the Minister can close it by notice in the *Gazette*, but it does require that a notice that it is intended to close a particular road be placed in a newspaper circulating throughout the State at least two weeks prior to the *Gazette* notice. This should enable any protest that needs to be considered to be dealt with effectively.

Finally, I should like to thank the members of the committee for their willing co-operation. It is the first time when I have chaired a committee that the time table suggested for meetings has not had to be adjusted. This was because every member was willing to adjust his or her own time table to fit in with the committee's requirements. I put on record my appreciation of the co-operation of members of the committee, and of the efficient work undertaken by the officer of Parliament who was responsible for running the committee.

Mr. EVANS (Fisher): I support the motion. At the last election the Liberal Party expressed its concern about planning procedures within the State. Many people involved in the development of land for housing (and land must be developed before people can build houses on it), believed that planning procedures were a humbug, a costly hindrance, and that they were not flexible enough at times to make use of the topography of the area under consideration. The Liberal Party supported the concept of the Land Commission's being a land bank.

We believe that in some aspects the commission has gone too far with its involvement in the development of land, but this is not the debate in which to expand fully on that matter. However, we should realise that the commission has a distinct advantage over the private sector, especially in relation to land tax. The State has a projected deficit of about $26 000 000, but about $1 200 000 of that deficit can be attributed to the loss of land tax revenue as a result of land owned by the commission.

Regarding this project, much land is owned by one public authority (that aspect cannot be denied), the commission. Therefore, the Minister is right in saying that it gives the opportunity for the commission, Tea Tree Gully council and this Parliament, representing the people of this State, to experiment with a plan where flexible regulations can be used. Development directions can be a basis for making better use of the land in forming a new urban environment for another 25 000 or 30 000 people.

I believe that the area could accommodate more than 25 000 or 30 000 people, considering the size of today's allotments and I hope that, within reason, we make full use of the land available in the 1 400 hectares set aside for housing. The committee agreed with the evidence of the commission, Tea Tree Gully council and the Minister's department that we should at the same time set out to preserve as many of the historic buildings and natural features of the area, such as tree-lined creek beds and valleys, as possible.

Certainly, with the groups to which I have referred representing various community interests, there is little fear of having those natural characteristics destroyed; in fact, they will be enhanced. I am sure that, as housing develops and as local government takes over control during the 20-year period in which the committee will operate when local government can take over its role, local government will see the need to grass the areas along the creek verges and amongst the gums, as has happened in other areas. The area will then be even more attractive than it is today, with those natural characteristics having been preserved.

We were privileged to be given an inspection of the area, in which there are areas that retain a limited amount of bush other than gums. There are no big areas involved, but I hope that some of the original bush that existed in the valleys will be restored, as well as some of the native shrubs that have perhaps been eaten by stock or destroyed by rural development over the years.

I accept that the Housing Trust will not build more than 20 per cent of its type of accommodation in the area. However, the style of trust home built in new Housing Trust areas, such as West Lakes, is entirely different from some of the older style housing, where it tended to build

what one might call dog boxes in a monotonous way, street after street. I think the semi-cluster or semi-detached style housing used in the West Lakes project, and adjacent to it, is more acceptable, and I believe it creates a better environment. I have confidence that, if the Housing Trust is given the sort of freedom it needs, its rental accommodation and accommodation available for sale will be of a better style and more acceptable than what it provided in times past, even the immediate past.

Under the Bill, the Land Commission will be given the opportunity to make a profit. One man who gave evidence objected to that principle but, when the Committee tried to ascertain from him how he would control the situation, I think he was conscious of the problem that the Land Commission would face. The Land Commission has had the opportunity to buy 1 400 hectares of broad acres zoned rural A at reasonably low prices, compared to what might be available in other areas zoned residential. When it is eventually developed, if the commission was compelled to sell that land at a price that it cost to produce, adding to it the original broad acre cost, the block value would be quite low at some time during the next 20-year period.

Those persons who bought it could build a house on the allotment within the present specified 4-year period, and subsequently sell the block of land with a house on it and still accrue a profit from the land because it could be added on to the overall price. That is not the concept of the Land Commission, and if there is the opportunity to make a profit from developing broad acres over a 20-year period, where the land is owned publicly, as in this instance, by the Land Commission, I think this Parliament has to accept the principle that the profit should be used for community facilities.

I point out that the Tea Tree Gully council representatives who gave evidence were definite in their minds that they believed the majority, if not the total, of the profit from Land Commission land, should be spent in that council area. The committee did not accept that in total; it accepted that the development at Golden Grove and Tea Tree Gully might place some burden on some adjacent council areas, and there might be a need for the Land Commission to look to provide some community facilities in some of the adjacent council areas.

The Bill also gives the Land Commission the opportunity to lease land other than land that has been leased in the past, according to size. It can lease small allotments of land. Evidence was given by representatives of the Land Commission that they thought at times there may be a benefit to the community if the development committee or the Land Commission could lease pieces of land smaller than half an acre or one-fifth of a hectare for, say, a small local delicatessen within a neighbourhood of a particular community, or the committee may feel inclined to lease a piece of land for a community facility, such as a community hall or a scout hall, or something like that.

The Hon. Hugh Hudson: Or a toilet facility.

Mr. EVANS: Most communities like to have toilet facilities, but they like them far enough away so that they cannot be seen, the odour cannot be smelt and the noise of the chain being pulled cannot be heard. However, they want to be able to get there in the case of an emergency. I do not think there was any evidence given about community toilets. The provision for leasehold or smaller areas is acceptable for the purposes described before the committee. We were given the assurance that it was never the Land Commission's intention to move into leasehold properties for residential accommodation—individual homes—and of course my Party would be opposed to that most strongly if that was ever considered. I am satisfied that the evidence showed that it is not the intention.

Another matter that concerned the committee was the closing of roads. We had an inspection after most of the evidence had been taken. Very few roads involved in the proposed development area would be of any major significance to any neighbouring community, but the proposed provision in the amendment that an advertisement would have to appear in the daily press advising of a move to close a road is a good one. Parliament should give an opportunity to people to make representation through the local council, with council representation on the development committee of four, either of the two councillors could make the point to the development committee, if there were any objections about a road closure.

After inspection, I do not believe there is any likelihood of any protest over a particular road closure. Where roads are closed others will be developed and reopened, and they will have a much better surface than those presently existing. The general evidence given by the Engineering and Water Supply Department, the Highways Department, the council, and the Land Commission, was that if an area needs to be developed first it is the southern part of the development area, and some of the eastern side of the proposed development area could be considered at the same time.

If that is the case, the problem in the north-eastern area, where the extractive industries are situated, is not as immediate or as serious as was first visualised. By developing the southern area first, it will be about 1990 before the area close to the extractive industries will be developed. That time lapse will enable the extractive industries to work out those parts of their mines that are near the eastern boundary of the proposed developmental area.

I am satisfied with the evidence that there is no major environmental problem as far as neighbours of the extractive industries are concerned. I do not believe that a lot of dust is created or that there is a noise problem. I have some expertise in this field and know that the use of super chargers in earth-moving equipment and the type of automatic transmission on heavy vehicles and trucks have reduced noise quite considerably. Heavy traffic will increase, as the Minister recognises, but that is inevitable. That sort of traffic is in the area at the moment to some degree but, by proper tree planting and road design, the disturbance will be kept to a minimum and people moving into the area will know that the problem exists before they go there.

Drainage in the area towards Salisbury caused some public comment in the news media, particularly in a Sunday publication. The committee that is working on drainage is a separate committee from the development committee and knows of the effect and problems that may exist, but it has time to solve those problems and to study them and make recommendations which, if put into practice, could eliminate any difficulties that may be foreseen. There is no doubt that people living in a certain section of Salisbury are concerned about the possibility of flooding. I am satisfied with the evidence given to the committee that this will not be a problem, and that measures can be taken to stop any adverse effect on their living standard because of flash flooding.

Because development will be carried on in the area, greater pressure will be put on the Government and local government to provide the remedy so that a community that has suffered in the past from flooding will not necessarily suffer in future from this development. However, that is not my concern at this stage.

The Urban Development Institute said it was satisfied with the Bill because it was a move towards more flexible

planning that would make greater use of land available for development purposes within Adelaide. The institute had one reservation, which I want to put as strongly as I can, that the private sector not be left out of the final development programme and the creation of allotments and houses. The only people who have the opportunity to deal with that situation are the Government of the day, the Land Commission and the development committee. If any of those fall down in its attitude towards private operators participating in the development, we were misled as a committee.

Not all of the development can be public, as much as some people both in and outside the Parliament believe it can be. Over recent years, the Land Commission has spent $59 000 000 of borrowed and public funds and, in doing so, it has created many allotments that could not be marketed, because land was developed in the wrong area at the wrong time, and the commission was forced to invite private operators, who understood the market place, to help it out of its difficulty. That is proof that the Land Commission does not have the necessary expertise or understanding of the market place. I hope that in future the commission will not make the same error in the development area. I make the plea that at least the Urban Development Institute's attitude towards private participation is accepted.

The only area that concerns me, and I believe the Minister recognises this concern, as did the evidence before the committee and may be my public statements when the Bill was introduced, is that the development is possibly going ahead too quickly when Adelaide already has an over-supply of property in certain areas. We could cause traffic problems greater than those that exist now. I accept the point made by the Minister that there will need to be major road developments or road upgrading in the area, and that some other form of rapid transport into the city are necessary. That transport system and road development is inevitable and necessary regardless of who is in Government because the traffic congestion problem will not be solved overnight. Before the area is fully developed the problem will be solved. As much as it is a problem now, it will be a worse problem soon but, in the long term, it must be solved by the Government, and I believe it will be. I do not raise any objection to passing the Bill or noting the report.

In general, the Bill, through the development committee, gives us the opportunity to experiment in a way that many of us have been talking about for the 10 years I have been in this place. It gives us flexibility. It is a challenge to people in planning and local government areas and in Government departments. The Minister has promised that, whilst he is the Minister, the Government departments will co-operate with the development committee. The Minister having given that assurance, it is on the shoulders of any Minister who follows him to continue that practice to speed up the processes of planning and development because, if money is held up by slow development, the cost of the development increases. The longer one has money tied up and idle the more the development costs. In the end result, either the taxpayer or the purchaser of the allotment pays the bill. I support quite strongly the move made by the Minister because it is close to our philosophy regarding planning.

We are not over-thrilled with the way in which the Land Commission tends to dominate the scene. It already owns the land in the area, so it is no good raising a political argument on that basis. I thank the officer who helped us on the committee. I also thank the departmental officer who spoke to the member for Murray and me for his help in the initial stages, because he gave us a brief but broad understanding of what was proposed. I am sure that any member in the future will be able to get from this person help and any information needed.

I also thank the other members of the Select Committee, the Land Commission, the Tea Tree Gully council, and the other people who gave evidence. It was a well-run Select Committee which went through its business speedily. We had no real conflict, because most people were trying to experiment with a new method of planning and of creating allotments as cheaply as possible in the best possible environment for a future generation, to see whether we could alter planning methods. I support the motion.

Mr. KLUNDER (Newland): As the member in whose electorate the development envisaged by the Bill is to take place, I have maintained a lively interest in all matters regarding it. I had a number of areas of concern regarding the development of the area, and the sittings of the Select Committee enabled me to deal with them. This is the second Select Committee on which I have served, and I am rather pleased with the mechanics of such committees, which enable an in-depth look at difficult, complex or far-reaching legislation which otherwise would be much more difficult to obtain.

Evidence given to the Select Committee by the General Manager of the South Australian Land Commission indicated that the Tea Tree Gully area is relatively the fastest growing of the Adelaide growth areas. This proposed development, whether it proceeds as proposed by this Bill or in the classic *ad hoc* style, will increase that relative need. Most people living in the north-east area are not impressed by growth for growth's sake. In particular, they have had a bellyful of *ad hoc* development where houses go up, as they did in the 1950's and 1960's, in the middle of nowhere, followed years later by sealed roads, sewerage, schools, kerbing and footpaths, gas, telephone services, and trees—more or less in that order.

My house lacked deep sewerage for about eight years, and for eight years we had the lovely smell of sewage from other houses going past in the street. I imagine that thousands of people in the city have the same sort of problem. Perhaps that is a reference to the smells generated by the member for Fisher in his speech!

That, fortunately, is no longer the case to the same degree, and will certainly not be the case in the development being considered by this Bill, because the entire infra-structure will be planned beforehand and executed contemporaneously with the housing construction programme. The development will cause problems for the surrounding areas, and I shall deal with them briefly.

One of the problems is that of run-off water discharging into the plains west of the development, mainly via Cobblers Creek. Since certain sections of Salisbury are subject to flooding, this is a real fear and one which needs to be dealt with. It appears that it may be necessary to take such floodwater controls as the building of a dam similar in principle to that which controls flooding in the Sturt River area. It was heartening to see from submissions and evidence that many organisations and individuals have already considered this problem. These include the Highways Department, the Engineering and Water Supply Department, and the Tea Tree Gully council. A committee of concerned councils has already met with the Highways Department to consider the possibility of forming a north-east suburbs drainage authority.

That there will be increased run-off towards the Little Para River as a result of building on this site is not disputed. If it is controlled properly, not only will it not incommode the residents in the Salisbury area but it also

will make a significant contribution to recharging the underground basin in the northern Adelaide Plains.

The second problem is that of transport. No doubt a further 20 000 to 30 000 residents in the Tea Tree Gully council area will significantly increasing the loading on roads in the area, especially the North-East Road into the city of Adelaide. But I also have no doubt as to the ability of the NEAPTR team to come up with an optimum solution and the Government's ability to translate that solution into reality. The Minister has already dealt with the problems regarding the extractive industry to the east of Goldern Grove Road, and I do not propose to deal with them again.

