HOUSE OF ASSEMBLY

Tuesday, March 21, 1978

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

PETITIONS: MINORS BILL

Mr. EVANS presented a petition signed by 119 residents of South Australia, praying that the House would reject any legislation that deprived parents of their rights and responsibilities in respect of the total health and welfare of their children.

Dr. EASTICK presented a similar petition signed by 170 residents of South Australia.

Mr. BECKER presented a similar petition signed by 330 residents of South Australia.

Mr. GUNN presented a similar petition signed by 49 residents of South Australia.

Petitions received.

QUESTIONS

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

DAMAGE AWARDS

Mr. MILLHOUSE (on notice):

1. What is the policy of the Government as to the retention by a Minister of damages either—
   (a) awarded to him in an action in which he is plaintiff and in which the Crown Solicitor acts for him; or
   (b) when such an action is settled and damages are paid by a defendant as a term of settlement?
2. In any such action has any Minister and if so, which one—
   (a) been awarded damages; and
   (b) been paid damages as a term of settlement and, if so, did such Minister receive personally such damages?

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

1. and 2. There has been no award of damage in any action undertaken by the Crown on behalf of a Minister during the life of this Government. If such an award was made, the Crown's full cost would be required to be paid out of the damages award.

SCHOOL BUILDINGS

Mr. EVANS (on notice): What plans does the Education Department have for development of primary and secondary school facilities in the area bounded by Sturt Creek, Main South Road, Reynell Street and the hills face zone behind the Happy Valley reservoir?

The Hon. D. J. HOPGOOD: The reply is as follows:

1.1 At Reynella East, a site has been purchased for the construction of a combined high/primary school. The land lies in part section 526, hundred of Noarlunga, facing Reynella and Byards Roads and is within the Noarlunga local government area. However, part of its catchment area will include the southernmost areas of urban meadows. The primary school is scheduled to open in September, 1978, and the high school is planned for occupation early in 1980.

1.2 A combined high and primary school (Aberfoyle Park Primary School and High School) will be provided. A joint site is held for this purpose between London and New York Roads and Vienna Avenue and Birch Street. Consideration is being given to the development of a school campus integrating high and primary facilities, with community facilities to be provided in the district centre to be established to the south of the above site, on Taylors Road.

1.3 A replacement primary school is planned for the existing Happy Valley Primary School but on a new site to the west of Education Road, just opposite the existing school.

1.4 A new primary school, Happy Valley South-East Primary School, north of Windebanks Road, and bounded by Rosebriar Road, as shown in the subdivision proposal number S.P.O. 6115/76, is not programmed at present. Construction of this school is dependent on the growth rate between Windebanks Road and Taylors Road.

1.5 A new primary school, Coromandel Valley South Primary School, is planned between Murray Hills Road and Coromandel Valley Road, probably for construction in the latter part of the next decade.

Existing Schools:

2.1 At Braeview, a second stage of the building programme is scheduled for completion by May, 1978. The additional teaching spaces will increase the available accommodation from 450 to 650. The catchment area for this school lies to the west of Happy Valley reservoir.

2.2 Flagstaff Hill Primary School is in the specified area, and opened in May, 1977, to serve Flagstaff Hill, and has eliminated the need for students to travel out of the area to attend primary school. A second stage increasing enrolment capacity to 540 opened in February, 1978.

Surplus Sites:

There are at present three other sites owned by the Education Department in the specified area, which are now regarded as surplus to Education Department requirements.

MINISTER'S REPLY

Mr. BECKER (on notice): When will the Minister further reply to my letter of August 5, 1977, following his acknowledgment of September 28, 1977?

The Hon. J. D. CORCORAN: The matter is still under consideration. An answer will be given as soon as possible.

EYRE PENINSULA LAND

Mr. GUNN (on notice): Has the Government, through the National Parks and Wildlife Service, any plans to purchase more land on Eyre Peninsula and, if so, how much, where, and on whose recommendation?

The Hon. J. D. CORCORAN: Yes. Negotiations are continuing for the purchase of 919 hectares in section 9, hundred of Flinders. Recommendations are made by the Director, Environment Department.

