HOUSE OF ASSEMBLY

Wednesday, March 15, 1978

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

PETITIONS: PORNOGRAPHY

Mr. RUSSACK presented a petition signed by 181 residents of South Australia, praying that the House would take all necesary steps as a matter of extreme urgency to prohibit the sale of pornographic literature of any sort in South Australia in the interests and welfare of the children of this State.

Mr. GUNN presented a similar petition signed by 54 residents of South Australia.

Petitions received.

MINISTERIAL STATEMENT: MR. A. G. SAFFRON

The Hon. PETER DUNCAN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. PETER DUNCAN: When making a Ministerial statement on March 7, 1978, in regard to the involvement of Mr. A. G. Saffron with South Australian companies, I listed Burbridge Properties Proprietary Limited of 195 Victoria Square, Adelaide, as one of the companies registered in South Australia of which Mr. Saffron is a Director, which is correct. It has now been brought to my attention that this company has never traded, and is in the process of being wound up.

Briefly, the history of the company is that it was formed in 1966, the directors then being Bruce C. Calman, Kevin A. Palmer, and Rodney Duke. There were several changes in Directors in 1968 and 1969, with Mr. Saffron and his associates obtaining interests in the company. The company purchased land with the intention of building hotel premises, but its application for a hotel licence was refused and its realty was disposed of in 1971 and 1972. The company did not operate thereafter. The company has not traded nor has it any assets at present, and instructions were given in 1974 for its liquidation. Those instructions were not carried out at that time.

Mr. Millhouse: Why not?

The Hon. PETER DUNCAN: That is a matter for the professional people involved, and I do not want to comment on that matter in the House.

Mr. Millhouse: So, you made a mistake.

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

The Hon. PETER DUNCAN: The winding up of the company I am told is now proceeding. I am bringing this matter to the attention of the House at the request of Mr. Bruce C. Calman, one of the original directors of the company, who asked that the history of Burbridge Properties be made known, I make clear that I am satisfied that Mr. Calman has not at any time had business transactions or associations with Mr. Saffron of the kind to which I referred in the House the other day.

Mr. Millhouse: But you—

The Hon. PETER DUNCAN: I make the point to the member for Mitcham, who carries on in this petulant fashion so often, that the facts of the matter to which I referred in the House the other day concerning Burbridge Properties were correct statements of fact.

Mr. Millhouse: You gave a misleading impression.

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

The Hon. PETER DUNCAN: Regardless of that fact, I make the point to the House that Mr. Calman, to my satisfaction, has not been associated with any of the matters in which Mr. Saffron is involved and to which I alluded in the House on March 7.

NO-CONFIDENCE MOTION: ENVIRONMENT DEPARTMENT

Mr. WOTTON (Murray): I move:

> That in view of recent developments in the Environment Department since the present Minister took office, this House no longer has confidence in him and calls on him to resign.

My motion relates to the gross incompetence of the Deputy Premier's capacity as Minister for the Environment. My first point is the Minister's continual refusal to listen to the problems of his officers and staff, resulting in unrest and frustation as a result of the lack of job opportunities following the Ministerial appointment of the new permanent head of the department over well-qualified South Australian public servants.

My second point relates to the witch-hunt involving innocent individuals within his department which is taking place in an attempt to bury the mismanagement and unrest within the department and which resulted in the gagging and intimidating of officers and staff of his department. My third point is the Minister's refusal to accept any responsibility with regard to the problems associated with his department.

The Environment Department, which was set up in 1971, showed itself, under its first Minister, to be on the ball and heading in the right direction, with the introduction of some innovative legislation that was accepted and supported by those who understood matters relating to conservation and the environment. A change of Minister took place in 1975. There was some loss of activity, and Government policies started, shall I say, to puff out. However, there was a real turn for the worse when that remarkable switch took place which took environment out of the hands of the Minister who had been wholly responsible for that one portfolio, and we saw one of the most important areas of Government tacked on to the Deputy Premier's other responsibilities.

Mr. Millhouse: It was supposed to be an upgrading of the job.

Mr. WOTTON: That is what we were told at the time. What was more suprising was the sudden transfer of the permanent head of that department into a position with an adequate salary, but with little responsibility and absolutely no challenge or future at all. It was then that the wonder boy of the Whitlam era, who had been filling in time in the Premier's Department awaiting the outcome of the Federal election, sprang into the choice position of permanent head of the Environment Department. Immediately, with a new Minister and a new permanent head of the Environment Department, the rot set in. I believe that much respect was shown in the department for the two previous Ministers, but there was a dramatic change when the new Minister, the Deputy Premier the present Minister for the Environment, took over late last year.

Mr. Dempsey, the permanent head of the department, was a Government, political plant, which for obvious reasons did little to boost the morale of those officers already in the department who saw this Government appointment as a real threat to their careers. The Minister

obviously wished to ignore rumours of unrest and frustration within his department, and he repeatedly stated that he was not aware of any problem of morale in his department. The rumours continue with a resulting investigation into alleged park mismanagement.

There had been reports concerning the deterioration of South Australia's national parks reported in the Public Service *Review* when, once more, the Government was attacked for a lack of resources and manpower in our national parks. The article referred to the increase in buying of lands for parks and reserves with no corresponding staff increases. Reference was once again made to the lack of morale, which was having obvious affects on officers and staff of the department.

Then came the article in the *Sunday Mail* under the heading, "Another Government cover-up row". Allegations, many of which the Minister was at the time (and since) unable to contradict, were made concerning loans to the State Revenue as a result of the department's inability to do its job. We learned of the setting up of a newly-formed section, which did nothing at all to relieve the difficulties being experienced by officers and staff who were trying to overcome the many problems resulting from the lack of staff, and the lack of finance particularly.

Further evidence was then provided to inform the Minister of personnel problems in his department, but he refused to accept that information. All that came out of that was the first of two rather incredible Ministerial statements when attempts were made to transfer the responsibility for such unrest and Government mismanagement, or Ministerial mismanagement, from the Minister to other people, either within the department or on to his own colleagues, the previous Ministers for the Environment.

We also learned that the National Parks and Wild Life Division was losing, according to the Minister, about $70 000 revenue a year because of the department's inability to police the hunting regulations adequately. I contend that that figure is way below the real loss being experienced. However, I will not dwell on that because anybody can do anything with figures and the Minister has already proved that point. In the first Ministerial statement both the person responsible for that article and I were accused by the Minister of attempting to damage the morale of the service—a great statement from a Minister who had constantly refused to listen to his own officers! In that statement he said:

> If anyone in this service is disenchanted—

he is talking about the National Parks and Wildlife Division—

> let him take the proper course and resign, because the opportunity is there.

That is what has happened: there have been resignations because of disenchantment, and there have constantly been examples of officers and staff having moved to other departments in the Public Service for that reason.

Then, in the second Ministerial statement, came the Government gag. In that second statement the Minister showed just how far he was prepared to go in an attempt to bury the mismanagement and unrest within his department. He informed the House of his witch-hunt which involved innocent individuals within his own department. Until this time, we had been aware of the many problems within the Environment Department and under the control of the Minister, but at that stage we realised just how bad things were; the door was slammed on the national parks and the penal clauses of the Public Service Act were brought in as reinforcements. The threat was handed down by the Minister that any officer who spoke on departmental matters without the Minister's permission could lose his job. We can just imagine what that did for morale within the department. I quote from that Ministerial statement, in which the Minister accused me, as follows:

> I have received information which I consider to be absolutely reliable and which I can substantiate.

He has not done that so far. He continued:

> On Wednesday last, February 8, the member for Murray approached an officer of the National Parks and Wildlife Service and, during the course of a general conversation, the honourable member invited the officer to meet him at Parliament House to answer questions about happenings in his division. The officer declined the invitation.

As was pointed out at the time, it was made obvious that Opposition members were not even allowed to talk or to stand near any public servant. I suggest that when any Minister is as touchy as that about his own department there are great problems. The new hierarchy of theorists in the new division, without practical experience, was doing very little for staff members who had the environment at heart, and not politics. I point out that it has come to my notice that the majority of people in this department have the environment at heart. They are working for the good of the State and the good of the environment; they are not working for politics. So much for a Government which boasts of so-called open government, because that notion was really slammed on the head.

Mr. Bruce Muirden, the recent press secretary to the Minister, was the next to feel the heavy hand of the Minister. In what I considered to be a genuine attempt to inform the Minister and the Premier of the crisis confronting the Environment Department (a department and indeed an area of government which Mr. Muirden must have come to understand during his term as press secretary to the three Ministers since the formation of the department some seven years ago), it was obvious that Mr. Muirden was very much aware of the extreme dissatisfaction within the department, and he tried to do something about it. Once again, he tried to inform the Minister. As I said earlier, he took this action because he believed that something had to be done. I should imagine that Mr. Muirden is most likely to be sympathetic to the politics of the present Government, so he would not be doing this to get at the Government. He had worked closely with technical experts in the department, and his work as a journalist would have given him experience in administration and management. However, we find, after the heavy hand of the Minister, that Mr. Muirden has finished up in the political museum.

As a matter of fact, I believe questions still need to be answered in relation to the petition. The Minister said in the House that the petition was destroyed by members of the staff, of their own choice, shortly after it was circulated. I wonder whether it was after the Minister had been made aware of such a petition, in which case I would suggest that the petition was destroyed not because of anything that the Premier had said about the petition but to protect those who had signed it up until that time. In his Ministerial statement, the Minister said:

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

I would suggest that the Minister might have been very

wrong regarding that petition and should have had the nous to realise that his own staff members were yet again attempting to get something home to him. Let's face it: how else could they do it, because of the gag, other than to take action, democratic action, of a type open to any and every citizen, and that is to petition a Minister of the Crown or Premier of the State.

Mr. Millhouse: Why was he sacked for it?

Mr. WOTTON: I do not know why he was sacked just for that. I say again that it was his democratic right and it was a method that he and those involved with the petition could have hoped would not become political. He could have gone direct with that petition, as he intended, to the Minister or the Premier to try to get across the point that there was dissatisfaction in his department.

In another question in this House, I asked the Minister whether he would review the appointment of Mr. Dempsey as Director because of the effect that his appointment, over the top of well qualified South Australian public servants, was having.

I asked the Minister to consider the clearly expressed views of staff members, and his answer was simply "No". So much for this Government's avowed support for industrial democracy in Government departments.

It was only the week before last that the Minister really attempted to throw all of the responsibility for problems in his department on to someone else, and in doing so landed it all in the laps of his two colleagues, the two previous Ministers for the Environment, when he said that his department had lacked proper policies, proper objectives and proper aims. Following the media release relating to that statement made in the House, a letter to the Editor appeared in the *Advertiser*. I quote from that, because I believe it is relevant, as follows:

> The Minister for the Environment (Mr. Corcoran) states (*Advertiser* 9/3/78) that his department has "lacked proper policies, proper objectives and proper aims". It seems to me that an Environment Department should be a powerful conservation lobby to offset the trend with in Australia for development regardless of its effect on the environment, and that it should also devote time and effort to managing, maintaining and servicing our national and conservation parks in the best possible way.
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> The broad thrust of policy within an Environment Department should be the reconciliation of growth demands with conservation principles, especially taking into account the wise use of resources. When assessing planning procedures, conservation restraints should always be looked at, as well as economic and social restraints. The concept of environmental protection should have an insidious, all-pervading character and should infiltrate all departments when any costing is done for any governmental spending programme.
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> Plans made by all departments have some sort of environmental impact. We need our Environment Department to watchdog the other departments. And we need it also to preserve our parks and ruins, so the people who live in the hurly-burly of Adelaide can go and contemplate in pleasant, natural surroundings and regenerate their souls. It behoves Mr. Corcoran to attend urgently to the policies, objectives and aims of his department and to set it in the direction that it should go, for the long-term good of all South Australians.

I believe that that was a genuine letter written by a genuine person who was concerned about environmental and conservation problems in this State. In the statement which the Minister made in this House and to which I have already referred he went on to refer to a minor reorganisation that was taking place within the department, and said that he hoped that the department would be heading in a different direction from that of the past. He called it a minor reorganisation. I would ask the Minister whether there has been a secret report that may have indicated a need for the complete reorganisation that has occurred in the department. When I questioned the Minister about the minor reorganisation, he retorted:

> Yes, minor. That shows how much the honourable member knows about the administration of Government departments.

I would suggest that I know enough about that Government department to know that what is happening is more than a minor reorganisation. If the Minister refers to a brand new head of a department walking in and changing everything within three months and virtually reorganising everybody in the department in some way or another as minor, I would suggest to him that he should get to know his department, too.

My question inquired whether the two Deputy Directors were to be given the same treatment as the previous head of the department. I asked what were the responsibilities of the Deputy Directors of the department shortly before and after the transfer of Dr. Inglis; what were the current responsibilities and positions of those two gentlemen; and whether the Director of the new Policy and Co-ordination Division would take over the current or previous responsibilities of those two officers. We were told in this House that the two gentlemen concerned had real responsibilities and something to do at the moment, and that they had not lost any status or salary. I suggest to the Minister that both of them have lost responsibilities and that they are both dissatisfied. They have lost the responsibilities and purpose that they had as Deputy Directors. Now we have a permanent head receiving $36 000, and three Directors receiving $28 400 each when the lack of finance and the resulting lack of staff have placed the National Parks and Wildlife Division into its present chronic condition, yet we can afford in that department to employ three divisional heads plus a permanent head.

One could ask just how many other officers and staff have suffered a loss of position and responsibility as a result of the reorganisation of the Deputy Directors' responsibilities which, in turn, has followed some of these so-called minor changes. It will be interesting to see whether the position of Director of the new Policy and Co-ordination Division is a job for the boys, too.

The latest incident involving the victimisation of a staff member, who was prepared to accept the consequence of what might follow his reporting an incident involving other officers of the department accused of involvement in the illegal trapping of birds, is just another sordid event in a series of many such events within the department.

There is no way that this Parliament or, indeed, the people of South Australia could contend with such incompetence in the handling of what must be one of the most important portfolios of any Government. No longer can the Minister get away with making excuses about the lack of proper policies, objectives and aims when he surely should be aware of the technical expertise of staff and officers who have built up the department. He must see that it is a direct slur on those officers with technical expertise when he refers to the lack of policies, objectives and aims. It is those people who built up the department to what it was. If he does not accept that, is it any wonder that the morale of his staff has been damaged?

The Deputy Premier has held the portfolio of Minister for the Environment for about five months, and in that time the situation within his department has deteriorated to the extent that he is seen as being completely non-credible by his own department.

In summary, I reiterate my remarks about the Minister's role in the entire affair. First, I express disgust at the way in which the Minister has relentlessly pursued a vindictive witch-hunt throughout his department in an attempt to cover up shocking mismanagement. His attempts to hide the goings on within the department have amounted to bully-boy tactics of the worst kind.

Secondly, I take this opportunity to condemn strongly the Minister's continual refusal to listen to his officers and staff. He did not even want to know about the frustration that existed in his own department. As I have pointed out earlier, this situation largely arose because Mr. Dempsey was put in as permanent head over the heads of existing public servants.

Finally, we have the amazing situation where the Minister refuses to accept any responsibility for the problems that exist in his department. It is therefore not surprising that the Environment Department finds itself in the mess that it is now in. It is for this reason that we move this most serious motion of no confidence in the Minister, which I trust will have the support of every member in the House who is really concerned for the environment and for South Australia.

The Hon. J. D. CORCORAN (Minister for the Environment): The first thing I tell members is that I am not going to resign. The second thing I say (and it is not really important, but I think it ought to be known) is that the Deputy Deader of the Opposition telephoned me this morning and said that the Opposition wanted to move a motion of no confidence in the Government. I agreed with that proposal and said that debate on it should be limited to 4 p.m. When he rang me later this morning, he said that the motion would concern the environment. I said, "That's all right. Thank you very much." In fact, there is some difference between what he said and what happened. However, I am not suggesting that I would not have allowed debate to continue had I been told that it would be a motion of no confidence in me.

Mr. Chapman: That's what it sounds like.

The Hon. J. D. CORCORAN: I said that I would not have prevented that from happening. At least, I think I could have been told, and that would have been the decent thing to do. The Opposition's tactics in this matter are clear to me, and I am sure that they are clear to my colleagues. The Opposition has seen an opportunity (and I suppose I cannot entirely blame it for grasping it) to drive a wedge between some of my colleagues and me on this matter, and that must be apparent to anyone with any semblance of political nouse. However, I do not think that the honourable member did a great job in achieving that objective. I have in the House before (certainly I have done so in other places) commended Glen Broomhill (the member for Henley Beach), because it was he, as Minister, who set up the department. I have commended him for the way in which he did it, and we should bear in mind that this is still a relatively new department. Whilst I have never had the task of starting a department from scratch (and this is what the member for Henley Beach did when he was the Minister), I imagine that it presents great difficulties and great challenges, and he met them. I make clear to the member for Murray that, if he was trying to do what I have suggested he was trying to do, he has not succeeded, because the member for Henley Beach knows and I know the job he did, and I have great respect for it.

Regarding the Minister I replaced (the present Chief Secretary), it is well known that no Minister in any Government department has applied himself more assiduously to the task than did he. The honourable member has talked about mismanagement, and lack of this, and lack of that, in trying to condemn me and what I have done during the past five months. I suggest to him that he is condemning and reflecting on the present Chief Secretary and on the other former Minister, the member for Henley Beach. I am not doing that, but that is exactly what the honourable member has done. I can tell the honourable member what the Chief Secretary did in relation to the national parks in particular.

Mr. Venning: You're saying that.

The Hon. J. D. CORCORAN: Yes, I am saying it, because I know it to be true.

The SPEAKER: Order! Whilst the honourable member for Murray was speaking, he was heard almost in silence. I hope that the honourable Deputy Premier can also be heard in the same way.

The Hon. J. D. CORCORAN: Not only do I know but the conservation groups in this State also know this. I can tell the honourable member that the efforts the previous Minister, the Chief Secretary, put into getting additional funds for this department, particularly through SURS. I can tell members of the great efforts he made in order to have changes made in organisation, too. It might be news to the honourable member that some of the things currently being done were started in his time; is that so unusual? The Premier, when he appointed me, said that he wanted to upgrade that portfolio, and that he would place a senior Minister in charge of it. It was not a reflection on the Hon. Mr. Simmons, despite the cynicism of the member for Mitcham as he grins and wriggles in his seat, because he loves to see this sort of thing happen.

Mr. Millhouse: It couldn't be anything else but a reflection on him.

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

The Hon. J. D. CORCORAN: I deplore the action that the member for Murray has taken this afternoon, because he is really not concerned about the Environment Department, its activities, or its officers: he is concerned about making a cheap political point.

Mr. Dean Brown interjecting:

The SPEAKER: Order! I do not want to have to call the honourable member for Davenport to order.

The Hon. J. D. CORCORAN: He said that I have not been prepared to listen to officers of my department. I would like him to cite one single occasion when an officer has made an approach to me and has been turned away.

Mr. Tonkin: Bruce Muirden.

The Hon. J. D. CORCORAN: We will come to Bruce Muirden a little later on. I challenge the member for Murray to cite one case. I might add that I was constantly in contact and communication with Bruce Muirden. Not one officer has made an approach to me.

Mr. Dean Brown: Because it's like talking to a brick.

The SPEAKER: Order! I call the honourable member for Davenport to order for the last time.

The Hon. J. D. CORCORAN: The honourable member does not know one person who has been told that he would not be listened to, so I do not know on what basis he makes that statement. If he can cite some particular instance, I will be delighted for him to do so. He talks of witch-hunts and gagging. The honourable member can surely recall the occasion in this House (and he has quoted from the statements that I made) when I said that there had been no witch-hunts in this department by me. Can the honourable member cite, chapter and verse, any action on my part that could amount to anything that could be fairly described as a witch-hunt? Of course he cannot do so, and the member knows he can't.

Mr. Wotton: What was it, if it wasn't a witch-hunt?

The SPEAKER: Order! I call the honourable member

for Murray to order.

The Hon. J. D. CORCORAN: I have said that I have never refused an officer of my department the opportunity to speak with me. An officer made an approach to me to see me about a matter, I knew not what. That officer approached me voluntarily, and relayed to me the events that I cited in that Ministerial statement in this House.

I did not extract it from him. There was no witch-hunt. I want to make that clear to the honourable member. I do not know what else he could possibly refer to. When I said that members of the Public Service were subject to the Public Service Act, that is so; they are, and the honourable member knows it. I said that I would not apply the provisions of that Act, I had no intention of doing it, and I did not say I would. The honourable member cannot show me where I did. He knows that.

I said that the honourable member and his colleague in another place, the Hon. M. B. Cameron, were putting officers of the Public Service in a position where this provision of the Public Service Act could be applied. The honourable member tried to misconstrue that statement to suit his argument, and he did not do it very well. He should look through his papers. I did not say that I had any intention, and indeed the two officers involved were told that no action would be taken against them and this veiled, garbled message from the honourable member has tried to misconstrue that, turning it to the effect that I would apply those provisions of the Public Service Act, when I had no such intention.

The Hon. Hugh Hudson: And never said you would.

The Hon. J. D. CORCORAN: I never said I would. Let me say this to any officers of the Public Service who are subject to the Public Service Act: they take it upon their own heads; it does not seem to stop them. I have never set out to try to trace anyone who has leaked information to the honourable member. I get annoyed about it, but there is nothing I can do about it. Not only does it happen in the Environment Department, as the honourable member well knows, but it happens in other departments and in other governments. If one is not sufficiently realistic to understand that it is going to happen, whether we are in Government or whether the Opposition is in Government, one has his head in the sand.

I am not sufficiently foolish or inexperienced to chase around the department trying to ascertain who is saying what, and I will never do that. If I find out, the first thing I will want is substantiation. Certainly, I would not be intimidated by rumours or anything else.

The honourable member's third point was non-acceptance of responsibility. I do not think anyone in this House can fairly say that I have ever shirked the responsibility that is properly mine. Nor am I shirking the responsibilities that I have in relation to the Environment Department; I do not intend to, nor will I, while I am Minister for the Environment. I make that perfectly clear. I know that some of the decisions in which I have been involved will be unpopular. When one does that and knows that decisions will be unpopular, one is accepting proper responsibility.

The honourable member said that officers had resigned from this department because they were disenchanted. I said in the House that one member of the staff had resigned because he was disenchanted, but it was a personal thing. It was not disenchantment with me as Minister or with the Government, but a personal thing, something I am not going to tell the honourable member about. At the time he asked that question I could remember clearly that the people he said had resigned, this great number of people, had in fact resigned for reasons other than disenchantment. One was a forester who pursued that activity in Tasmania. One was seeking employment in a teaching institution, not because of disenchantment. I forget what the other person did, but it was not disenchantment, yet the honourable member has the temerity to make a sweeping statement in this House that there have been a number of resignations from the department involving people who were disenchanted.

Mr. Whitten: He was guessing.

The Hon. J. D. CORCORAN: He was not guessing. He was saying it deliberately and mischievously.

Mr. Whitten: Muckraking again.

The Hon. J. D. CORCORAN: Call it what you like. He said that the people in the Environment Department (because he is at this moment trying to appeal to them and to drive a wedge between them and myself) had the environment at heart. I have never disputed that. In fact as recently as yesterday I issued a statement to the press following allegations made by the member for Mitcham, which were wrong and mischievous, in which I expressed the view that officers of this department had a great love for the ecology of this State and that they were intelligent people who knew what they were doing. I recognised this when I took over the department. They are dedicated people.

Mr. Wotton: Well, give them a go.

The Hon. J. D. CORCORAN: It is all right for the honourable member to talk about giving them a go; they are getting all the go they want. I now come to a point made by the honourable member, because I want to answer a few of the things that he said before I start in on him. Let me make a point about my former press secretary for the environment, Bruce Muirden. I make no apologies to this House, or to anyone else, for what I did in connection with Mr. Muirden: let me make that perfectly clear. The honourable member for Murray misunderstood the member for Mitcham this afternoon. The member for Mitcham said he thought he ought to be sacked. Probably if it had been any person other than me, reasonable that I am, he may have been sacked. I said in this House that Bruce Muirden had given valuable service to the Environment Department and the Government over seven years, and I did not see that one small mistake was sufficient reason for sacking him. I said he was grossly disloyal, and I believe he was. I did not think it was the place of a Ministerial appointee to do what he did, and put officers of the Public Service in the position he did. That is the important thing. I did not see the petition. I would not have the faintest idea who signed it; I would not have the faintest idea how many people signed it, nor do I care who they were. I do care that some people signed it. Let me come to the reason for that petition, and that is the appointment of Mr. Rob Dempsey as the permanent head of that department on December 15, when the Leader of the Opposition himself said he was admirably qualified.

Mr. Tonkin: I said, "He may be admirably qualified."

The Hon. J. D. CORCORAN: The honourable member may have said that, but that is not as it came out in the press. He was and is admirably qualified; I can read to the House some of this man's qualifications.

Mr. Tonkin: Why don't you put the rest of what I said.