One thing which impresses an observer, and which certainly impressed me in this instance, is the amount of preparation and co-operation that will need to go into the development in the manner proposed by the Bill. From hydrological, botanical, and environmental surveys to decisions regarding sewerage mains, school placements, and the number of aged people's homes, plans must be made and services co-ordinated on a very large scale indeed. What is so pleasing in these circumstances is the degree of enthusiasm that I have encountered regarding these tasks. Most of the people whom I have met in connection with this development persist in treating it not so much as a job as a challenge, and they are plainly pleased to be part of an overall orchestrated attempt, rather than being forced to run around *post hoc*, trying to patch up things which proper planning could have avoided.

Many witnesses spoke of a degree of trust building up between themselves and other groups likely to be involved in this development and this also augurs well for it. In fact, the proposed development seems to have much going for it. It has pleasant views, rolling hills, and the evidence indicates that as much as 25 per cent of the area will not be built on but will be left untouched or will be utilised as recreation areas. The 20-year time span of the development, as envisaged by the Bill, will enable relatively unhurried development, and the evidence anticipates fewer than 1 000 homes a year being constructed.

One must also ensure that those people who are at present living in the Tea Tree Gully area are not unduly adversely affected by the new development. One major thing in its favour is that, under the Bill, the Land Commission is not bound by its normal condition that it cannot aim to make a profit. However, under its own Act, the Land Commission is bound to utilise any surplus on community development projects, and the bulk of such a profit will be used in the Tea Tree Gully area to benefit existing and new residents well ahead of the time at which such community projects normally would become available. It seems to me an excellent thing that surpluses which normally would have accrued to a limited number of individuals will now benefit a whole community.

There are several other benefits to the entire Tea Tree Gully community. The development of the Little Para dam and the tank at the northern end of the proposed development will enable the Engineering and Water Supply Department to provide water for the whole of the Tea Tree Gully area in case of a breakdown in the Mannum-Adelaide pumping system, which supplies the area at present. The Highways Department has indicated that, apart from Golden Grove Road, which it already maintains, it will eventually take over the maintenance and control of Quarry Road and Grenfell Road, so relieving the council of this burden and releasing extra funds for use in the Tea Tree Gully area.

The reserves to be created in the new development, and especially those at its periphery, will also be available to existing residents. I make that point even though the Tea Tree Gully council, through its excellent use of State Unemployment Relief Scheme funds, is already, in the words of one of the council officers, many years ahead in the provision of recreation areas of the point at which it would have been had those funds not been available. The present urban zoned area of Tea Tree Gully will, within a few years, run out of blocks on which houses can be constructed.

The Bill provides for a planned development in which the terrain will be used to full advantage; an excellent mixture of housing will be provided; educational and community facilities will be made available; up to 25 per cent of the land will not be built on; and all services will be provided as housing is constructed. All of this will be done in such a way as to provide minimum inconvenience and maximum advantage to the already existing areas. I support the motion.

Mr. WOTTON (Murray): I support the motion. I shall speak only briefly, because most of the things that need to be said have been said. I would encourage this type of development, and I hope that we will see, in future, much more development of planning arrangements of this type where local and State instrumentalities join together in co-operative and corporate planning. I suggest that there is an opportunity for such planning to go ahead in attractive environmentally sensitive areas. In such areas as the Adelaide Hills, for example, we could be looking at planning similar to the concept involved in the legislation.

It was suggested by witnesses before the Select Committee that this was a far superior method of planning than existed under the old process, which was described by one witness as the process of planning by regulation. The Secretary of the Local Government Association described it in that way. It is a far better method than is the current method of planning used for most of the metropolitan area, with the exception of the city of Adelaide. Co-operation between Government departments and instrumentalities took place regarding this project. This concept of bringing such authorities together works well in Victoria, I understand. It was suggested in evidence that it worked successfully there, and the situation is similar there. Many of the Victorian local authorities are developers of land. I appreciate that this is possible in South Australia now, but it is extremely difficult, as most councils have taken the view that, because of the difficulties created and the cost incurred, it is not a viable proposition, and it is easy to see why.

The General Manager of the Housing Trust pointed out in evidence that the trust was building about 16 per cent of the total accommodation in South Australia (8 per cent rental and 8 per cent for sale). He suggested to the committee that the trust's input to the Modbury and Golden Grove area might even go as high as 20 per cent, which he suggested would be a maximum. If that figure is reached, it will still allow for 80 per cent to be built by the private sector, and most of that will be for sale. It was brought to the committee's attention that such a system of planning would allow the Housing Trust to get on with its work more quickly, thus saving it money.

Reference was made to the fact that the north-east corridor is poorly served both for road and public transport. This is probably the only area in the legislation that concerns me greatly, because although I realise that the Bill does not refer to whether or not this should go ahead at present, I believe that this will be a problem in the future.

The proposal to develop 1 400 hectares of land at the

extremity of this corridor mainly for residential use will lead to an increased demand for travel along the corridor, thus aggravating the traffic congestion which is already apparent. Evidence given by a member of the Highways Department stated:

> The north-eastern corridor is poorly served for both road and public transport. The North-Eastern Area Public Transport Review has evaluated the additional transport trips expected to be generated by the proposed Golden Grove development. The review has recommended the provision of a public transport facility along the corridor at a cost estimated in present-day prices in the order of $60 000 000 to $80 000 000. However, the review has also revealed that, even after satisfying public transport demand by providing a high quality service, there will remain a large unsatisfied requirement for trips within the corridor including commercial and business trips, multi-destination trips and trips which do not lend themselves to public transport. It is therefore evident that the proposed development will lead to serious road congestion with its adverse environmental consequence of increased air pollution, traffic noise, road accidents, delays to traffic, and diversion of traffic into residential streets. Some concern is therefore felt that the development is proposed at this stage. From the point of view of road transport, prior development in areas, such as Smithfield East and Smithfield West, which are well served for transport by the Adelaide to Gawler railway and the Main North Road, would be preferred.

I raise that point because it concerns me environmentally that this should be happening. It is a matter to which the Government, in introducing the Bill and in promoting this development, must give serious consideration, because the whole situation we have whereby the metropolitan area of Adelaide is spreading out in a north-south direction is creating a real problem in relation to transport, and that must be rectified soon.

We were also informed by a witness that the amount of land for occupation in the existing zone area of Tea Tree Gully would be exhausted much earlier than 1981. Although it was pointed out that there might be a change in the time scale due to a drop in the rate of urban occupation in the Tea Tree Gully area, it is still recognised that this legislation should go ahead soon to allow this development.

Representatives of both the Corporation of the City of Tea Tree Gully and the Urban Development Institute of Australia gave evidence. The corporation particularly strongly supported the Bill, and its representatives were firm in their evidence with regard to their support. They clearly showed their appreciation for the opportunity provided them of co-operative planning with State instrumentalities. The U.D.I.A. representatives considered that the less rigid regulations under the Bill than are applicable under the existing legislation will be advantageous at all stages of development. I support the Bill, provided that the private sector is involved and is encouraged in a fundamental and effective manner. I believe that this will happen.

Mrs. BYRNE (Todd): I support the motion and the legislation. The land in question was acquired by the South Australian Land Commission in the rural A sector of the City of Tea Tree Gully in 1973-74. As it was such a large parcel of land (1 400 hectares) almost entirely in public ownership, it offered a potential for new approaches to comprehensive and integrated development, which is one of the functions allowed under the Act. The commission decided that, because of these circumstances, it was appropriate to commission planning studies for the area to determine an appropriate plan for alternative development in a comprehensive manner and that, seeing that the land which the commission owned was within the boundary of Tea Tree Gully, the work be undertaken jointly under the auspices of the commission, the council, and the Director of Planning.

The commission engaged consultants who had previously done some preliminary work for former owners of the land, and set up a steering committee initially comprising the Director of Planning, representatives of the Tea Tree Gully council and the commission. Preliminary studies, which were undertaken throughout 1974-75 by the consultants, established that the area could be suitably developed eventually as an extension of urban Adelaide and that the work should proceed.

Subsequently, a further group to continue the studies was set up under the leadership of an officer from the State Planning Authority and included the previous consultants and other appropriate professional people. This resulted in a series of reports being presented to the committee, and it confirmed earlier reports that the area could be developed comprehensively in a way that would provide for a total urban development and that there were opportunities to approach development in a somewhat more innovative style. That report formed the basis of further discussion between the council and the commission.

A policy committee was established last August as a result of an obvious need to have a close association in any subsequent development between the commission, as the agency responsible for undertaking the development, and the council, having regard to its responsibilities. It was the work of this committee, in discussion with other parties, which led to the present statutory proposal contained in the legislation.

In the first stage of the work done for the commission, because of the land diversity and attractive topography (and, of course, this has already been mentioned by previous speakers), a landscape study was undertaken to ensure that those aspects of the landscape environment that were attractive were preserved and that any developmental proposal was sensitive to the environmental aspects of the existing landscape.

The first part of this study was directed towards ascertaining which, if any, of the land should be developed. Generally, 25 per cent of the area was identified as in need to preserve the existing natural landscape, and this is somewhat higher than normal. Areas were identified that should be preserved because of natural flora and fauna, historical significance, drainage purposes, and those with recreational value. The area was mapped and the microclimate, that is, orientation of winds and rainfall, was considered. Also considered were the soil types, existing vegetation and where vegetation of particular types would grow well.

A terrain analysis regarding housing construction was carried out, and access and servicing were considered. I mention here that one major economy in developments of this type that can be achieved is through the clustering of retail, leisure and educational facilities in neighbourhoods, and at the same time accessibility of people to the facilities mentioned with increased benefit to all, as this principle involves the sharing of space, such as car parking, library facilities and leisure facilities.

A careful study was made of the social requirements outside the boundary so that, in planning, proper provision could be made for the provision of community facilities needed to serve not only this area but also adjoining areas within the city of Tea Tree Gully. Some regard was paid to the possibility of servicing the

population outside the boundaries of Tea Tree Gully. In short, the study included comprehensive reports on every physical and social aspect that needed to be taken into account in relation to the site. This sort of detail was necessary to make discussions with other Government departments meaningful. The result was a feasibility plan which was aimed at showing the potential of the area. This was shown and explained to the Select Committee. As the evidence will show, before the committee came to a conclusion evidence was given by various witnesses, including representatives of the city of Tea Tree Gully, various Government departments and others.

Naturally, I was particularly interested in the attitude of the City of Tea Tree Gully and residents that live in the area, as it is desirable that the quality of life of present and future residents be protected. The Select Committee was informed by a council representative that the proposed Bill was considered last month by the council and overwhelmingly supported. It was also mentioned that trust had built up between the commission and council and it was felt that the two parties could form a cohesive team.

As has already been mentioned, only one local resident came forward. At present, the commission can develop the land, but this Bill provides for a particular method of doing that. That is what the Select Committee had to consider. The committee has recommended that the Bill be passed with two amendments, one of which concerns road closure. In addition, attention has been drawn to matters of concern. The Bill provides for a more flexible, effective and quick method of development control than the more rigid systems that exist under the present planning regulations and is an opportunity to enter into a system of co-ordinated planning instead of regulatory planning. In my opinion, it is certainly a vast improvement on the piecemeal type of development that has already taken place elsewhere in the district.

I consider that, because this Bill enables a co-ordinated plan to be developed, it should make problems such as the provision of transport, reconstruction of new roads and upgrading of existing roads, stormwater drainage, provision of suitable buffer zones (and other things I could also mention) less severe than under the present method of zoning regulations. Also, the gradual development of the area by commencing in the south will assist, as will the fact that the development will take place gradually over two decades.

The joint development committee established by this Bill will have the basic function of devising a development scheme and supervising the overall development. Planning and development should benefit from full consultation with all relevant Government departments and authorities and from co-operative arrangements with the private sector. I have aspirations that this type of development will add to the overall development and quality of life of the City of Tea Tree Gully.

Mr. MATHWIN (Glenelg): I support the Bill, because better planning and development is part of the policy of my Party. For many years I have had much concern about the development of areas and in particular the provision of essential services to some of those areas, particularly the new ones. This has been lacking in the past, and people have had to wait for many years for facilities to be provided. I refer particularly to sewerage and water, and in many cases kerbing and footpaths. Transport is another service which is a big problem in newer areas, and even in some of the older areas there is still a problem.

I register my objection to the short time allowed for members to study the evidence submitted to the Select Committee. I was able to get the evidence from the member for Fisher a little earlier this evening. We have had little opportunity to peruse the evidence, which is lengthy. This is not as lengthy as the last report I looked at, but there is much evidence to try to get through in the short period allowed to do so. Likewise, the report was laid on the table this afternoon and, again, if one is to do the job thoroughly one needs some time to sift through and peruse the whole of the evidence. Item 7 of the report states that the proportion of building that the South Australian Housing Trust is likely to undertake will not be greater than 20 per cent of the total. Such construction will be divided approximately equally between residences for sale and rental.

The next paragraph states that particular attention will be given to accommodation for aged residents, and I would hope that particular attention would be given to making facilities available for aged residents of this area, because it is a new area. These things are so often left, and the aged have probably more difficulties than anybody else in the community. They have transport difficulties and problems trying to reach an area where they can enjoy the company of other people in clubs and the like. Often this aspect has been neglected until many years later when there is then a great problem with aged people.

Although attention has been given to accommodation for aged residents, I hope that some attention will be given to providing facilities for these aged people to be housed in this development. Page 2 shows that the committee considered the attention given to such matters as stormwater drainage, transport, preservation of historical buildings, retention of areas of national fauna and vegetation, and the social requirements of residents in the surrounding area. I take it that that includes provision for facilities for the aged and the young. Paragraph (11) refers to the use of trucks on the Golden Grove Road, as follows:

> In view of the extent of truck usage of Golden Grove Road, such a buffer needs to include suitable tree planting and landscaping within the scheme area along its eastern boundary.