CRYSTAL BROOK RAILWAY LINE

Mr. VENNING (on notice):

1. When is it anticipated that work will commence on the standard gauge line from Adelaide to Crystal Brook?

2. What outstanding arrangements have to be made between the South Australian and Commonwealth Governments?

3. Does the South Australian Government consider this matter to be one of an urgent nature and, if not, why not?

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

1. As soon as funds are made available by the Commonwealth Government.

2. Nil.

3. Yes.

NATIONAL WAGE

Mr. BECKER (on notice): What is the estimated total cost to the Government of the recent national wage case decisions in this financial year and in a full year?

The Hon. D. A. DUNSTAN: The cost of the recent national wage case decision to the Government, including for statutory authorities whose deficits are financed from the Revenue Budget, is approximately $4 000 000 in 1977-78. In a full year, it is expected the cost will be about $12 000 000. Including the above decision, three national wage case decisions have been handed down in 1977-78. The cost of those decisions to the Government, including for statutory authorities, is approximately $26 000 000 this financial year, and about $44 000 000 in a full year.

EMPLOYMENT

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

(a) Electricity Trust of South Australia;
(b) South Australian Housing Trust;
(c) South Australian Meat Corporation;
(d) Police Force; and
(e) Hospitals Department apart from public servants?

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

(a) There has been no increase since July 1, 1977, in the number of employees in the Electricity Trust of South Australia.

(b) The increase in the number of persons employed in the South Australian Housing Trust since July 1, 1977, is 38 (an increase of 3·5 per cent).

(c) Bearing in mind fluctuations in seasonal and other requirements there has been no overall increase in numbers of employees at SAMCOR since July 1, 1977. In fact, there has been a decline.

(d) There has been an increase of 88 in the strength of the Police Force (including police cadets) since July 1, 1977.

(e) There has been an increase of 374 employees within the Hospitals Department since July 1, 1977.

FISHING LEGISLATION

Mr. BLACKER (on notice):

1. Does the Government intend to introduce legislation (including regulations) to prevent the taking of—

(a) blue groper; or
(b) bearded sea dragon,

and, if so, when?

2. If action is contemplated, is it to be done with the approval and support of the Australian Fishing Industry Council?

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

1. *(a)* Yes.

(b) The species "Bearded sea dragon" is unknown by that name locally. If this is another common term for the "leafy sea dragon", the species is already totally protected under fisheries legislation.

Comments are being sought until April 15, 1978, from interested parties on the consolidation and amendment of proclamations under the Fisheries Act. One such amendment is for the total protection of the blue groper. Action will be taken as soon as possible after that date to give effect to the proposals.

2. The Australian Fishing Industry Council has already supported the protection of the blue groper.

SCALE FISH INDUSTRY

Mr. BLACKER (on notice):

1. Is the Government presently undertaking a review of the scale fishing industry and, if so, when did such a review commence, and when is it expected that a final report will be tabled?

2. Who are the members of the review committee and what is their remuneration?

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

1. Yes. The review commenced in March, 1977, and is expected to take two years to finalise.

2. There is no formal internal committee. Research personnel meet as required by the Assistant Director (Fisheries).

TORRENS RIVER SAND

Mr. BECKER (on notice):

1. How many tonnes of sand will be removed from the Torrens River outlet at West Beach and:

(a) where is the sand to be deposited; and
(b) what is the actual or estimated cost ot the project?

2. To what depth is the sand being removed from the beach, and what is the reason for such excavation?

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

1. 45 000 cubic metres.

(a) 15 000 cubic metres will be deposited at North Glenelg, and 30 000 cubic metres at Seacliff.
(b) $58 500.

2. Sand is being removed from an area bounded by the mean high water mark and the mean low water mark. The excavation varies from zero at the mean low water mark to approximately one metre at the mean high water mark. Sand is being used for replenishment of southern metropolitan beaches northwards from Seacliff.

YATALA PRISON CANTEEN

Mr. BECKER (on notice):

1. Was the canteen at Yatala Prison broken into recently and, if so:

(a) when;
(b) what was stolen;
(c) what damage occurred;
(d) how may persons were apprehended;
(e) were the stolen goods, if any, recovered;
(f) where were the goods, if any, hidden; and
(g) what was the total cost of goods, if any, stolen?

2. What action has been taken against the offenders?

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

1. No.

2. Not applicable.

MINISTERS' WIVES

Mr. MILLHOUSE (on notice):

1. For how long has Mrs. Brian Chatterton been employed by the Government, and does her employment conform with the policy set out in the Premier's letter to me of July 29, 1977?