The Hon. J. D. CORCORAN: Then the Leader went on and said that he got on the gravy train and that it was jobs for the boys. In other words, the Leader of the Opposition could not care less about the qualities and qualifications of a man: if he had any taint of connection with the Government, he should not get the job, as far as the Leader is concerned. I would hate to see what this country would be like if that attitude was adopted right throughout the Public Services of the various Governments. As I have said before (and I agree with the Leader of the

Opposition), Mr. Dempsey is admirably qualified. He is a young man who has already demonstrated in the areas he has been connected with that he has outstanding abilities.

The ludicrous part about all this is that whilst he was appointed on December 15, in fact, I suppose, he did not effectively start work within that department until early in January. Since January to the present date (and, indeed, it was not this present date but very much earlier that the incident involving Mr. Muirden took place) these officers were able to judge that he did not have the management style that they liked. Any fair-minded person would at least give anyone placed in a position of this nature with the responsibilities that it involves an opportunity to prove himself. He has not had the opportunity; he has not been given that opportunity.

I am not complaining about myself in the five months I have been Minister for the Environment, because I have been around in Ministerial positions for a long time, and the honourable member can have as many slaps at me as he likes, but I detest the fact that the permanent head of this department is deliberately denigrated in this place by the member for Murray and others. They have denigraded him mischievously because they hoped that this matter would seep through to the officers of that department and would have an adverse effect on Mr. Dempsey because they did not want to see him appointed. What a shocking thing!

I will not worry about Mr. Dempsey's qualifications; they are well known to the House, have been recited in the papers and are true. I have every confidence in Mr. Dempsey and, as I have said, so far as I am concerned, he is one of the best officers in the Government service in this State at the moment. I will stand by him and give him the backing he needs to develop the department along the lines that he thinks are fit and proper.

The honourable member made great play of a statement I recently made in the House in reply to a question he asked in which I said that the department had lacked objectives, policies and aims. On reflection, let me say that what I probably should have said is that the department lacked the proper structure to give effect to the objectives, policies and aims. Indeed, if one considers the manner in which I replied to that question, one would see that I spoke about organisations and re-organisations which, indeed, tied in. That was probably an unfortunate use of words, but in the submission that was made to the Public Service Board (and this is the important)—

Mr. Chapman: Are you retracting that—

The Hon. J. D. CORCORAN: No. I am saying that I was referring more to the lack of a structure to give effect to the objectives than to a lack of objectives, aims or policies. I then spoke about reorganisation, and said it was a minor reorganisation: I stand by that. As I said to the honourable member, he would not understand that because he would not have heard that the Public Buildings Department, which is a very large department, has been going through a major reorganisation that has involoved every section and branch of that department. That has not been done as far as the Environment Department is concerned. I also referred to the Engineering and Water Supply Department, which is about to be launched into a major reorganisation; in fact, consultants have been employed for that purpose. We have no consultants as far as the reorganisation of the Environment Department is concerned.

Mr. Tonkin: You promised that in 1973.

The Hon. J. D. CORCORAN: Now we are going back to 1973. I am the bloke whose head is on the block, and I have been in the department only five months. The Leader ought to get his timing right. When the submission was made to the Public Service Board, it pointed to the inadequacies of the structure of the Environment Department to give effect to the objectives. Just in case the honourable member is not clear on that matter, I want to tell him that it was not Rob Dempsey, the permanent head of the department, who decided to do that, and it was not Des Corcoran, the Minister for the Environment, who decided to do that, but the Public Service Board no less that decided that the Policy and Co-ordination Division was necessary.

Indeed, the Chief Secretary had been involved on numerous occasions in discussions with the Chairman of the Public Service Board about the organisation of the department. The Chief Secretary, not me, was able to get through the manpower budget the highest increase for any Government department. I think it was 27 positions, if I remember rightly, that he got through. He recognised, as did I, that there was a need for restructuring, There is nothing strange about that. If the mover thinks that he is going to plug a wedge between the Chief Secretary and me on this matter, he is mistaken.

Mr. Chapman: He'll need a big wedge.

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

Mr. Venning: Oh, really!

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

The Hon. J. D. CORCORAN: It is amusing to me to hear that I am not accepting my responsibilities in this place, because only in the last week or two I have introduced two Bills which I think are of major importance, but that was completely ignored. Does the honourable member think that Bills are dragged out of a hat? Who does he want to resign?

An honourable member: You.

The Hon. J. D. CORCORAN: I should like the honourable member to repeat that. The honourable member, I suppose, appreciates that I have headed all this up in five months—no worries! The work that has gone into the heritage Bill was started long before I became Minister. The work that will eventually go into the formulation of an environmental impact assessment Bill started long before I became Minister. It started in the time when the member for Henley Beach was Minister and continued through the time during which the present Chief Secretary was the Minister. Indeed, the department has done much. It has carried out environmental impact statements (the honourable member may not know that), and it has done it effectively.

Mr. Dean Brown: Where are the noise control regulations?

The SPEAKER: Order! I warn the honourable member for Davenport and, if he trangresses any longer, I will name him.

The Hon. J. D. CORCORAN: Indeed, the Minister of Transport, if any member wanted to know, could give a classic example of an environmental impact statement, namely, the one held on the bus depot on Morphett Road—the one about which the member for Glenelg was so annoyed—and it was a good one. The department has constantly been involved in assessing the impact on the environment of certain things that have happened, particularly through Government agencies. The department has much to be proud of, and it can show a real achievement since it was formed about five years ago (not in 1970, as the mover has tried to make members believe).

The committee was established in 1970, but it was not until 1972 that the actual formation of the department started to take place. So, it is true to say that this is a relatively young department, that there are growing pains,

and that changes of structure are needed to put into effect the objectives, aims and policies. I am doing that, and I am not going to back off because of the carping criticism of the member for Murray and some of his colleagues. In no way will I be deterred from what I think to be the proper course of accepting the responsibilities which members have accused me of neglecting.

I say to the mover that I look forward to a long association with this department and to vast improvements, if I can give effect to the ideas I have. My ideas are not very much different from those which the Chief Secretary had when he was Minister for the Environment, but whether I can get more support in the Cabinet is important. I hope that I can get more support. I point out to the mover that the Bill I introduced in the House yesterday, namely, the National Parks and Wildlife Act Amendment Bill (and I will not canvass it), is an important measure and one which, I think, will have a great impact on the development and management of this State's parks. That was not an idea of mine: the present Chief Secretary was the Minister who decided that the Black Hill park would become a statutory authority. He told me that before I took over the portfolio. I simply followed his idea.

I do not think that I really need to say any more in reply to the things that the honourable member has treated so seriously that he has called on me to resign. As I said to him at the outset, I do not intend to resign. I have never shirked my responsibilities, and I will continue to face up to them and exercise them.

Mr. Dean Brown: Where are the noise regulations?

The Hon. J. D. CORCORAN: The member for Davenport asks, "Where are the noise regulations?" We are thinking of legislation that this department has been involved in. We are thinking of noise legislation, which members opposite had said constantly is ineffective, that it is this and that, and something else. The Cabinet has, in fact, passed these regulations.

Mr. Dean Brown: Twelve months after they were promised.

The SPEAKER: Order! I said that if any honourable member transgressed I would name him. I do not intend to allow the honourable member for Davenport to interject any more.

The Hon. J. D. CORCORAN: One of the reasons why they were delayed was a request of the Minister of Transport, who quite sensibly, logically and reasonably said that it was important that at the same time we brought down these regulations we should bring down regulations under the Motor Vehicles Act to contend with vehicular noise. Those regulations had to be of an Australia-wide standard, and it took almost until a week ago for them to be finalised. They have passed Cabinet and are in the hands of the Crown Solicitor for certification. In due course they will be in the House, so that falls to the ground as well. I am proud of the achievements of this department. I am amazed that the honourable member could be so politically motivated to do what he has done today, because basically I think he is a decent fellow.

Mr. Wotton: Is that the kiss of death?

The Hon. J. D. CORCORAN: It could be. Maybe he is demonstrating to his colleagues that he can handle himself. That is all right by me. I do not mind at all taking up the Opposition's Question Time, which this is doing, to talk about these matters that concern me so greatly. Let me say, finally, to the honourable member that I am quite confident that, in spite of what he is attempting to do, in spite of what he is saying, this department will go from strength to strength over the next 12 months.

Mr. TONKIN (Leader of the Opposition): At the outset I would like to say that I am pleased indeed that the member for Murray has taken the step he has taken today, because it shows a tremendous concern for the very serious situation which has arisen. For all his blustering, for all his fighting for his life speech, for all the excuses he has made, for all the references to blaming or defending (I am not sure which) his previous Cabinet colleagues, his moving back on to Cabinet itself and blaming lack of Cabinet support for lack of funds, the tendency that he has to come back and blame the head of his department and then come back to defend him again—all of these things are nothing more than a shabby parade of excuses by the Minister. I have never seen the Deputy Premier so much on the defensive before.

"Promises, promises" could well be the theme song of this Government from the time it first took office in 1970. With "promises, promises" one must also have "excuses, excuses", and we have heard nothing but a parade of excuses and attempts to dodge responsibility put forward to this House this afternoon. The Minister who has just spoken is the Minister responsible; no matter what Ministers have held that portfolio in the past, he is the Minister now responsible, and he must now accept that responsibility and take the blame for what is happening to the department.

Broken promises, although in the past they have been taken out in relation to transport and many other matters, apply equally as much to the Environment Department, and it is about time we had a look at them. It is not that the policies put forward are no good (many of them are excellent and have been conceived well), but it is the implementation that has not been good, and it has not been the fault of departmental officers that those policies have not been implemented—it has been the attitude of the Government and the Ministers concerned.

As in all other fields, promises are not enough. They may grab the headlines, they may make impressive announcements, and they may attract the environmental lobby and bring it on side for an election, but, when it comes to the point, promises are not worth very much. The Government (and this is the pure fact of the matter), after a long period of making promises, is being called upon to deliver the goods. People are sick and tired of hearing words and nothing but words from the Government on environmental matters. The Government is being called upon to deliver the goods, but it is not delivering them.

The department has a staff which is capable of working. It has divisions which are capable of putting policies into effect, but all we have is criticism, frustration and unrest, simply because the attitude of the Government (and the Minister must take full responsibility for this) is inhibiting that department's activities.

We heard the Minister's reaction in relation to the appointment of someone of his own persuasion. Mr. Dempsey, who worked in the Urban and Regional Development Department (basically for the Whitlam Government), was brought down to South Australia and marked time in the Premier's Department until it could be seen what would be the future of the Whitlam Government after the next election. It was significant that the appointment was made immediately after the last Federal election, which the Liberal Party won so convincingly. The only reaction of the Minister was to try to stifle the growing unrest and frustration of people in the community (people who were touched by the department's activities) and people within the department. We saw the transfer of the portfolio relating to that department (the transfer from the soft touch Minister, he may be called in a charitable way) to reputedly the

toughest Minister in Cabinet. The toughest Minister in Cabinet has come the heavy. He has done the best he can to sit on all the frustrations and concerns which have now erupted in the department. No matter how hard he has tried to keep them contained, they are spilling out into public view. So great has the upheaval been that his environmental press officer, who has been a loyal Party man for many years (and I admire his writings in a weekly periodical—they are good for a laugh), became desperate enough to organise a petition to the Government. I will deal with that later.

The member for Murray has dealt capably with the question of the National Parks and Wildlife Division, but I want to talk about some of the other promises and mediocre performances of the Environment Department in other respects. I intend to take up the question, first, of the noise legislation, since the Deputy Premier has defended that. Well, what good news we have had today. The regulations have finally been approved by Cabinet. What those regulations are and whether the Opposition will regard them as being adequate, one will have to wait and see, because they still have not come before this House. The question of noise legislation has been raised time and time again (it is almost a hardy annual) since 1973. Promises were made before that time, and the only regulations that have been gazetted so far, and they were gazetted in August, 1977, relate to the premises which will be affected by noise regulations and to control of the administration of the Noise Control Act, which will be in the hands of the Minister.

That is all we have, and that is entered in the *Government Gazette*. Noise regulations do not exist at present in any workable form and, although they may have been approved just recently by Cabinet, we still do not have them, and the legislation is, indeed, as my honourable colleague from Davenport has described it in the past, a toothless tiger, and nothing else.

Let us look at some of the other things which have been announced and of which great play has been made in relation to the Environment Department. I refer to the ecology think tank. The news report about this was as follows:

> The State Government is working on the establishment of an environmental research institute to provide information that could be sold interstate and overseas. The Premier, Mr. Dunstan, said the institute would provide a new brain industry for the State.

Perhaps he should be one of the first customers. The report also states that this will be an independent organisation operating under statute, whose resources can be marketed both interstate and overseas. The report continued:

> It is believed that the State Government is already looking world-wide for a director to head the new institute.

That is a most exciting concept, right up to date with today. What a tremendous thing to have! But that announcement was made in the *Sunday Mail* on April 8, 1973, and we have heard nothing of it since then. The environmentalists were very impressed. They thought an environmental research unit would be first-class, and I agree. It is something that would be well worth working for, but we have heard nothing since April, 1973. If we move on to December, 1973, we find that strict laws for industry were to be laid down. The report stated:

> Legislation requiring industrialists to provide detailed environmental impact statements on construction plans for public scrutiny and Government approval is expected in February or March.

That was to have been in February or March, 1974, but to date there are no effective regulations in force in South Australia on environmental impact studies, in spite of the years of political window dressing—not one. Yet that promise was made and broken in 1973. I turn now to something we have heard of a little more recently. Although it originated some time ago, I refer to the matter of off-road vehicles, and the following statement relating to tighter laws on buggies:

> South Australia may adopt strict new laws on beach buggies, trail bikes, and mini bikes. The Federal Government will urge the States to adopt a uniform code for the registration of the vehicles. The State Transport Minister, Mr. Virgo, is understood to support uniformity.

That was in September, 1973. In April, 1974, we were told that the Government planned legislation to control the use of trail bikes and buggies, as follows:

> Options being considered include: licensing of all off-road vehicles through registered clubs; regulation safety standards for vehicles, drivers and riders; age restrictions on drivers and riders; and penalties for breaches.

On December 22, 1974, we saw the following report headed "Laws for buggies on the way":

> The State Government is working on legislation to control trail bikes and dune buggies. Announcing this yesterday, the Environment and Conservation Minister, Mr. Broomhill, said the move followed the report from the Environment Protection Council.

Nothing more happened. The next reference we had was under a heading, "Trail bike control suggested". In the *Advertiser* on August 12, 1975, eight months later, the following report appeared:

> The South Australian Government is considering legislation to tighten control on trail bike riders. The Minister of Environment (Mr. Broomhill) said this last night while commenting on a report in the *Advertiser* yesterday. The report said trail bike riders were causing irreparable damage to large areas of the Cleland Conservation Park.

That was the whole principle of the exercise. We cannot afford such damage to our natural resources. In November, 1975, under the heading "Dune buggy laws urged", the following report appeared:

> Strict legislative control over off-road recreational vehicles in South Australia is advocated in a Government report issued yesterday.

I could go on and on with this. It is ridiculous. A further report in November, 1975, stated:

> The entire South Australian Government report on off-road recreational vehicles would not necessarily be implemented, the Minister of Environment (Mr. Simmons) said yesterday. Mr. Simmons said the report was "very worth while" and would be a basis for discussion.

In February, 1976, another report appeared on bike controls, but we had not got anywhere; there was still just talk:

> The South Australian Government will introduce legislation to control the riding of trail bikes.

That was the third such announcement.

Mrs. Adamson: It's like *Blue Hills*.

Mr. TONKIN: Yes, it goes on and gets nowhere. In April, 1976, the following report appeared:

> The South Australian Government will consider legislation in four weeks time to control off-road vehicles and dune buggies and trail bikes.

There is still more. In the *News* on July 23, 1976, under the heading "Off-roaders to get own areas", the following report appeared:

> The South Australian Government will set aside special areas for off-road recreational vehicles.

On May 25, 1976, the following report appeared:

> Legislation is likely on off-roaders: The South Australian Government hopes to legislate in the Budget session of

Parliament to control off-road vehicles.

Still nothing had been done. On June 30, 1976, the following report appeared:

> Trail bike report goes to Cabinet: Guidelines for the control in South Australia of off-road vehicles such as trail bikes have gone before Cabinet.

And still nothing had been done. A report of December 6, 1976, under the heading "Off-road laws delayed", stated:

> Legislation to control off-road vehicles in South Australia is not likely to come before State Parliament until early next year.

We might have thought that that would be the end of it, but there was an election in September last year for this Parliament. A report on August 5, 1977, stated:

> Most vehicles will come under off-road law. Restrictions will be placed on the use of most motor vehicles off the road under proposed South Australian Government legislation.

After the election, on November 4, 1977, headed "Delay on off-road vehicles", the following report, appeared:

> Legislation to control off-road vehicles in South Australia might not be introduced to Parliament this session.

That has been going on and off and on and off since 1973. Finally, on January 27 of this year, the following report appeared:

> The South Australian Government has set up a group to look for areas which could be used by vehicles for off-road recreational purposes.

That is an absolutely appalling record. It has been all talk, no action: promises, and excuses; and so it goes on. The most recent upset, the appointment, has brought to the surface all the frustations, worries and concerns of the department, and this can be traced through newspaper headlines. The member for Murray has already traced the developments pretty well. It started on October 8, when the report of the transfer of Dr. Inglis, the head of the department, was first announced. The Premier said that it represented a significant upgrading of the environmental portfolio when the present Chief Secretary was taken out of that position and the Deputy Premier put into it.

The comment was made at the time that it was believed to be the first time for many years that the Minister and the head of the same department had been changed in the same week. For a start, that must have been a most difficult situation for the members of their department to cope with. The Public Service *Review* in October carried an article headed, "Whatever happened to the lone rangers?", that attacked the State Government for the lack of resources and manpower in South Australia's 189 parks. I will not go into the details. The Minister for the Environment then ordered a review of the staffing of the parks, and it was said again that the South Australian Government had been under attack for some time over the management of the parks. Rangers had been concerned at the number of staff in the parks. The Minister admitted in November that an inquiry was being held into the activities of certain people employed by the National Parks and Wildlife Division because of some suggestions that certain officers of the department were involved in the trapping of birds or the sale of confiscated fauna, or both, and the inquiry was to determine whether or not that was going on.

An article written at the end of November by Kym Tilbrook, of the *Advertiser,* stated that there were no formal terms of reference to the inquiry into the activities of certain people in that category. I recognise the qualities of the Chief Secretary and also of his predecessor, the honourable member for Henley Beach, but the change in administration, the change in the permanent head, the change in the Minister at that time enabled all of those things to come to a head. The appointment of a new head, Mr. Dempsey, was reported as follows:

> A political controvery has erupted with the appointment yesterday of a new head of the Department for the Environment.

I do not intend to canvass all the remarks made at that time. I say it was a job for the boys. He may be well qualified, and I have made that statement. However, he was not so well qualified that there were not other people in the South Australian Public Service who could have done that job, and could have done it very well indeed. Indeed, they may have been better qualified in terms of local knowledge, rapport, and administrative ability to get on with the department than Mr. Dempsey has been.

The row went on. An article by Dick Wordley in the *Sunday Mail* states:

> Another allegation of cover-up by the South Australian Government will be made in Parliament in the next few days.
>
> It involves the South Australian Department of National Parks and Wildlife Service from where, in recent weeks, half of the top-echelon of senior officers have resigned.

Another article, by William Reschke, states:

> Government gag on Parks officers: Environment Minister Mr. Corcoran has slammed the lid on the National Parks row and weighted it with the penal clauses of the Public Service Act. Why, for heavens sake is the Government acting as though there is something sinister in the National Parks Service?

There is no question at all that threats were used by the Minister, directly or indirectly, to gag officers of his department, and it is quite pointless his denying that that was so. No officers of his department, he has said, have come to him, and I am not surprised. No officers would come to him.

Mr. Wotton: They are scared.

Mr. TONKIN: They are scared for their livelihood, for their position, if they do. For one thing, it is like talking to a brick wall, as I understand it, and secondly, those officers are afraid of the Minister. Today he says that no action would be taken against them, but it is one thing to say that today: that was not the impression that every member in this Chamber got when the Minister referred to the subject in this House a few weeks ago. Everyone got the clear message that the penal clauses would be used, and used to the most vigorous degree.

We have had complaints of park waste; we have had answers which have not really answered anything; we have had a petition; and we have heard about the petition organised and circulated by Mr. Muirden. Things must have been getting pretty desperate for that to have occurred.

Finally, on February 28 the Minister for the Environment admitted that there was discontent in the Environment Department. Was it that he had taken such a long time to wake up to the fact, or was it that he had been trying to cover up all that time? The obvious answer is that he was covering up. I believe there was seething discontent. The recent appointment of Mr. Dempsey was the precipitating factor and I know that members of the department feel that they have been let down by the Minister and by the Government, and they have not been allowed to carry out their duties as they should.

There are many other areas which the honourable member for Murray has covered in an extremely capable fashion, but the point is that the Minister has consistently tried to avoid his responsibilities in this entire issue, and his speech today was yet another attempt to muddy the waters and to dodge his responsibilities by trying to spread them around on to almost anybody he possibly could. Even the member for Murray came into some blame for daring to raise the subject.

Mr. Wotton: We're quite accustomed to that.

Mr. TONKIN: We are indeed.

The SPEAKER: The honourable member is out of order.

Mr. TONKIN: I quote from an editorial in the *News*, as follows:

> Corcoran's bombshell: after five months as Environment Minister, the Deputy Premier, Mr. Corcoran, has made an extraordinary diagnosis. The department lacks proper policies, proper objectives and proper aims, he says.

The department was created, it is quite clear, by the Labor Party not in order to further the cause of conservation but to attract the conservation lobby. I do not believe that the conservation climate of this State is very greatly better than it was when that department was created. I do know that there have been recruited into that department, particularly from the National Parks and Wildlife Service, some very capable and loyal officers, officers who have been loyal to the whole concept of conservation, and I know that they are totally dissatisfied with the Government's attitude, because I believe they have seen through the Government. They have seen through the Government, because the Government went through the exercise of setting up a Conservation Department, not because it was concerned about conservation but because it was concerned about votes.

That degree of hypocrisy will always come out, and it has come out this time, too. That is why members of the department are frustrated and concerned, and that is why we have introduced this motion of no confidence today. I repeat that the Minister may well try to blame his previous Cabinet colleagues. He may well blame Cabinet as a whole for not having sufficient funds for the department. He may well say that we are trying to drive a wedge between himself and his colleagues, or between himself and the department. I venture to say, in that respect, that the tremendous gap which exists at present in communication and relations between himself and his department could not possibly be widened by any wedge. He can spread the blame around as much as he likes: he cannot escape the fact that he is the Minister and that those matters are coming forward to public notice now. They may well be the result of frustrations which have built up over the last five years, but they are coming to the notice of the community and the Parliament now. It is his responsibility, and no-one else's. The degree of frustration and public concern is such that only one thing will satisfy the people of South Australia, and that is that the Minister resign from that portfolio, and that the Government treat it with a true concern for the environment and its control that it has not done until now.

To give them credit, I believe that the last two Ministers did try to further the cause of the environment, although the Government did not set it up with that in mind. They had a particularly difficult job to do. The present Minister should not remain in that position. He is totally unsuited for it; he is adding to, not soothing, the general unrest and concern. The sooner he resigns from that position, the sooner we can get on with proper conservation measures in this State. That is, after all, the most important thing. Officers of the department and the community generally want to see proper conservation measures taken; they do not want politics played, and that is our concern, too.

The Hon. D. W. SIMMONS (Chief Secretary): We have just heard a rather remarkable attack on the present Minister for the Environment that is obviously transparent. One would like to believe that members opposite are as sincere in their desire for the protection on the environment as they have tried to make out in the last hour and a half, but the fact is that they have been bitterly opposed to any worthwhile steps that involve the protection of the environment. I discovered that fact when I was in charge of the department, and they have not changed at all. The Liberal policy speech for the last election contains only two references to the environment, and they related to beverage container cans and off-road vehicles. The policy speech was as follows:

> As an example, we will see to it that while action is taken to prevent cans from despoiling the natural environment those cans sold and consumed on closed industrial or commercial premises will be exempted from deposit requirements . . . The Liberal Party's policy on off-road vehicles will balance the need to protect the natural environment, with the interest of responsible enthusiasts.

As I was the Minister for the Environment at that time and was facing an election, I was delighted when I read that policy speech in relation to environmental matters, because I realised how little challenge there was to be in my area and how well the Government's record in the field of the environment compared with what the Liberal Party was prepared to promise for the next three years. I was also rather touched by the references made to the member for Henley Beach and myself about our ability as Ministers.

I am reminded of the statement made by Ben Chifley to the effect that one is a saint when one is dead but that one is a devil when one is alive. It seems to me that that is the principle that applies here, because the Liberal Party is quite willing to pay a tribute later to someone they had bitterly reviled when in office. I venture to say that that will be the position when the present Minister relinquishes the Environment portfolio to another on-coming member on this side. The present Minister will then be regarded as having been a good Minister for the Environment, and the unhappy incumbent of that sensitive portfolio will cop it thereafter.