I am not familiar with this location. When Elizabeth was developed, in the early years great development occurred on one side of the Main North Road, and in later years Elizabeth spread to both sides of the main road. The lesson ought to have been learnt that a city, town or village, should not be built on both sides of the main road. This sort of thing was often criticised by many members on the other side of the House over the years, yet today on South Road at Reynella, Morphett Vale and even towards Noarlunga, we see development occurring, similar to that which occurred at Elizabeth. Now development is occurring on the eastern and western sides of the Main South Road.

This Government had an opportunity to learn from the experience of the past, and to study the situation in other parts of the world, learning from these mistakes. This sort of development should not be allowed to occur on this new estate. I hope that the Minister for Planning has heeded that warning, that he will learn by it, and make sure that the trap is avoided, as it has not been avoided on South Road. The building of large areas of housing on both sides of a main arterial road must be avoided. Such development is against all modern planning and commonsense, and it is a disgrace that any Government in this day and age should proceed with that sort of development.

I briefly turn to parts of the evidence and point out some of the matters raised. Mr. Ramsay was asked about piecemeal development by the member for Fisher, as follows:

> Many suburbs have been built on a piece-meal basis over a period involving several architectural styles, and they seem to

provide a better environment than areas mass produced. Do you see part of this area being developed on a piece-meal basis?

Mr. Ramsay replied:

I hope so. A unique decision made by the trust concerning development at Elizabeth was not to build all the houses at once. We had read, and some ot the staff had seen, the English new towns that were built in total.

I hope that the same principle applies here. It seems apparent going through the evidence that the Government is now aware that there are advantages in overall planning and in advancing the building in one compact unit. Nevertheless, there are some great advantages in what is termed a piece-meal development. At page 63, the evidence states:

The north-eastern corridor is poorly served for both road and public transport. The proposal to develop 1 400 hectares of land at the extremity of this corridor for mainly residential use will lead to an increased demand for travel along the corridor and aggravate the traffic congestion already apparent.

The evidence also stated that the provision of a public transport facility along the corridor would cost an estimated $60 000 000 to $80 000 000. The Minister asked another witness, Mr. Beverley, from the Highways Department:

In relation to the proposed north-east transport corridor, would you take the view that action will have to be taken on the Main North-East Road to ease the overall transport problems?

Mr. Beverley replied:

We are currently widening the Main North-East Road. This work will relieve some of the present congestion.

The member for Todd asked:

When does your department expect that the work there will be completed?

The answer was:

In the next few weeks. It will provide adequate width for a bus priority lane as well as two other lanes.

But the same gentleman from the department warned the Government that nevertheless, even though this road widening was in operation, it would relieve only some of the present congestion, and that is all. Therefore, the Government still has the problem in that area in relation to transport and the provision of roads for traffic to go to and from this area. One hopes that the Minister of Transport at last realises he has to do something about providing reasonable roads within the metropolitan area and surrounding areas to cater for the vast traffic that is now piling on to roads that were never built for anything like the volume of traffic that this Government is responsible for piling on to them. In my area, I refer to Brighton Road. Something must be done there as a matter of extreme urgency. It is about time the Government took action.

The DEPUTY SPEAKER: The condition of Brighton Road is not the subject of this debate.

Mr. MATHWIN: I apologise but I hope that what I said did not fall on deaf ears. On page 66 of the transcript the Chairman (the Minister) referred to the Land Commission and said to Mr. Beverley:

The Minister is given power to direct—

and this is a matter of liaison with the department—

the Land Commission under provisions of clause 22. I will require the commission to consult fully with the Highways Commissioner in matters concerning roads and stormwater drainage. Would you then be satisfied that there are effective provisions to ensure that things do not occur without the involvement of the Highways Department?

Mr. Beverley replied:

Yes. I thought that the expertise and involvement of the Highways Department would be required as well as the commissioner being able to exercise his role as an expert adviser to the Government on road safety, drainage and such matters.

The Chairman then asked:

We will make public and you can be assured that I will direct the Land Commission in developing this area that it must liaise fully with relevant Government authorities, including the Highways Commissioner.

The Minister has committed himself and has assured the committee that he will direct the Land Commission, in developing the area, to liaise fully with other departments. On page 72 of the transcript Mr. Evans said:

I am concerned that we are saying in relation to Government departments being contacted and liaised with in any development that we will get a guarantee that you will do that, Mr. Chairman.

In reply, the Chairman said:

I will not do the liaising; I will make the requirement of the Land Commission that it will liaise. The normal procedure is that the Director of Planning, in relation to proposed subdivisions, contacts the various Government departments. That will not happen in this case. That aspect of the normal procedure has been removed. It is really a means of ensuring that the Land Commission does what the Director of Planning did previously.

At page 73, the Chairman said:

If the Minister does not do it the public will do it for him if some things do not happen. I can recall the political controversy, as could Mrs. Byrne who lived in the area, that arose in my district in relation to flooding, not just from the Sturt River but in the area above the development south of Seacombe Road.

I well remember that problem, because I think I was Mayor of Brighton council at that time. Obviously, in the statement I have just read, the Minister is passing the buck by saying that if he does not do it the public will do it. What he is saying is that if there is a big enough outcry and if he has his arm twisted far enough up his back he will give into public pressure. That is not good enough. It is all right the Minister's talking about problems with the Sturt Creek, but it ill behoves the Minister to wait for this pressure before liaising with the different departments that might not be under his control but would be under the control of his Cabinet colleagues.

I will not deal with the vast amount of evidence that was taken by the committee because, unfortunately, I have been able to read only a certain amount of it. However, what I have read is sufficient to draw the Minister's attention to the commitments he made. I support the Bill, which I believe is good legislation. Amendments will be moved during the Committee stage of the Bill. Because the Bill is in keeping with the policy of my Party, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 24 passed.

Clause 25—"Road closure."

The Hon. HUGH HUDSON (Minister for Planning): I move:

Page 10—

Line 9—After "any other Act", insert "but subject to this section".

After line 12—Insert subclause as follows:

(1a) Not less than fourteen days before he proposes to exercise the power conferred on him by subsection (1) of this section, the Minister shall cause notice to be published in a newpaper circulating generally throughout the State setting out with reasonable particularity the description of

the roads in respect of which he proposes to so exercise his power.

This is a provision to ensure that some public notice is given at least 14 days before the closure of a road occurs in the area in which closure is going to take place.

Amendment carried; clause as amended passed.

Remaining clauses (26 to 28), schedules and title passed.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

BUS AND TRAMWAYS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CONSTITUTIONAL MUSEUM BILL

Returned from the Legislative Council with an amendment.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 15. Page 1570.)

Mr. GOLDSWORTHY (Kavel): I support the second reading of the Bill. As originally introduced, it was fairly simple. However, the Chief Secretary has indicated that he intends to move an amendment which will alter the complexion of the Bill. As originally drafted, the Bill intended, as a result of agreement between the relevant State Ministers, to make it easier for the police in the various States to apprehend people who at present are difficult to arrest and to hold. That was the only point of the original Bill. The Minister acknowledges that annual conferences of Commissioners of Police have been held on several occasions in recent years and agreement has been reached that all Staes should seek the introduction of legislation to provide police with powers of detention in circumstances of this kind.

If a person in South Australia is reasonably suspected of having committed a crime in another State, it is difficult for the South Australian police to detain him without having warrants from police interstate. No-one could argue with the intention of the Bill as first introduced. Any measures which can be taken to apprehend criminals from other States should be taken. However, I think the Minister intends to introduce new matter to the Bill; he intends to suspend Standing Orders to enable the new matter to be considered. However, as there is nothing wrong with the original Bill, I support its passage to the second reading stage.

The Hon. D. W. SIMMONS (Chief Secretary): I am gratified that the Deputy Leader has appreciated the point of the original Bill and that the Opposition is prepared to accept it. It arose out of conferences between various Commissioners of Police, and such legislation is necessary to enable the police to hold, in reasonable circumstances, people who may have committed serious offences in another State. The Bill provides for action that must be taken within a period not exceeding seven days against a person who is being held, otherwise that person must be discharged from custody or released from bail, as may be required by the court.

The principle is quite simple. I am pleased that the Deputy Leader has agreed to support the Bill. He has indicated some reservations about the amendment of which I gave him notice the other day, although I have not yet formally given that notice in the House. At least we have agreement on the second reading of the original Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—"Publication of indecent matter."

The Hon. D. W. SIMMONS (Chief Secretary) moved:

Page 1, line 9, after clause 1—Insert new clause as follows:

1a. Section 33 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "One hundred pounds" and inserting in lieu thereof the passage "Two thousand dollars"; and

(b) by striking out subsection (3).

Mr. GOLDSWORTHY: This is the new matter which the Minister has sought to introduce and which bears no relationship to the original Bill. It is on a completely different subject. It seems a most unusual course to lump it into the Bill as originally drafted. There is an element of hypocrisy about the first part of the amendment. The Opposition introduced in the Upper House a Bill in relation to child pornography, and this penalty would refer to that matter if material was not classified by the Classification of Publications Board, on which the Government now relies heavily.

If the material was published, although it had not been given a classification by the board, the penalty in the new clause would be invoked. It is interesting to note that the penalty which the Minister seeks to include is the same as was prescribed in a Bill from another place, but the Bill was defeated by the Government in this House. The Bill was to outlaw the production of certain material.

The CHAIRMAN: Order! I draw to the honourable member's attention the fact that he should not be discussing any other Bill, when discussing this new clause.

Mr. GOLDSWORTHY: We are discussing the relevant section relating to the publication of indecent material.

The CHAIRMAN: I appreciate the honourable member's difficulties. Nevertheless, Standing Orders state that he must not discuss any Bill that has already been dealt with by the House.

Mr. GOLDSWORTHY: This clause will be invoked if a penalty is sought for the publication of material that has not been classified by the Classification of Publications Board, and this penalty will be prescribed. Other action which we sought to take would be more appropriate than that envisaged by the Government.

It is the second part of the amendment, to strike out subsection (3), that I find unsatisfactory, and I hope that the Minister will explain it. Does he believe that the Classification of Publications Act is all that is needed in relation to the exercising of this part of the Police Offences Act? It upgrades the penalty in subsection (2) from £100 to $2 000, which was the penalty which was suggested by the Opposition in another matter but which was objected to by at least one Government speaker on one occasion. There is an element of hypocrisy in that regard.

The amendment also seeks to strike out any reference to any criteria the judge must use in determining what constitutes indecent material and, from what I can see, there is nothing to replace it. What criteria will the judge use in making a valued judgment of what constitutes indecency? A person is still prohibited from printing,

publishing, selling or offering for sale any indecent matter, but the judge is given no indication of what constitutes indecent matter. I believe that the Minister is relying wholly and solely on the fact that the Classification of Publications Board has failed to classify material. Will that be the sole criterion used to define indecency in the future? I cannot understand the sense in striking out subsection (3) of the Police Offences Act. I am not prepared to support the amendment.

The amendments are unrelated to the original Bill, and we have not had them explained to us. They have been introduced as new material, without being explained, and we are expected to accept them. The first amendment is sheer hypocrisy, and the second seems to be sheer lunacy.

The Hon. D. W. SIMMONS: The Deputy Leader would appreciate that the Government's attitude is not hypocrisy as far as the penalties are concerned, and not lunacy as regards the deletion of the subsection is concerned. The original penalty was written into the Act in 1953, when it was first passed, when the penalty of $200 represented about nine weeks earnings based on the male basic weekly wage, then about $23·10. On the basis of maintaining some equality with rates of earnings, there was a good case for it to be at least well over $1 000. The Government has decided, in view of the type of offence, and as big money is to be made from pornography now, that it would not be inappropriate to multiply that penalty by ten, making $2 000.

Mr. Mathwin: You've changed your tune since a couple of weeks ago.

The Hon. D. W. SIMMONS: It would be just as improper for me to refer to other legislation that has been dealt with by the House as it would be for other members to do so. There was no objection to the penalty of $2 000: the other weaknesses in the legislation caused the House to throw it out a fortnight ago. There is nothing hypocritical about the Government's attitude. The other legislation would have weakened the powers as regards some of these offences.

The CHAIRMAN: Order! The honourable Minister should not refer to previous legislation.

The Hon. D. W. SIMMONS: Despite my willingness to do so, I will defer to your ruling on that, Mr. Chairman. There should be no disagreement over the $2 000 penalty for this type of offence. The second point the honourable member made was that by deleting subsection (3) we were leaving the courts without any guidance on how to deal with these matters. I am informed that when the legislation was first passed subsection (3) was inserted because of the desirability of giving some guidelines to the courts to enable them to deal with these types of offences. Since then one or two things have happened. First, section 23 of the Classification of Publications Act has inserted subsection (4a) as follows:

> In deciding whether to consent to a prosecution under this section, the Minister shall take into consideration any relevant decision of the Classification of Publications Board.

So there is something put in place of the guidelines given to assist the courts back in 1953. But it goes further than that. The Deputy Leader would have members think that, in the absence of a classification such as that, there are no guidelines for the court. I am informed that, in cases where the Classification of Publications Act does not provide the answer, the principles of common law can still be adhered to by the courts. They, of course, will do that.

If a publication does not come within the scope of the Classification of Publications Act, it will still be dealt with in accordance with the common law. Perhaps the main reason why this subsection is being removed from the Act is that it has been found in practice that its provisions have been used by lawyers as a loophole to get their clients off. We have now reached the situation where the guidelines do more harm than good, and for that reason it has been decided that it would be more appropriate to remove the guidelines from the legislation altogether, bearing in mind that where a classification is issued by the Classification of Publications Board the matter is adequately covered.