2. Does the policy concerning wives working in the offices of Ministers set out in that letter still stand and, if not, what is now the policy of the Government on this matter, and why has it been changed?

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

1. Mrs. Chatterton has been employed by the South Australian Government since November 2, 1975. Her present position conforms with the policy set out in the Premier's letter of July 29, 1977.

2. Yes.

GOVERNMENT VEHICLES

Mr. DEAN BROWN (on notice):

1. Under what conditions are employees of Government entitled to drive Government vehicles to their place of residence at the completion of each days work?

2. What is the estimated number of Government employees who regularly drive a Government vehicle to and from work and their place of residence?

3. What is the estimated number of employees in statutory authorities who regularly drive a Government registered vehicle to and from work and their place of residence?

4. What restrictions or conditions are imposed on Government employees or any other person on the use of Government registered vehicles for private use?

5. What is the estimated total number of Government registered motor vehicles within South Australia and how many of these vehicles are operated by each Government department and statutory authority?

6. Do any of the Ministerial staff of the Premier or other Ministers have the regular use of Government registered vehicles and, if so, which staff members are involved?

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

1. In October, 1975, Cabinet approved a recommendation from the Public Service Board as follows:

> If requested, self-drive vehicles be permanently allocated to all officers classified EO-5 level and above for their official use and home to office travel. These officers should be encouraged to allow their staff access to the vehicle when not required but should be under no obligation to do so. Allocation of vehicles to other officers should be considered individually on the basis of need, and the necessary approval obtained.

This accorded with a recommendation by a Motor Vehicle Utilisation Committee set up by the board in December, 1973, to examine all aspects of motor vehicle usage in the Public Service.

2.

Department	No. of Employees
Department of Agriculture and Fisheries	145
Art Gallery Department	1
Auditor-General's Department	4
Department for Community Welfare	11
Department for Corporate Affairs	1
Department of Correctional Services	16
Department of Economic Development	6
Education Department	162
Electoral Department	0
Engineering and Water Supply Department	190
Department for the Environment	50
Department of Further Education	3
Highways Department	95
Hospitals Department	22
Department of Housing Urban and Regional Affairs	4
Department of Labour and Industry	60
Department of Lands	85
Law Department	12
Libraries Department	included in Education
Department of Marine and Harbors	42
Department of Mines and Energy	4
Police Department	50
Premier's Department	9
Public Buildings Department	156
Department of Public and Consumer Affairs	28
Department of the Public Service Board	3
Department of Services and Supply	1
Supreme Court Department	0
Department of Tourism, Recreation and Sport	1
Department of Transport	13
Treasury Department	4
Woods and Forests Department	48
Total	1 226

3. Information on this portion of the question is not readily available to the Public Service Board as the board is not aware of all statutory authorities.

4. Government employees or any other person are not permitted the use of Government registered vehicles for private use.

5. Details of all motor vehicles registered on "G" disc at Motor Registration Division as at March 1, 1978, are as follows:

Vehicles registered by Government departments and statutory authorities under the "G" scheme have an accounting period commencing March 1, in each year. Statistics as at March 1, 1978 are as follows:

Departments	Vehicles	Cycles	Trailers	Total
Electricity Trust of S.A.	1 475	1	625	2 101
Engineering and Water Supply	2 891	1	1 716	4 608
Marine and Harbors	119		61	180
Highways	1 831		680	2 511
Lands	222	3	49	274
Mines and Energy	149		114	263
State Transport Authority				
Bus and Tram Division	902		13	915
Rail Division	74		52	126
Woods and Forests	327	2	46	375
Education	808		128	930
Agriculture and Fisheries	525	19	143	687
Police Department	758	208	97	1 063
Public Buildings	698		111	809
Hospitals	324		19	343
Services and Supply (Chemistry Div.)	3		1	4
Tourism, Recreation and Sport (Tourism)	2			2
Services and Supply (State Supply Div.)	23			23
Roseworthy Agriculture College	36	2	20	58
Labour and Industry	78			78
Public Service Board	2			2