The Environment Department is a sensitive and tricky department to administer, as I know only too well. It has many problems. First, it is a new department. The Deputy Premier has made the point that the Environment Department was started only in 1972, and many problems have been associated with it. I, for one, pay a tribute to the work that was done by my predecessor in setting up the department, because a tremendous number of problems were associated with the department at that time, problems relating to its administrative structure and finding staff. A division of that department, the National Parks and Wildlife Division, was made up of officers from five separate organisations: the National Parks Commission, the National Pleasure Resorts Branch of the Publicity and Tourist Bureau, the Fauna and Flora Board, the fauna section of the Fisheries and Fauna Conservation Department, and the fauna conservation and native plants protection branch.

My predecessor had to take officers drawn from those various Government bodies, officers with different backgrounds and different types of experience, and weld them into a new unit that was to look after the whole area of parks and native flora and fauna. My predecessor would be the first to agree that, when I took over the job, there were still many problems associated with that division. I am willing to admit that when I left the portfolio I left many problems associated with it, too. Nevertheless, over the five years covered by my predecessor and I, substantial progress was made towards welding together a team of people from different backgrounds into an effective protecting force for our parks and flora and fauna.

So far as the department as a whole was concerned, there were other problems, not the least of which was dealing with new concepts. Some of the work done by the

Environment Department was new in Australia; for example, the Coast Protection Board legislation, which was introduced by the member for Henley Beach when Minister, is still, as far as I know, the leader in that field in Australia, and it is well regarded by people and local government bodies throughout this State. That board has done a tremendous amount of good.

Right from the beginning in this new department, as was to be expected, there were problems of staffing and funding. In fact, they were serious problems. In saying that, I want to make it quite clear that the growth of the department was really rapid and, for an Opposition that is continually carping about increased Government expenditure and increased numbers of people on the public payroll, it is a bit hard to take the sort of criticism that it levels, first at me and now at my successor, because of the inadequate staffing and funding for the Environment Department, particularly the National Parks and Wildlife Division.

The truth of the matter is that I was in that office for two years and went through two manpower budget sessions, two Revenue Budgets and two Loan Budgets and, on each occasion, I had to fight for an increase in the allocation made to me by Treasury and the Public Service Board. Initially, I was allotted more than the average rate of increase in the Public Service both in funding and expenditure, but that allocation was still nowhere near enough to match the rapidly growing responsibilities of the department.

Even in the last year, as the Deputy Premier has mentioned, the manpower allocation that I got was about 20 people. I objected to that allocation and, when I left the portfolio, it looked as though we would get either 27 or 28 people, which represented a growth rate of nearly 10 per cent as against a growth rate in the Public Service as a whole of well under 4 per cent.

Similarly, when the last Budget was being discussed, the sum I got, as allocated by the Treasury, in the first instance was nowhere near enough. I made that point forcibly in Cabinet, and received another $500 000. I got an increase of 17 per cent for the department. If the entire Public Service expenditure were to increase at the rate of 17 per cent in expenditure, there would deservedly be screams of rage from the Opposition. This was a new department, with rapidly growing responsibilities in most areas, even in fairly settled areas such as the botanic gardens. Just as I took over, the Wittunga Garden, at Blackwood, was opened and, just after I left, the new garden at Mount Lofty was opened. All these things must increase staffing and expenditure.

I think that, when I went into the department, the division contained 13 people. When I left, with the year's intake, there were more than 30 officers in that division. A few things happened in between which the Opposition would find difficulty to deny. First, the beverage container legislation, which passed just before I became Minister, was implemented, and the noise legislation was passed. It is not true to say that it is a toothless tiger. There is much power in that Act, even without the regulations which are about to be introduced. As someone who knows something about it (and I think that the member for Davenport ought at least to appreciate the fact, because he was a member of the Select Committee), I point out that it is a difficult area in which to legislate. It is a technical area, in which it is difficult to strike a balance between the rights of the different parties. I am not surprised that it has taken so long to get the regulations to the stage where they are about to be introduced.

I point out that last year, after the Bill was passed, it was necessary to set up an entirely new unit within the Environment Division to deal with the question of noise. So, it goes on. There was an increased involvement by the Environment Division in the administration and vetting of environmental impact statements, and many new activities took place in that division. In national parks, thanks to the enlightened policy of the Whitlam Government, considerable money was made available to my predecessors, spilling over into my time, for the acquisition of land for national parks. The policy, correctly adopted by my predecessor, of using money and the opportunity to acquire for conservation purposes these parks before the land was destroyed was continued. The years 1972 to 1975 witnessed a growth in our national parks system that had never been seen before and I doubt whether it will be seen again.

During my time, some of that growth continued, and, although the staff in the division also increased, it was barely enough to keep pace with the increase in the responsibilities the division had. It is all very well to criticise the lack of development in parks, but development takes money and manpower. I battled as hard as I could to get the utmost for that purpose. I got an increase in the Revenue Budget and a substantial increase in Loan funds for the development of parks, relatively little of which went into acquiring parks; most of it went into developing what we already had. Also, a major source of funding for the development of parks was the Wildlife Conservation Fund, which had built up to about $250 000 and which, under my direction, was rapidly being run down in order to use money for the conservation of wildlife. Another source brought $500 000 into the department within the last year and, since last July, it is probably well over $750 000 into what constituted the Environment Department. That money has come from the State Unemployment Relief Scheme. That, in itself, has made a major contribution towards repairing much of the neglect which had taken place and which had stemmed from several factors, first, the lack of funding that had taken place in relation to national parks for many years before this Government came into office, and, secondly, the fact that much of the land which was acquired under the acquisition programme had been allowed to run down by the landholders, who were selling it to the department. Also, there were major problems associated with fencing that had to be made good. The money from the unemployment relief scheme, plus the utmost I could squeeze out of Loan funds, was used mainly to develop those parks. I make those points to show that there have been real problems associated with the setting up of this new department and developing it within a comparatively short time.

As I said earlier, I inherited a department which had many of the defects due to the problems of setting it up and of its establishment, and I pay a tribute to my predecessor for the work that he did. Despite my best endeavors, I am prepared to admit that the situation was far from perfect when I left that office. That is not to say that a great deal has not been done. I believe that the Environment Department has in many ways broken new ground in Australia and has achieved a parks system which is exceptional by the standards of most Australian States. I think it was inevitable that there would be certain frustration, because we could not fund and staff the department as rapidly as we should have liked, given the increased responsibilities the department had to undertake.

The member for Murray said that there had been some loss of activity since 1975. Just to show how hollow that is, I will extrapolate and say that the same criticism might be applied to the present Minister, because of the relatively

small amount of legislation he has been able to introduce in a short time. During 1975-77, we introduced a new Museum Bill, amendments to the Coast Protection Board Act, a new noise control Bill, and legislation covering off-road vehicles. Despite the recital by the Leader of the Opposition, that Act, which is a fairly complicated one and which had to pay proper regard to the rights of off-road vehicle enthusiasts and landowners, was eventually developed after a long period of public discussion. The initial report I released the day I became Minister was open for public comment for about seven months, because we wanted to get a consensus, if we could, from the public.

Subsequently, in July of last year, I released the Bill that was proposed to be introduced and it was open for public comment, closing at about the time the election was held. The Deputy Premier has stated, and I cannot disagree with his logic, that the provision in that Bill for the acquisition of land for the use of off-road vehicle enthusiasts should be implemented. We should have the land available before the Bill is introduced, otherwise we would be denying off-road vehicle enthusiasts access to land for their sport and not be supplying an alternative area in which they could operate. For that reason the department has been advertising for suggestions about suitable land that will meet the needs of people in various parts of the State. When that process is completed, I have no doubt that the off-road recreation vehicles legislation, which has been canvassed as possibly no other Bill has been, will be introduced into this place and given effect to.

Also, in that time a new Botanic Gardens Bill was prepared, and has since been introduced. Amendments to the National Parks and Wildlife Act were prepared. The Aboriginal historic relics legislation was prepared and held off pending development of all-embracing cultural heritage legislation. That was the only time I met the present permanent head of the department, Mr. Dempsey, and I was impressed with his knowledge of the factors involved in the preservation of buildings, landscape, and so on. He is certainly an expert in that area. The Beverage Container Act was implemented, and the Black Hill Native Flora Park was started, funded considerably and staffed. The Wilpena Pound redevelopment was another matter dealt with. These are some of the matters dealt with in those two years, so it is ridiculous for the Opposition to suggest a slackening of the Government's impetus for protection of the environment during that time.

I think it is also ridiculous to say that, in the relatively short time of five months, including a recess, which has passed since then, there has been a further falling off in the Government's activities in the environment field. Any criticisms made of the Minister based on that premise are quite false. As the Minister has pointed out, two measures have been introduced this week. That is not a bad record, particularly in this sensitive field. If he can maintain that impetus, I can assure members that the environment will be well protected in South Australia.

Other things that have happened since I ceased to be Minister include the speeding-up of a fire protection programme. I was delighted to see this because I managed to find about $100 000 to start the fire protection facilities. The Deputy Premier has been able, in the short time that he has been Minister, to have work done that I envisaged would take several years. He has also managed to set aside one of the biggest and most exciting national parks in Australia. That is the area in the county of Chandos which, with associated parks on this side of the border and over the Victorian border, will make a superb national park. They are just two indications of the work already done by the Minister in this department.

I would like to deal briefly with one or two of the allegations made about the bullying tactics of the Deputy Premier. First, the Deputy Premier is not the only one who has found it necessary to take action to stop unauthorised and ill-considered comments by members of the staff of the Environment Department. In April, 1976, it was necessary for the Director of the department to issue a directive to national parks and to the department as a whole that members should stop making unauthorised statements because, quite frankly, the media was seizing on those statements which were made without a full appreciation of the facts and which gave completely incorrect impressions.

The SPEAKER: As it is 3.55 p.m., I now intend to put the question: "That the motion be agreed to."

The House divided on the motion:

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

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran (teller), Drury, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Evans. No—Mr. Dunstan.

Majority of 5 for the Noes.

Motion thus negatived.

CONSTITUTION ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

MINING ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

ART GALLERY ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Art Gallery Act, 1939-1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The main purpose of this Bill is to amend the Art Gallery Act to enable a bookshop and coffee shop to be run by and in the Art Gallery. At present the gallery operates a small coffee shop, which also on occasions sells biscuits and sandwiches, and a bookshop is established in the gallery foyer. However, legal opinion is that it is possible that the Art Gallery Board does not have power under the Act as it presently stands to operate such facilities, since the only power by which it is permitted to do so is that by which it has "such other functions as are necessary or incidental" to its other powers and functions, which are undertaking the care and control of the Art Gallery, all land and premises under its control and all works of arts and exhibits, promoting art galleries,

advising the Minister on matters of policy relating to art galleries and selecting works of art for the State.

For many years the board has supported the practice of selling reproductions, postcards, catalogues, etc., from a sales desk in the gallery foyer. This practice provides a meaningful service to the public and is consistent with the provision of such services by major galleries in Australia and throughout the world. Accordingly, this Bill adds specific provisions to the Act to enable the gallery to continue its services to the public by running both a bookshop and a coffee shop.

The Bill also amends section 23 of the Act, the section concerning regulations, in two areas. First, the maximum penalty for breach of regulations is raised from $40 to $500, a necessary amendment in view of current money values. Secondly, there have been some problems relating to the enforcement of regulations governing parking and driving vehicles on land in the care of the gallery. In particular, illegal parking often restricts access to service vehicles and the fire brigade in case of fire. Notices on offending vehicles that the owner is liable to a fine appear to have little effect, and for the board to initiate legal action to recover penalties is both cumbersome and time consuming. Therefore, the Bill amends section 23, first, to give the board specific power to make regulations restricting traffic and parking on land under its control. This is merely a clarification of the present position. Secondly, evidentiary provisions relating to the ownership of vehicles parked on Art Gallery land are provided, and, thirdly, the Bill makes provision for a procedure for paying an expiation fee for offences under parking regulations.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be fixed by proclamation. Clause 3 amends section 16 of the principal Act to give the Art Gallery Board power to run a coffee shop and a bookshop and to combine with other persons or bodies in the performance and exercise of its powers and functions. Clause 4 amends section 23 of the principal Act by inserting a specific power to govern parking by regulation and evidentiary provisions in respect of an offence under a parking regulation. A procedure for the payment of an expiation fee for parking offences is provided, and the maximum penalty for breach of regulations is increased from $40 to $500.

Mr. ALLISON secured the adjournment of the debate.

SOUTH AUSTRALIAN HOTELS COMMISSION 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 (Deputy Premier) obtained leave and introduced a Bill for an Act to establish the South Australian Hotels Commission; to provide for its powers and functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to establish a Hotels Commission that will enable the Government to actively assist in the development of the hospitality industry in South Australia. Adelaide is the only big city in Australia without the benefit of an international hotel. There is little doubt that this has constrained the development of tourism and the full exploitation of the convention market. The Government has encountered numerous problems in its efforts to induce the establishment of such a hotel. The establishment of a Hotels Commission with powers proposed in the Bill would facilitate the establishment of an international hotel and other hotels as may be required in the interests of city development, tourism and the community as a whole.

Investments in the hotel/motel area have a wide impact, especially on tourism, transport and construction. Such investment should thus take into consideration broader and longer-term objectives. In other words, the "spill-over" benefits of investment socially and economically must receive due consideration. This would best come from a body such as the proposed Hotels Commission. As the remainder of the explanation is formal, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

This Bill establishes and incorporates the South Australian Hotels Commission and provides for its powers and functions. Clauses 1, 2 and 3 are formal. Clause 4 sets out the definition necessary for the purposes of the Act. Clause 5 establishes and incorporates the South Australian Hotels Commission. Clause 6 provides that the commission shall be constituted of five persons and clause 7 sets out their terms of office and also provides for the appointment of deputies of members. Clause 8 provides for the remuneration of members of the commission. Clause 9 provides for a quorum of three members of the commission.

Clause 10 prospectively validates any acts of the commission that may be invalid by reason of some procedural deficiency and also provides the usual personal immunity for members of the commission. Clause 11 is a somewhat expanded "interest" provision and also makes the usual provision for possible employee members. Clause 12 is a formal provision. Clause 13 sets out the functions of the commission and is commended to honourable members' particular attention. Clause 14 provides that the commission is subject to general control and direction of the Minister. Clause 15 provides for a usual power of delegation by the commission. Clause 16 provides for the commission to engage employees for the purposes of performing its functions under the measure. Clause 17 provides for the commission to enter into appropriate arrangements with the South Australian Superannuation Board.

Clause 18 empowers the commission to "make use of" the services of certain officers of the Public Service and other statutory authorities. Clause 19 indicates the *quasi* commercial nature of the commission's activities. Clause 20 provides for the preparation of annual estimates. Clause 21 empowers the commission to borrow under a Treasury guarantee. Clause 22 is formal. Clause 23 is a usual investment power for funds not immediately required for the purposes of the commission. Clause 24 provides for the commission to make payments to the Treasury of amounts that, were it not for the fact that it is an instrumentality of the Crown, it would be liable to pay by way of rates and taxes. Clause 25 is a usual accounts and audit provision. Clause 26 provides for an annual report by the commission. Clauses 27 and 28 are formal.

Mr. EVANS secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Second reading.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes several amendments to the principal Act that have arisen from the work currently being undertaken by the commission in moving towards the incorporation of hospitals and health centres under the Act. It is proposed that the provisions of the principal Act dealing with incorporation will be brought into operation in July of this year, and for this reason it is important that the proposed amendments are made before that date.

First, it is proposed that fees charged by incorporated health centres for services provided by the centre may be fixed by regulation, upon the recommendation of the commission. This provision is provided in the principal Act as it now stands only in relation to fees charged by incorporated hospitals, and the commission now believes that similar controls should be available in relation to health centres.

Secondly, the Bill makes it quite clear that employees of the commission, an incorporated hospital or an incorporated health centre who are not already contributors to the South Australian Superannuation Fund may become contributors subject to any arrangements made by the board under section 11 of the Superannuation Act. This has always been the intention, and the Bill merely clarifies the situation.

Thirdly, the commission feels that conflicts of interest may well arise in relation to members of the boards and committees of management of incorporated hospitals and health centres, as of course such members will mostly be drawn from the local community. The Bill therefore provides a similar conflict of interest provision in relation to hospitals and health centres as the principal Act now provides in relation to the commission itself.

Finally, the Bill provides that certain employees of the Institute of Medical and Veterinary Science who work in the Queen Elizabeth Hospital or the Flinders Medical Centre shall become employees of those hospitals upon their incorporation under the Act. Both these hospitals have large, self-supporting pathology laboratories and it has been agreed by all parties concerned that the hospitals will provide their own staff.

Clause 1 is formal. Clause 2 effects a consequential amendment to the arrangement of the Act. Clause 3 provides that the admission of commission employees as contributors to the South Australian Superannuation Fund (where those employees are not already contributors) is subject to the provisions of the Superannuation Act. Clause 4 requires that a member of the board of an incorporated hospital must disclose any contracts of the hospital that he has any financial interest in, and must not take part in any board decisions in relation to such contracts. Clause 5 provides that certain employees of the Institute of Medical and Veterinary Science who are designated by the council of the institute will become employees of the Queen Elizabeth Hospital and the Flinders Medical Centre upon the incorporation of those hospitals. This provision is in the same terms as the steer provisions of the Act that deal with the transfer of public servants and Ministerial appointees to the staff of the incorporated hospitals in which they work.

Clause 6 provides a similar amendment in relation to the staff of incorporated hospitals as clause 3 of the Bill provides in relation to the staff of the commission. Clause 7 provides that the members of an incorporated health centre committee of management must also disclose any financial interests they may have in contracts entered into by the health centre. Clause 8 provides a similar amendment in relation to the superannuation arrangements for staff of incorporated health centres. Clause 9 provides that regulations may be made upon the recommendation of the commission for the fixing of fees to be charged by any incorporated health centre. Fees charged by an incorporated health centre are recoverable not only from the person for whom the service was provided but also from any spouse, or, in the case of a child, from the parents. A person who pays any such fees may recover a contribution from any other person liable under this section.

Dr. EASTICK secured the adjournment of the debate.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Second reading.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Institute of Medical and Veterinary Science Act by deleting that provision which requires the Institute to undertake work for the Royal Adelaide Hospital without cost. Under a new agreement between the Commonwealth and the State in relation to pathology services, the only way that the Commonwealth will accept the sharing of costs of pathology services undertaken by the Institute for recognised hospitals is if the Institute raises charges for those services. In particular, this means raising charges for work performed for the Royal Adelaide Hospital which is at present directly contrary to section 17 of the principal Act.

Therefore, this measure, *inter alia*, amends section 17 of the Act, and the amendment is expressed to be deemed to have come into operation on the first of November, 1977, the date from which the Institute was instructed to raise charges for performing services under section 17. There are also some minor amendments to the Act which involve only change in style.

Clause 1 is formal. Clause 2 states that this amendment shall be deemed to have come into operation on the first day of November, 1977. Clause 3 amends section 3 of the principal Act, the interpretation section, to strike out the definition of "Minister". This is in line with current practice. Clauses 4 and 6 amend sections 5 and 19 of the principal Act to change references to the "Adelaide Hospital" to the "Royal Adelaide Hospital" which is the correct title. Clause 5 amends section 17 of the principal Act to allow the Institute to charge the Royal Adelaide Hospital for services performed for it.

Mr. BECKER secured the adjournment of the debate.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 9. Page 2098.)

Mr. DEAN BROWN (Davenport): This is a simple Bill, which allows the South Australian Development Corpora-

tion to employ its own staff as a statutory corporation. As the Act stands, the corporation is required to employ only public servants who are temporarily seconded from other Government departments. That leads to certain problems, and therefore the Bill has been introduced to allow the corporation to employ persons in its own right.

I was somewhat amused when I saw the second reading explanation. It has become a daily habit in the House to pass a Bill creating yet another Government statutory authority. Such Bills are going through so quickly that even the Government is starting to lose track of the correct names of the various authorities. The second reading explanation of the Premier referred to the "Industries Development Corporation"; there is no such body. I asked the Parliamentary Counsel what body was referred to, and he told me that it should have been the South Australian Development Corporation.

The Bill also allows for employees of the corporation to maintain their right to superannuation funds and long service leave, and to retain any other rights; in other words, there would be a continuity of employment if they transferred from the Public Service to the South Australian Development Corporation. This type of legislation should not be introduced into Parliament without some indication by the Government of how many persons it expects to be employed and of the annual increase in cost to the Public Service, at least for the first full year of operation anticipated by any such legislation.

Recently we had had a debate this House and a public row over the growth of the Public Service in South Australia, and it has been revealed that South Australia has had the highest growth rate in the Public Service of any State in Australia, and that even for the current year, the growth rate is planned at 3·5 per cent, while last year it was 7·6 per cent. If we look at the percentage of persons employed by the State Government, either as public servants, or day-labour, we see that over 17 per cent of the South Australian work force is currently employed by the South Australian Government. That is the highest percentage of any State in Australia: New South Wales and Victoria are at about 13 per cent; Western Australia and Queensland are at about 15 per cent; Tasmania is just under 17 per cent, or just below our figure; and we are the highest.

If the State Government is sincere in its statement that it is concerned about the growth rate of the Public Service and Government employees, and if it does have control over the growth rate, I believe it should be prepared to tell this Parliament what the growth rate is for this corporation. I believe there is a responsibility on the Government when it introduces a Bill like this to include in the second reading explanation a statement of what the expected staffing is for the first full 12 months, and also the cost of that staffing.

I also believe that there is every merit, when introducing legislation that involves a direct cost in the appointment of staff, to have a cost benefit study made so that this House is able to make a more rational decision as to the value of the legislation. The Liberal Party will not stand in the way of the Government's being able to administer its policies, and therefore we will support this Bill. We do not necessarily support the principle of continually setting up new statutory corporations, or allowing those individual corporations already established to employ their own staff, but this is Government policy, and I think it would be irresponsible of an Opposition to attempt to meddle with the administration of the Government.

We will certainly support the Bill, but I have my reservations about it because I believe it is simply adding to the growth rate of South Australian Government employees, and I think the time has come when the Dunstan Labor Government must start to take a responsible stand on this issue. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Officers".

Mr. DEAN BROWN: I think it is appropriate at this stage to raise the matter of the new manager of the corporation. We should congratulate Mr. Pridham on his appointment. He is well known in the business community of Adelaide. I have a high regard for his ability and I hope he can overcome what I think have been some very grave deficiencies in the administration of this corporation, as it has handed out its funds to industry in this State. I have probably been by far the most critical member of the way in which, through the South Australian Development Corporation, money has been handed out to companies such as Golden Breed Proprietary Limited, and various other companies either on a loan basis, or on a basis of a Government guarantee.

I think I have produced adequate evidence to back up the fact that there has been very poor checking of companies before such finance has been handed out, and there has been very poor follow-up to ensure that those companies are then properly managed. I was interested to see that only late last year the South Australian Development Corporation, which I think was then called the South Australian Industries Assistance Corporation, actually took one of its own companies that it had lent money to—

The CHAIRMAN: The honourable member has used this clause to congratulate the new appointee, but he is not allowed to broaden the discussion into a debate about the Industries Development Act. He ought to confine his remarks to the clause.

Mr. DEAN BROWN: I will do that; I am sorry if I strayed. I point out that these officers will be able to check on the management of the companies that have finance lent to them. One of these officers is Mr. Pridham. To complete the other matter I was speaking about, this company had been placed into receivership. I hope that through the officers it is possible to improve Government supervision of industry that receives Government assistance. I also hope that this is not a warning that the Government is suddenly going to start to try to nationalise industry in this State in the same way as the Labor Government has in England.

Clause passed.

Title passed.

Bill read a third time and passed.

DEBTS REPAYMENT BILL

Adjourned debate on second reading.

(Continued from March 7. Page 1983.)

Mr. WILSON (Torrens): This very complicated Bill is inter-related with four other Bills. I know that I cannot refer to those Bills, as this is not a cognate debate. Nevertheless, the question of the complication of the proposed legislation under the Bills to follow is a serious one. I deal with the Bill before us at the moment, before going on to what I believe are the problems with this legislation.

The Bill seeks to establish a debtors' assistance office run by an administrator and staffed by debt counsellors.

Debtors voluntarily approach the office for debt counselling, and counsellors work out a scheme of arrangement for debtors and creditors. Such a scheme must be in the interests of both debtors and creditors. The arrangement correctly documented is then placed before the Credit Tribunal and is heard by the Chairman or the Registrar. Creditors may appear before the tribunal and may have legal representation. The tribunal may vary the arrangement. Arrangments are for terms of up to three years. Once the tribunal has given its decision, creditors are barred from taking any further action at law concerning the debts stated in the approved arrangement, except so far as the provisions of Commonwealth bankruptcy law are concerned, as they must obviously override any state legislation.

There are certain exceptions. Business debts, maintenance orders or penalties imposed by courts are exempted from this legislation, and the legislation is restricted to debts of $15 000 or less, with the rider that they exclude mortgages over land. As I have said, this is very complicated legislation and is inter-related with four other Bills which are also extremely complicated. The reason for the complication is that it upsets the whole of the existing legal structure in these matters.

This is very important and has far-reaching effects not only on the public and the people concerned in this area but also on the legal profession. I have given notice that, contingently on the second reading of the Bill being passed, I will move that we set up a Select Committee on this Bill, but I know that I cannot canvass that matter too much now.