Where the publication does not have a classification, the matter can still be dealt with, as it has been dealt with for a long time, in accordance with the common law. It is not true to say that we have taken away all guidelines from the courts. They can still operate successfully, and in the absence of this subsection they are more likely to be able to find the offender guilty. One of the reasons why this was introduced in this way was that it was considered desirable, as a matter of urgency, to use the vehicle of a bill which is already before the House and to which the honourable member has indicated his agreement, in order to get a quick passage of this amendment through Parliament, because in fact prosecutions are pending, and it is desirable to remove it to ensure that the people being prosecuted cannot take refuge in this subsection, which has ceased to fulfil any useful purpose.

Mr. WILSON: The Chief Secretary has said that he has used this Bill as a vehicle to get this amendment in to enable quick passage because he has prosecutions pending. The Attorney-General announced late last year that penalties were to be increased. There is no excuse for the undue haste in the way this has been introduced. The Bill was introduced into this House on February 15. This amendment was put on file on March 9. It is an afterthought, and the reason for it is the public outcry that has occurred in the past two weeks because of the actions of the Government in another matter. The Government has been embarrassed by that public outcry and that is the reason that this hastily drafted amendment has been introduced as recently as late last week. That is the real reason for the Government wishing to give this Bill a quick passage.

The member for Mawson and the member for Gilles must be extremely embarrassed about this situation, because only a few weeks ago they were saying (certainly, the member for Mawson said) that they thought the penalties in section 33 were adequate. The member for Mawson said that he perhaps thought they should go as high as $1 000. This amendment increases the amount to $2 000.

I agree that subsection (3) is not the ideal definition of indecent, immoral or obscene conduct, but it is better than nothing. The Government wishes to delete this subsection, but doing that will weaken the whole of the legislation.

I am disappointed that the Chief Secretary has not given a full explanation of exactly how he expects the legislation to work properly. I agree that it is probably an advantage to let the judges have a certain amount of flexibility, but how this matches up with the Classification of Publications Board I fail to see. The whole of this amendment is an example of shooting from the hip. It is hastily prepared and, unless the Government can give better reasons, I will have to oppose the clause, which is designed to strike out subsection (3). I would very much want to support the clause which increases the penalty to $2 000.

Mrs. ADAMSON: Despite the Minister's attempts to justify new clause 1a, it seems to me that the Government has done precisely what the member for Torrens said; namely, responded belatedly to public opinion. When the Minister denies that the Government's attitude is hypocritical, I think he should remember that it is barely two weeks since his own members are on record as saying that $1 000 is sufficient. I shall be interested to see how

these same members vote when it comes to a vote on this Bill.

The member for Mawson, for example, two weeks ago considered a fine of $1 000 sufficient penalty for distributing pornographic literature. I wonder what he will say tonight. It is interesting to see the Government's delayed response to public opinion; it is very much out of step with governments all around the world. An article in the *Advertiser* of March 3, 1978, stated:

> A recent clamp-down on the United States trade means that sellers of child pornography face five to 25 years in prison.

They are enlightened people and realise the damaging effects of pornography on the community. The United Kingdom is moving in a similar way. The article goes on to say:

> The 14's to 16's, the age group considered most vulnerable to sexual exploitation, are covered by the new Bill which provides for fines of about $17 600 and up to three years prison for offenders.

Barely a fortnight ago this Government voted against legislation that would have attempted to deal with the problem in an effective way.

The CHAIRMAN: The honourable member should not reflect on a vote taken in this Chamber this session on a different Bill.

Mrs. ADAMSON: I accept your ruling on that, Sir, and will refer in more general terms to the Government's attitude. Because it has been expressed recently, this makes members on this side deeply suspicious of the Minister's attempts to amend this Bill in a clumsy and hamfisted fashion which is not guaranteed to achieve the objectives sought by members on this side.

Mr. MATHWIN: I support striking out the penalty of £100 and inserting $2 000, because that matter was brought before us some time ago, although I am not allowed to mention that.

The CHAIRMAN: It has been mentioned, and it is a subtle way of flouting the Chairman's ruling.

Mr. MATHWIN: I was upset because the Minister moved the amendment with no explanation, expecting that the Opposition would say, "Great stuff! The Government is at last supporting the feelings of the Opposition which it did not do some weeks ago; therefore, it is all in accordance with the Opposition, so we will sail it straight through. I do not have to explain a thing." He did not attempt to explain what it was the government had in mind in relation to this matter. He did not explain the striking out of subsection (3). Why did he not do it? He did not want to draw any herrings out of the bag and he was afraid to raise the matter truthfully in this House; he was really adopting the policy of members of this side.

The feelings of other members are quite obvious, and have been made public. The member for Mawson and the member for Gilles have stated their views here. The member for Mawson said here some time ago that he believed that $1 000 was sufficient for this type of gutter rat. I will keep reminding him of it. The interjection of the member for Morphett was not taken down at the time because it was not answered by the member for Torrens.

Mr. Drury: You're completely wrong.

Mr. MATHWIN: I am not. The feelings of the member for Mawson are recorded for all time. The Minister has the audacity and gall to bring in an amendment of this type which was placed in this Chamber not long ago and lost because of a lack of support. He brought in the same thing without explanation; it is not good enough. The only time the Minister got to his feet was when the Deputy Leader of the Oppostion questioned him on it, and he gave a weak excuse saying it does not matter, because the criteria is in another Act, and the court did not need the guidelines.

A need for these guidelines within the Act is quite apparent. There is no real reason for the Government to take it out. The feelings of the Government are well known to members on this side. I cannot support the second part of the amendment.

The Hon. D.W. SIMMONS: I am sorry that I did not give an explanation when I introduced the amendment, but, so far as the honourable member for Glenelg is concerned, if I had given it in words of one syllable and six inches high he still would not have understood it. The members for Torrrens and Coles were rather less than charitable in their interpretation of why the Government has moved in this area. The Government believes that all the penalties in the Police Offences Act are in need of review. Most were fixed in 1953, and a few have been replaced by amendments which have been put in since that time, and they did not need the same measure of adjustment to deal with inflation and changed attitudes as did the original set of penalties.

The Mitchell committee in its report recommended that there be a review of penalties overall. That is in the process of happening. A new Bill was being prepared with a schedule of amendments which ran to four and half pages, merely updating penalties in the Police Offences Act. We could have brought that in but, in light of Mitchell Committee's report recently released, we thought we ought to look at these offences in relation to other offences to make sure there was an appropriate relativity between the two. If that process is going to be carried on, it would have meant that this amendment would not have come in before the House rose, which is only four sitting days from now.

For that reason it was decided that it would be better to deal with the specific problem, particularly as prosecutions have been launched. We want to ensure that those prosecutions stick and that an appropriate penalty is available to the court to apply in such cases.

Mr. Tonkin: To apply in respect of prosecutions that have already been instituted?

The Hon. D. W. SIMMONS: Yes.

Mr. Tonkin: That's interesting—retrospective penalties.

The Hon. D. W. SIMMONS: If the Leader is keen to support the operations of these pedlars of porn, that is up to him. All I can say is that there is a certain degree of urgency involved in this measure and that other prosecutions may be pending before this House will get another opportunity to deal with the problem. In the circumstances, it was believed desirable to restrict the amendment to this matter alone, to fix what was thought to be an appropriate penalty, and to delete the subsection which has been the means whereby people have evaded their just desserts under this law and which, in some cases, has inhibited the police from bringing about a prosecution because they thought it would be unlikely to proceed, given the existing provisions of subsection (3).

That is why the matter has been dealt with in this way. I would have preferred to bring it in as a separate Bill with a whole series of amendments as to penalty, plus the deletion of subsection (3). In the circumstances, it was thought more desirable to use the existing Bill for introducing these amendments. We also hoped that this would happen long before this. The original Bill was introduced on February 15, but it has taken a fair while to get back to it because, as members would know, other measures on the Notice Paper have had to be dealt with.

Mr. Goldsworthy: And on the Government's mind.

The Hon. D. W. SIMMONS: That may be so, because we are a busy Government. The interpretation that members opposite have chosen to put on the reason for

this amendment is incorrect. I can assure them that, in due course, other penalties under the Police Offences Act and other legislation will be brought into line with present-day monetary values. I believe that that has answered the points made by the member for Torrens and the member for Coles. I will not bother about the comment made by the member for Glenelg, because I believe he has answered it out of his own mouth.

Mr. WILSON: The Chief Secretary has made a couple of interesting points, one of which is the question of retrospectivity to try to catch existing offenders, so to speak, in the net. The Minister referred to people who have already been prosecuted. It is the first time I have come across that sort of thing, and I do not know whether I like it.

Mr. Nankivell: It's not traditional.

Mr. WILSON: Right. The Chief Secretary has said that the Government has at the drafting stage several pages of amendments relating to a series of penalties under the Police Offences Act and, no doubt, the Criminal Law Consolidation Act. If the Chief Secretary were to introduce that legislation, the Opposition would certainly give it a speedy passage because we agree entirely with the principle of upgrading penalties. I still strongly believe that this was a hastily drafted amendment introduced at the last moment because of undue publicity that the Government has received in the past two weeks.

Mr. GROOM: I support the amendment. I have always supported higher penalties for indecency offences committed against children, despite an improper attempt by the member for Glenelg to suggest otherwise.

Mr. Goldsworthy: What went wrong last time?

The CHAIRMAN: Order! The Committee cannot refer to previous discussions.

Mr. GROOM: This amendment increases the penalty from £100 to $2 000 and still provides for six months imprisonment. It is an amendment to section 33 of the Act that deals with indecent matters. A much more serious offence is provided for under section 58 of the Criminal Law Consolidation Act, the penalty for a first offence being imprisonment for any term not exceeding two years and for a subsequent offence imprisonment for any term not exceeding three years. It is only in the worst possible cases that the court would ever impose the maximum sentence. For a first offence, the court would generally try to weigh up the interests of the defendant against the public interest. It is rare, except in the worst possible type of case, that the maximum term of two years imprisonment for a first offence or three years for a subsequent offence would be imposed.

This present amendment clearly shows a different gradation in the seriousness of offences in the Police Offences Act and the Criminal Law Consolidation Act. A matter of indecency under this amendment will attract a $2 000 fine, and is coupled with imprisonment for six months. Regarding children under 16, not 14, section 58 of the Criminal Law Consolidation Act, for an act of gross indecency, provides a relatively severe penalty.

Mr. Wilson: Although the courts asked for it to be increased?

Mr. GROOM: That may be desirable. I am saying that existing legislation recognises that there are differences in the degree of seriousness in any offence. For offences of gross indecency the courts would not, except for rare occasions, impose the maximum penalty. If a rapid escalation in indecency offences committed on children in the community can be properly shown and is not the result of witch-hunts of the type on which the Opposition embarks from time to time by digging up all sorts of material, perhaps higher penalties should be imposed. If one wants to find that sort of material, one has only to look hard enough and long enough to find it. I have never seen that sort of material, except in the possession of people who purport to oppose this sort of act in the community.

Mr. GOLDSWORTHY: The Minister's explanation is hardly credible. He said that the Government had prepared 4½ pages of amendments to bring penalties into line with modern monetary terms. By a marvellous coincidence, this amendment seems to be the one that has been singled out to be increased.

It seems more than coincidence that this has been the subject of public debate recently as a result of actions of the Opposition. The Minister is stretching the grounds of credibility if he suggests that this one amendment out of all the others just came to him. It confirms that the Government is reacting to Opposition initiatives and to public opinion. I have no argument with the increase in penalty, so I do not have much argument with the member for Morphett. However, he has confused the issue by talking about the Criminal Law Consolidation Act referring to acts of indecency between two people. This clause deals with the publishing of indecent material.

We object strongly to the second part of the new clause which simply seeks to delete any definition of indecent material from the Act. The Minister asserts that clever lawyers can get around it. Perhaps it can be improved, although it seems to be a fairly water-tight provision and fairly precise. If any people of any group or age will tend to be depraved or corrupted by the material it is indecent. The Government intends to strike out subsection (3) and to put nothing in its place. The Minister speaks of recourse to common law. It seems a strange explanation for a deletion from the Act of the very matter to which this clause refers. I move:

That the new clause be amended by striking out paragraph *(b)*.

The effect of the amendment will be to retain in the Police Offences Act subsection 33 (3), which is the matter we are discussing. My amendment does not affect the first part of the new clause, which increases the penalty, because the Opposition has been talking of that for many months, but it rejects that part of the new clause which seeks to delete from the principal Act the definition of indecent material.

The Committee divided on Mr. Goldsworthy's amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons (teller), Slater, Virgo, Wells, and Whitten.

Majority of 6 for the Noes.

Amendment thus negatived; new clause inserted.
Clause 2 and title passed.
Bill read a third time and passed.

The Hon. D. W. SIMMONS (Chief Secretary) moved:

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

Motion carried.

WATERWORKS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST BILL

Adjourned debate on second reading.
(Continued from March 7. Page 1982.)

Mr. GUNN (Eyre): Although I support the second reading of this Bill, there are one or two matters contained in it that need clarification, explanation and undertakings by the Premier. I intend to improve the Bill by moving amendments in Committee. However, I think it is interesting to recount for a few minutes the reasons for the legislation.