Departments	Vehicles	Cycles	Trailers	Total
Services and Supply (Govt. Printing Division)	6			6
Public and Consumer Affairs (Public Trustee Branch)	4			4
Services and Supply (Product Section)	3			3
Housing, Urban and Regional Affairs (South Australian Land Commission)	8			8
Tourism, Recreation and Sport	11		1	12
Premier's Department Office of the Ombudsman	1			1
S.A. Council for Education Planning and Research	2			2
State Transport Authority Administration Division	5			5
Further Education	57	2	16	75
Public and Consumer Affairs Builders Licensing Board	7			7
West Beach Recreation Reserve Trust Inc.	22	1	7	30
Marine and Harbors (A/c B)	58		86	144
Alcohol and Drug Addicts Treatment Board	3			3
South Australian Meat Corporation	45		5	50
South Australian Housing Trust	451		107	558
Adelaide Festival Centre Trust	4			4
Planning Appeal Board	1			1
South Australian Craft Authority	1			1
Aboriginal and Historic Relics Board	2			2
Environment (Coastal Protection Board)	3		2	5
Pipelines Authority of S.A.	74	2	26	102
Environment (Museum Division)	10		4	14
Kindergarten Union of S.A.	26			26
Public and Consumer Affairs Admin. Division	5			5
Law Department Courts Administration Division	19			19
Services and Supply Administration Division	2			2
University of Adelaide	86	12	41	139
E. & W.S. (Minister of Works)	1			1
Public and Consumer Affairs Licensing Branch	7			7
Public and Consumer Affairs Standards Branch	32		9	41
S.A. Meat Corporation Port Lincoln Branch	4		2	6
Economic Development	6			6
Environment (National Parks and Wildlife Division)	79	13	42	134

The totals for all departments and authorities are:

Vehicles	13 193
Cycles	311
Trailers	4 310
	17 814

An analysis by type of vehicle shows:

Sedan	3 130
Tourer	2
Ambulance	1
Station Wagon	1 548
Other passenger	6
Utility	1 735
Panel Van	549
Truck	1 331
Van	223
Tipper	775
Articulated	53
Low Loader	7
Log Truck	2
Other Goods Carrying	110
Tanker	40
Street Sweeper	4
Concrete Agitator	9
Towtruck	3
Tower Wagon	3
Fire Appliance	39
Other Commercial	380
Bus	1 393
Camper Van	2
Grader	134
Tractor	699
Fork Lift	90
Bulldozer, etc.	620
Front End Loader	305
	13 193

Cycles

Solo Cycle	306
Cycle with sidecar	2
Auto Cycle	1
Scooter	1
Other Cycles	1
	311

Trailers

Machines on wheels	1 682
Concrete Mixers	307
Caravans	718
Goods Trailers	1 596
Horse Float	7
	4 310

This does not include vehicles registered by those departments and authorities which have been exempted from the "G" scheme. The number of vehicles registered

by each of these organisations is not available from the records of the division. This includes:

Savings Bank of South Australia
State Bank of South Australia
State Government Insurance Commission
Adelaide College of Advanced Education
Flinders University
Institute Association of South Australia
Kingston College of Advanced Education
Libraries Board of South Australia
Murray Park College of Advanced Education
Public Examinations Board
Salisbury College of Advanced Education
South Australian Board of Advanced Education
South Australian Institute of Technology
Sturt College of Advanced Education
Teachers Registration Board
The Teachers Housing Authority
Torrens College of Advanced Education
Australian Barley Board
Betting Control Board
Citrus Organisation Committee
Metropolitan Milk Board
Metropolitan Taxi-Cab Board
Phylloxera Board
Racecourse Development Board
South Australian Cooperative Bulk Handling Limited
South Australian Egg Board
South Australian Potato Board
South Australian Totalizator Agency Board
South Australian Trotting Control Board
Australian Mineral Development Laboratories

In addition 116 vehicles are registered under normal registration:

Department	Number of Vehicles
Agriculture and Fisheries	1
Community Welfare	6
Premier's Department	2
Public and Consumer Affairs—Consumer Affairs Branch	2
Environment—National Parks and Wildlife Division	1
University of Adelaide	1
Minister of Works	1
S.A. Police Department	74
Transport—Government Motor Garage	28
	116

6.	No. of vehicles	Staff
Minister of Community Welfare	2	Secretary to Minister Press Secretary
Premier	2	Executive Assistant Secretary to Minister
Total	4	