Members on this side have contacted many organisations regarding this legislation. The lack of knowledge shown by those organisations of this far-reaching legislation surprises us. We have consulted many organisations and have received letters from other organisations, but only one out of the seven or eight approaches that we have received has given us anything definite regarding suggested amendments, criticism or praise of this legislation. The Opposition is saying that we do not necessarily disagree with what is being put before us today, but we have not had time to study it in depth or to consult with people in the community who are interested in this measure, nor have we had time to draft what we consider to be suitable or meaningful amendments. That situation is borne out by a letter received by the Attorney-General from the Law Society this very day. The letter, dated March 15, states:

> Dear Mr. Attorney, I am writing this letter to you in the absence of the President who is currently overseas. I believe that five Bills were introduced into the Parliament on March 7, with a view to repealing the existing procedures for the enforcement of judgments and replacing them with new procedures. I also understand that the Bills make significant changes in the civil jurisdiction of Local and District Criminal Courts, notably increasing the magistrates' jurisdiction to $10 000 and the small claims jurisdiction to $2 500.
>
> To deny the citizen the right to legal representation for a claim under $500 is one thing, but to deny him that right in relation to claims up to $2 500 is another. $2 500 is a substantial sum to the average citizen, and the ramifications of denying him professional help in conducting a case involving this amount needs to be considered carefully. The Law Society is at this stage strongly opposed to this proposal and would like ample opportunity to make submissions on the matter.
>
> As the Law Society has pointed out previously, the small claims jurisdiction puts those persons in the community who are articulate, well educated and perhaps experienced in courtroom appearance at a particular advantage. In most cases, the average citizen, without experience in these matters, needs some professional help to ensure that the correct documents and evidence are presented to the court and to ensure that time and money are not wasted on presenting evidence which is clearly irrelevant.
>
> As far as the proposal to amend the procedures for the enforcement of judgments is concerned, the society would want a proper opportunity to consider this matter and to make submissions to the Government. This proposal vitally affects the proper administration of justice in this State and is one upon which the legal profession is peculiarly qualified to make submissions. The suggestion has been made to me that it is the Government's intention to push this legislation through the Parliament before the end of this current session which, I understand, will conclude next week. If this is so, then on behalf of the society, I strongly urge that the Government defer further consideration of the matter in Parliament for the time being to enable it to be considered by a Select Committee and to permit the Law Society and any other interested persons to have a proper opportunity to make submissions. I don't say that the Law Society would necessarily be opposed to the proposal—

I do not necessarily say that the Opposition would be opposed to the proposal, either. The letter continues:

> Indeed, it may be that the society may even wish to support it. All I ask is that the matter should not be allowed to proceed with undue haste. I should be glad if you would let me or Mr. Mitchell of the society know at your earliest convenience whether you are prepared to defer the passage of the Bills to the next session of Parliament. I have taken the liberty of sending copies of this letter to Dr. Tonkin and Mr. Millhouse.

It is signed by D. F. Wicks, Honorary Treasurer of the Law Society. That letter points out more than anything I could say how concerned the society is about this and the related measures. I support that concern on behalf of the Opposition. There is a philosophical base in this legislation that I was going to refer to in some depth, but I consider that the main thrust of my second reading speech should be to try to convince the Government to refer this Bill to a Select Committee. I now refer to some of the matters that seem to me to be complications in this Bill that certainly require the decision-making processes of a Select Committee.

The DEPUTY SPEAKER: Order! The honourable member cannot canvass the subject of a Select Committee.

Mr. WILSON: I accept your ruling, Sir, but I am going to speak to the Bill and nothing but the Bill. The Bill contains a definition of "debt", which tries to exclude such things as a liability incurred in the course of carrying on a trade or business. I do not know quite how that is defined, because there seems to me to be a serious overlap on that matter. The definition also excludes a liability to pay maintenance under a written agreement or in pursuance of the order of a court. It also excludes a penalty or a fine by a court for an offence. That, in itself, presents a problem. Regarding exclusions of debts of one type or another, I refer to the sixth report of the Law Reform Commission, which states:

> There is one class of debts of a non-business nature whose inclusion in the proposed plans gives rise to considerable difficulty. There may well be cases where at the time of a proposal or at the time of entry upon a plan the debtor has contingent liabilities as a joint debtor or as a guarantor, is subject to liability for an unliquidated sum or is disputing the existence of a liability not reduced to judgment. The existence of these liabilities, contingent, disputed and unliquidated, may affect the debtor's chances of success under a proposed scheme. Accordingly, the debtor should be required to include these in his statement of affairs, even

though the relevant creditors might not be included as beneficiaries of the plan at that stage. The prohibition on the commencement or continuance of proceedings already recommended for creditors directly affected by the plan should, however, have no effect on the avenues available to creditors with contingent, unliquidated, or disputed claims. When those liabilities become established and certain, the debtor would be subject to action for recovery and the plan might well be put in jeopardy.

There is a complication there. The report continues:

It might be thought unfair to impose additional restriction on recovery of such claims, ante-dating as they do the plan and the proposal. Nonetheless, if a claim were a modest one, it could be incorporated in a plan without substantially affecting the rights of other creditors.

Clause 11 sets out the rules for the application to the debt counselling office of a debtor who requires assistance. The particulars that must be obtained by the debt counsellor on the prescribed form include the income of the debtor, the property of the debtor, the living expenses of the debtor and his dependants, the debts and other liabilities of the debtor, all claims and demands that have been made against the debtor and, in a wide and embracing subparagraph, such other matters as may be prescribed.

That also brings problems, because what do we do about joint property? It may to my layman's mind be covered, but it does not seem to be so. The joint property of a debtor is not covered, and that could have far-reaching effects. I quote once again from the Sixth Report of the Law Reform Commission, as follows:

The proposal should contain a full statement of the debtor's liabilities including those that may not be subject to the proposed procedures, and those in respect of which priority may be proposed. The proposal should set out the names of the creditors and the amounts outstanding to each of them. It should also contain a full statement of the debtor's assets, including a fair estimate of their value. The statement of affairs should reveal whether any liabilities are joint rather than the debtor's alone.

That is a significant phrase. The report continues:

It should also reveal whether the assets are encumbered or not.

I think that that makes the point. Clause 11 (4) provides:

For the purposes of determining the total liabilities of a debtor under subsection (3) of this section, a liability to repay a debt secured by a mortgage over land shall not be taken into account.

That is important, because it means, in my oponion, that the basis is the value of the security of a mortgage. Again quoting from the Sixth Report of the Law Reform Commission:

In its working paper, this Commission suggested that eligibility should be set by reference to total debts. It proposed a figure of $9 000 or $10 000—

referring to subclause (3)—

but did not specify whether this sum would include secured debts. Response to that figure was uneven. Some submissions suggested that the figure was too high, others that it was too low. We have reconsidered the matter in the light of the submissions received and recommend that eligibility be set primarily by reference to total indebtedness, the upper limit to be set at $15 000.

This is what the Bill does. The report continues:

The recommended figure excludes debts incurred on real estate used for domestic purposes—

the words "domestic purposes" are not included in the Bill—

where the security was taken in respect of money advanced for the purchase of, or the making of improvements to, the property in question. All other secured debts are to be included.

Taking another example, clause 12 (3) *(c)* seems to me to contain a significant sentence, as follows:

Provide for the modification of contractual rights and liabilities of debtors and creditors.

Clause 12 deals with the powers of the debt counselling service and with the way in which a scheme of arrangement and the powers that may be involved in working out a scheme of arrangement "provide for the modification of contractual rights and liabilities of debtors and creditors". That means that, if a creditor has a security such as a bill of sale or mortgage, the scheme of arrangement could alter the mortgage or bill of sale. It could alter the time of repayment, the amount of repayment, the interest rate and many other things of that nature that would be better known to the lawyer members than to me. Nevertheless, it seems to me that that takes away from the security of a mortgage or bill of sale, or whatever we are talking about. That is important, because, to me, this is the first time we have seen legislation which does that kind of thing to contractual rights and liabilities.

Finally, as a last example, I refer to the situation of an omitted creditor. When a scheme of arrangement is made under this legislation, the debt counsellors will make out, in consultation with the debtor, a scheme of arrangement that will include a statement of all debts and liabilities, but there is no reason to say that the debtor will give the whole of the required information. When the scheme of arrangement is completed, all creditors will be notified of it but, if a creditor has been omitted from the scheme, that creditor can hardly be notified. This seems to be a serious omission from the Bill.

Once again, I quote from the Sixth Report of the Law Reform Commission, as follows:

On occasions a creditor will be accidentally, perhaps even deliberately, omitted from the debtor's statement of affairs. The debtor should be required to include all creditors known to him and to sign a statement that his statement of affairs is to the best of his knowledge complete in all respects. The creditor who is excluded should be prevented nonetheless from recovery outside of the plan. He should instead be required to apply to the administrator or debt counsellor to be included within the plan. The rules applicable to the omitted creditor should be similar to those which we have recommended for those creditors whose plans should not be included within the original plan but which became eligible at a subsequent time. An omitted creditor who believes that his omission was deliberately effected by the debtor should be entitled to apply for rescission of the plan in accordance with the recommendations above.

Clause 13 (7) provides:

The tribunal may, on the application of a debtor or creditor, vary an approved scheme.

It seems to me that that does not answer the question, because "debtor or creditor" may well be a debtor or creditor already on the scheme of arrangement. I will not go further into the Bill now, because it is so complicated when taken into consideration with the other complementary Bills, all of which need to be given complete consideration. Further action must be taken, and I have already foreshadowed the action I intend to take at the conclusion of the second reading debate.

Mr. MILLHOUSE (Mitcham): I agree with the general approach of the member for Torrens in saying that this Bill should be referred to a Select Committee. To me, two courses are open to the Government at this stage of the session—either to let this Bill and the other Bills which are complementary to it and which altogether form a scheme

of legislation lie until the next session so that there can be sufficient time to consider them by all those who can understand the Bills and realise their ramifications, or as I think he intends to try to do at the end of the second reading debate, to refer the matter to a Select Committee so that the Bills will not proceed and go through during the present session of Parliament.

The most important thing is to allow time (and I said this yesterday in another debate) for those outside to react to the legislation which is introduced. As I understand the position, all these Bills were introduced last Thursday. They have been prepared by the Government and its advisers. They were not known about outside and they do make, whether for good or for bad (and I do not canvass that point at the moment), very substantial changes in the law and the general arrangements for debt collection, and so on, which have been in operation for generations, since any of us can remember and long before that.

Here it is proposed (and I must say that I was the one who told Mr. Wicks this morning that I understood the Government wanted to push these Bills through in this present system) to change the law in a radical way and to introduce new and untried provisions, all in the last fortnight of the session. I do not think that that is a proper course of action to take.

It may be said (as it has been said about other Bills) that I am simply the mouthpiece for the Law Society. I do not mind having inspired the letter which the Attorney-General has received today. I point out one thing: that really it does not matter a damn to members of the legal profession how the laws are framed (there will still be plenty of work for them; there will be as much under the new arrangements as under the old), but members of the legal profession can see the consequences of what is being done. They want to test those consequences. Because they are fearful of allowing this group of Bills to go through without doing that, they want them held up; that is the position. What is the haste for doing this? I do not know. I hope that the Government and the members who support it will see the wisdom of not going on with the Bill and trying to get it through both Houses between now and next Wednesday, because, after all, we have only got another four days.

The present Bill merits only a paragraph in the letter to the Attorney-General. I do not know whether he has bothered to read his letters today, and maybe, if he comes to sit on the front bench, I will be able to ask him.

The DEPUTY SPEAKER: The honourable member for Mitcham.

Mr. MILLHOUSE: I am trying to attract the attention of the Attorney-General, who is, I think, the Minister in charge of the Bill. It is normal to have a Minister in charge of a Bill sitting on the front bench.

The Hon. G. R. Broomhill: I don't think anyone wants—

Mr. MILLHOUSE: That is, I suppose, the usual standard of rudeness one gets from the member for Henley Beach.

The DEPUTY SPEAKER: Order! I think the honourable member for Mitcham should continue with his remarks.

Mr. MILLHOUSE: I ask the Attorney-General whether he has had an opportunity to see the letter written to him by the Law Society?

The DEPUTY SPEAKER: The honourable Attorney-General does not have to answer direct questions.

Mr. MILLHOUSE: It was only a question. Has the Attorney seen the letter from the Law Society?

The Hon. Peter Duncan: The honourable member will have to control his curiosity until we get into the Committee stage.

Mr. MILLHOUSE: I had better read the letter again if the Attorney has not seen it. This is a letter addressed to the Attorney-General. I was hoping not to have to read it, but, since he will not say whether he has seen it, I shall have to do.

The Hon. Peter Duncan: I have seen the letter.

Mr. MILLHOUSE: It has taken nearly five minutes, but at last I have got an answer out of him.

Mr. Tonkin: It has already been read by the member for Torrens, anyway.

Mr. MILLHOUSE: The Attorney was not in the House at the time and I thought he ought to be familiar with the letter. As he was not here when the member for Torrens read the letter, I intend to read it now that he has graced us with his presence. I will read one paragraph which concerns this Bill. It is at the top of page 2, and it states:

> As far as the proposal to amend the procedures for the enforcement of judgments is concerned, the Society would want a proper opportunity to consider this matter and to make submissions to the Government. This proposal vitally affects the proper administration of justice in this State and is one upon which the legal profession is peculiarly qualified to make submissions.

That is a fact, and it is perfectly obvious that the Law Society, which should be the professional body consulted about a matter like this as a matter of course, has not been consulted about this Bill or any of the other Bills that go with it. I believe that that would be enough of itself to persuade the House to refer the Bill to a Select Committee.

Having been through the Bill, I ask members to look at some of the provisions in it, because there are a few things which rather surprise me. Of course, it sets up yet another body, to be called the Debtors Assistance Office. The member for Torrens talked about that. There are a few points in the Bill about which I have my doubts. For example, clause 10, which is the one to give immunity from liability, is framed in this way:

> No person is liable for any act done or omission made by him in good faith and in the course of carrying out his functions or duties under this Act.

Does this include (I suppose it is meant to, but I am not sure it does) advice that is given. I do not know whether giving advice is an act done. It may or may not be, but certainly to me advice should be specifically mentioned if it is intended to give proper immunity. Clause 12 (2) *(d)* states that the scheme:

> Must provide for the distribution of amounts paid to the office in pursuance of the scheme to be distributed amongst the creditors without preference—

I think that in bankruptcy that does have a precise meaning. I am not sure whether or not it means "ratably". I do not know quite what it means, but it has got a specific meaning—

> unless special reasons for granting the preference exist and are stated in the scheme;

Does that mean that some other tribunal can scrutinise whether the special reasons, not only as stated in the scheme (that would be easy enough to ascertain) but whether they are validly stated in the scheme, are special reasons or not?

The member for Torrens pointed to one matter I had missed on first going through the Bill, which provides:

> A scheme may—
>
> *(c)* provide for the modification of contractual rights and liabilities of debtors and creditors.

That is one of the things that has been attempted in the Contracts Review Bill, and it is something which is of great significance indeed. Apparently, it is meant to apply to this section as well. We come then to clause 13 (5), which

provides:

> Upon approving a scheme under this section, the Tribunal may order—

"may order", not necessarily—

> a creditor to whom debts covered by the scheme are owed to return any property seized in pursuance of a security given by the debtor over that property.

Does that mean that, if a person has his motor car repossessed and then some months later (God knows how long later—it does not say) he enters into one of these schemes, the hire-purchase company, or whoever has it, has to give his car back to him? It looks to me to mean that. I would have thought that that would make utter chaos of what I still call the hire-purchase arrangements in this State. It is certainly not clear whether or not there is any time limit on that provision.

Let us look at another one. I am sorry the Minister of Works has left the Chamber, although perhaps he is listening on the blower. He is the Minister responsible for the Electricity Trust. I guess every member in this place, and even you, Mr. Deputy Speaker, coming from Port Augusta, have had experience of the Electricity Trust suddenly turning off the power because someone, either deliberately, by mischance, or by misfortune has not paid the bill. The Electricity Trust is as tough as it can be. The waterworks authority does it, too. It puts a stop in the meter so you can get only sufficient water to flush the loo, and nothing else. Listen to clause 14 (3) as follows:

> A public utility—

and I have mentioned two—

> shall not cut off or restrict the supply of water, electricity or gas to a debtor by reason of non-payment of a debt covered by an approved scheme.

That means a very substantial change of policy by a number of public or semi-public utilities. I do not know whether they have seen this provision or whether they have been told about it. It means that in future, if a debtor is covered by one of these schemes, he cannot have his electricity, his water, or his gas cut off, as now happens, in my view sometimes quite harshly and indeed wrongly by those utilities.

Mr. Slater: Hear, hear!

Mr. MILLHOUSE: The member for Gilles says "Hear, hear!". He maybe entitled to say that, but I should like to know whether the utilities have had a chance to give their side of the story to the Attorney-General or to some of his officers before that subclause has been put in. The real point—and the member for Torrens touched on this but did not go into it—is in clause 16 *(c)*, which is there because it must be, as follows:

> An approved scheme terminates upon the debtor entering into a composition deed of assignment, or deed or arrangement under the Bankruptcy Act 1966 of the Commonwealth.

There is little doubt at all that, if this Bill goes through, one of the greatest effects of it will be a wholesale transfer of debt collection to the bankruptcy administration through the sequestration of estates. As I understand it, for any debt over $500 one can bankrupt the debtor. The best way to get around this hocus pocus of legislation, if that is what it is, will be to bankrupt the debtor. I see that there will be a very substantial increase in the number of bankruptcies in South Australia, simply to get out of all this. As the member for Torrens rightly said, the Commonwealth Bankruptcy Act will prevail over this legislation, and this Parliament or this Government will not be able to do a thing about it. It is the perfect answer to get out of this piece of legislation, and I doubt whether that has been appreciated fully by those who have drafted the Bill.

Those are the only specific matters I shall deal with, and I picked them up on a first run through of the Bill, but it was enough to show that there is more than sufficient in this Bill to persuade us as a group to give the outside community a chance to react to it before we push it through into law. That could be done by letting this and its companion Bills lie until the next session of Parliament to see the reaction, and then they can be re-introduced as they stand, if they stand up to criticism, or in amended form, or they could be referred to a Select Committee. I would be very much opposed to seeing us change, almost with one stroke of the pen, the basis of debt collection in this State as proposed in this and the companion Bills.

Mr. TONKIN secured the adjournment of the debate.

RESIDENTIAL TENANCIES BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, lines 16 and 17 (clause 5)—Leave out all words in these lines and insert new definition as follows:

> "landlord" means the grantor of a right of occupancy under a residential tenancy agreement or his successor succeeding subject to the interest of the tenant:.

No. 2. Page 2, after line 38—Insert new clause as follows:

> Crown bound. 5a. This Act binds the Crown.

No. 3. Page 4, line 7 (clause 10)—Leave out "tenants" and insert "parties to residential tenancy agreements".

No. 4. Page 4, line 8 (clause 10)—Leave out "tenant or tenants" and insert "party or parties".

No. 5. Page 4, line 11 (clause 10)—Leave out "tenants" and insert "parties to residential tenancy agreements".

No. 6. Page 4, line 13 (clause 10)—Leave out "tenants" and insert "parties to residential tenancy agreements".

No. 7. Page 4, line 15 (clause 10)—Leave out "tenant, landlord" and insert "party to a residential tenancy agreement".

No. 8. Page 4, line 17 (clause 10)—Leave out "tenant's" and insert "party's".

No. 9. Page 4, line 24 (clause 10)—Leave out "tenant" and insert "party to a residential tenancy agreement".

No. 10. Page 4, line 26 (clause 10)—Leave out "tenant" and insert "party".

No. 11. Page 4, line 27 (clause 10)—Leave out "tenant" and insert "party".

No. 12. Page 4, line 28 (clause 10)—Leave out "tenant" and insert "party".

No. 13. Page 4, line 30 (clause 10)—Leave out "tenants" and insert "such parties".

No. 14. Page 4, line 39 (clause 10)—Leave out "tenant" and insert "party".

No. 15. Page 4, line 46 (clause 10)—Leave out "tenant" and insert "party to the residential tenancy agreement".

No. 16. Page 4, line 48 (clause 10)—Leave out "tenant" and insert "party".

No. 17. Page 5, line 2 (clause 10)—Leave out "tenant" and insert "party".

No. 18. Page 5, line 5 (clause 10)—Leave out "tenant" and insert "party".

No. 19. Page 5, line 7 (clause 10)—Leave out "tenant" and insert "party".

No. 20. Page 5, line 11 (clause 10)—Leave out "tenant" and insert "party".

No. 21. Page 5, line 12 (clause 10)—Leave out "tenant" and insert "party".

No. 22. Page 5, line 13 (clause 10)—Leave out "tenant" and insert "party".

No. 23. Page 5, line 18 (clause 10)—Leave out "tenant" and insert "party".

No. 24. Page 5, line 22 (clause 10)—Leave out "tenant" and insert "party".

No. 25. Page 5, line 29 (clause 10)—Leave out "tenant" and insert "party to the residential tenancy agreement".

No. 26. Page 5, line 41 (clause 10)—Leave out "tenant's consent" and insert "consent of the party to the residential tenancy agreement".

No. 27. Page 6, line 8 (clause 10)—Leave out "tenants" and insert "parties to residential tenancy agreements".

No. 28. Page 6, line 10 (clause 10)—Leave out "tenants" and insert "such parties".

No. 29. Page 6, line 11 (clause 10)—After "former tenant" insert "and 'party' in relation to a residential tenancy agreement includes a person who is prospectively or was formerly a party to such agreement".

No. 30. Page 6, lines 14 and 15 (clause 10)—Leave out all words in these lines and insert—"to a residential tenancy agreement that has terminated upon the complaint of a person who was a party to that agreement unless the complaint is made within a period of three months".

No. 31. Page 6, line 33 (clause 13)—Leave out "such term of office" and insert "a term of office of five years".

No. 32. Page 7, lines 13 and 14 (clause 15)—Leave out "registrar of the Tribunal and such deputy registrars as may be necessary" and insert "legal practitioner to be the registrar or a deputy registrar of the Tribunal".

No. 33. Page 10, lines 15 to 20 (clause 23)—Leave out all words in these lines.

No. 34. Page 11, lines 10 to 14 (clause 24)—Leave out all words in these lines and insert paragraphs as follows:

(a) that—

(i) the party is unable to appear personally or conduct the proceedings properly himself; and

(ii) no other party will be unfairly disadvantaged by the fact that the agent is allowed so to act; or

(b) where the party is a landlord, that the agent is the agent of the landlord appointed to manage the premises the subject of the proceedings on behalf of the landlord.

No. 35. Page 12 (clause 28)—Leave out the clause and insert new clause 28 as follows:

28. (1) A right of appeal shall lie to a Local Court of full jurisdiction within the meaning of the Local and District Criminal Courts Act, 1926-1976, against any order or decision of the Tribunal made in the exercise or purported exercise of its powers under this Act.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against.

(3) The Local Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

(a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;

(b) remit the subject matter of the appeal to the Tribunal for further hearing or consideration or for re-hearing;

(c) make any further or other order as to costs or any other matter that the case requires.

(4) The Tribunal shall, if so required by any person affected by a decision or order made by it, state in writing the reasons for its decision or order.

(5) If the reasons of the Tribunal are not given in writing at the time of making a decision or order and the appellant then requested the Tribunal to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

(6) Where an order has been made by the Tribunal and the Tribunal or Local Court is satisfied that an appeal against the order has been instituted, or is intended, it may suspend the operation of the order until the determination of the appeal.

(7) Where the Tribunal has suspended the operation of an order under subsection (6) of this section, the Tribunal may terminate the suspension, and where the Local Court has done so, the Local Court may terminate the suspension.

(8) The powers conferred by section 28 of the Local and District Criminal Courts Act, 1926-1976, include power to make rules regulating the practice and procedure in respect of appeals made under this section and imposing court fees with respect thereto.

(9) Any decision or order made by the Local Court under this section shall be final and binding on all parties to the proceedings in which the decision or order is made and no further appeal shall lie with respect thereto.

No. 36. Page 13, line 4 (clause 30)—Leave out "or receive".

No. 37. Page 15 (clause 35)—After line 2, insert paragraph as follows:

(*bl*) the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia;

No. 38. Page 15, line 20 (clause 35)—Leave out "one year" and insert "six months".

No. 39. Page 17 (clause 45)—After line 11 insert subclause as follows:

(1*a*) A landlord is not obliged to compensate the tenant under the term prescribed by paragraph *(c)* of subsection (1) of this section unless the repairs are carried out by a person who holds a licence that he is required to hold under any Act to perform such work and the tenant has furnished to the landlord a report prepared by that person as to the apparent cause of the state of disrepair.

No. 40. Page 18 (clause 48)—After line 11 insert paragraph as follows:

(*al*) for the purpose of determining whether or not the tenant has breached the agreement, where he has reasonable grounds for suspecting that such breach has occurred, at any reasonable hour, after giving the tenant not less than forty-eight hours notice;

No. 41. Page 18 (clause 48)—After line 15 insert paragraph as follows:

(*bl*) at any reasonable hour for the purpose of collecting the rent under the agreement, where it is payable not more frequently than once every week and it is agreed that the rent be collected at the premises, and at the same time, but not more frequently than once every four weeks, for the purpose of inspecting the premises;

No. 42. Page 19, line 36 (clause 53)—Before "address" insert "business".