Members will be aware that last year the Liberal Party, as always looking to the future and to protect and improve facilities in the country, announced a policy of assistance to people in the North of the State. We gave an undertaking at the last State election that, if elected, we would establish a northern affairs section. We announced that in July. During that election campaign, which was held in September, the Labor Party issued a policy document headed, "Statement from the Premier". It was released, I understand, on August 29, 1977, and dealt with the Outback Areas Development Trust. It is interesting to read through the document, because at that time the Government became somewhat carried away with the sort of things it was going to do. It was talking about television stations and things of that nature, but it was really trying to pull the wool over people's eyes. The interesting part of the pamphlet was the Government's undertaking to spend $1 000 000, and saying that the State Government would be responsible for meeting the charges in relation to that particular borrowing. It is interesting to note that the State Government indicated that it would accept the responsibility for raising the revenue, and that the locals would not be placed in that position.

Early last year, I had the opportunity of accompanying Dr. McPhail on a trip to the North of the State. He put to the people a proposition that would have required some contribution from local residents. However, it was rejected overwhelmingly by most of the people in the North. I well recall attending a meeting at Coober Pedy of over 400 people, who were vocal about having to pay rates. The Premier outlined the kind of things that the Government intended to provide under the trust. In one section of the document, he said:

> The State Government is very conscious of the services given by executives of these groups—

he is talking about the progress associations—

> and we believe their activities should be still further expanded.

We all agree with that. He also spoke about airstrips at Coober Pedy and Marree, and various other facilities.

Mr. Venning: They didn't expect you to be the member.

Mr. GUNN: Perhaps they did not but, if people were realistic, they would know when they were well represented. Following the election, the Government had to put its undertaking into effect. This matter has been aired from time to time in the press. In the *News* of Tuesday, November 15, 1977, under the headline, "Connelly to boost jobs in the bush", appears the following report:

> The former House of Assembly Speaker, Mr. Ted Connelly, has been given a Government post to create job opportunities in South Australia's outback. Mr. Connelly is tipped to win the job of Chairman of the new Northern Areas Development Trust when it begins operating, probably next year. He is now working full-time in the local government office in Adelaide as a research officer.

That particular suggestion has been floating around in the North for some time. We are aware that he has been involved in discussions with various groups in the community, explaining to them how this trust will operate and the type of project they should submit for consideration.

When the Bill was introduced last week, I took the opportunity of making it available to a number of organisations in my district which have been concerned for some time about providing facilities. Unfortunately, there has been a limited time in which to consider it, but I have had comment from the Coober Pedy Miners and Progress Association, the Far Northern Development Association, and the Stockowners Association of South Australia. The Coober Pedy Miners and Progress Association has contacted the Premier as, I understand, has the Stockowners Association, whereas others have not had the opportunity of doing so. A letter I have received from the Coober Pedy Progress and Miners Association, dated March 12, states:

> Thank you for sending us the copies of the Bill for the Outback Areas Community Development Trust Act. We would like to comment on several points and hope that they will be received as constructive comments aiming towards a better Act.
>
> 1. No. 7. During Dr. McPhail's visit to Coober Pedy early in 1977 re: Local Government, we were told that if any form of local council was established, the persons on that council would be paid by the Government. This section of the Act seems to leave this point in doubt and so we ask, where will the funds for such fees come from and hope that it will not be the trust.
> 2. No. 15. This whole section appears rather shaky.
>
> 15 *(a)*. Does this mean that the trust can instigate and carry out projects of its own design; if so, we object most strongly?
>
> 15 *(c)*. Does this mean that, services such as our rubbish dump, water, etc., not being funded or subsidised by the Government, will be financed by the trust? If so, we object strongly again, as much of the funds needed for new projects will be eaten away.
>
> 15 *(d)*. We were wondering if this means as it reads, i.e., that areas already under local government will be financed by the trust for communication improvements within their own areas. If so, we do not agree and would like to see this section reworded.

I think that what that particular gentleman is stating in his letter is that they are concerned that funds that will be spent ought to be the sole responsiblity of the Government. The letter continues:

> 15 (2) After the very decisive 2 to 1 vote against Local Government here in late 1976, there is no need to go into too much detail as to why we unanimously object to the inclusion of the whole of this section. It appears to give the trust the powers to impose all those things that this town rejected, such as, rates, by-laws, etc, and so we would like to see this whole section deleted.
>
> We hope that our comments receive a chance to be aired during debate on this Bill and would appreciate any attempt to rectify the matters we have raised, especially section 15 (2).

I understand that the Premier has a copy of that letter. The Stockowners Association, when this particular matter was announced, supported it wholeheartedly (as did most groups in the north of South Australia, and it had my support from the time it was announced). On November 30 the executive officer of the Stockowners Association wrote to the Premier as follows:

> The last Council meeting of the association carried a resolution strongly supporting the principle of establishing an Outback Areas Development Trust, as outlined in your election policy statement of August 29, 1977. My council agrees with you that the need for such a trust is clearly evident and much prefers this idea to control by a city based Authority remote from the needs and difficulties of people in this vast isolated area of the State. I was asked to request that as a matter of urgency you make public the proposed structure and terms of reference of the trust related to its powers and functions, in the knowledge that the co-operation and support of the association and its members is assured.

Unfortunately, the association was in for a rather rude surprise when it read the Bill because the very matters it mentioned in its letter for supporting the trust were not in the Bill. I will read a letter that I understand they sent to the Premier on March 9, as follows:

> I have read the proposed Bill for an Act to establish the Outback Areas Community Development Trust and while still supporting the need for such a trust as stated in our letter dated November 30, 1977, we must raise the strongest possible objection to Part III, clause 15, subclause (2). This enables all the powers of local government to be given to the appointed members of the trust without the local people having the right to remove them at an election if they were dissatisfied with their performance as they can in the case of district councils and municipalities.
>
> It also makes possible the introduction of rates on pastoral lease land. Leasehold rents were determined on the basis that lessees do not have to pay rates. The leases would all have to be reviewed or at least there would be a sound argument that they should be. There is also the problem which is increasing every day and that is the litter that is coming mainly from tourists and there is a fear that much of the money granted to the trust for the benefit of the local people could be eaten up in collecting this rubbish. We therefore ask in the interests of those people who will benefit from the setting up of this trust, that a clause be added precluding the levying of rates by the trust and limiting its powers to impose unwanted by-laws under the Local Government Act, against the local population's wishes.
>
> Yours faithfully,
> (signed) D. H. Kelly, Executive Officer

I have gone to the trouble of reading those letters because they clearly indicate the view of two organisations that have taken the trouble to familiarise themselves with this legislation. The Far Northern Development Association shares similar views to those I have just read to the House.

May I make it clear from the outset that it has been my intention to have this matter referred to a Select Committee. I discussed the matter with the Premier, who explained that if we took that course of action it would hold up the borrowing of $1 000 000, which could then be made available to my constituents in the North. I do not want to delay the obtaining of this money, so I could not proceed with that course of action, even though I believe that on every occasion that Bills have been referred to a Select Committee, it has greatly improved the legislation. It is a course of action that should be taken on far more occasions than it has been until the present.

I want to deal now with some of the clauses of the Bill which are causing problems. I hope that the Premier will be in a position to give some undertakings in relation to the operations. I had some amendments drawn and it was my earlier intention to move, in relation to the appointment of the trust, that former members of this House should not be members. After giving the matter much consideration, and after I was made aware that certain action had been taken by one person who was obviously involved in the preparation of this legislation and had been around the northern part of the State explaining it to people, I considered that probably it might be an unwise course of action and might not be a good course to follow, because obviously in future there could be other former members of this House who may be placed in important positions where they can play an important role in the future development of this State.

One of the organisations that approached me was concerned that the trust could consist of either three or five members. They believe it should consist of seven members and were concerned that only three people should be involved. I think it is terribly important that when the Government appoints the members to the trust they appoint people who have some understanding of the North of South Australia.

I sincerely hope that they do not appoint five people who on their first visit to northern parts of the State put on the latest safari suits with the latest floral shirts and buckle shoes and fly in an air-conditioned plane to the North and who then, as they step off the plane, put on a pair of sunglasses and look amazed when they see dust flying down the main street. If that situation occurs, they will be off on the wrong foot for a start.

I hope people with real understanding are appointed. There are some people who come to mind. When I first considered this matter I thought officers of the Pastoral Board should not only be considered but should be involved. They have an understanding of the area, know a great number of people in the area and know the problems. I think that their services could be used by appointing them as some of the members of the trust. It is obvious that there will be people who have had experience in administration and drawing up budgets. I anticipate that in clause 7 the fees for members of the trust will be set by the Public Service Board and will be normal fees. I think it is well known who the chairman is going to be and I do not have to say anything more about that.

Mr. Rodda: Where will his office be—Port Augusta?

Mr. GUNN: I suppose he will be attached to the Minister of Local Government's office and will be under the Minister's control.

Mr. Rodda: Will he have a private plane?

Mr. GUNN: I do not think so. I think he will have many representations made to him. One cannot service all parts of the State by flying in aeroplanes. Unfortunately, one has to do an amount of driving. Obviously, the matters which caused concern are in section 15 of the Bill, part of which provides:

> (2) The Governor may, by proclamation, declare that specified provisions of the Local Government Act, 1934-1977, shall apply in relation to the Trust and its area—
> *(a)* as if the Trust were a district council, and the area of the Trust were a district, as defined in that Act; and
> *(b)* with such further modifications as may be specified in the proclamation.
>
> (3) The Governor may, by subsequent proclamation, vary or revoke a proclamation under this section.

This clause has caused much concern. I believe the word "proclamation" should be taken out and the word "regulation" inserted so that matters have to come before the House and the other place in order that members will have the opportunity to take action to disallow any regulation on behalf of their constituents.

I believe that there should be a provision clearly stating that rates will not be levied. When the Premier replies to this debate, I should be interested if he would explain exactly what he means in this section, whether he expects that the trust will have power to levy rates, whether the Government will take that section out of the Local Government Act, whether it will impose the Building Act

and its ramifications, whether it will impose controls on shops, or whether there will be provisions dealing with stray dogs, or what other sections of the Local Government Act it will implement and administer in those areas. People are interested to know. I intend later to move an appropriate amendment.

Regarding the operations measure, as this is new legislation it is essential that Parliament in a couple of years has the opportunity to consider the measure and to see how it is operating. The early proposal by Dr. McPhail was put to people in the outback areas. I suggested to the people that, if they accepted it, it should be written into the legislation and after a certain period the matter should again come before Parliament. I intend to move an appropriate amendment to provide in the Bill that funds may be spent in northern areas, but if there are anomalies they should be ironed out for the benefit of people in those areas.

It is obvious that some of the projects the trust will have to look at early in its life are the upgrading, sealing and provision of lights at the Coober Pedy and Marree airports. There is a host of matters. In the Bill it says that the trust can spend its funds in existing district councils. I think it will be a long time before there will be money available to spend in district council areas, which received Grants Commission money from the Commonwealth through the State Grants Commission. I appreciate and understand that it is necessary to meet certain criteria so that South Australia can receive approximately an extra $270 000 from the Commonwealth, which we currently do not recieve, because there are large areas of the State which are unincorporated.

I would like an undertaking from the Premier so that it can be passed on to the people in the northern part of the State that, if we receive this extra $270 000 a year, this money would be spent in the unincorporated areas. I think people should be given a clear undertaking that this will take place. I cannot imagine that the government of the day will allow the trust to borrow $1 000 000 every year without having some fairly strong supervision over it. The Government will have to foot the repayments and I would think that the Minister—it will probably be the Minister of Local Government—would want to keep a close check on how the money would be spent.

Mr. Venning: Do you think any of this money will be spent in local government areas?

Mr. GUNN: No I think for the first few years operation of the Bill, that it should not be spent in existing local government areas, because there are many projects in the unincorporated areas of the State crying out for funds. There will not be enough money to meet all the requests the trust will receive. I imagine in the first couple of years the trust will have dozens of propositions put to it. With the limited budget, it will not be able to provide finds to meet all requests, but I sincerely hope that it will endeavour to spread the money fairly evenly around the area so that those isolated communities, which for many years have missed out, will at least get some benefits from this proposal.

There are one or two other matters I would like to deal with, but which I think can be best dealt with at the Committee stage of the Bill. I support the second reading of the Bill, and my colleagues will do likewise, but we sincerely hope that the Government will support the amendments which I have circulated in my name, because I believe they greatly improve the measure, and they will protect those people in the isolated communities against the ravages of a rating system which has been fanned by inflation. That is one of the real concerns of people in outlying areas. We are fully aware of what is taking place in relation to the valuation of property. I fear what would happen if that sort of system was imposed on those people with large pastoral leases, or those people who have established themselves in outback areas, in many cases with little or no assistance from Governments.

I look forward to this measure operating for the benefit of my constituents. I believe the Liberal Party can take a great deal of credit for this measure, because the Government did not act until we made it abundantly clear to the people of the North our concern in this area, and put forward a concrete proposal to assist them and then the Government made the announcement of which I read certain sections to the House tonight. I look forward to the undertaking being given by the Premier when he replies to the debate.

Mr. RUSSACK (Goyder): I support my colleague's remarks and I indicate that the second reading of the Bill will be supported. In Queensland, which is a large State and has some remote areas, the whole of the State is incorporated so far as local government is concerned. In New South Wales, 90 per cent of the State is incorporated. In Victoria, the whole of the State is incorporated; in Western Australia the whole of the State is incorporated, except Kings Park, which is in Perth; in Tasmania the whole of the State is, and it applies to all those States, with some of the off-shore islands as exceptions. In South Australia only between 14 per cent and 15 per cent of the State is incorporated.