Department	Vehicles	Cycles	Trailers	Total
Hospitals Department—(Health Services Division)	144	2	32	178
Institute of Medical and Veterinary Science	40		3	43
Environment (Environment Div.)	11		1	12
Correctional Services	67		9	76
Community Welfare	330	1	25	356
Auditor-General's	6			6
Environment (Botanic Gdns. Div.)	21	1	3	25
Transport (Govt. Motor Garage)	35			35
Hospitals—(Group Laundry and Central Linen Service	21			21
Premier's	14			14
Transport (Motor Registration Div.)	5	18		23
Lotteries Commission of S.A.	3			3
Lands (Valuer-General's Office)	41			41
Housing, Urban and Regional Affairs—State Planning Authority	15		2	17
Public and Consumer Affairs—Consumer Affairs Branch	17			17
Transport (Administration, Planning and Policy Division)	11			11
Treasury (State Superannuation Office)	3			3
Transport (Road Safety Council)	18	18	2	38
Environment (Administration Div.)	53	5	7	65
Chief Secretary's Office	1			1
Libraries	4			4
The South Australian Film Corp.	13		1	14
The Art Gallery of S.A.	5			5
Monarto Development Commission	22		2	24
Treasury	1			1

PORT LINCOLN ABATTOIR

Mr. DEAN BROWN (on notice):

1. With regard to the Port Lincoln Abattoirs, what was the profit or loss for the period July 1, 1976, to March 9, 1977, when the abattoirs were under the State Supply Department control but not part of Samcor?

2. What was the throughput of sheep, cattle, lambs and pigs for these abattoirs for the period March 9, 1977, to June 28, 1977?

3. How many employees were employed at these abattoirs as at June 28, 1977?

4. What were the individual book values of current assets, fixed assets, current liabilities, and long term liabilities at the Port Lincoln Abattoirs at March 9, 1977 (at the time of transfer), and on June 30, 1976, and what are the details of any revaluation of fixed assets for the 12 months prior to transfer?

5. In the statement of assets and liabilities, as at June 28, 1977, Samcor Annual Report, what are the details of the funds of $690 945 held by the Treasurer of South Australia.

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

1. $915 835 loss.
2. Sheep 43 023
   Cattle 5 532
   Lambs 8 160
   Pigs 3 274
3. 283.

4. Current Assets	9.3.1977		28.6.1977	
	$		$	
Stores on hand	183 346		176 438	
By-product stock on hand	125 693		8 801	
Sundry debtors	342 976		120 641	
Cash on hand	—		994	
S.A. Treasurer				
—Leave paid	—		83 056	
—Loss	—		607 889	
Prepayments	—		6 750	
	652 015		$1 004 569	
Fixed Assets				
Land and buildings	2 211 728		2 217 267	
Plant and vehicles	1 147 060		1 119 596	
	3 358 788		3 336 863	
Less depreciation	630 890	2 727 898	641 668	2 695 195
Capital works in programme		—		7 121
		$2 729 898		$2 702 316
Current liabilities				
Sundry creditors		79 854		163 816
Bank overdraft		—		132 109
		$79 854		$295 925
Long term liabilities		nil		nil
Provisions				
Accrued annual leave		nil		54 133
Accrued long service leave		nil		5 695
Provision for workers' compensation		nil		51 074
		nil		$110 902

There was no revaluation of fixed assets during the 12 months prior to transfer.

5. The amount of $690 945 shown against Treasurer of South Australia, under the heading of Current Liabilities as at June 28, 1977, represented:

Leave accrued at 8/3/77 and paid by Samcor	83 056
Loss	607 889
	$690 945

REAL PROPERTY ACT

Mr. MILLHOUSE (on notice): Is it proposed to introduce legislation to amend section 69 of the Real Property Act and if so, when and what amendment is proposed?

The Hon. PETER DUNCAN: When the contracts review legislation is passed by Parliament consideration will be given to amending section 69 of the Real Property Act to protect purchasers when dealing with an owner of an interest in land by an unjust contract within the meaning of the Contracts Review Act.

HOUSEHOLD WASTE

Mr. BECKER (on notice): What action does the Government now propose to take to control or regulate household waste burning?

The Hon. J. D. CORCORAN: No action will be taken, pending the establishment of a waste disposal authority.