No. 43. Page 19, line 43 (clause 53)—Before "address" insert "business".

No. 44. Page 20, line 16 (clause 55)—After "tenant" insert ", or, where that is not reasonably practicable in the circumstances, within such longer period as is so practicable".

No. 45. Page 20, lines 29 to 32 (clause 57)—Leave out all words in these lines.

No. 46. Page 21, line 9 (clause 57)—After "where the landlord" insert "or his agent appointed to manage the premises".

No. 47. Page 21 (clause 60)—After line 41 insert paragraphs as follow:

(*c*) where a person succeeding to the title of the landlord becomes entitled to possession of the premises;

(*c*2) where a mortgagee in respect of the premises takes possession of the premises in pursuance of the mortgage;

No. 48. Page 24, line 16 (clause 66)—After "paragraph (*a*)" insert "or (*b*)".

No. 49. Page 24, line 41 (clause 69)—Leave out "fourteen" and insert "twenty-one".

No. 50. Page 26, lines 26 to 31 (clause 72)—Leave out all words in these lines.

No. 51. Page 29, lines 39 and 40 (clause 85)—Leave out "as the Minister may approve" and insert "as may be prescribed".

Amendment No. 1:

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

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

Motion carried.

Amendment No. 2:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

This is the new clause which the Legislative Council seeks to include and which would bind the Government. The Government believes that the Housing Trust, in particular, which is a welfare housing authority providing housing for people in necessitous circumstances at a rental level very much below the market level, should not be covered by a Bill such as this which is intended principally to regulate the relationship between private landlords and tenants. We oppose the amendment.

Mr. GOLDSWORTHY: Obviously, there is a difference in approach between the Government and the Opposition on the matter of binding the Crown. As a matter of principle, we believe that if it is good enough for the private sector to be bound it is good enough for the Crown. The Housing Trust has its own criteria but, if the criteria envisaged in the Bill for the private sector are reasonable, the trust should be able to conform without much trouble.

The trust is not the only public utility dealing in housing for employees. We all know of railway houses, which are very much sub-standard, and the Highways Department provides houses. It seems unrealistic to exclude all the houses provided by the Government in the public sector from the provisions of the Bill, when those in the private sector are bound. I do not believe the strictures of the Bill are unreasonable. I was a member of the Select Committee, and many amendments were moved. It would not be unreasonable for the Housing Trust and other Government instrumentalities to be bound. We oppose the motion.

Mr. EVANS: I support the comments of the Deputy Leader. If the Minister accepts this amendment and the Crown is bound, he has an opportunity to exclude any person or organisation from the whole or any part of the legislation. He may wish to do that by making application through the tribunal. Although he must convince the tribunal, it should not be difficult to do that if his argument is right.

Evidence was given about houses provided by the Highways Department about which concern was expressed by the Tenants Association, not by the landlords. There may be a need sometimes for the Government to bind certain sections of the Crown, and there is no reason why that should not be done. It is in the hands of the tribunal and of the Government to give exemptions where that is thought desirable. I ask the Attorney-General to think again about accepting the amendment.

Motion carried.

Amendments Nos. 3 to 8:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 3 to 8 be agreed to.

Motion carried.

Amendments Nos. 9 to 26:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 9 to 26 be disagreed to.

The Hon. PETER DUNCAN: The Government has already accepted that the Commissioner for Consumer Affairs should be empowered to give advice to both tenants and landlords. However, we do not see the need for landlords to be provided with assistance from the Commissioner to take cases before the tribunal. We believe that he is, after all, the Commissioner for Consumer Affairs. The consumer, in a landlord and tenant situation, is the tenant and we believe in those circumstances that the Commissioner should be at liberty to provide assistance to tenants but not to the landlord. The Commissioner will now be in a position where he can provide some preliminary advice to landlords, but, as to the actual matter of assisting persons before the tribunal, we feel that this power could be limited to the power to assist tenants.

I do not envisage that the Commissioner will greatly exercise the power to report tenants. The sort of person we are looking at is the poor, unfortunate individual who is completely unable to look after his own affairs. My personal belief is that there would be virtually no landlords in that situation, in any case, and only a few tenants are probably involved. Those persons who are able to look after their own affairs will be able to go to the tribunal and represent themselves. Because of that, we believe there is a need for the Commissioner to represent the interests of those poor few unfortunates in the community who are unable to look after their affairs satisfactorily.

Mr. EVANS: I am disappointed again at the Attorney's approach. Evidence was given before the Select Committee that quite a lot of aged people have divided their homes so that they can live in one part of the home and let the other part, and by doing so they become landlords. In some cases they are far from wealthy. Some of them spend the latter part of their life in hospitals, and may not be living in the other part of the home themselves. They do not wish to sell the home, as to do so would break their heart. They live in the hope that their health will return so they can return to their home at some time in the future. Those persons are in possibly poorer circumstances than some of the tenants the Attorney is speaking about.

He says he does not visualise that the Commissioner will be taking up the cause for many tenants. I accept that. The same argument applies to landlords. Some landlords do not have a large income. They may be pensioners who have found that by dividing the home they get a small increment to their income that does not put them out of the pensioner class altogether. They can go on living amongst their friends in the community. A small percentage of landlords would need help at times from the Commissioner for Consumer Affairs. If we are trying to rationalise, control and standardise the industry, let us do it properly and give both sides the opportunity. I ask the Attorney-General to accept the amendments of the Legislative Council.

Motion carried.

Amendments Nos. 27 to 30:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 27 to 30 be agreed to.

Motion carried.

Amendments Nos. 31 and 32:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 31 and 32 be disagreed to.

The Government believes that the members of the tribunal should be chosen from the widest possible range of people available, depending on their particular expertise and skill, and it is expected that several people will be appointed as members of the tribunal, and that their appointments will be on a different basis. Some members will be full-time members, and others possibly will be part-time members. We believe that there should be sufficient flexibility so that members can be appointed for various terms so that we can ensure that there are sufficient numbers of persons to handle the work as it develops from time to time.

Mr. EVANS: I am again disappointed. I do not believe that setting a five-year term stops the Attorney from appointing part-time members. I am amazed that he is not prepared to accept a fixed term of five years maximum with the normal provisions of a person having to step down in the case of ill health, improper practice, and so on, and I know that the Attorney is determined in his approach, and he has the numbers on his side. It is common practice to make appointments for five years. I support the amendments.

Motion carried.

Amendment No. 33:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 33 be agreed to.

Motion carried.

Amendments Nos. 34 and 35:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 34 and 35 be disagreed to.

In the instance of amendment No. 34, in the small claims jurisdiction of the local court businessmen are required to attend personally, and, frankly, the Government cannot see why landlords should not be able to do likewise in matters involving the tribunal. The basis of this clause is to ensure personal attendance by both parties to ensure, first, informality and, secondly, to ensure that we get to the basics of the issues at stake between the parties without the intervention of third parties who are not so intimately involved with details of the matters.

Managing agents could become as expert as lawyers if they were able to appear regularly and, in any case, the sort of instances that have been quoted to us of frail old ladies and the like, will no doubt be able to have representation under the provision that allows a person who cannot conduct proceedings properly to be represented. So we cannot see any reason to have this provision in that instance. The other instance is the case of the absentee landlord, and he will also be able to be represented by a managing agent without this amendment.

Mr. EVANS: I do not accept the Attorney's arguments, but there is no benefit in my trying to argue that point with him. Individuals should be able to appoint people to manage their affairs. Governments do it. I cannot see why we cannot give the person who owns the property the opportunity to say to another person, "You can manage the property for me and appear for me," whether or not that person is a licensed land agent.

Motion carried.

Amendment No. 36:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 36 be agreed to.

Motion carried.

Amendments Nos. 37 to 40:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendments Nos. 37 to 40 be disagreed to.

As to amendment No. 37, the Government believes that this matter is already covered in the reference to any other relevant matters. The list of criteria could be endless. The Government can see no reason why the capital appreciation of rental premises should not be included if this kind of criterion is to be included. Many landlords only rent premises for the enormous profits to be made out of capital appreciation. If one is to take matters such as bank interest rates into account in determining what a fair rental or an excessive rental should be, we believe that tribunals should also be able to take into account the capital appreciation made by the landlord on the premises.

As to amendment No. 38, we disagree with the proposal because the period under the Excessive Rents Act is one year. That is the time span that applies now, and we see no reason why it should be varied or changed when the provisons of the Excessive Rents Act are virtually being continued.

As to Amendment No. 39, the effect of the amendment requires a tenant who has repairs carried out in an emergency by a licenced tradesman to give a report to the landlord of the state of disrepair repaired by the tradesman. We believe that this is quite a clumsy provision. In a true emergency the tenant may well need to do the repairs himself, not only for his benefit but also in many instances for the benefit of the landlord. It imposes a clumsy and undue onus on a tradesman to prepare a report which, in many instances, he may be virtually unable to do because some licensed tradesmen are not always skilful enough with pen and ink and it may well be a considerable difficulty for such a tradesman to prepare the sort of document required.

As to amendment No. 40, the Government is reluctant to accept the amendment regarding entry provisions since the landlord already has many grounds and means by which he can enter premises, including with the consent of the tenant or in an emergency, which would include serious breaches by the tenant. We oppose the amendment, but I foreshadow that we are prepared to accept amendment No. 41, which provides for frequent inspections at the time the rent is collected.

Mr. EVANS: I am amazed that the Attorney does not accept amendment No. 37, relating to bank interest. That provision exists in the Excessive Rents Act, which the Attorney uses as an argument against amendment No. 38. He argues that the six-month period should be the case because it existed in that Act, yet he is not prepared to accept the same argument in relation to amendment No. 37, because the rate of interest charged on overdraft by the Commonwealth Trading Bank was included under the provisions of the Excessive Rents Act. If that argument stands or fails in one case it must stand or fail in the other. We do not need to accept the Attorney's word that it will automatically be taken into account and for that reason we should not include it. If he accepts that the interest rate will be considered when deciding what is a fair or excessive rent, let us include it so that we know that it will be considered. Surely that is a logical argument.

Amendment No. 38 attempts to reduce the relevant period from one year to six months. Regarding rent increases available to the landlord under other provisions of the Bill, reference is made to six months, so why not do the same thing here? Why do we argue in one place that it should be six months, when it is to the benefit of the tenant, but argue for 12 months when it could possibly be to the benefit of the landlord. That is inconsistent.

As to amendment No. 39, surely a tradesman would have the capacity to write down what he believed caused the damage that created the emergency. Any licensed tradesman must fill out a complicated application form for the Builders Licensing Board. At least a tradesman would have to make out an account for the repairs carried out. It amazes me that a Government, which always champions protecting people's jobs, is setting out here not to protect them. I will wait and see what happens to amendment No. 41.

Regarding the inspection of premises under amendment No. 40, the situation is difficult. The premises are the home of a family or individual. None of us really likes someone walking up to his door, knocking, and saying, "I want to inspect your home." Even though the person knocking on the door may be the landlord, there must be some feeling of resentment by the person renting the property that someone is about to intrude on him. At the same time, a neighbour might complain that something is going on in that apartment that disturbs him and complains to the landlord about it, and the landlord has difficulty in proving that the situation is an emergency.

I recognise the great difficulty in which the landlord is placed because, after all, he has quite a valuable asset which he is possibly still trying to pay off, and someone may be damaging the property and may not be able to pay to repair it. It would therefore fall back on to the landlord to repair it or he could have the vague hope that the income from the bond fund would be sufficient to compensate him for that damage. I oppose the motion, but I do not so strongly support amendment No. 40.

Motion carried.

Amendments Nos. 41 to 43:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 41 to 43 be agreed to.

Motion carried.

Amendment No. 44:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 44 be disagreed to.

This clause has been amended to enable a landlord to provide a fully executed copy of the lease within 21 days or, where that is not reasonably practical in the circumstances, within such longer period as is so practical. The amendment is vague, when one considers the fact that a penalty is associated with failure to comply with this section. The vagueness now renders that penalty meaningless. Any landlord who cannot comply, for example, for the reason that he is going overseas or something of that kind, should take the opportunity of appointing a managing agent. I imagine that in 99 out of 100 cases that happens. If that does not happen, he should take the opportunity to appoint a power of attorney.

Mr. EVANS: I support the amendment, because I think the 21 days in many cases could be embarrassing. It is all right for the Attorney to say that people can give a power of attorney to another person, but many people do not like doing that. Others will try through their own family to make the arrangements, and not appoint someone as a manager. If the tenant agrees that there should be a longer period, and if that can be substantiated, I see no reason why the amendments cannot stand.

Motion carried.

Amendment No. 45:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 45 be disagreed to.

This clause previously contained a reverse burden of proof, and this is common where facts on which decisions are to be made by a court or tribunal are peculiarly within the knowledge of the person who has made the decision. The provision follows sections in many other Acts and is necessary. If the reason for apparent discrimination against children is to be learnt by the court, it must be possible to ask a person why he discriminated and insist that he answer the question, otherwise the court could not gain knowledge of the reason why the landlord refused to grant a tenancy, or whatever the situation might be.

Mr. EVANS: The onus of proof is unfair in this case to a landlord. A landlord would be within his or her right to ask a proposed tenant how many persons were in the family, and to decide on the number of persons. If he made the decision on that, and did not consider the persons to be children, it would still be difficult for the landlord to say that he decided on the number of persons and not because there were children in the family. I do not believe that that could be proved in a court. I believe that the landlord would be found guilty of something of which he was not guilty. I hope the Attorney-General believes that, under the system of British justice, a person is not guilty until proven guilty. Under the proposed system, the person would be guilty until he proved himself innocent.

That is unfair, particularly in areas in which it is difficult to operate, because the landlord has to consider not only his own situation but also that of the neighbours, as well as the type of accommodation and the problems he may have from other tenants in the vicinity. I strongly support the amendment.

Motion carried.

Amendments Nos. 46 to 49:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 46 to 49 be agreed to.

Motion carried.

Amendment No. 50:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 50 be disagreed to.

I do so basically for the same reasons that I opposed the Legislative Council's amendment No. 45. I believe that the argument in favour of the Government's view is even stronger in this instance, where a landlord has given notice to quit to a tenant and there has been some complaint to a Government authority by a tenant prior to the notice to quit being granted. The intention of this evidentiary provision is to try to ensure that the tenants who complain to Government authorities cannot be victimised. I think it tremendously important that we should provide within the Bill sufficient powers to ensure that tenants who are prepared to exercise the rights we grant them are not victimised. For this reason, it is essential that this provision should go into the Bill.

Mr. EVANS: Believing that it is not essential that the provision should go into the Bill, I support the amendment from the other place.

Motion carried.

Amendment No. 51:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 51 be disagreed to.

The member for Fisher, as a member of the Select Committee, should know why it is desirable and necessary to have this provision included. The Act and the regulations will set out the grounds for the investment. The extra ground of application, as the Minister approves, enables the necessary flexibility. The power of approval is not a power of initiation. The initiation of suggestions of how moneys should be spent outside of the guidelines will have to come from the tribunal, as a recommendation. I

will give an example of how this power might be used and needed and how the necessary flexibility would be ensured because of its presence in the Bill. The regulations will no doubt lay down the guidelines as to the percentage of compensation to be paid to a landlord out of the fund where he has suffered inordinate damage at the hands of a tenant, but this percentage in some instances may not be sufficient to compensate the landlord, given all the circumstances. It may be that the tribunal may feel the need to recommend to the Minister that an increased percentage be paid in that instance.

For example, if a landlord found that his tenant had malicioulsy burnt the floor boards of the premises during the winter and the requirement under the regulation was that the landlord by compensated 50 per cent of the damage caused, in that instance it may be desirable to have the tribunal recommend to the Minister that an increased allocation from the fund be made. So, we believe it desirable that this flexibility be written into the Bill.

It could be provided that the tribunal be given the power to do this, if honourable members considered that that was appropriate. That is one way of doing it. I believe that the Minister, or a Minister of the Crown, should have the final responsibility for the expenditure in these matters. We make the regulations, so the final responsibility should be with the Minister. I emphasise that it does not permit the Minister to exercise initiative in these matters; the initiative lies with the tribunal. It is only a power of approval of what the tribunal recommends.

Mr. EVANS: I understand the Attorney, and I do not necessarily disagree with him. I am concerned about one aspect of clause 85 *(d)*, the part we are trying to amend. The Attorney would remember that in the Select Committee I commented about this subclause, which provides that the moneys can be used for the benefit of landlords or tenants or in such other manner as the Minister may approve. I believe that the interpretation of "landlords" and "tenants" is so broad that, if there was a build-up of these reserve funds, "tenants" could be interpreted in such a way that welfare housing for tenants could be built outside the area of those who have contributed or were the landlords who have contributed to the fund.

Mr. Groom: Do you say that is bad?

Mr. EVANS: No, I do not but, if that is the intention, let us say so. It would be bad if landlords' properties were being damaged and they were not getting full compensation, thus allowing the fund to build up to the extent where it could be used to build welfare housing. Mr. Wran, the Premier of New South Wales, is including such provisions so that he can use the money for welfare housing. I asked for the clause to be amended to include landlords and tenants. I now want a clarification from the Attorney that the fund will be used for the benefit of landlords and tenants as we see them in the Bill and not for proposed accommodation that is outside of the Bill.

Mr. Groom: It was originally the tenants' money.

Mr. EVANS: I thought the honourable member would have a better memory than that. It was left to the Minister's discretion to do as he wished.

The Hon. PETER DUNCAN: The history of the matter, as the honourable member has set out, is basically correct. The discretion was wider and, as a result of matters he raised, we took the opportunity of putting in the words, "for the benefit of landlords and tenants". What we have here is a situation in which there is money going to be generated as a result of the interest on this fund, which, if it belongs to anybody, belongs to tenants I think it is desirable (and I accede to this principle) that moneys should be used in part, at least, to compensate landlords who suffer malicious damage at the hands of their tenants. I think that is an important aspect of the Bill. At this stage I have not got in mind to use the money for any other purpose.

The point I want to stress is that I am not able to give the honourable member a cast-iron guarantee that the funds will be used for no other purpose, because there may be matters that arise on which it would be appropriate to spend this money. If the tribunal makes recommendations to the Government, perhaps the Minister would want to approve them. I cannot foresee that situation at present.

Mr. EVANS: I will concede that the money originally paid to the tribunal would come from tenants or prospective tenants. In some cases it would be forfeited, because people would never bother to claim it and the landlord had no claim upon it because his property was left in reasonable condition. We have not been able to provide for that in this clause. We are only talking about the income from the fund. We do not know what will happen to any balance that builds up in the fund that is not income.

If we are going to regulate the industry and, to a degree, take away some of the landlord's control over his asset (and that is what Parliament is doing), his property is damaged, and there is not enough bond money held in relation to his property, but there is enough in reserve from the overall income of the fund from investment, then he should be entitled to full compensation for damage done. If we do that and still have a reserve in the fund, I would have no qualms that that reserve should be used for welfare housing. I think they are the priorities that should apply. I am saying that, because I think this is the way it should be considered in future. I do not necessarily support this amendment, and I hope that in conference it can be tackled another way.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments destroy the basic intention of the Bill.

Later:

The Legislative Council intimated that it insisted on its amendments Nos. 2, 9 to 26, 31, 32, 34, 35, 37 to 40, 44, 45, 50, and 51, to which the House of Assembly had disagreed.

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

That disagreement to the amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference, at which it would be represented by Messrs. Duncan, Evans, Goldsworthy, Groom, and Hudson.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on Thursday, March 16, 1978.

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

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

Motion carried.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

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

CLASSIFICATION OF THEATRICAL PERFORMANCES BILL

Returned from the Legislative Council without amendment.

DEBTS REPAYMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2239.)

Mr. TONKIN (Leader of the Opposition): The member for Mitcham has already indicated, I think quite clearly, his attitude to this group of Bills. Also, the member for Torrens effectively debated this Bill. I believe, from what I have heard from the Law Society, other solicitors, retail traders, and many other people desperately concerned, who have not been consulted about this legislation, that this legislation should be held over, or (and I think this would be far more productive) referred to a Select Committee.

I do not intend to canvass the pros and cons of the legislation as it stands, but I give clear notice to the Attorney-General, to whom I have spoken privately about this matter, that a great deal of concern is growing in the community about the provisions of the Bill. I recognise that it might be another first for South Australia to bring in this legislation, but I think it is a first we can well do without in the present circumstances. There is no excuse whatever for bringing in and pushing through pioneering legislation just for the sake of being able to say so and enhancing the reputation of the Attorney of the day.

We will support the Bill to the second reading stage, so that the member for Torrens may move to have it referred to a Select Committee, thereby allowing all the people in the community who are concerned with the implications of the legislation and of its sister Bills to make their views known, and so that we can have all these matters ventilated by the time we meet again in the next session of Parliament. If we do not have an agreement to that from the Attorney-General, we will oppose the third reading of the Bill, and we will oppose every stage of the next four related Bills. This is not because we believe the legislation is inherently bad but simply because we have no way of telling in the circumstances whether or not the legislation is desirable. No amount of reassurance from the Attorney will make us change our minds on that question.

If the Attorney-General is doing his job properly and discharging his responsibilities to this House, to this Parliament, and to the people of South Australia, he will allow a full examination of this legislation. The matter is quite clear. We will support this Bill to the second reading stage to allow the motion to be put that it be referred to a Select Committee; otherwise, we will oppose the third reading of this Bill and every stage of the associated Bills.

Mr. GROOM (Morphett): I support the Bill. As the Attorney-General has said in his second reading explanation, it provides a reasonable balance between the interests of the creditor and those of the debtor. Quite clearly, the design of the Bill is to facilitate, not hinder, the creditor's being paid. It is really a simple and uncomplicated measure, and it does not require the degree of study that members opposite have suggested. The member for Mitcham pulled in a red herring in relation to what he said would be a wholesale transfer of debts to bankruptcy. I do not believe that is likely to occur, for a number of reasons.

At present, the bankruptcy limit is $500, and there is nothing to stop a creditor from going to the Bankruptcy Court, where that limit is exceeded. If, as a consequence, there was a transfer of debts to the bankruptcy jurisdiction, the simple answer would be for the Federal Government to increase the bankruptcy limit from the $500, which is ridiculously low. For people who incur personal debts, there is little benefit for a creditor to take that person to the bankruptcy jurisdiction, because the likelihood is that the creditor will not get paid and, some five years later, the person will get a discharge, having been required to make only a minimal contribution to the estate. It is not in the interest of creditors to bankrupt people where it is not necessary.

Any honourable member from this Chamber merely has to go the the u.j.s. court on a Thursday or a Friday and witness the number of people who are required to appear for personal debts of very small amounts—$300 or $400. The majority of debts are not in the higher class, because they are usually incurred as a result of a failure of some business activity. Debts of $2 000 or $3 000 are not the small personal debts that are incurred.

I am not sure whether the member for Mitcham is aware that clause 4 of the Bill excludes debtors in relation to a liability incurred in the course of carrying on a trade or business, so the Bill will not catch business debts. A large proportion of debts will be left untouched by the legislation. I can hardly see that there will be a massive transfer of debts to the bankruptcy jurisdiction. Debts of more than $2 000 are normally incurred by people engaged in business activities and in small private companies. It does not benefit anyone in relation to small private companies, because no personal liability is attached to company directors and shareholders in relation to proprietary limited companies. Their trade debts simply lead to the company's being wound up.

Again, a large proportion of debts incurred in South Australia will not be touched by the legislation. It tries to catch those personal debts where people do not have security and have very little by way of assets, and they are dragged to the u.j.s. court. They might be required to attend on three or four occasions when the matter is adjourned or when some negotiations are taking place. I have known cases of people who have lost their jobs because they have been dragged along to the court on a number of occasions over only a small debt.

The legislation sets up a Debtors Assistance Office to assist people who have incurred personal or private debts so that they do not leave the jurisdiction; so that they are not put in a position of trying to avoid paying the creditor. It facilitates a means for the creditor to get paid, and that is in the interests of the creditor. It is an attempt to humanise the law. It is depressing to go to the u.j.s. court and to see the types of people hauled up before the court. Most of the imprisonment in relation to debts at present is not over the debts themselves but over contempt proceedings, because a 10-day order is made against the person who does not attend the court. He does not attend, simply because he is being chased around and he might lose his job, so he takes the risk. That, and not the debts themselves, is what leads to imprisonment.

There is no real agency to enable these persons to come to some sort of scheme so that creditors can get paid. This legislation is in the interests of the creditors who will be affected by it and also in the interests of the debtors, because it will facilitate a means for the creditors to get paid.

I put down the suggestion of the member for Mitcham that there will be a wholesale transfer of debts to the bankruptcy jurisdiction. I do not believe that that will

occur, simply because business debts are excluded; in any event, where the limit is $500 a person can be taken to the Bankruptcy Court now. There will be no alteration in the situation. It will humanise personal debt collection and facilitate a means for creditors to be paid, making debtors more interested in repaying their obligations to the creditors. I support the Bill.