Therefore, it is reasonable that this area of some 85 per cent be given consideration as far as some form of local government is concerned. We know with the present funding by the Federal Government, there has been 1·52 per cent of personal income tax on a per capita basis through local government, and as the second reading speech points out, South Australia has lost some $270 000 per annum because of this. The Federal Government has stated that over the current three-year term this will increase from 1·52 per cent to 2 per cent. Therefore, there will be quite a substantial increase in the amount of money coming forward. So that amount of $270 000 based on this year, will increase each year in the next three years. I was interested from reading in the second reading speech that as well as carrying out development projects and providing services to outback communities, the trust will be responsible for examining proposals for loan and grant assistance and recommending on the disbursement of such funds to local community groups in the unincorporated areas. In addition, it is intended that the trust consider the upgrading of communication facilities in all remote areas of the State including those which are incorporated. I, too, express concern, as did the member for Eyre, about this statement. It is to be hoped that the Far North and those areas now beyond the incorporated areas will receive full consideration in their community effort.

The Premier suggested that attempts had been made to introduce local government into these areas. I guess it was the Premier who said, "They want the services but they do not want local government there, at any rate, in the traditional form." We must come back to what the member for Eyre has just said when referring to members of the board and how they will be people who know the North and the area well. It is only those people who really know what are the true circumstances. People in the North fear that a situation will arise like that which has arisen in the rural areas and the outback of New South Wales and Queensland where such a rate burden has been imposed on some pastoralists and pastoral country. That must be avoided.

Mr. Nankivell: Do you believe the powers in the Act to

rate will be avoided?

Mr. RUSSACK: I am coming to that. Clause 15 throws it wide open because the Government will have the full right, if the Bill is passed in its present form, to apply any portion of it. Clause 15(2) provides:

> The Governor may, by proclamation, declare that specified provisions of the Local Government Act, 1934-1977, shall apply in relation to the Trust and its area—
> *(a)* as if the Trust were a district council, and the area of the Trust were a district, as defined in that Act; and
> *(b)* with such further modifications as may be specified in the proclamation.
> (3) The Governor may, by subsequent proclamation, vary or revoke a proclamation under this section.

The Government therefore has the full right by proclamation to apply any part of the Local Government Act as if the trust were a district council. I support my colleague's remarks when he says that an attempt will be made to amend the Bill accordingly.

Mr. Nankivell: I would suggest that they will rate it in order to meet the interest on their borrowings.

Mr. RUSSACK: As far as that is concerned, I have taken it that the Government has made a promise about that matter because the Premier, in his second reading explanation, stated:

> The Bill also provides the trust with the power to borrow, and the Government has undertaken to service the first $1 000 000 of such debt. The trust should also benefit from the normal range of financial assistance provided to local government through the South Australian Local Government Grants Commission and other Government sources.

If the Government adopts the same policy as it adopts for water services in this State where it will not install a service unless it receives a 10 per cent return on the service, no doubt rates will be charged. That matter must be considered seriously. The Premier summarises his second reading explanation as follows:

> I emphasise that the view of the Government is that, as soon as we can get agreement from local communities for incorporation in local government areas, we would prefer district councils in the area to take over, rather than that they should be under a *quasi* local government organisation of this kind. . .

The following admission is made in the Premier's explanation:

> This trust is being set up in effect as a commission which could give grants and assistance to local communities in the form of a sort of local government commission. . .

It is hybrid: it is not pure. It is just a sort of local government commission. The explanation continues:

> . . . as members will see from the terms of the Bill, specific portions of the Local Government Act can be prescribed as applying to the Outback Areas Development Trust.

I will now continue reading the Premier's summary, as follows:

> but we have to accept that the best endeavours of the Minister of Local Government to induce them—

that is these communities—

> to that course have not so far been successful. As soon as they are successful and local residents indicate their desire for incorporating a local government area, the Government would seek to have them so incorporated.

I am pleased that the understanding relates to the residents indicating their willingness. I hope that the Government will not use compulsion to force outback areas to become local government authorities but that those areas can indicate their willingness to do so voluntarily. I hope it is at that stage that any enforcement of the Local Government Act will be applied.

I believe that the unincorporated areas of South Australia should have some form of local administration so that they can enjoy Grant Commission funding and other financial measures. However, I do not believe that the full Local Government Act provisions should be forced on these people. So that the amendments prepared by the member for Eyre can be considered, I am prepared to support this measure to the second reading stage.

Mr. CHAPMAN (Alexandra): I rise only briefly to support the theme of the Bill, particularly to support my colleague, the member for Eyre, who has conveyed to the House the situation as it applies in the unincorporated outback areas of the State. If the theme of the Bill is adopted it will serve those districts that have been unable to qualify for adequate funding to date.

If the trust that is to be set up to administer borrowed funds in these outer areas confines its activities to those isolated outback districts that do not now enjoy the benefits of local government or any other authority, the trust will receive not only the support of this Parliament but, indeed, the support of people throughout the outback. I am concerned about the implied suggestion in the Bill that the trust will act something like a local government authority.

Without criticising the activities of local government authorities within incorporated areas, it would be quite improper to introduce any form of rating in outback areas. The pastoral lease system of fixing rents in those pastoral areas takes into account various components, one of which is the rate that would ordinarily apply if the area was served by local government.

For those reasons I believe that in no circumstances should the trust in its activities in outback areas be able to raise revenue at that local level. As has been explained in the second reading explanation, the opportunity exists for the trust to raise funds by borrowing up to $1 000 000 each year in its own right and by the setting up of the trust it will automatically qualify for Grants Commission funds. On that basis I believe that the objects of the Bill are sound, reasonable and quite proper to support. Hopefully, districts in isolated areas will be able to enjoy some of the facilities that are enjoyed by areas in the inner metropolitan area and adjacent local government incorporated areas. I do not intend to go through the Bill or the second reading explanation. I am aware of the amendments that are on file. If the amendments are supported, I believe that the Bill can be tidied up and made desirable in the interests of people in the outback.

Mr. VENNING (Rocky River): I support the theme of the Bill. I think the member for Alexandra hit the nail on the head when he used the word "theme": it is probably the crux of the whole matter. This Bill to set up an organisation to give assistance to outback areas was conceived through the policy of the Liberal Party and was taken by the A.L.P. to do what members on this side had envisaged doing when we won Government.

Mr. Chapman: Once again, they have taken the lead!

Mr. VENNING: Yes. Listening to the Premier's second reading explanation, I found that the main theme behind the Government was its missing out on money from the Commonwealth Government. To get this money into South Australia it had to set up a system such as this. This Government is always concerned: as long as it can get money from the Commonwealth into the State it must do everything possible to get it. The Premier said that there are places in incorporated areas which can benefit from grants made under this organisation. One sees immediately that the money will not necessarily be spent in the non-incorporated areas, but may be used in other areas of

the State. Moneys are made available to the States by the Commonwealth, but especially for roadworks we see the money being used in areas other than those for which it was intended. I fear that the money may find its way into council areas, perhaps in the northern part of the State, not exactly as is provided by the legislation. I know the Government is more concerned about where the votes are.

The SPEAKER: Order! The honourable member is moving away from the Bill.

Mr. VENNING: The Government's intention in the outback areas is such that they will not get the crack of the whip they should be getting under this legislation. I have listened to my colleagues expressing their concern that the Government eventually will say that it is spending a fair amount of money in outback areas and it is only fair that those areas should contribute.

Many people are concerned to see how much the Government is raising by way of rates. How the Government should get this money is questionable, and the matter of rating broad acres needs to be looked at, even in the areas of closer settlement. We support the theme of the Bill.

Mr. Rodda: You'll be getting some contacts from your predecessor.

Mr. VENNING: Perhaps my neighbouring colleague before the recent election looks like getting—

The SPEAKER: Order! The honourable member is starting to stray a little now.

Mr. VENNING: I think, Sir, you must go along with what I say in this regard. I think you will agree that we have a mutual interest in this situation. It will be interesting to see how that gentleman handles the area.

Mr. Evans: What happened to him at the last election?

Mr. VENNING: I do not know. He went quietly in the finish.

The SPEAKER: Order! I think the honourable member has proved his point.

Mr. VENNING: And a very good point. Mr. Ted Connelly's experience in local government enabled him to give outstanding service for many years in the Port Pirie area. He did an excellent job in the area, but unfortunately he did the wrong thing. I hope his work will be such in this area that people will not be able to say he wasted his energies in building facilities to nowhere. The areas are vast and the needs are great. The Government has rewarded his activities in an excellent way. He has been a good boy; he has kotowed to the Government. We will be watching the situation with interest.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—"Expiry of Act."

Mr. GUNN: I move:

> After clause 2, page 1—Insert new clause as follows:
>
> 2a. This Act shall expire on the thirtieth of June, 1980, and thereupon shall, for all purposes, be deemed to have been repealed by an Act.

As this is new legislation, the new clause will ensure that the Government will have to review its operation, bringing a further measure before Parliament and enabling members in this place to consider the matter after the legislation has been operating for two years. Some people are concerned about some of the provisions. In the brief time at my disposal, I thought this was the best way to ensure that Parliament looks again at the legislation after it has been operating for a reasonable time. I am not setting out to wreck the proposal or to deny people funds on an on-going basis, but I believe the Parliament should have the opportunity to review the situation after a couple of years.

The Hon. D. A. DUNSTAN (Premier and Treasurer): This would make the basic financial operations of the trust impossible. If we are to borrow up to $1 000 000, as we would be permitted to do outside the area of Loan Council, and if the life of the trust were only legally two years, the interest and sinking fund requirements in respect of that $1 000 000 would be quite impossible. I appreciate what the honourable member is trying to do, but I urge on him that this makes the whole thing an impracticality.

New clause negatived.

Clauses 3 and 4 passed.

Clause 5—"Establishment of Trust".

Mr. GUNN: Can the Premier explain the type of personnel who will be on the trust? People have expressed their concern to me that, when the Government appoints the trust, it is essential that these people are fully familiar with the problems of the North and are experienced in the administration of that area. Does the Government intend to appoint five members? The Stockowners Association believes it essential that the trust consist of at least five members or, even better, seven members. It believes that three would be totally inappropriate. People experienced in the problems of the North are necessary if the trust is to operate effectively and gain the confidence of the people.

The Hon. D. A. DUNSTAN: The Government intends to appoint five members to the trust. We expect that there will be a full-time Chariman, an officer appointed who is experienced in local government administration, people with personal knowledge of administration and problems specifically in the area, and people with experience of lands administration in the area. The aim in appointing people on this basis is to see that we have people who are capable of administration and of examining applications for assistance, but who would not themselves be officers of bodies who would be applying for assistance. In other words, immediately you start to put on a body of this kind representatives of the applicants for assistance, you start running into trouble over divisions of opinion within the community. Therefore, it has been our practice to appoint people who have knowledge of the problems and experience in administration but who are able to take a detached view in relation to the applications that come in. There must not appear to be any basis for favourtism between one body and another. We expect that, at the outset, five members will be appointed to the trust.

Mr. CHAPMAN: Is it the trust's intention to encourage or require communities in the outback areas to become a party to local government?

The Hon. D. A. DUNSTAN: Certainly the aim of the trust is to encourage areas now out of local government to adopt local government. It is the Government's policy to get local government operative in those areas at the earliest possible time, but will not do it without establishing a consensus in the area in favour of the forms of local government provided under the Local Government Act. It is necessary for us in the course of this Bill, if we are to take advantage of the Commonwealth money in relation to local government, to have at least a *quasi* local government form. Therefore, we are endeavouring to provide a trust which does not immediately establish the normal form of local government, since that has not been accepted by people in the area, but which is as near as possible as we can get to the kind of local government commission that operated in Whyalla, but with appropriate conditions for the outback that will not impose the same sort of full local government rating, restrictions and other requirements that existed in Whyalla under the Whyalla commission. In other words, we are trying to get to a half-way house that is sufficiently close to local

government to be able to make a claim for the Commonwealth money.

Mr. Chapman: Is that a Federal Government requirement that you qualify in that way?

The Hon. D. A. DUSTAN: Yes. Unless we can show that there is a form of local government there, we do not get any money, and we lose out on the money the Federal Government is providing. That is why the exercise is in the form in which it has been drafted.

Mr. Venning: Are you sure the exercise will work?

The Hon. D. A. DUNSTAN: No, not as far as getting the money from the Commonwealth Government is concerned. We have no guarantee about that, but I believe that we have to go through the exercise and make the attempt. I have made the attempt to get the money without having local government in the area; I have protested bitterly that the money is not being provided to the large area of South Australia that is out of local government. Those people deserve a payment out of income tax revenue just as much as do people in the local government areas. It has been clearly stated by the Commonwealth Government we will not qualify for the money unless local government is in the area.

Mr. Gunn: What's the attitude of the other Premiers?

The Hon. D. A. DUNSTAN: They just shrug their shoulders. It is a condition laid down by the Commonwealth. They do not get into the argument. We are the only State in this particular condition.

Mr. RUSSACK: Discussion took place some months ago that it would be desirable to have local committees, etc., at Marree and Coober Pedy. In the applications to the trust, does the Premier see the mechanics of a local committee making perhaps a written submission to the trust, or would the trust also be receiving a deputation-type of application?

The Hon. D. A. DUNSTAN: I think it would do both. I see no reason to prescribe closely the means of communication between the trust and the applicants. I think it could be done with reasonable informality. I think it unwise to impose on people in the outback a series of specific formalities. The trust's job really is to sort out the bases of applications for assistance. Because outback communities differ widely, there are different bodies and different communities. We cannot lay down a series of rules that would apply to them all. There is a Far-Northern Development Association, which covers many communities, and there is no reason why it should not make an application in respect of some projects it believes are right. There is a local community committee at Yunta, and there is every reason why it should come along. It has been along to me previously for funding for the local hall. I think it should be left to the trust simply to use its best endeavours to get representations from local people that will be effective, without laying down strict rules.