CAREERS EDUCATION PROGRAMME

Mr. MILLHOUSE (on notice): Is there a careers education programme operating in Government schools and if so—

(a) in which ones;

(b) does this programme consist of job observation and job experience;

(c) for how long does the student participate in it;

(d) has an agreement been made with trades unions and if so, which unions, concerning wages to be paid to students by employers when engaged in the programme;

(e) who negotiated on behalf of the Minister and who on behalf of the unions; and

(f) does this arrangement mean that students must be paid a full adult wage, after the first day with an employer, or, if not, what wages are to be paid?

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

Yes.

(a) *Metropolitan secondary*—Adelaide Girls, Banksia Park, Campbelltown, Christies Beach, Fremont, Glenunga, Ingle Farm, Marion, Mawson, Mitcham Girls, Mitchell Park, Modbury, Morphett Vale, Para Hills, Parks Community Centre, Smithfield Plains, Strathmont, Taperoo, Thebarton Community Centre, Wirreanda, Woodville.

Country secondary schools—Augusta Park, Eyre, Gawler, Grant, Kadina, Millicent, Minlaton, Mt. Gambier, Murray Bridge, Port Augusta, Port Lincoln, Renmark, Stuart.

Area schools—Allendale East, Ceduna, Coober Pedy, Kingscote, Maitland, Parndana, Yorketown.

Special schools—Gepps Cross, Kensington.

(b) Yes.

(c) The broad career education programmes vary in length according to the particular school, the amount of time allotment depending on staffing and school and district resources, and the overall curriculum provided for the particular student. Work experience component is strictly governed by time limits as follows—a student shall not be employed for more than 36 days during any school year nor more than 12 days during any school term;

Not more than six arrangements shall be made on behalf of the same student for employment during any school year, and not more than two of those arrangements shall be made for employment during any school term;

The period of employment in respect of any arrangement shall not exceed a total of 12 days.

(d) An agreement has been made with the United Trades and Labor Council and the S.A. Public Service Association.

(e) The Standing Committee for Work Experience, the United Trades and Labor Council and the South Australian Public Service Association.

(f) Schools are required to negotiate with employers on the following basis:

1. That payment to work experience students is not required, provided the tasks performed by a student with an employer change from day to day. The standing committee has agreed that, if a student performs the same task for more than one day with an employer, payment is to be made according to the appropriate award.
2. In the case of State awards, provided provision 1. above is observed, it is possible that other arrangements for payment may be made between the school, the student and the employer. However, it is anticipated that most students will not be paid.

ANANDA MARGA

Mr. MILLHOUSE (on notice): Has the Premier received a letter dated February 9, 1978, from Mr. James Roxburgh concerning the activities of Ananda Marga and, if so, has a reply yet been sent and, if not, why not?

The Hon. D. A. DUNSTAN: Yes. A reply was sent on March 13, 1978.

Mr. W. C. LANGCAKE

Mr. MILLHOUSE (on notice): Can the Premier reconcile the statement in his letter to me dated February 21, 1977, defending the appointment of Mr. W. C. Langcake as a Licensing Court magistrate, namely "It is not inappropriate that non-lawyers should sit on administrative tribunals" with the answer given to me by the Attorney-General on Tuesday, March 7, this year that "Mr. Langcake has carried out judicial functions that are specified under the Licensing Act" and if so, how?

The Hon. D. A. DUNSTAN: The statements are not in conflict.

Mr. B. M. EVES

Mr. MILLHOUSE (on notice): Has Mr. B. M. Eves been an officer in the National Parks and Wildlife Division of the Environment Department and, if so—

(a) for how long;

(b) what position has he held;

(c) has he resigned, why, and when does his resignation take effect?

The Hon. J. D. CORCORAN: Yes. *(a)* 5 years 8 months; *(b)* Inspector and Senior Inspector; and *(c)* No.

ELECTORAL DEPARTMENT

Dr. EASTICK (on notice):

1. Has the Electoral Department prosecuted any persons for having failed to vote at the 1977 State election, and what were the numbers who failed to vote in each electorate and the number of prosecutions in each electorate?

2. Is the Electoral Department still processing inquiries relating to an alleged failure to vote and how recently have such inquiries been instituted and, if so, why are the inquiries so late relative to the date of the elections?