Bill read a second time.

Mr. WILSON (Torrens): I move:

That this Bill be referred to a Select Committee.

The Government has introduced the Bill in the dying stages of this session of Parliament, in the busiest possible time of Parliament. The legislation has far-reaching ramifications, irrespective of what the member for Morphett has said. The ramifications of the legislation are extremely far reaching, as he well knows. It has been introduced at this stage of the Parliament and cannot be given the consideration due to it. The only way in which that consideration can be given now is for the Bill to be referred to a Select Committee. Of all the people we contacted or who contacted us about the Bill, only one was able to give any definite views on the Bill, because he alone had had warning of the impending introduction of the Bill in this House.

The other six organisations were unable to give us anything definite on this Bill, or indeed the related Bills, and because of that they have asked that the Bill be deferred or referred to a Select Committee for decision. During the second reading debate I quoted from a letter from the Law Society, and I will quote a paragraph from it, because it is pertinent to the motion. The letter is from Mr. D. F. Weeks, the Honorary Treasurer of the Law Society, to the Attorney-General, and part of it states:

> The suggestion has been made to me that it is the Government's intention to push this legislation through the Parliament before the end of this current session which, I understand, will conclude next week. If this is so, then, on behalf of the society, I strongly urge that the Government defer further consideration of the matter in Parliament for the time being to enable it to be considered by a Select Committee and to permit the Law Society and any other interested persons to have a proper opportunity to make submissions.

If the Bill is not referred to a Select Committee, it will go to another place and it will come back severely amended. It will not be given the time that such important legislation deserves to be given, and I can only implore the Attorney-General to consider my motion.

The Hon. PETER DUNCAN (Attorney-General): The Government does not intend to accede to the motion. Whilst this may be one of a scheme of several Bills, it is a relatively simple scheme, and anyone spending a little time to look at the scheme will see that it is based on the recommendations of the Australian Law Reform Commission. The proposals are reasonable, moderate reforms, which have been widely acclaimed after their publication by the Law Reform Commission. These Bills basically give effect to that scheme. I am referring to the debts repayment scheme: I am not referring to the jurisdiction matters—

Mr. Millhouse: What are you going to do about them?

The Hon. PETER DUNCAN: They are part of the Bills.

Mr. Millhouse: Are you going to push them through, too?

The Hon. PETER DUNCAN: Yes. These matters have been considered carefully, but they are not part of this Bill. These are relatively simple matters. They are not the sort of matters that need to go to a Select Committee, and in any event the Opposition in another place in its recent history has shown scant regard for the views of Select Committees. It seems that whether or not this House takes the trouble to hold hearings in Select Committees to consider the provisions of Bills is not a matter that is in any way influential on members of the Liberal Party in another place.

Mr. Dean Brown: What Bill are you referring to?

The Hon. PETER DUNCAN: The Contracts Review Bill.

Mr. Dean Brown: Scant notice was taken—

The Hon. PETER DUNCAN: Well, the honourable member signed the report.

Mr. Dean Brown: And I disagreed with it.

The Hon. PETER DUNCAN: The situation is that this series of Bills does not require the sort of detailed attention that a Select Committee gives to Bills—a very expensive provision which is not required in an instance of this sort. The honourable member, I believe, is simply seeking to hold up the introduction of this legislation, and the technique or tactic which he is intending to use to try to do this is to refer the matter to a Select Committee. Members opposite have shown themselves only too enthusiastic to refer Bills all over the place, to any area that comes into their heads, to try to avoid actually having to vote against the Bills.

I believe that the same situation applies in this matter—that the Opposition basically wants to oppose this reform but that it is not game to do so, and therefore it is seeking to find a way out of it by trying to refer the matter to a Select Committee. The Government does not intend to let Opposition members get away with applying that tactic.

Mr. MILLHOUSE (Mitcham): What the Attorney-General has said is completely beside the point. He made only two points, apart from abuse of members of the Liberal Party which I will ignore. First, the fact is that it is people outside this place who had not had a chance to look at the Bill. This Bill and the companion Bills were introduced only a week ago. I knew that members of the legal profession had not had a chance to look at them. The member for Torrens has told us that many other people who are particularly interested in this sort of legislation have not had a chance to look at it. It is not their opinion that it is the easy, simple sort of legislation which the Attorney and the member for Morphett would have us believe. I have a high regard for the member for Morphett, but I know that he puts loyalty to his Party very high, too. That came out fairly clearly in the speech he made.

It is impossible for people in the community within a week to analyse Bills of this nature. The Law Society is not set up, nor are the retail traders, bankers or anybody else, to react simultaneously to this sort of legislation. Time is required to analyse to see whether things are good or bad and whether they ought to be altered or not. That is the point. It has nothing to do with the jolly Liberal Party.

It is people outside who count. In answer to the Attorney-General, the second point is that he says, as plausibly as he can, that this scheme of legislation is based on a Law Reform Committee report. It damned well might be, but what counts is what is in the Bill itself. He said that it is basically the same as the report. The word "basically" is the qualification. It is not the same as the report. In any case, it is all very well to have the principle set out, but what matters is the way in which those principles are turned into legislation. That is what many of us are worried about. That is the reason why it is simply not good enough to say that because this is a wonderful scheme,

based on a Law Reform Commission report, we must accept it without going any further. That is absolute nonsense and, if the Attorney-General does not know that, he ought to.

Mr. ALLISON (Mount Gambier): I support the motion. As the member for Mitcham has said, the Attorney-General, when speaking to this motion, said that the legislation was quite simple and that it was based on the recommendation of the Law Reform Committee. We have seen much legislation going through this House which has been based on the work of similar expert committees but the actual import of which, when we examine the legislation, has been quite different from that originally intended by law reform committees.

The Attorney suggested that members on this side were simply desperate to vote against this legislation but did not want to be seen to be voting against it. That was quite an airy-fairy comment to make. In fact, the more we peruse the legislation before us, the more we realise that it will have a tremendous impact on South Australian legislation when and if this Bill is passed. Far from wishing to delay the measure for baseless reasons, we have been approached by a considerable number of responsible members of the South Australian community, not the least of whom are members of the Law Reform Committee, whom the member for Mitcham said he had approached this morning and whom, equally, the member for Torrens approached yesterday. We had set down a meeting for members of the Law Reform Committee and members of the Liberal Party this morning but that meeting did not transpire. It was considered sufficiently important—

Mr. Millhouse: I did not approach them; they approached me.

Mr. ALLISON: That is all right. Be that as it may, the Law Society is sufficiently interested in this legislation and had the decency to say that it did not oppose the legislation but that it would like time to examine it and see how closely related it is to the work of the various Law Reform Committees that had been involved with recommendations that had been so carefully considered by the Attorney-General.

Whilst the Attorney is denigrating the work of the Liberal Party, it is worth mentioning that at least one member of the Liberal Party has been involved with the South Australian Law Reform Committee that put forward the recommendations to this House.

Mr. Dean Brown: What he didn't say was that they found substantial new evidence on the Contracts Review Bill which he himself has apparently admitted was overlooked when it was before the Select Committee.

Mr. ALLISON: That is so. In any case, the sixth report of the Federal Law Reform Commission, to which I assume the Attorney was referring, does, in some respects, differ from the Bill before the House. As he said, this legislation is based on that report of the Commonwealth Law Reform Commission, but it does not necessarily adhere closely to it.

The point is that quite a number of people in the community have approached members on this side of the House about the measure. Those people include members of the legal profession, a number of firms that are acting mainly in the work of debt collecting (legal and other organisations involved in that work), members of the Retail Traders Association, and a number of private individuals. The point must be made that they are not against this legislation's being enacted. They would nevertheless like some time to consider the legislation before us to ascertain how closely it lies to the recommendations made by the various Law Reform Committees and then to have the chance to make their recommendations to members of this House so that we can debate the issue much more effectively. There seems to be little doubt that the provision of a Select Committee would give members on both sides of the House plenty of opportunity to receive much more information from interested parties within the South Australian community.

[Sitting suspended from 6.9 to 7.30 p.m.]

Mr. ALLISON: A Select Committee would enable people in the State to submit their points of view to the Attorney-General for his consideration. The Attorney-General referred to the Opposition's attitude to the work of previous Select Committees. I could hardly agree with him less, because to my mind over the past two or three years many important Bills have been introduced in the House, several of them in need of considerable revision. As a result of being referred to Select Committees, they emerged much the better and were accepted by both sides of the House with little or no dissent. The legislation has been greatly improved, so much so that I believe that many more Bills could well be dealt with in this way so that they could be presented to the House as fine pieces of legislation.

It is possible that the legislation before us now is in good heart. I recognise (and I am sure many other members do, too) that the intention of the legislation is essentially humanitarian in concept. It is intended to clear up many anomalies, and to streamline and simplify considerably methods of debt repayment. Most of the measures are intended to benefit not only the debtor but also the creditor. There is protection for people on both sides of the picture. The only question that remains is how far the legislation will go towards realising those aims, which were put forward in the various reports of the Law Reform Committees. As a layman, I am unable to say now just how satisfactory the legislation is, because I have not had time to discuss it in depth with the many people who have expressed a professional interest in it. Therefore, I strongly submit to the Attorney-General that this Bill, and the four associated directly with it, would be much better as a result of scrutiny by a Select Committee.

Mr. GOLDSWORTHY (Kavel): It is ridiculous, in my view, for the Attorney-General not to be agreeable to these Bills being referred to a Select Committee. They are making major changes in the law in South Australia. They have come in the dying stages of this session. We have had a letter (and the Attorney-General knows this well, as it has been read to the House) from the Law Society which is concerned about this matter and which is requesting more time in which to study the legislation. I think it unfair and unreasonable to members to press on now with the Bill. I am concerned about the legislation, and there will not be time in which to see my fears laid to rest. Indeed, I think that is true of every member, let alone members of the general public.

I cannot for the life of me see what difference it would make to the Attorney-General to allow this legislation to lay over until the next session. If he has any compelling reason for wanting to get the legislation through before the session ends next week, I should like to hear it. I am not aware of it, and I do not think that any other member is aware of it. I have pointed out before that, in my view, one of the unsatisfactory features of the operations of this House is that legislation is rushed through; we do not have time to come to terms with it. I understand that occasionally it is necessary to pass legislation at short notice. With a measure such as this, which will make

major and permanent changes to the law in relation to debt and allied matters, it is ridiculous that the legislation be introduced and passed within a week or so.

I complained of this matter at a meeting attended by the member for Napier, together with other members, on Friday, when this matter was discussed. We said that major changes to the law were made in this State and time was not given for mature consideration of the legislation. The New Zealand Parliament uses the committee system a great deal. All major legislative changes go to Select Committees, comprising all Parties. I point out to the Minister that Select Committees are an ideal way of defusing a fairly hot issue, and drawing the teeth of the Opposition, convincing it of the merits of the legislation.

The member for Napier said that they use this system in Britain. He said that they use the White Paper system whereby a White Paper is prepared setting out in some detail the purpose of the legislation. The White Paper is made available to the public for general dissemination and available to the Parliament so that people know what the legislation is all about. One of the features which makes for safety in a democracy is that the public has to disseminate the laws which will affect their lives. From time to time people have said that this is one of the weaknesses of democracy—that it takes a while to get things done. In my view, that is one of the strengths of democracy, because I believe that the Parliament, the Minister, and the Government have a responsibility to inform people about what will affect them.

In conclusion, I point out that the legislation makes radical changes. It will usher in a system which is foreign to the community, about which the public knows nothing and about which I and my colleagues know precious little. It seems to me that the Attorney-General is closing his mind to reason in not allowing the legislation to be referred to a Select Committee. No-one is trying to put anything over him. People are asking that time be made available in which to take evidence from concerned people, and I am certain that, if the legislation has merit, it will gain the approval of the Select Committee and of the Opposition. Indeed, the legislation could well be improved as a result of the committee's deliberations.

In my own recent experience a major Bill was passed in the House recently about which I and the Opposition had grave reservations. I served on that Select Committee and heard evidence from a large number of witnesses. In the process they learnt something about the legislation, we on the committee learned something about it, and the Minister modified his views as a result of the evidence. The end result was a sensible compromise and, when the legislation came back to the Chamber, it had the support of both sides.

Mr. Venning: What could be better?

Mr. GOLDSWORTHY: What, in a democracy, could be better? People complain to me that there is too much arguing, too much conflict, and too much mud-slinging in the deliberations of Parliament, as we know it under our democratic system. It is certainly partially correct and I quote this as a case in point. People say, "Why can't you co-operate with the Government?" I believe Select Committees are one vehicle whereby co-operation can be achieved. It is one of the options open to Parliament and to this House whereby the best results will accrue following on an all-Party collaboration on a Select Committee. I believe that it is a vehicle that should be used far more often in relation to the operation, introduction and passage of legislation through this Chamber. I believe it would inform members better and remove the genuine doubts that many people have in relation to legislation, particularly members of the public who will be affected by the legislation.

Let us not fool ourselves. Hundreds of people in the community will be affected by this legislation. I appeal to the Attorney-General to listen to reason. He has been on Select Committees that I have been on, and he knows the value of Select Committees. He knows the benefits that have accrued to him as a result of Select Committees. I know the benefit that accrues to members of the Opposition, all members of this House and the public, so I strongly support the motion.

Mr. MATHWIN (Glenelg): I support the member for Torrens in his efforts to bring this Bill and related Bills before a Select Committee. It has been proved on many occasions in this place that a Select Committee is of great benefit as a collector of evidence from the general public. People who are concerned can give evidence why legislation might be damaging, or why it might affect their avocation. The committee can then bring down a report suggesting amendments to the legislation which is thus greatly improved. On many occasions, many amendments have been made by this Government. On two occasions this session, after a Select Committee, we have had the Government come in with pages of amendments. It is no good the Attorney-General's suggesting that nobody is concerned about this Bill. The member for Morphett earlier said that people should not be concerned, because he is quite happy with the legislation. One wonders where he has his heart, because a number of people in the community and in the professions are concerned about these Bills. Those people have the right to have the opportunity to study the legislation, and to supply relevant information to Parliament, either through the Government or Opposition members.

Those people have not had the time to do this. These Bills were brought in by the Attorney-General only last Thursday. Insufficient time has been allowed to study this proposed legislation. One of the Bills is designed to cut out legal assistance to people who have claims under $2 500, which is called "a small claim".

The SPEAKER: Order! The honourable member is straying from the matter before the Chair.

Mr. MATHWIN: Thank you, Mr. Speaker. These people will not be allowed any legal representation or assistance.

The SPEAKER: Order! I want the honourable member to stick to the matter before the Chair.

Mr. MATHWIN: Let me remind the Attorney-General of the letter, which he should have seen, from the Law Society. It states:

> Dear Mr. Attorney,
>
> I am writing this letter to you in the absence of the President who is currently overseas. I believe that five Bills were introduced into the Parliament on March 7, with a view to repealing the existing procedures for the enforcement of judgments and replacing them with new procedures. I also understand that the Bills make significant changes in the civil jurisdiction of Local and District Criminal Courts, notably increasing the magistrates' jurisdiction to $10 000—

The SPEAKER: Order! The honourable member should be talking about sending the Bill to a Select Committee. The honourable Deputy Leader stuck rigidly to that subject, and I do not want the honourable member to stray. All that is before the Chair is whether the Bill should be referred to a Select Committee.

Mr. MATHWIN: It is not my intention to flout the Chair. To help in my argument, as these Bills all relate to a similar area of jurisdiction, I was reading that letter. I appreciate that we are not actually talking about the Bill referred to in that part of the letter of the Law Society of

South Australia. In essence, the letter urges the Attorney-General to allow the society more time to look at the legislation, as the time has been insufficient for it to study it in depth. The letter continues (and this is nothing to do with the other Bills):

> I don't say that the Law Society would necessarily be opposed to the proposal.

That refers to any of the Bills. The letter continues:

> Indeed, it may be that the society may even wish to support it: All I ask is that the matter should not be allowed to proceed with undue haste.

Mr. Hemmings: Surely they had a copy of the Bill.

Mr. MATHWIN: It is not that easy. I suggest that the member for Salisbury has not even perused the Bills, or he would realise that some of them go back 100 years or so and have been amended so often that it is most difficult to form the picture that they are intended to portray. I would ask, even on the appeal of the Law Society, that the Attorney-General reconsiders his objection to the motion to place all of these Bills before a Select Committee. This course will undoubtedly benefit the whole of the State and will be responsible for better legislation on this matter coming before the House.

Mr. TONKIN (Leader of the Opposition): I have already made my position clear, and that of the Opposition, in this matter. I believe that to bring in legislation of this sort, which the Attorney-General has quite clearly indicated is rather new and is breaking new ground, is absolutely ridiculous without ample time being allowed to get the opinions of members of the public. There is, as the Deputy Leader said, a right means for achieving a proper end. That end is best served by holding a Select Committee to investigate all of the various aspects and implications of the Bill and, more particularly, to allow people who will be affected by it to put forward their points of view.

It may well be that, following that Select Committee, no amendment will be suggested and this will prove to be perfect legislation. From past experience, however, I strongly doubt that, because it has been my experience of Select Committees that, whenever matters are discussed and debated and opinions are canvassed from the public, inevitably the legislation is improved. With very few exceptions, legislation has been improved by being referred to a Select Committee. I cannot see why the Attorney-General is so determined that this Bill should go through both Houses so rapidly. He has closed his mind to this whole affair, and I do not think he suffers from quite the same degree of arrogance that comes to Governments that have been too long in power as perhaps some of his colleagues do.

The SPEAKER: Order! There is nothing about that in the Bill.

Mr. TONKIN: It is very pertinent to this matter—

The SPEAKER: I am sorry; will the honourable Leader please keep to the matter before the Chair?

Mr. TONKIN: —because there is no question that, in refusing a Select Committee, the Government is refusing a duly constituted and provided for democratic process which you, Sir, so often uphold. I simply repeat to the Attorney-General, who I think is a reasonable man when it suits him to be, that this is a time to be reasonable, and even at this late stage we could adjourn for a short time, if necessary, whilst he takes advice on the matter. It will be doing the community a grave disservice if we proceed with this series of Bills, as the Attorney-General has indicated he will.

Mr. WILSON (Torrens): I will answer two points made by the Attorney-General. He said that this was a simple Bill and, because it was a simple Bill and easily understood, it did not need to go to a Select Committee. That is arrant nonsense. It is not the fact that the Bill is simple that is important but that it has very far-ranging ramifications, as indeed do the other four Bills interlocked with it. That is why it should go to a Select Committee.

The Attorney-General said also that the Liberal Party was using this as a device to avoid voting on the Bill. I assure the honourable gentleman that that is not so but that the Opposition will not sit here and let the Government ride roughshod over this House in particular without voicing the strongest possible protest.

The House divided on the motion:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson (teller), and Wotton.

Noes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Wells, and Whitten.

Pair—Aye—Mr. Blacker. No—Mr. Dunstan.

Majority of 4 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Arrangement of Act."

Mr. TONKIN (Leader of the Opposition): There has been discussion about whether or not the Opposition should register its strong disapproval of the manner in which this Bill is being pushed through the House. It seems to me that the best way of doing this is by opposing this clause, and I intend to do that.

The Committee divided on the clause:

Ayes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hudson, Klunder, Langley, McRae, Olson, Payne, Simmons, Slater, Wells, and Whitten.

Noes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Pair—Aye—Mr. Dunstan. No—Mr. Blacker.

Majority of 4 for the Ayes.

Clause thus passed.

Clause 4—"Interpretation."

Mr. WILSON: Can the Minister say whether or not the definition of "property" includes jointly owned property?

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs): Yes, it applies to jointly owned property.

Mr. ALLISON: Reference is made to a debt counsellor and debt counselling. Will the Minister explain the relationship between these people and people already employed by the Community Welfare Department who provide a similar service? Will the employees of that department now be under the adminstration of the Minister's department?

The Hon. PETER DUNCAN: This Bill merely gives statutory recognition to the services already existing in the Community Welfare Department. It is not intended that any new bureaucratic administrative structure will be established in the Attorney-General's Department; I am merely handling the Bill because it is a law reform matter. The administration of the debt counselling agency will be with the Minister of Community Welfare.

Mr. TONKIN: I refer to the definition of "debt counselling". Will this also include providing a creditor with advice and guidance regarding his financial affairs, including the procedure available to him to enforce payment of debts?

The Hon. PETER DUNCAN: No. It is intended that debtors would be advised about the procedures that may be applied by a creditor to collect a debt. A problem could arise: the member for Mitcham referred earlier tonight to the fact that the Federal Government has power over bankruptcy and insolvency matters and, therefore, it is desirable that anyone receiving advice under this matter should be warned clearly that, notwithstanding any schemes developed under the proposals in this legislation, it is desirable that they should be advised that, notwithstanding any arrangements reached with creditors, the creditor could go outside the arrangements made and petition in bankruptcy.

Mr. McRAE: A creditor can also be at the same time a debtor. That situation is common in some of the complex cases that come before members of Parliament.

Mr. Tonkin: Sometimes they are debtors because of the whole situation.

Mr. McRAE: Yes.

Mr. Tonkin: The advice would be even handier.

Mr. McRAE: I would hope so, and it seems that the jurisdiction is there to do just that.

Mr. MATHWIN: The Attorney has stated that the provision of debt counselling services will not increase the size of the staff in the Community Welfare Department, but it seems from other provisions that there could be a massive increase in the number of people involved in counselling. The situation does not ring true, unless I have misunderstood the Attorney. It is essential for this matter to be clarified in the light of the following provisions.

The Hon. PETER DUNCAN: One tires of having to explain to the member for Glenelg in monosyllables what has been said. However, for his benefit I shall repeat what I said. I was asked by the member for Mount Gambier about the future of the debtor assistance service that already exists in the Community Welfare Department. He queried it on the basis that I, as Attorney-General, was introducing the matter. I said that it was not intended that we would set up any new bureaucracy in the Attorney-General's Department, and that the debtor assistance group already existing in the Community Welfare Department would be given statutory recognition by the Bill.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Functions of the Office."

Mr. WILSON: Is it a fact that a meeting with creditors can be considered an act of bankruptcy under the Federal Bankruptcy Act? If a creditor is prepared to take that risk that he commits an act of bankruptcy, can the creditor prejudice the whole scheme and make the Act open to challenge under Federal law?

The Hon. PETER DUNCAN: My advice is that the Act has been carefully drawn so that it cannot be challenged. Arranging a meeting of creditors is only one of several matters constituting bankruptcy, and by far the most common ground for bankruptcy is owing more than $500. That is almost invariably the ground that is used, although the point made is valid in that holding a meeting of creditors could constitute an act of bankruptcy. By the stage at which any such meeting was held, I would suggest that debts of more than $500 would have been tallied up, so there would already be ground under the Federal Bankruptcy Act for the creditor to petition in bankruptcy against the debtor.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—"Application for assistance."

Mr. WILSON: In view of the answer to my question about the definition of "property", does this mean that in the statement of indebtedness the debtor would have to declare his spouse's property as well, to get the joint property under that provision?

The Hon. PETER DUNCAN: That would depend whether it was joint property or property held in common. If it was property held as tenants in common the debtor would have to declare only his half share in the property. If it was held as joint tenants, he would have to declare his joint interest with his spouse. There is nothing mandatory about this. This is the information which must be included if a person decides to apply for assistance. A person has the choice of whether or not to apply but, if he decides to apply, to enable the assistance to be provided he must give this information.

Mr. WILSON: The report of the Law Reform Commission stated that there had been some indecision as to the amount recommended, and it came down on the side of $15 000, as has the Attorney-General. It was talking about $10 000 at one stage. The commission said that the amount would need to be kept under review. I assume the Attorney will give an assurance that he will do that. Where the liability to repay a debt secured by mortgage over land shall not be taken into account, the report of the Law Reform Commission made that specific as to be over a domestic mortgage. This provision seems much wider: it seems to cover all land on which there is a mortgage.

The Hon. PETER DUNCAN: I certainly can give the Committee an undertaking that we would keep under review the matter of subclause (3). Obviously, the whole benefit of the scheme would be lost if inflation were to erode the $15 000 to the stage where it was a much lesser amount in real terms. In relation to subclause (4), when we came to look at the situation of mortgage it became difficult to define in some instances a domestic mortgage and an ordinary mortgage. Because there was a $15 000 limit, we thought it was a problem we could escape by simply using the word "mortgage".

Clause passed.

Clause 12—"Preparation of scheme."

Mr. WILSON: The Opposition opposes this clause. It is a matter of an important principle. It seems that no preference is given to secured creditors. Under all our existing law, secured creditors have preference. As far as we can see, under the provisions of this clause all creditors are equal. In relation to subclause (3) (*c*), we think the modification of contractual rights and liabilities of debtors and creditors is a very dangerous sentence to have in such a clause, because it gives the tribunal the power to modify mortgages, bills of sale, and so on, as to the amount of repayment, the time of repayment, the interest charged, and so on.

The Hon. PETER DUNCAN: The tribunal referred to is the Credit Tribunal, which already has wide power in its existing jurisdiction to modify credit contracts. This provision does not really seek to give very much greater or wider powers to the tribunal. The scheme proposed has no power until it is endorsed by the Credit Tribunal, which would need to be satisfied, first, that it was in the interests of the debtor, which presumably, if it had been prepared by the debtor assistance service, it would be; secondly, the creditor may appear and have his views heard before the tribunal or may make written submissions. The tribunal, after considering the evidence or representations, may approve the scheme with or without amendment or reject

the scheme.