Mr. RUSSACK: I hope that it will work out as the Premier has suggested, whereby recommendations will be initiated from the local area, and the trust will not just sit back and allocate money.

Mr. CHAPMAN: The Premier has explained that the attitude expressed by the Commonwealth indicates that, in order to qualify for Commonwealth grants for this trust to spend, these areas must indicate some intention to set up local government.

The Hon. D. A. Dunstan: They must have a form of local government.

Mr. CHAPMAN: Can the Premier advise me of the reference by which the Government requires this particular qualifying feature?

The Hon. D. A. Dunstan: I don't have it here.

Mr. CHAPMAN: Fair enough. I would like to have a look at it because in the long term we will be faced with some objection to local government being established in its present form in those outer areas. At the same time, there is a keen desire to have access to funds.

The Hon. D. A. DUNSTAN: I will endeavour to get it for the honourable member. Some of the information is in transcript of Premier's conferences.

Clause passed.

Clause 6 passed.

Clauses 7 to 13 passed.

Clause 14—"Trust subject to general control and direction of Minister."

Mr. CHAPMAN: Why in recent times do Bills before the House include the words "general control and direction of the Minister" when referring to the control of the Minister as it applies to the trust or authority involved? If the Minister has full control, why does it not say just that?

The Hon. D. A. DUNSTAN: There was a period when legislation for statutory authorities simply created those statutory authorities and they were, in effect, completely independent of any Ministerial responsibility.

Mr. Chapman: Like the Electricity Trust.

The Hon. D. A. DUNSTAN: Yes. The Government ran into considerable trouble on this score. I have vivid recollection of how in 1965 the Housing Trust suddenly increased rentals to all its tenants, about which the Government knew nothing. Action was rapidly taken then to alter the Housing Trust Act to have a general control and direction power in the Minister in charge of housing, who was the Premier at that time.

Mr. Venning: It was political.

The Hon. D. A. DUNSTAN: It was not. It was to see to it that we could answer to this House. It was an intolerable situation that a statutory authority could raise the rents to tenants in Government housing in South Australia without the Government's being able to say whether or not that should happen. In fact, we then insisted that Housing Trust rents be contained as far as possible over a considerable period. In consequence, it is normal to write in a power of general control and direction. We keep that to the general control provisions, that is, that the Minister can make directions as to general policy for which he would be responsible to the House. In relation to the normal operations of the trust, it still has statutory authority, without any intervention by the Minister. The majority of statutory bodies will proceed without any requirements of a particular direction from the Minister, but the direction is there in case a situation arises for which the Minister would have to be responsible to the House for the operation of the trust.

Clause passed.

Clause 15—"Powers and functions of the Trust."

Mr. GUNN: I take it that, under subclause (1) *(a)*, the trust can act on its own initiative if it desires. It would be preferable to have the co-operation of local communities.

The Hon. D. A. Dunstan: This is what it will always seek.

Mr. GUNN: I understand from subclause 1 *(b)* that each year, before the trust sets out to draw up its budget, it would advertise in newspapers that it was open for submissions. What rate of interest does the Government envisage on loans? Will it be providing them at a reduced rate of interest or at the normal bond rate?

The Hon. D. A. DUNSTAN: It would be more than the bond rate because there will need to be an administration charge. It would not be a high interest rate. It will be at the bond rate plus a margin in respect of the trust's administration.

Mr. GUNN: I move:

Page 5, line 8—Leave out "proclamation" and insert

"regulation".

The purpose of this amendment is to give members, on behalf of the people in the northern areas, the opportunity to disallow a regulation if the Government of the day decided to implement a section of the Local Government Act which did not have popular support in the area. I believe that this is a reasonable amendment and seek the support of the Premier. He would be aware that I have received strong representations in relation to this clause which is causing concern. People are concerned that this clause is there and could be used. Some people believe that it will be used to implement local government in those areas. I understand that it is necessary to have certain provisions in the legislation to qualify for funds from Canberra. I think this amendment will alleviate some of the fears. I hope that the Premier will be able to explain clearly that the Government does not intend to bring in sections of the Local Government Act, particularly those sections dealing with rates.

The Hon. D. A. DUNSTAN: I am prepared to accept this amendment. I think that the provision of the introduction by regulation is a sensible way of ensuring that there is adequate debate, if necessary in this place, but certainly locally as to the bringing in of the sections of the Local Government Act which will affect those outback areas. However, I point out to the honourable member that it will run us into some considerable trouble about our submissions to the Commonwealth if the suggestion is that at no stage of proceedings is there going to be any rating in the area. In relation to future borrowings of the trust after the first year, there may need to be in order to service the loans, because the Government does not expect to have to pay out of general revenue the total servicing fees of all future loans raised annually in respect of the area. There must be some contribution from the area, and there should be. However, that matter can be examined in due season. We are not going to proceed to do anything without effective agreement being established in relation to it. I think that this amendment of the honourable member will ensure that that is done.

Amendment carried.

Mr. GUNN: I move:

Page 5, after line 17—Insert subclause as follows:

(4) No rates shall be levied by the trust.

I appreciate what the Premier has said, but I have had a submission put to me strongly by my constituents. I have read the transcript of a meeting that Dr. McPhail and I attended last year at which a number of people expressed their feelings about rates and I am obliged to move this amendment. I am aware of their feelings, particularly of those at Coober Pedy where, when a vote was taken, the local council was defeated on the basis of two to one against.

Mr. CHAPMAN: I repeat what I said earlier; the Government already enjoys a rating from that pastoral area of the State because embodied in the rent charged on pastoral leases throughout the north, north-west, far west, and east, is a component that would otherwise be rates. In the western districts of New South Wales, where they are within incorporated shires or local government authority areas, their pastoral lease rentals are considerably less than those applying in South Australia, because the lessees pay local government rates as well as the rentals on their pastoral leases.

I understand that rentals recovered by the landlord in South Australia are retained by the Treasury so that the return from the lease land of the north, and the unincorporated areas of South Australia, is already revenue recovered and retained by the State, and I see no justification at all for rating those areas again in the form of local government rating. I do not accept the explanation given by the Premier that, in order to demonstrate that the Government's introducing some form of local government, it may have to introduce rating for the purposes of securing loans in future. I have no hesitation in supporting the amendment of the member for Eyre put forward on behalf of his constituents.

The Hon. D. A. DUNSTAN: I appreciate the honourable member's motives, as I know the strong views expressed at times in Coober Pedy and other places in the outback on this topic. I appreciate his need to move this on behalf of his constituents. However, I believe that there is sufficient protection for them in the amendment which has just been agreed to, because there will not be any introduction of a rating system until there is an opportunity for its being discussed publicly, and with a right of disallowance of any introduction of power in that way by this Chamber. However, in relation to the pastoral leases, I assure the member for Alexandra that before the Government moves at any time to introduce any rating system, the matters which he has raised would be taken into account in deciding the way in which any rating system should be involved. It may then involve some alteration in the payment of moneys under pastoral leases and the setting aside or ear-marking for specific purposes of local government moneys from those areas. That is something that would be examined at that time, but that is a bridge to be crossed when we come to it. I am not anticipating that there will be any hurried provision of a regulation to move to a rating system in the area.

Dr. Eastick: Abundant caution will prevail.

The Hon. D. A. DUNSTAN: Yes. I suggest to honourable members that they do not press for this amendment. I think they have a safeguard in the previous amendment which was accepted.

Mr. CHAPMAN: I am interested in this fund-raising area generally, and I refer to a couple of lines in the second reading explanation that indicates that projects funded by revenue, whether by grant funds or by ratings, are intended for areas that do not lie within areas incorporated in or are under the Local Government Act. I ask the Premier whether, in the event of introducing rating and proclaiming certain areas now known to be outer areas as local government areas, they would automatically exclude themselves from future assistance by the proposed trust? I raise that because fairly clearly the Premier has indicated that there must be some form of local government, and in an earlier comment he said that clearly the Government intends to encourage local government into those areas in the official sense ultimately, or words to that effect.

With that in mind I am interested to know whether, when local government is introduced into areas outside, those areas will be excluded automatically from the assistance and effects of the trust?

The ACTING CHAIRMAN (Mr. McRae): I draw attention to the amendment that has been agreed to, which was to leave out "proclamation" and insert "regulation". It should be noted that subsequently reference is made to the word "proclamation" a couple of times, and that needs to be tidied up.

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

Page 5—

Line 15—Strike out "proclamation" and insert "regulation".

Lines 16 and 17—Strike out the whole of subclause (3).

They are necessary consequential amendments.

The Hon. D. A. Dunstan's amendments carried.

The Hon. D. A. DUNSTAN: It is not intended that local government in this area, once it is set up, will be excluded

from the operations of the trust, but that will require subsequent legislation. Once we set up local government in the area, it may be that that will be a somewhat different form of local government from that which now operates under the Local Government Act, because it is evident that in numbers of things applying under the Local Government Act now, people in the area out of local government regard them as being unsuitable for the area. Therefore, we will probably have to devise pragmatically, after the experience of this trust, some new forms of arrangement that will be the local government arrrangement for those areas, and that will require further legislation to allow the trust to continue to make loans and grants in a particular area. Of course, the trust would not then be the channel to local government for Federal Government funds, because local government would then get it through the States Grants Commission.

Mr. GUNN: The Premier is aware that I moved earlier for a review of the operation after a couple of years. After the trust has operated for that time, will the Government be willing to reconsider the situation to ensure that any anomalies or problems that have arisen are put before Parliament? Will he give an undertaking that the Government will, after the Bill has operated for that time, seek the views of local residents in relation to its operation and how effective it has been?

The ACTING CHAIRMAN: Before the Premier replies I must say that, in allowing that question, I am extending the utmost leniency under Standing Orders. It cannot be permitted to continue like this. The honourable Premier.

The Hon. D. A. DUNSTAN: Yes, I will give that undertaking. This is very much an experimental operation that must be worked out pragmatically. We will have to monitor the situation the whole time. We expect to be reviewing it constantly, and I would expect Parliament to have an opportunity to discuss it.

Mr. Gunn's amendment negatived.

Mr. RUSSACK: Does clause 15 (1)*(d)* mean that an existing local government area could be involved and, if so, will the trust take precedence over the authority of that local government body or will that be done by arrangement with that local government body?

The Hon. D. A. DUNSTAN: It will be done if and when necessary by arrangement with that local government body. The purpose of the provision is really to facilitate the operation as occurred in relation to Leigh Creek where, if it was necessary, particularly to extend television services, it may be necessary for some input from the South Australian Government in remote areas that are still within the local government area. Therefore, there may be need for a joint arrangement with the local government body, Telecom or the Australian Broadcasting Commission. It certainly is not intended that the trust has any overriding powers in relation to the local government of any particular area.

Mr. CHAPMAN: I refer to a line or two in the second reading explanation.

The ACTING CHAIRMAN: Order! It is contrary to Standing Orders for the honourable member, in Committee, to refer back to the second reading speech.

Mr. CHAPMAN: Clearly, during discussion in Committee it has been disclosed that the Government intended to direct and facilitate development projects in remote areas that clearly do not lie in municipalities or areas under the Local Government Act. I suggest that that, linked with the remark that the Premier has just made, that there may be circumstances where a local government area will be financed in conjunction with the trust, is inconsistent.

The ACTING CHAIRMAN: The honourable member may link his remarks with clause 15 (1) *(d)*.

The Hon. D. A. DUNSTAN: In reply to the member for Alexandra, the basic function of the trust is to provide the facilities of development through loans in the areas outside the constituted local government areas. It was our promise at election time that this same trust would be able to assist in those areas remote in the State which are nevertheless within a local governing area, although bordering on the non-local governing area, and which have some difficulties in communication. It was specifically for such things as the possibility of an application in the local governing area beyond Peterborough for a television service, or something of that kind; it was specifically for communications.

Clause as amended passed.

Clause 16 passed.

Clause 17 —"Power to borrow."

Mr. GUNN: How much will the trust be allowed to borrow? It is unlikely that it will be allowed to borrow $1 000 000 every year. The amount of its borrowing will determine the works programmes to be carried out.

The Hon. D. A. DUNSTAN: It is intended that in the first year it will borrow $1 000 000. Thereafter, the borrowing programme would depend on discussions with the local area as to how provision could be made to service further borrowings.

Dr. EASTICK: Will the money made available from the Commonwealth be able to be used for the servicing of loans, or is there any feature of Commonwealth funding which would suggest it might not be used on a regular basis or on a major basis (by which I mean a substantial part of the income) on simple servicing arrangements?

The Hon. D. A. DUNSTAN: I cannot assure the member that it will be able to be used for servicing arrangements. I really do not know, because it is not a matter I have looked at in detail. I should have thought that it might be possible to use it for the servicing of further loans. I know that some specific tags are attached to Commonwealth grants for local government purposes in this way. I would not like to give an assurance that we can specifically use them for further loans. I would expect that works would be carried out from that revenue and that the whole of the revenue would not be set aside for the servicing of further loan moneys, but that will have to be determined after investigation by the trust. I am not able to give any further information.

Clause passed.

Clause 18—"Funds of the Trust."

Mr. GUNN: The Premier indicated that South Australia misses out on about $270 000 in lost revenue because such a large area of the State is unincorporated. If we receive this money from the Commonwealth, will all of that $270 000 be at the disposal of the trust?

The Hon. D. A. Dunstan: Yes.

Clause passed.

Remaining clauses (19 to 23) and title passed.

Bill read a third time and passed.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

Page 5, line 4 (clause 14)—Leave out "subsection" and insert "subsections".