There has been a long tradition in money-lending credit contracts of giving courts or tribunals power to vary credit contracts. If honourable members would care to look at the Consumer Credit Act, they will see that the power is quite wide and already exists in the Credit Tribunal. This provision is intended to tailor in with that power, and it allows the scheme to provide for the modification of contractual rights of debtors and creditors, not of people generally in the community, in their credit relationships. The debt counsellor is able to take such matters into account before he puts the scheme to the tribunal. It is likely that in most instances the tribunal would have power to do this anyway. So that the scheme can be put as a package, the power needs to be there in the hands of the debt counsellor.

Mr. WILSON: I thank the Attorney for that explanation. The clause includes the disposal of property where there is security such as a mortage or bill of sale, and that is a serious departure from the existing law and will raise serious problems for people who seek to obtain money on mortage. If lenders know that their security is being cut back in this way, they will have second thoughts about lending money. Therefore, the Opposition opposes the clause as a form of protest.

Mr. McRAE: The member for Torrens said that, as a matter of principle, the Opposition opposed this clause. Speaking as a member representing an ordinary metropolitan district, I think, with respect, that the honourable member is a little confused. I accept that the bankruptcy law is confusing enough in itself. It is obvious that if a debtor was so far behind in relation to a preferred creditor that the latter became involved in this situation he would already have committed an act of bankruptcy. In fact, it would be virtually impossible for him not to do so in relation to a preferred creditor, if that person fell behind by $500, unless, in turn, he consented.

This proposed scheme is a good one, which has these inbuilt protections. Assuming that a preferred creditor says, "I do not like the sound of this," he merely has to repudiate it, and that would be the end of the scheme. He could take it further than that and say, "I will take positive action in the Bankruptcy Court," and that would also dispose of the matter. Alternatively, if the preferred creditor said, "The scheme as put forward seems all right to me, and I am willing to go along with it," that would be eminently reasonable, too. It would certainly be far more preferable than the costly system that we have operating at present, whereby we have informal deeds of arrangement being prepared in solicitors' offices. I am sure that I speak for the legal profession when I say that it does not want the work, either. It means a tremendous administrative cost to small arrangements between creditors, and it would be as much to the detriment of the honourable member's constituents as it would be to mine if this clause was defeated. It is my strong view that there is no conceivable way under this clause (nor could there be, because of the power vested in the Commonwealth Government under the Federal Constitution) by which a preferred creditor could say that he would not be in it. I strongly support the clause.

Mr. WILSON: I thank the member for Playford for that explanation. The Opposition considered that this clause and probably the next clause needed public examination, and that is why we were thinking of opposing it. However, the Opposition has made its point and will let this clause pass as printed.

Clause passed.

Clauses 13 to 15 passed.

Clause 16—"Termination of approved scheme."

Mr. WILSON: This clause states that an approved scheme can terminate for the four reasons given, but it does not include revocation, as did the previous clause. Does that need to be included?

The Hon. PETER DUNCAN: The previous clause stands on its own, and that is satisfactory in relation to revocation. It does not have to be stated twice.

Clause passed.

Remaining clauses (17 to 24) and title passed.

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

That this Bill be now read a third time.

Mr. WILSON (Torrens): As the Bill comes out of Committee, it still leaves the Opposition in the same position that it was in previously. The Opposition still wants to voice its utmost protest at the way in which this Bill and the four attendant Bills are being pushed through this House. Although undoubtedly another place will have more time to consider the matter, Parliament is expected to rise next week, and the Bill, as it comes out of Committee, will not, in the Opposition's opinion, receive the consideration that it should receive. The Opposition abhors the way in which, for about the fourth time in the past few weeks, legislation has been dragooned through this place. I oppose the third reading.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Groth, Harrison, Hemmings, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright.

Noes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson (teller), and Wotton.

Pair—Aye—Mr. Dunstan. No—Mr. Blacker.

Majority of 4 for the Ayes.

Third reading thus carried.

BOTANIC GARDENS BILL

Returned from the Legislative Council without amendment.

CONSTITUTIONAL MUSEUM BILL

Consideration in Committee of the Legislative Council's amendment:

Page 4, line 18 (clause 14)—After "Museum" insert "as a museum of the constitutional and political history of the government, including the local government, of the State".

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

That the Legislative Council's amendment be disagreed to.

The displays in the Constitutional Museum will cover the whole history of democracy under the Parliamentary system in South Australia from the time of settlement to the present day. Naturally, reference will be made within this story to the establishment of local government in South Australia. Honourable members opposite will appreciate that obviously space will not allow for the whole history of local government to be included, although I would dearly love to see it provided for. I would like to see histories of the councils with which I have been associated: no doubt these councils are doing something

about this matter themselves.

The establishment of the Adelaide City Council, the first such body established in Australia, will be depicted in the museum, which will tell the whole story of democracy and politics, not simply the story of the third tier of Government. Other topics to be included in the museum are women's rights, the franchise, electoral distributions, trade unions, civil liberties, religious freedoms, and notable political figures. Members opposite will be pleased to know that the work of Sir Thomas Playford will be given prominence in the museum, and rightly so, because Sir Thomas was Premier of this State for about 27 years. There is no need for this amendment, because it would not be practicable to put it into effect, because of the limitations of space in the museum. Whilst it is desirable, it is not possible to implement it.

Mr. NANKIVELL: Having read the second reading debate in the other place and having considered what the Minister has said, I agree with the Minister. This Bill sets up a museum relating to the constitutional development of this State; its purpose is not to place any emphasis on one tier of government any more than on another tier. If the matter is taken to extremes, perhaps one could say that it should cover only the history of the Legislative Council just as easily as one could say that it should cover only the history of local government. The Minister referred to the Adelaide City Council, the first such body set up in the State and perhaps in Australia. That council already has its museum in the Light Room and other rooms in the Adelaide Town Hall. I cannot see the council surrendering its exhibits, which it treasures so much, and placing them in the Constitutional Museum, outside the council's control.

The Hon. Mr. Geddes, who moved this amendment in the other place, had in mind that local government should not be overlooked, and I accept the Minister's assurance that it will not be overlooked. To confirm this and to put myself right, I ask the Minister again to assure members that the museum will not only cover the constitutional government of the State in connection with the political constitution of government and two tiers, the Legislative Council and the House of Assembly, but also give that weighting to which local government is entitled in a museum of this sort.

The Hon. J. D. CORCORAN: I assure the honourable member that the pertinent facts about local government and how it was started will be incorporated in the museum.

Mrs. ADAMSON: I am grateful to have the Minister's assurance. When I first read the Bill I assumed that local government would be part of the museum, and my assumption has proved to be correct. I hope that those doing research for the museum and the trust members will have their attention drawn to the debates in the Legislative Council and to the fact that this amendment was moved, thereby ensuring that due attention is given to the important role of local government in this State.

The Hon. J. D. Corcoran: You can rest assured about that.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment is not compatible with the aims of the Bill.

STATUTES AMENDMENT (IRRIGATION ACTS) BILL

Adjourned debate on second reading.

(Continued from March 2. Page 1905.)

Mr. ARNOLD (Chaffey): I support the Bill which, to all intents and purposes, formalises the transfer of responsibility from the Minister of Lands to the Minister of Works. The transfer of departmental responsibility in this area has been proceeding for some time, and the Engineering and Water Supply Department will, from July 1, 1978, officially accept administrative responsibility for irrigation. Since the Minister of Works and the Engineering and Water Supply Department usually undertake the design and construction of irrigation installations for and on behalf of the Minister of Lands, I believe it logical that the responsibility for irrigation should be vested in the Minister of Works. While I agree with the intent of the Bill in shifting responsibility for irrigation from the Minister of Lands to the Minister of Works, by no means do I indicate my support for the concept that all construction work should be undertaken by the Minister of Works and his department.

I believe that we in South Australia could achieve much more in our capital works, particularly in many of our irrigation headworks rehabilitation programmes, if this work were undertaken by contract. Anyone who has watched this work in progress would readily agree. I believe that many millions of dollars could have been saved in the programme so far on irrigation headworks rehabilitation in the Riverland. In supporting the Bill, I want it clearly understood that in no way do I support the concept of the Government's undertaking all this capital works programme with its own departmental staff. I believe that considerable money could have been saved if even certain sections of the capital works programme had been let to private contract; this was proved in the rehabilition programme undertaken by the Renmark Irrigation Trust.

Mr. Nankivell: And the Lyrup Village Association?

Mr. ARNOLD: Yes. We are now at the stage of examining the rehabilitation of the Pyap irrigation area. Undoubtedly, much money was saved in the rehabilitation of the Renmark Irrigation Trust's headworks and distribution system by the use of private contract. Although much of the work was undertaken by the Rnemark Irrigation Trust's work force, the major installations of the rising main were installed under contract, which was responsible for keeping the cost of the work within reason. I support the Bill, which not only transfers the responsibility for irrigation to the Minister of Works but also separates the area, whereas in the past it has all been the responsibility of the Minister of Lands. The Minister of Lands will retain responsibility for land leases and titles.

As the Minister of Works is responsible for matters relating to the Murray River and for water supplies throughout the State, and since irrigation systems and management techniques have a real influence on the effective use of the varying qualities of water we receive in South Australia, I believe that it is in the interests of South Australia and of this State's irrigators that this responsibility be vested in the Minister of Works and his department. I support the Bill.

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

That Standing Orders and Joint Standing Orders Private Bills be so far suspended as to enable the Bill to pass through its remaining stages without delay and without the necessity for reference to a Select Committee.

Motion carried.

Bill read a second time and taken through its remaining stages.

RECREATION GROUNDS (REGULATIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 9. Page 2098.)

Mr. RUSSACK (Goyder): This is a short Bill. The second reading explanation, which contained only one paragraph, stated that the Bill is to increase the maximum penalty for a breach of regulations from £10 to $200. That fine has existed since 1931 and is not realistic in terms of today's value. Section 3 (3) of the Act provides:

> Regulations under this Act shall not be made or extended so as to apply to any recreation ground unless the controlling body of that recreation ground has requested that the regulations shall be so made or extended.

I hope that local government bodies and those responsible for recreation grounds, if they are concerned, make some move to see that the regulations apply to their particular area. The member for Hanson will explain how this measure can apply to recreation grounds and will recount certain experiences which happen at times and for which this regulation could be useful. We support the Bill.

Mr. BECKER (Hanson): As the member for Goyder said, we support this legislation. It is timely from my point of view and that of councils in my electorate. I do not know what was behind the Minister's bringing in this legislation, but it would link up with the previous legislation concerning amendments to the Local Government Act. I want to explain what happened recently at the Henley oval. I shall refer to an extract of the council minutes of the Henley and Grange council meeting held on March 6, 1978. Item 36757 states:

> Hooliganism and vandalism:
>
> Moved by Cr. Randall; seconded by Cr. Fischer that the draft letter prepared by the Town Clerk *re* the above and contained in his report dated March 1, 1978, be sent to the Premier with copies to the members for Henley Beach and Hanson and to the Chief Secretary—Lost.
>
> Amendment: Moved by Cr. Allen; seconded by Ald. Jamieson that the draft letter prepared by the Town Clerk *re* the above and contained in his report dated March 1, 1978, be sent to the Premier with copies to the Chief Secretary and the members for Henley Beach and Hanson but that the recommendations to the Government be amended to read, in substance, as follows:
>
> 1. Ensure that penalties, pecuniary or penal are increased to the extent that they would be a strong deterrent; this to be achieved by amendments to legislation if necessary—in respect of both juveniles and others.
> 2. Ensure that publicity be given of names and addresses of prosecuted offenders, together with the penalties imposed.
> 3. That consideration be given by the Government to reviewing the various applications submitted by organisations from this city for the development of youth centres (on a regional basis, if necessary) and other proposals put forward to alleviate these problems and, further, that the Premier be asked to see a deputation representing this council to discuss these matters.

The amendment was carried and, becoming the motion, was put and carried. The city of Henley and Grange wrote to me on March 9 enclosing a copy of a letter sent to the Premier on March 8, 1978, as follows:

> The council feels compelled to again refer to serious acts of hooliganism and vandalism which occurs in this city. Over the weekend of February 24-26, there were two serious acts of violence:
>
> (1) An assault on a member of the council, who is also a constable of the city, by a gang of youths who were brawling on the Grange jetty. The councillor sustained injuries which required hospitalisation.
>
> (2) A fracas at the Rotafest, 1978, held on Henley and Grange Memorial Oval, when two voluntary helpers were injuried and, as reported, a police constable. It was only by good fortune that other persons attending the function were not injured. The attendance of a large number of police, as reported, is acknowledged and appreciated.
>
> Further to the above, there are continuous acts of vandalism and hooliganism, including breakage of glass in buildings, and a report that a lout twisted the arm of a 3-year-old child on Grange jetty. The council is firmly convinced that there is a serious lack of deterrent in the control of gangs of hooligans and vandals. From time to time, there are reports that arrests are made, but there is no evidence before the council that any subsequent court proceedings are a sufficient deterrent to the continuation of lawlessness. It is strongly recommended that the Government should take the following action:
>
> (1) Ensure that penalties, pecuniary or penal, are increased to the extent that they would be a strong deterrent; this to be achieved by amendments to legislation if necessary, in respect of both juveniles and others.
>
> (2) Ensure that publicity be given of names and addresses of prosecuted offenders, together with penalties imposed.
>
> (3) That the Government review the various applications submitted by organisations from this city for the development of youth centres (on a regional basis, if necessary) and other proposals put forward to alleviate these problems.
>
> My council would very much appreciate the opportunity of meeting you by way of deputation to further discuss these matters.

The letter was signed by the Town Clerk, Mr. R. E. Nash. That leads up to the unfortunate incident that occurred at the Henley Memorial Oval on Sunday, February 26, at the Rotafest. I was present at that function, which was probably one of the most successful and outstanding charity days ever run by the Henley Beach Rotary Club. It was a wonderful family day. It was an opportunity for local sporting groups and charities to conduct stalls to assist them in fund raising.

I say it was a family day because that is what is was designed to be. There was a continual round of events and an interesting programme from 11 a.m. through until 6 p.m. that evening. When I had finished working on the epilepsy stall, on which we had raised abut $258, I took my wife and children around to visit the other stallholders. Unfortunately, this is when the brawling started. I was appalled at the scenes that followed. I felt sorry for the police, who I thought were quite tolerant in their actions in handling the hooligans who started the brawling. Some of the scenes had to be seen to be believed—young girls screaming foul language, the violence in trying to prevent the police from arresting their boyfriends, or what have you.

Mr. Millhouse: What do you mean by "what have you"?

Mr. BECKER: Friends, relations or maybe their brothers. I was not able to fund that out. Unfortunately, the crowd congregated around the scene. There is often the risk that when a crowd congregates around the police when they are carrying out their duty in trying to apprehend offenders that an innocent person could be taken by mistake.

So there was a lesson there for not only the spectators but also everybody involved. When this type of incident happens, the best thing is for the crowd to disperse. I was

so upset that, when I arrived home that evening, I sent a telegram to the Chief Secretary asking for a full report on the incident. Finally, on March 9, I received the following reply from the Chief Secretary:

> I refer to your telegram received on February 27, 1978, regarding incidents which occurred during the holding of the Henley Beach Rotary Club's annual Rotafest. The Rotafest, which commenced at 11 a.m., consisted of various side-shows, stalls, ring events, disco and other similar forms of entertainment. Liquor outlets existed at various points where bottled beer was sold. In particular, at the northern end of the oval a large marquee had been erected in which was located a dance floor, tables and chairs and a liquor booth. Estimates made of the attendance set the crowd at between 5 000 and 6 000 people. Arrangements had been made previously by the organisers for police to be in attendance from the time the function commenced.
>
> Activities proceeded generally in an orderly manner until mid-afternoon when it was noticed that part of the crowd comprised of a local larrikin element knows as the "Henley mob" was prominent in the large marquee and appeared to be affected by liquor. As the liquor appeared to be freely available, attempts were made to ascertain if any breaches of the Licensing Act were being made in relation to under-age consumption. The liquor was being sold in bottles and it was commonplace for adult males walking around the side-show area to be seen consuming from these bottles. Later in the afternoon at approximately 5 p.m. two persons were arrested. As it appeared that a situation was likely to develop with the larrikin element, a cage car was requested and upon its arrival both offenders were placed therein and the car remained in the area.

I saw that incident where one person was chased right across the oval. One person was actually sent out of the oval gate but somehow he got back in and was arrested by the police, so the police had a torrid time for five or 10 minutes with those two people. The reply continued:

> A disturbance then developed in the marquee area and a person was arrested for disorderly behaviour, resisting arrest, etc., and, whilst he was being conveyed to the cage car, the arresting officers were hindered, resulting in further arrests being made. Approximately six teenagers were arrested at this stage for various offences. Subsequently, further scuffling broke out resulting in a further six to eight persons being arrested.

The SPEAKER: Order! I hope the honourable member can link his remarks with the relevant clause in this Bill concerning penalty. He is straying far from that.

Mr. BECKER: I am giving an example of the need to increase the penalty and, to get to that need to increase the penalty, we shall have to examine an incident that happened, and the need for this Act to be known to all councils and trusts controlling public recreation areas, and that is what this Act covers.

The SPEAKER: I am not concerned about the Act; I am concerned about the Bill. The honourable member is opening up the Act altogether; I ask him to stick to the Bill concerning penalties.

Mr. BECKER: The penalty refers to certain violations, and that is how I will link up the whole issue.

The SPEAKER: I am sorry; the honourable member is making the debate very wide and I do not want to give the opportunity to any other member to do that. I have listened to what he has been saying and he has strayed from the Bill; now he should get back to the Bill.

Mr. BECKER: It is a three section Act, dated 1931-1935. The whole point is that the increase in penalties is the whole Act; that is all there is.

The SPEAKER: The honourable member can speak on the angle that the increase in penalties is not great enough, but I do not want him to go into other matters.

Mr. BECKER: That is what I am getting at, and leading into the need to increase the penalties. However, at the same time, I think the problems that have been experienced in the community at public functions must be appreciated. That is the reason for describing this particular incident. The report from the Chief Secretary went on:

> The larrikin element in the crowd, which was quite large, was most volatile. Police members showed restraint as a near-riot situation developed as the crowd surged around arresting officers, hindering them in every possible way.

That of course, is an offence covered by these penalties. The report continued:

> The cage cars were dispatched from the area in an effort to reduce hostilities. As the cage vans left the area, there was a hail of empty beer bottles from all directions thrown at the vehicle and police generally.

Of course, that is an offence under this Act, the penalty of $20 being increased to $200, so we can explain the need for the severity of a penalty of that type. The report goes on to refer to various incidents and what led up to this situation, and makes suggestions about what should be done in future.

I am able to find only a very few councils and organisations that have taken advantage of the Act to control various offences and violations at our recreation areas. This highlights strongly the need to emphasise that such a penalty of $200 cannot be taken lightly. I hope that in future the courts will not take it lightly. We are concerned that the various types of offence which are committed and which will incur this $200 penalty should be widely known. The regulations at present control Norwood oval, Thebarton oval, Mortlock Park recreation ground (now in the Mitcham council area), Woodville oval, Unley oval and the Sturt Sports Club Incorporated, Glenelg oval, Prospect oval, Football Park, and Adelaide oval. I suppose that, when we look at the types of offence that are occurring and are liable to this penalty, we can see what the problems have been, and I think the best guide would be Football Park. The regulations appertaining there take in the whole of the ground of Football Park covered by the two property titles, and one would assume that to include the car park. The provision relating to Football Park states:

> No person other than those who from time to time hold rights from the Licensing Court of South Australia and from The League to sell intoxicating liquor in the bars or other places set apart for such purposes shall bring within Football Park any intoxicating liquor, ice box, can or bottle and no person shall within Football Park consume intoxicating liquor except within or at the bars or such other places as may from time to time be set apart by The League for its consumption.

Anyone who has been to Football Park, particularly at grand final time, will appreciate that it is difficult to take liquor into Football Park. It is banned, but liquor is taken in in ice boxes, cans and soft drink bottles. Unfortunately, after the grand final, when all the traffic is trying to disperse, liquor is consumed in the car park, the penalty being $20. We are now increasing it to $200, which shows that Parliament is concerned. The point is that with such a penalty it will now be necessary for the South Australian Football League to display prominently signs in all those areas that the offences are liable to incur the penalties so prescribed.

The regulations, which are similar to all the other council regulations to which I have referred, include assault or threatened violence to any other person, and that is how I link up the matter to the Rotafest incident. I refer to the provision requiring people to attend sporting

functions in an orderly manner and, if they violate the regulations, they can be subject to a penalty. Under section 3 the regulations outline various types of offences in 10 paragraphs.

The police are authorised to make an arrest or to question any person in relation to any offence outlined. Local governing authorities can also appoint special constables, so that the power is in the legislation. We have now given the Act some teeth by increasing this penalty. We should ensure that all councils or organisations controlling recreation areas are aware of the Act and immediately apply under this provision to have their regulations gazetted to carry the maximum penalty of $200.

In this way this Parliament and the local authorities will be acting responsibly and giving some teeth to the police, and their own special constables authority by the provision of the $200 penalty. Any person who now attends such sporting grounds will think twice about violating these regulations. The public must be given a chance to realise that these regulations exist and that we take these matters seriously. The public must realise that the behaviour of people at recreation grounds is a serious matter. I strongly recommend the Bill to the House.

Mr. RODDA (Victoria): I support the Bill which is short but which has far-reaching consequences and effects. The Bill amends the principal Act by increasing in section 3 *(j)* the penalty from "£10" to "$200". I am aware of your remonstrations, Mr. Speaker, to the member for Hanson for wondering away from the context of the Bill. As short as the Bill is, it may prove to be one of the most important measures that the Government has introduced in this session, because there is an element in society in South Australia which does not remain only in the areas referred to in the legislation, as described by the member for Hanson, and which is offending under this Act. Section 3 (2) of the principal Act, provides:

> Any regulation under this Act may apply to any recreation ground therein mentioned and may be extended by regulation to any other recreation ground, and it shall not be necessary that all regulations shall apply uniformly to the same recreation grounds.

There is wide application for this short Bill that the Government, to its credit, has seen fit to introduce at this late stage of the session. Historic events have been related to the House by the member for Hanson highlighting an element in today's society which, by gatecrashing functions, put themselves within the ambit of the increased penalty.

I am aware of events that have occurred in my district. The onus is now on planners and promoters of certain events and public gatherings to become familiar with the provisions of the Act to arm themselves with regulatory power to ensure that law and order is maintained in the holding of a rodeo or other function. I could relate happenings in my district similar to those matters referred to by the member for Hanson. This underlines a characteristic that has unfortunately crept into our society. The reasons are many, but there is only one antidote, and the Minister is aware that the way to prevent unsavoury happenings or disaster is to be strong and have legislation to provide the necessary action to put trouble down.

I doubt that the amendment to section 3 in increasing the fine to $200 will do that. Although I do not foreshadow an amendment, the time is not far away when the Government of the day will have to face up to this position. The Attorney-General has 36 months in which to operate. If he does not, he may not be sitting in Government any longer.

The SPEAKER: Order! The honourable member has gone far enough on that point.

Mr. RODDA: It is extremely pertinent; it is prophetic. This is probably the smallest Bill that we have had to consider this year, but I suggest that it is most unfortunate that these hoods, a cancer in our community, can gatecrash their way into an orderly gathering and play riot, as described by the member for Hanson. The Government has obviously recognised the problem, otherwise we would not be discussing this Bill tonight.

We commend the Government for bringing forward this legislation, but it does not go far enough. Although I would like to canvass many issues, I shall have to wait until the Address in Reply debate. I recognise your ruling to my colleague, Sir, and I should like to stretch out in quite a wide ambit on this issue. However, I can see that it would be transgressing even your most generous rulings, Sir.

Although I support the Bill as it is, I hope that the Minister will see that this arm of the law is enforced. We do not want to see minimal penalties. We want these things enforced to the full, to protect the patrons of functions similar to those that have been interfered with, so that people can enjoy their day unfettered, as has been the case through the ages.

The Hon. R. G. PAYNE (Minister of Community Welfare): I point out to the two members who have spoken that this is the order of penalty which could apply, and the Government believes that it is the correct penalty, taking into account the lapse of time that has occurred and also the necessity to provide a reasonable deterrent against misbehaviour, which is mainly what is involved at public functions at recreation grounds.

In the hope of providing some balance to the discussion on this matter, I point out that I played a sport for 17 years. I have attended many sporting functions since I hung up my boots, and I have never seen any offences committed such as we have heard of tonight. Many functions occur, whether in the South-East or in the metropolitan area, including the western suburbs, at which standards of behaviour could not be quarrelled with. However, I take the point raised by honourable members that some degree of deterrent is required, and that is the order of the amount now to apply.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Power of Governor to make regulations."