Page 5 (clause 14)—After line 20 insert—

(3) Notwithstanding anything in subsection (2) of this section, on and after the 1st day of January, 1979, the union shall not have power to make a grant of money to a body, whether corporate or unincorporate, other than the Mackinnon Parade Child Care Centre Inc. and the

University of Adelaide Student Health Centre, unless the union is satisfied that the constitution or rules of that body provide that no payment by that body to any other body, whether corporate or unincorporate, of a sum greater than the prescribed amount shall be made unless—

(a) a notice or notices are prominently exhibited within the University so as to come to the attention to members of the body throughout a continuous period five academic days indicating the amount and purpose of the proposed payment;

(b) when within the period of fourteen days next following the publication of that notice more than one-twentieth of the number of members of that body or forty members, whichever is the lesser number of members, so requires it is provided that a referendum shall be held; and

(c) upon such a referendum being held the majority of persons voting therein concur in the making of that payment.

(4) In this section—

"academic day" means a Monday, Tuesday, Wednesday, Thursday or Friday that occurs during the academic term of the University fixed by the Council;

"prescribed amount" means—

(a) the sum of two thousand dollars or such other amount as is from time to time prescribed by rule made by the Council; or

(b) any amount being an amount, when aggregated with all amounts paid to the same body during the twelve months next preceding the day on which it is proposed that the amount shall be paid, exceeds five thousand dollars.

The Hon. D. J. HOPGOOD (Minister of Education): I move:

That the Legislative Council's amendments be disagreed to.

The effect of the amendments would be that, with the exception of the Mackinnon Parade Child Care Centre Incorporated and the University of Adelaide Student Health Centre, all bodies at the university would of necessity have to amend their constitutions to be able to continue to operate. The amendments would place an unnecessary burden on those bodies and would render the legislation cumbersome.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments make the legislation cumbersome to administer.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 7. Page 1982.)

Mr. GOLDSWORTHY (Kavel): I support the Bill, which gives full effect to the recommendations of a conference between the two Houses. The Bill makes a minor amendment to the principal Act. Before amending Act of 1977, the power of investigation of the Commissioner for Consumer Affairs could be exercised only upon the complaint of a consumer. The conference to which I have referred agreed that the power should be exercisable upon the complaint of a consumer, upon the request of an interstate consumer affairs authority, or upon reasonable suspicion by the Commissioner. I support this Bill, which gives effect to the intention of the agreement made.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

In Committee.

(Continued from February 14. Page 1525.)

Clauses 2 to 4 passed.

Clause 5—"Member to furnish returns as to income sources, interests, etc."

Mr. GOLDSWORTHY: We have made our position clear. We are not objecting to the principle of the Bill, but certainly to the detail of this legislation. This clause is inappropriate, and it would be far better to give the legislation the mature consideration and investigation that have taken place in other parts of the world where the disclosure of interests legislation has been enacted. The Opposition opposes the clause, and indeed the whole Bill for the reasons we have stated—not that we have anything to hide or that we object to a reasonable form of disclosure. This hastily drafted legislation was quickly introduced simply to try to gain political capital at the time of the most recent Federal election.

Clause passed.

Clause 6—"Availablility of information."

Mr. TONKIN (Leader of the Opposition): Once again, the Deputy Leader has made the Opposition's position clear on this matter. It is almost impossible to do anything to the Bill to make it into a reasonable sort of Bill, along the lines of the suggested legislation from the Commonwealth Parliament's Select Committee. There is no reason I can see why this information should be published and made available to everyone.

As has been canvassed widely in the second reading debate, the information bears on other members of a member's family and, generally speaking, I believe that even members of Parliament have some right to privacy. The whole question comes down to the balance of members' responsibility to the public and their right to privacy. In many cases, they have not the same right to privacy in practice that they should enjoy as ordinary citizens, and perhaps that is to be expected.

Mr. Bannon: They should have a right to privacy.

Mr. TONKIN: I entirely agree with the member for Ross Smith. I do not think there is any reason why anyone can wander in and examine a member's financial affairs and those of his family. If there is a reason for examining them and if the member of the public or whoever it may be can show reason to the registrar, and the registrar has a set of guidelines whereby he can decide whether or not such a request is justified, I do not think anyone would object to having his affairs examined in that way. However, I see no reason why they should be made public regularly. We have tried to amend this matter. This is one of the clauses that could have been amended, but we have been told that the whole Bill is incapable of amendment to bring it to the situation we want—that is, the same provisions as Mr. Kep Enderby has had on the Notice Paper in the Federal House for some time.

Mr. Bannon: He has not been there since 1975.

Mr. TONKIN: No, he got rolled, but he had them there for a considerable time, and that legislation was reasonable, responsible, and sensible and would have been far better than this. I strongly oppose this clause, in the same way as the Deputy Leader opposed the preceding clause. We could, if we wanted to, delay the proceedings of the Committee, and divide on this issue, but I do not intend to. I intend to divide on the third reading. This is

typical of the sort of heavy-handed attitude of something introduced for purely political reasons; it deserves no support at all.

Clause passed.

Clause 7—"Failure to furnish information."

Mr. NANKIVELL: I want to raise again the same point as I raised in the second reading debate—the rights of individuals that seem to be violated by this clause. The right of the individual I refer to is the privacy of a party other than the member of Parliament. I respectfully suggest, Mr. Chairman, as I did during the second reading debate, that there is no way in the world that I can compel my wife to divulge information if she chooses not to divulge it. It has nothing to do with this House. What is required here is a disclosure of information, with a severe penalty if the information is withheld. It is placing a gun at the heads of members and violating the rights of other persons and members of Parliament; it is an infringement of privacy and of the liberties of individuals not directly associated with the workings of this House. I have no hesitation in revealing anything that relates to me, but it has been made clear to me that, if the Government wants this information from my wife, it will not be getting it.

I point out that, in instances of people living in a *de facto* relationship, the situation could be the same as a marriage situation where there are dual incomes. Again, there is no way that one can ask such person to divulge the information. Why should they be excluded if a *de facto* relationship exists? I think that clause goes too far and is far too wide so far as the meaning of "disclosure" is concerned with respect to the interests of a member of Parliament. On that account, I oppose this clause.

Mr. EVANS: I support the comments of the member for Mallee. Can the Minister say whether this means that, where a person has become a member of Parliament, has had a previous marriage, has had a family by that marriage, and the spouse of that first marriage has custody of the children and may, in fact, even live in another land, there is a responsibility on the elected member to disclose the financial interests of the child (who may be earning an income and is under the age of 18) who is not under the control of the member elected to Parliament?

The Hon. PETER DUNCAN (Attorney-General): These matters were raised in the second reading debate by the member for Mitcham. I had the matters looked at and as all the examples cited by the honourable member fell within the term "fail without reasonable excuse", no further action was needed to amend the Bill. It is obviously a reasonable excuse if children live overseas, or are children of a previous marriage. Then, of course, a person would not be in the position to supply the information or be expected to do so.

Mr. EVANS: Where the spouse refuses to disclose his or her income to the elected member of Parliament, or the source of his or her income or assets, does the Attorney interpret that as a reasonable excuse? The same applies to children. What is the position if a child has left home at the age of 15 or 16 years, gets a job, and then the mother or father is elected as a member, knows where the child lives but does not know the income or source of income of that child? Also, what of the spouse who refuses to disclose information to the elected member? I ask what constitutes a reasonable excuse?

The Hon. PETER DUNCAN: A reasonable excuse is one which is not fanciful of fantastic and which is capable of being measured by the yardstick of what is known in law as the activity of a reasonable man in the circumstances.

Clause passed.

Remaining clauses (8 and 9) and title passed.

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

That this Bill be now read a third time.

Mr. TONKIN (Leader of the Opposition): I do not have to go into the detail of our opposition to the Bill, which as it comes out of Committee is far from satisfactory. Although it applies the principle that disclosure of members' interests is desirable, it does not apply it in a way that I believe to be proper and fit, nor in a way that has been suggested and supported by the findings of many other distinguished Select Committees and other committees of inquiry in other Parliaments in other parts of the world. For that reason I believe that the legislation was introduced hurriedly; it shows signs of it. I believe it is not the best legislation that could be drawn and, while the Opposition supports the principle that there should be some disclosure of members' interests, it believes that members have equal rights of privacy with other members of the public.

The Opposition had no opportunity to make any meaningful amendments to the legislation, so that it comes out of Committee as it went into it. For that reason we oppose the legislation, not because we do not support the principle but because we do not support its shonky drafting and its unsatisfactory method of presentation.

Mr. EVANS (Fisher): As the Bill comes out of Committee it has not included the *de facto* relationship, whether it be heterosexual or homosexual, yet in all other recent legislation creating new laws in South Australia such persons have been included. One honourable member spoke about this (and unfortunately it may be partly my fault that he is not here tonight to put his case). The Bill comes out of Committee without including those persons. We are saying to persons living in a *de facto* relationship that they can earn their money how they like, they can live the same as a man and wife, but they do not have to disclose it, yet people living in a more conventional marriage relationship will face a $5 000 fine if they do not disclose their financial interests.

That is the sort of legislation we are allowing to pass. The Government, which has championed the way for *de facto* relationships as much as anyone in this House, sits back, saying that the position is satisfactory. I ask why that is so. What we are doing is half-hearted, it is not thought right through, and it encourages those who have the opportunity to flout the principle of what we are trying to do, while the others who are bound by it face the penalty of a severe fine. I cannot support the Bill.

Mr. NANKIVELL (Mallee): I, too, express my objection not to the principle of the Bill but to the Bill as it has come out of Committee. I object to those areas of the Bill that require a public exposure of the pecuniary interests of the member and, more particularly of his family, to be printed in a Parliamentary Paper. The other reason I object to this Bill is that, whilst the Attorney-General has said that as certain things, according to his advice, would be looked on as a reasonable excuse for failing to furnish the information, according to the Bill as it has come out of Committee, an offence must be proceeded with. That would mean that a member must appear before a magistrate to determine whether or not he had a reasonable excuse for withholding information.

If a schedule is to be laid down, and if the Attorney-General has received advice on what would be considered to be a reasonable excuse, the reasonable excuses should be listed in the schedule and not left to the imagination. That is what has happened in this case; it has been left entirely to the imagination and the fantasy with which the Attorney has come forward off the top of someone's head as to what might be considered a reasonable excuse.

I strongly object to an infringement on the right of privacy and an infringement on the right of the individual, other than a member of Parliament, by requiring a member of Parliament to make a disclosure and by compelling the member particularly if it is necessary for him to go before a magistrate to prove that that information was withheld for a reasonable excuse. In those circumstances, whilst I support my Leader and other members on this side in saying that I see nothing wrong with the principle of the Bill, there are many aspects of the Bill, particularly those requirements to which I have referred, that would cause me to vote against the third reading of the Bill.

Mr. GUNN (Eyre): I oppose the Bill as it reaches this stage of the debate for a number of reasons. Earlier I pointed out to the House that stringent conditions are laid down in the Constitution Act regarding a member of Parliament. I pointed that out because I had had personal experience in relation to those conditions, which place members of Parliament at a disadvantage over other sections of the community. The Attorney has failed to explain why those provisions are unsatisfactory.

There are no requirements for public servants or members of the press, who are in a far more advantageous position to influence the Government than are back-bench members of Parliament. I regard the Bill as it is now drafted to be totally unacceptable and a gross breach of privacy. It is fairly obvious that, if we have within the community groups who are setting out to intimidate members, it would not be difficult for those groups to ascertain which member to select, because a member must disclose his interests, which are printed in a Parliamentary Paper. I believe that that is a most obnoxious provision. I do not object to disclosing my assets, but I do not believe that that information should be available to all and sundry to look at. That information should be, as has been suggested, set out in a number of other sensible and responsible reports.

Dr. EASTICK (Light): I voice my disapproval of the manner in which this measure has come through the Committee stage. It is completely against the mainstream of political thinking, as has been expressed by a number of inquiries, not the least of them being the Commonwealth inquiry.

Although the principle of the Bill has been supported in this place, it has set up members of the South Australian Parliament as Aunt Sallies, and the Bill will do nothing to advance the cause of politicians or to assist the public correctly to appreciate the involvement of members of Parliament. I certainly agree with the opinion expressed by my colleague, the member for Mallee, regarding the effect that the Bill will have on members' wives and families. The Bill will have a fairly discriminatory effect on them, especially when one considers that in relation to other legislation one has been led to believe that, to all intents and purposes, a *de facto* relationship will be considered as a normal relationship. However, such a relationship has not been covered by the Bill.

I trust that Government members, even at this late stage, will not support the third reading. I am firmly convinced, in the light of other evidence that is available, that the Bill should be withdrawn and reconsidered and then returned to this place next session when, hopefully, having given due regard to the evidence that is available, it can have a speedy passage and at least put members of the South Australian Legislature on a par with members of other Legislatures across Australia, the relevant legislation to be inititated in the first instance by the Commonwealth Parliament. The Bill is against the best principles of the Parliamentary system in this State and deserves to be defeated by members from both sides of the House.

Mr. RODDA (Victoria): This is the last chance I will have to say something about this Bill before you, Sir, chase me and perhaps some of my colleagues out of South Australia.

The DEPUTY SPEAKER: Order! I point out to the honourable member for Victoria that I have no intention of chasing him out of South Australia.

Mr. RODDA: Having to take that decision, and watch from afar the good old South Australian way of life go down the plug hole, I regard this as a matter of which the Government should take notice. Legislation like this has never been required in this State. Although my colleagues have studied the Bill closely, their representations have fallen on deaf ears. Now, when the Bill leaves his House to go to another place, we can only look forward to a further decay in addition to what we have seen happen recently.

Mrs. ADAMSON secured the adjournment of the debate.

ADJOURNMENT

At 11.59 p.m. the House adjourned until Wednesday, March 15, at 2 p.m.