Mr. RODDA: I do not know what has inspired the Government to bring in this short Bill. The sum of $200 is infinitesimal today to people who are working. Young people who are fined such sums just laugh, pay the fine, and commit the same sort of misdemeanour again. It gives me no pleasure to say that some of these hoods, which is what I must call them, regard the Dunstan Government as a bunch of softies. I would not think of the Minister for the Environment as a softy; knowing his great capabilities, I would be the last to say that about him. I think a term of imprisonment should be included in the penalty, as this sort of thing leads to disaster. We heard today of a girl being raped in North Adelaide. The incitement for such things takes place at gatherings with which this legislation deals. It is serious and deep-rooted.

The ACTING CHAIRMAN (Mr. Whitten): I cannot see anything in the Bill about rape. I should like the honourable member to come back to the clause.

Mr. RODDA: With respect, I am trying to say that this is a very lenient penalty. I do not want to reflect on the Chair, but it is necessary to get stuck into Ministers about these things. I am sorry to say that the public regards the

Minister and his colleagues as softies in this respect.

Mr. BECKER: The penalty is only a supplement to other action that could be taken by the police for other offences. If there was a major offence, the Police Offences Act would take over. Is that so?

The Hon. R. G. PAYNE (Minister of Community Welfare): The honourable member is correct.

Clause passed.

Title passed.

Bill read a third time and passed.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjournment debate on third reading.

(Continued from March 14. Page 2201.)

Mrs. ADAMSON (Coles): The Bill provides for the disclosure of interests of members of Parliament, their spouses, their children under the age of 18 years, with the information to be collated by a registrar and to be available to members of the public. I oppose the Bill on the grounds that it is not only unjust but futile. The Opposition has said time and time again that it supports the principle of disclosure of members' interests, but we do not support the prying and the poking into family interest that this Bill would seek to bring about. An amendment was on file referring to the need for members of Parliament living in a homosexual or *de facto* relationship to be covered by the Bill. Whilst such an amendment would be consistent—

The SPEAKER: Order! I think the honourable member is talking about an amendment that was not moved in Committee. I want her to stick to the Bill as it came out of Committee.

Mrs. ADAMSON: If we were to be consistent, we would include in the Bill people in relationships outside of marriage. That has not been done, and the fact that it has not been done illustrates perfectly the futility of legislation that embraces not only members but also their families as well.

The SPEAKER: Order! The honourable member must stick to the Bill as it has come out of Committee.

Mrs. ADAMSON: Experience in the United States, the United Kingdom, and indeed in the Commonwealth Parliament, has shown that this Bill will not work. Experience in other countries has shown that much thought and a high degree of consensus is necessary if disclosure of members' interest is to be satisfactorily implemented. It is not possible for that to happen in relation to this Bill.

The member for Mallee has already explained that there is no way in which he could force his wife to comply with the requirements of the Bill, and I must say that I am blessed if I know how I could force my husband to comply with its requirements. However, the fact remains that, if members do not do so, a penalty of $5 000 will be imposed on them and, if they continue to resist, members will lose their seats in Parliament. If that can be described as just and sensible by the Attorney-General, the Premier and the Government—

Mr. Nankivell: The alternative would be to get divorced. Then, it would be all right.

Mrs. ADAMSON: The alternative would be for us to be divorced and to live apart. Then, my husband would be my former husband and he would be exempt from the provisions of the Bill. That interjection demonstrates perfectly how stupid the whole thing is. I repeat that Opposition members are not opposed to the notion of disclosure of members' interests, but we believe that such disclosure should be restricted to members and that the registrar of members' interests should be an officer of the Parliament. One is tempted to hope that members in another place might let this Bill pass so that Government members and their wives would be hoist on their own petard, because I wonder how many Government members relish the thought of their family interest being hung out on the line for all to see.

Mr. Keneally: The lack of them would be the only embarrassment in our case.

Mrs. ADAMSON: We are not so sure about that. As I made clear in the second reading debate, in my own case there is no axe to grind, because, apart from my Parliamentary salary, I have no pecuniary interest to disclose. So, I am speaking on a matter of principle.

Mr. Evans: What about a family allowance?

Mrs. ADAMSON: I am reminded that I, as a mother of three children, receive such an allowance from the Federal Government. That and my Parliamentary salary are the only interests that I would have to disclose. This issue has been thoroughly canvassed and, if Government members cannot see the injustice and stupidity of what they are doing, there is little that they can see. The point has been made time and again (and it bears repeating, when closing this debate) that, if members of Parliament are honest, no law is needed to contain them. If they are dishonest, no law that the Attorney-General can devise will make them honest.

Mr. GOLDSWORTHY (Kavel): This Bill is in a completely unsatisfactory state. It will not make the slightest bit of difference to the activities of any member of this place. Members know perfectly well that it was introduced in great haste as a political gimmick. It was introduced at a time when the Government thought that Mr. Lynch was in a certain amount of trouble. The Bill was rushed in to make a political point at the time of the Federal election. This is an ill-considered Bill, which was hastily drafted and which will do nothing whatsoever to benefit anyone in this place, or, indeed, any member of the community. It will merely allow sticky-beaks to pry into the register for a reason known only to themselves. It will do nothing to compel honesty if, indeed, the Government suspects some dishonesty somewhere.

Even in the United Kingdom, where similar measures have been introduced, Mr. Hamilton, a Labour member, referring to that legislation, which was similar to this (although far better considered), said that it would not make the slightest difference to the operation of members of that House. Of course, that is a far larger assembly than is this one. So, members know perfectly well that the Government feels obliged to pass this Bill. After all, despite the initial flurry of urgency with which the Bill was introduced, it has been lying on the Notice Paper for months. However, as we are coming to the end of a session, the Government feels obliged, as a face saver, to push the Bill through. It is complete hypocrisy, and the Bill will do nothing to benefit anyone in this place or in the State. The Bill was incapable of sensible amendment. For that reason, the Opposition opposes the third reading.

Mr. BECKER (Hanson): I support the Deputy Leader's remarks. I think I warned the Attorney-General when I spoke in the second reading debate that this Bill would create a status symbol among the members of the Parliament and that members of the Labor Party would lose. It will be a tragedy if candidates obtain information and peddle it all around the electorate to use against a member of Parliament who works hard for his or her district and who, to all intents and purposes, is an honest

and sincere politician.

I do not think the Government has really considered that the Bill will harm its members far more than those whom it is trying to catch. If one is thinking of the wealthy people, and one believes that there are certain persons in the Parliament, especially in another place, who are extremely wealthy, one realises that those people will not be caught by the Bill. It is a well known fact that only 1 per cent or 2 per cent of the people make up the top echelon of a country's financial wealth. Most people are in the middle-class area, and then there are those who are on the poverty line or those who earn up to about the average wage. They will always be the ones who suffer, and the ones at the top will not be caught. This Bill is full of loopholes, and there are ways and means in which it can be circumvented.

Mr. Nankivell: One can drive a bullock dray through it.

Mr. BECKER: I agree. The Government has not covered in the Bill every point regarding income and investment, but I will not elaborate on that matter. It has discriminated against a member of Parliament and his family, and there is no way in which the Bill can be described other than as discriminatory.

Mr. Evans: A member could divorce his wife and still live with her; that would be all right.

Mr. BECKER: The honourable member raised that point during the second reading debate: that one could live in sin. Although it may suit some people to do so, most people, and certainly members of Parliament, would not do so. There is no way in which a person would stoop to that level to avoid certain legislation. I warn the Attorney that he is making a grave mistake and that he has the wrong attitude regarding this matter. Those who suffer will be the very people who sit behind the Attorney in this place.

The Hon. PETER DUNCAN (Attorney-General): I was interested in the honourable member's last comment. He said that the people who would lose most as a result of this Bill would be the Labor members of Parliament. That shows the sort of attitude that members have to this matter.

The whole issue is involved with the protection of the public interest, not the protection of the private interests of members of Parliament. If we put ourselves up for Parliament and as public figures, we should be able to say to the public, "We have clean hands. Here is the information necessary to ensure that that is the case." We should say clearly and publicly that that is the case. It is indicative of the attitude of members opposite that their concern relates to who within the Chamber will lose—a self-interest viewpoint, which is not the viewpoint of Government members.

Members interjecting:

The SPEAKER: Order! Most honourable members have been heard in silence, and I hope that that situation will continue.

The Hon. PETER DUNCAN: Nearly every member opposite said that he supported the measure in principle. If members opposite supported the principle behind the measure, why did not one of them move suitable amendments to give effect to the principle that they allegedly cherish so highly? The reason is that they are scared to death of this measure. They do not like it at all.

Members interjecting:

The SPEAKER: Order! I will have to call the House to order. Members were quiet earlier, but the situation is now getting out of hand.

Mr. EVANS: I rise on a point of order, Mr. Speaker. I believe that a person speaking in the third reading debate must speak to the Bill as it came out of Committee. This is not a rebuttal debate.

The SPEAKER: During the third reading debate, some members moved away from the Bill as it came out of Committee. I hope the honourable Attorney-General will confine his remarks to the Bill as it came out of Committee.

The Hon. PETER DUNCAN: I conclude my remarks by supporting the Bill as it came out of Committee as a thoroughly excellent measure. It may not be perfect, but it is a very good start. When the Bill passes into legislation, we in South Australia at least will be seen throughout the nation as the Government and as the Parliament that has been prepared to come to grips with this issue, thereby putting ourselves before the public as a Parliament of people with clean hands. That is a different situation from that of colleagues of members opposite in other States; for example, Queensland.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan (teller), Groth, Harrison, Hemmings, Hudson, Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Wells, Whitten, and Wright.

Noes (18)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Pair—Aye—Mr. Dunstan. No—Mr. Blacker.

Majority of 4 for the Ayes.

Third reading thus carried.

ADJOURNMENT

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

That the House do now adjourn.

Mr. DRURY (Mawson): I wish to refer to the necessity for the provision of more bicycle tracks along main roads in Adelaide. An article by Messrs. Somerville and Lindner of Adelaide University states:

> Most Australian cities have been unprepared for the strong resurgence of interest in cycling and the accompanying need for cyclist facilities. Over the last three decades South Australian highway and traffic policies have catered primarily for the automobile, and despite the higher priority now given to policies which encourage cycling, such policies do not appear to have been implemented in a co-ordinated manner, nor to have been based on any systematic evaluation of their desirability.

I recall that in the days of my youth, and even before that, I used to cycle to school from the south-western suburbs along Anzac Highway. I found the bicycle track there very useful although, even in those days, we had trouble at intersections and crossovers. Nevertheless, while one was on the bicycle track one was safe from the predatory habits of motor vehicles.

The other main road in Adelaide that for many years had bicycle tracks was Port Road, but unfortunately I know from recent inspections of the area that many of those tracks have been pulled up. I sincerely hope the authorities in control of the road will get things moving to replace the tracks.

In the late 1950's and in the 1960's, the use of bicycles decreased, because of the increasing popularity of motor vehicles. Unfortunately, it became socially unacceptable to pedal a bicycle to work, even though it had been done

for many years before that.

In the 1960's, with the advent of affluence, we saw a corresponding increase in health problems. Men of 40 to 45 years of age were increasingly suffering heart ailments and, today, heart disorder is the nation's No. 1 killer. Part of the cause for this, according to health experts, is the lack of physical exercise. As a result, today we have a renewed enthusiasm for bicycle riding, a form of exercise that is finding its place once again.

Mr. Chapman: Life: be in it.

Mr. DRURY: I suggest that the member for Alexandra ride over to Kangaroo Island and do us a favour. In addition to adults rediscovering this method of fitness, an increasing number of children and adolescents are indulging in bicycle riding. With the increase in university population, two bicycle tracks have been provided, one through the south park lands and one at St. Peters, because an increasing number of students are now living in the inner suburbs. Concerning the need for bicycle tracks, we see that, in 1975, 300 000 bicycles were sold in Australia, and the prediction is that, by 1980, the sale of bicycles will stabilise at 400 000.

Mr. Mathwin: We'll get like the Chinese and have one in every house.

Mr. DRURY: We may. Regarding accident statistics, according to the Road Traffic Board, the number of cyclists killed on South Australian roads in 1975 was 14; in 1976, 9; and in 1977, 9. In 1975, 461 cyclists sustained injuries, of whom 346 were males and 115 were females. In 1976, these figures had increased to 503, of whom 392 were males and 111 were females. From those statistics, it is clear that the most vulnerable age group is the 11 to 15 years of age. In 1975, in this age group, 124 males and 45 females were injured. In 1976, 152 males and 34 females in this age group were injured. The next most vulnerable age group is the 6 to 10 years of age and, in this age group, 64 were injured in 1975 and 62 in 1976.

Because we are ruled by a progressive and benevolent Government, in June, 1977, it established a fund, of which $167 000 was provided by the Government for the provision of bicycle tracks, and $83 000 was provided by councils. That is one of the benefits of living under Labor. I refer now to the situation in the Noarlunga area, which is in my district. I congratulate the Noarlunga council and the State Transport Authority which, I think, have made a commonsense move by combining to convert part of the former Noarlunga railway track to a bicycle track.

This being on the eastern side of South Road, it enables children who attend Wirreanda High School, Pimpala Primary School, Morphett Vale East Primary School, and the Catholic School on Bains Road to ride their bicycles without having to cross the South Road, the main arterial road in the area that carries much traffic. This means that many children can cycle to school without having to navigate busy roads. However, that may be all right for school days but children cycling on the weekends in the area are at risk, because they often use the South Road and the busier collector roads. In this situation bicycle tracks are necessary and should be part of the South Road. The problem is, where do they fit in? Maybe the designers could fit them in on the median strips, because the strip on the South Road is wide enough: in fact, it need not be so wide.

Members interjecting:

The ACTING SPEAKER (Mr. Whitten): Order! The honourable member for Alexandra and the honourable member for Glenelg are out of order.

Mr. DRURY: Only recently, States Road at Reynella and Morphett Vale East has been widened and resealed but, strangely enough, no provision has been made for bicycle tracks. I would have thought that, with good planning, now is the time to provide bicycle tracks on that road, because land on the eastern side is zoned rural A and, in years to come (by 1981, which is not far away), there will be many more people there and many more cyclists. With the difficulties of street closures, lack of crossing facilities, and lack of funds, I still believe that bicycle tracks should be provided on main roads in South Australia.

Mr. EVANS (Fisher): I refer to the subject of Vin Amadio houses and the houses of present occupiers that have been placed in jeopardy in Salisbury. I have spoken to the member for the district and the people who had made application to see and had an appointment with the Leader, who passed them on to me as the shadow Minister to examine the matter. I believe that the member for Salisbury will be grieving on the same issue so I do not wish to cover the areas to which I believe, he will refer. I believe that some areas need to be covered on a broader base to show what can happen in our building industry if we are not conscious of the problems.

Originally, I intended to ask a question, but, as there were no questions today and there is a chance that there may not be any more grievance debates during the next week, it was necessary to take this opportunity this evening. There was no need for this group of house owners to be placed in the position they are today if the Government had made use of the existing Builders Licensing Act provisions. It is because the Government failed to make use of section 3 *(c)* of that Act, as amended in 1974, that the Government is having some difficulty in finding a solution to this problem. At the same time, the group of 14 house owners find their life savings in jeopardy, as are what they thought were to be their houses for the future.

In 1974, an amendment was included in the Builders Licensing Act by the other place, referring to the Builders Indemnity Fund. It received majority support of the Upper House. Admittedly, it was moved by the Liberal Party, because it was believed by the Liberal Party to be the only logical way to stop people getting into the position that the people of Salisbury are in because of bad workmanship, faulty operations of companies, or bankruptcy. Part IIIc of the Builders Licensing Act Amendment Act, which deals with the Building Indemnity Fund, provides:

> 19m. (1) There shall be a fund entitled the "Building Indemnity Fund".
>
> (2) The fund shall be maintained and administered by the board.
>
> (3) The fund shall consist of all moneys raised by way of levy under this Part.
>
> 19n. (1) The board may, by notice published in the *Gazette*, impose a levy upon the holders of general builders' licences and provisional general builders' licences.
>
> (2) A levy imposed upon a person under this section shall be an amount fixed by regulation for each dwellinghouse constructed by him.
>
> (3) Where a levy has been imposed under this section, a person liable to the levy shall on or before the first day of February and the first day of August in each year pay to the board the amount payable by him in consequence of a levy under this section in respect of dwellinghouses completed by him during the preceding period of six months.

It was quite clear that this Parliament, not only the Upper House but both sides of politics, accepted an amendment to the Act to allow an opportunity for moneys to be levied against buildings under construction so that people could be compensated where a builder went insolvent (I speak

now of the Vin Amadio homes). Yet this Government for nigh on four years has sat pat and said it does not matter.

The Housing Industry Association has introduced its own voluntary scheme to try to insure people against this sort of thing. The Minister of Housing agreed to support the Housing Industry Association's plan, but it is a voluntary plan by which people who go to buy a house from a builder who is insured under the scheme with the association can ask whether it is covered against this sort of loss. If it is, they know they are protected. We should inform people at every possible opportunity that that voluntary scheme exists now. But what is annoying, disappointing, and a grave fault by the Government, is to have a provision on the Statutes that would enable people to be protected from the sort of fate they have met with the Vin Amadio homes, regardless of who was right or wrong. This provision would have protected those house owners.

There are 14 people, but they are not the only 14 in the State; there are others in the metropolitan area facing these deferred mortgage payments and the other systems that have been used. They face the risk of losing their houses because inflation is being controlled by the Federal Government, but the payments are too high to meet. They find that State Bank loans are not available, and so they could lose the whole of their life savings. Even worse than that, they find that houses they are virtually contracted to at $36 000 could have had possibly $4 000 to $5 000 added to the cover to subsidise rates that Vin Amadio says they are paying. They have had that added to the original price, and they find that when they go to raise funds on their houses for, say, a war service loan, the property is worth only $27 000 on the market, so what do they do? They cannot raise the amount they need to retain their houses and, if they do, the interest rates are such that they cannot meet the commitments. Instead of paying only $35 a week for the first year and $70 a week for the second year and then the next year hoping to have the State Bank loan, they are confronted with new contracts amounting to over $100 a week, when many of them have incomes no greater than $150 or $160 a week. Why does not the Government operate the Building Indemnity Fund?

The industry would accept it, as in the long term it would remove the rat bags from the industry and it would stabilise the industry. Over the period in which I have been in this House I have advocated endlessly that this is the only system that will work. I am thankful that the Upper House (through the Hon. Mr. Hill) was able to get that provision included in the Act, but what is the good of its being in the Act and for Parliament to say that that is what should happen if the Government blatantly ignores what Parliament says.

The Government has said that it believes in democracy, but it does not give a damn about democracy or whether people lose their houses. The Government is unwilling to put this provision into operation—that is what it is saying. What greater disregard can one have for the Parliamentary system? Government members voted for this provision in this Chamber; they had to do so for it to be included in an Act of Parliament. Some Labor members can cry crocodile tears and attack finance companies and other groups in the community. Government members take great pride in doing that, yet they have in their hands a remedy. Parliament gave the Government power, and thereby the opportunity. The industry will accept it, and the community wants it. I challenge the Government to show that it is concerned.

I will leave to the local member the details of the particular transaction, what has taken place, and what the local member has done. I have raised this matter with the Premier, and I have told the Minister in charge of housing that I would ask a question about it. Therefore, I hope that within the next two sitting days we can get a reasonable reply from the Government about the cases at Salisbury, and I hope that the Government will implement the Building Indemnity Fund.

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

Mr. GROTH (Salisbury): I would also like to take this opportunity to bring to the attention of the House the question of Vin Amadio homes. This matter concerns 14 households in my district—I emphasise that it is in my district—and indirectly concerns the level of public confidence in the building industry of this State. About 10 days ago some media coverage was given to the dispute between the 14 householders in Salisbury North and the finance company, General Credits Limited. This was followed by a report in this week's *Sunday Mail* stating:

> Sell up order expected in homes row. Three couples fear they will receive notices in the coming week that their homes are to be repossessed.

The dispute concerns the financing of homes bought from V. Amadio Builders Proprietary Limited, a company which has now gone bankrupt. The fact that there has only recently been press coverage of this matter is an indication of the quiet patience with which these householders faced their dilemma for three months as they tried to work out a realistic solution to their problems. However, the uncertainty and the strain it causes of not knowing whether the actions of others will force them to the wall has at last led them to public protest on the matter.

The householders first became aware that they were in trouble last December when they received letters from the receiver for V. Amadio Builders advising that the company had gone bankrupt. It was then that they found out that the company had been going badly for some months before that. This information was critical and devastating because the bridging finance arrangements that these people had entered into in good faith were dependent on the builder's being able to subsidise those arrangements.

The situation before August last year was that V. Amadio Builders Proprietary Limited provided a financial package to purchasers of homes. The package consisted of a low deposit requirement ($500 in most cases, although there was one case of $8 000) together with the builder accepting from the purchasers smaller amounts of money in weekly bridging finance payments than the houses were actually costing him.

This would have been acceptable had the arrangement run its course until people had gone on to bank finance, but the bankruptcy of the company in the meantime has meant that they have paid the subsidy amount to Amadio through paying a higher price for their homes, and they have now seen this money lost forever as they have now priority ranking as a creditor with the company. The situation is made worse by the fact that Amadio did not cease making these payments from the date he was placed in receivership; he ceased paying some of them as early as August last year. The householders were totally ignorant of this fact and now find that their debts to the financiers have grown by some thousands as these arrears are claimed against them.

One might say the whole matter is indeed unfortunate, but if creditors foreclose one cannot stop a company from going to the wall. But who was the creditor who forced V. Amadio Builders Proprietary Limited to the wall? A letter written by the Receiver and Manager, John H. Jackson, on December 15, 1977, reads in part:

> Please be advised that I was appointed Receiver and Manager of the property of V. Amadio Builders Proprietary Limited on December 1, 1977, in pursuance of the powers contained in a debenture executed by the company in favour of Vincenzo Amadio on August 12, 1977.

In other words, Amadio sent his own company bankrupt. Faced with the breakdown of the subsidy arrangement and hence facing the prospect of weekly payments of $120, some of the householders came to see me in December of last year. They acknowledged at the time that the State Government was not obligated to do anything for them, but they hoped that I could help in some way. Accordingly, both to help them in their dilemma and to prevent a damaging blow to the confidence in the home-buying market in this State, I communicated with the Premier on December 20, 1977. In my letter, I stated:

> I would strongly support any moves that could be made to help [these householders], my main reason being that their present financial difficulties [which could conceivably lead to bankruptcy] have resulted from factors independent of themselves. Should they be forced to the wall they will lose everything, and in the present economic climate would find it very hard to recover. Another reason I would support assistance being given is that it would prevent further depression of the building industry in this area. Should the purchasers in this situation be unable to meet the increased payments they would have to leave their homes and these would then be added to an already depressed home market . . . It is possible that "midnight-moves" by purchasers to avoid their legal and financial commitments would start a domino effect on other purchasers in other developments.

What most concerned me at the time (and still does) is the invidious position in which these people have been placed. They could lose, whatever happens. I quote again from the article that appeared in the *Sunday Mail*, as follows:

> The couples involved could find that even after the sale of their home they could still owe $10 000 on it.

In other words, they would have a debt of $10 000 with no asset to cover it. Bankruptcy could easily result. On the other hand, if they stayed in the houses, initially they would have been up for $120 a week, an amount which would surely send the average person to the financial brink. What a situation to be in—to be faced with bankruptcy at every turn!

The result of my contact with the Premier was that an officer of his department interceded with General Credits Finance Company to seek more tolerable terms. Partly that intercession was successful. However, there are still two serious problems to be ironed out. First, General Credits, in an effort to recoup those payments that Amadio failed to make before he went bankrupt, has added these amounts as arrears (complete with interest charges) to the loans. To give an idea of what this means, I quote from a pamphlet produced by the residents, as follows:

> We trusted our builders and we trusted our finance company, General Credits . . . Look where it got us. Pat O'Donoghue, council worker of Salisbury North, purchased his house for $33 850; now it is $35 310. Bob Harris, a labourer, and his wife Judy, of Fender Court, got a loan for $26 850; now it's $28 800.

Thus, the home buyers found their debts increased by thousands of dollars each. In good faith they had paid money to Amadio between August and December. Now they are being asked to pay those moneys again. In an effort to stop this demand for a second payment, I wrote again to the Premier on February 17, stating:

> The situation is further exacerbated by General Credits now wishing to capitalise on the new agreement amounts which Amadio Builders failed to pass on to the company from the residents. The residents feel that they have already paid this money to Vin Amadio in his capacity as agent for General Credits and that they should not be called on to pay it again with the addition of further interest charges.

The company could service this added debt; I doubt whether some of my constituents could. The company's cynical attitude has been revealed through the interviews that the house buyers have had with General Credits. The company now denies that Amadio acted as the collecting agent, yet there are three indisputable pieces of evidence to the contrary. First, if Amadio was not an agent, why did the company write to one of the house buyers stating that all payments were to be made direct to Amadio and not to General Credits? They wrote this letter after he had mistakenly sent his first cheque to the company.

The second problem is that, however good is the interest rate in the renegotiated agreements, many of the agreements are for short periods only. Again, as the residents' pamphlet states—

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

Motion carried.

At 10.17 p.m. the House adjourned until Thursday, March 16, at 2 p.m.