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

1. *(a)* The State Electoral Department has not yet prosecuted any persons for having failed to vote at the 1977 State election. Complaints have been laid against 83 electors who did not vote and who did not give a sufficient or valid reason for not having done so. In the case of 364 electors whose reasons were not considered to be valid and sufficient a penalty of $3 has been imposed by the Electoral Commissioner. A list of electors who failed to respond to notices seeking information on why they did not vote is being processed with a view to laying complaints:

(b) The numbers of electors who failed to vote in each electorate are as follows:

Adelaide	1 725
Albert Park	936
Alexandra	1 070
Ascot Park	972
Baudin	1 210
Bragg	1 462
Brighton	956
Chaffey	1 160
Coles	984
Davenport	1 238
Elizabeth	1 334
Eyre	1 750
Fisher	1 212
Flinders	751
Florey	1 208
Gilles	1 110
Glenelg	1 252
Goyder	887
Hanson	1 261
Hartley	1 111
Henley Beach	1 096
Kavel	980
Light	1 016
Mallee	865
Mawson	833
Mitcham	1 221
Mitchell	1 141
Morphett	1 185
Mount Gambier	878
Murray	1 066
Napier	1 401
Newland	1 109
Norwood	1 680
Peake	1 211
Playford	1 113
Price	1 127
Rocky River	777
Ross Smith	958
Salisbury	1 351
Semaphore	1 228
Spence	1 131
Stuart	1 003
Todd	895
Torrens	1 699
Unley	1 668
Victoria	968
Whyalla	1 075

It is not possible at this stage to supply the numbers of persons in each electorate who are to be prosecuted, because the total number of persons against whom complaints are to be laid has not yet been settled—see 1 *(a)* above.

2. Except for the final processing of the list of electors who failed to respond to the notices sent out, the department is not still processing inquiries. The first

notices to electors who apparently failed to vote were posted on December 2, 1977. Second and third notices have subsequently been sent to those electors who failed to reply. Since the State general elections the department has been actively involved in the Commonwealth resubdivision and subsequent general elections and also in work in connection with rolls for local government elections.

ADOPTED PERSONS CONTACT REGISTER

Mr. WOTTON (on notice):

1. What is the Adopted Persons Contact Register?
2. What is the purpose of such a register?
3. When was this register started?
4. Was this register instituted as a result of legislation and, if not, why not?
5. Does this register involve or include adopted people under the age of 18 years and, if it does not, is it intended that the Government will take action to include adopted people under 18 years of age?

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

1. A register of names of biological parents and adoptees who wish to re-establish contact.
2. To facilitate contact where both parties seek it voluntarily.
3. August, 1977.
4. No, not necessary.
5. Yes, if the adoptive parents agree.

EDUCATION DEPARTMENT

Mr. WOTTON (on notice):

1. What is the policy of the Education Department regarding the employment of married women as part-time library assistants in primary schools?
2. Does the principal of a school have any jurisdiction over whether married women are employed for this work or not?

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

1. It is not clear from the question whether the honourable member is referring to teacher librarians or to ancillary staff members who work as school assistants in the library. If he is referring to teacher librarians, the Education Department has no policy of discrimination positively or negatively against a woman because of her marital status. The principal of a school has no jurisdiction over the marital status of his teacher librarian.

If the honourable member is referring to a member of a school's ancillary staff, the answer remains the same concerning the Education Department's policy. However, the principal of a school recommends on the appointment of ancillary staff to his school. The principal is expected to recommend that applicant whose qualities will bring greatest benefit to the children in that school, irrespective of the sex or marital status of the applicant.

2. See above.

COURTS

Mr. BECKER (on notice):

1. Is the Government satisfied that the courts are imposing sufficiently stringent penalties to deter—
   (a) murder;
   (b) rape;
   (c) drug trafficking and taking;
   (d) arson;
   (e) bombing;
   (f) wilful damage of property; and
   (g) common assault occasioning grievous harm?
2. What action is being taken to deter such crimes?
3. Does the Government support publication of names and penalties of those convicted of major crimes and, if not, why not?

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

1. It is the function of the courts to impose such penalties as they consider appropriate within the limits laid down by the law. The Government believes that the State's judges, magistrates and justices carry out their judicial duties in a responsible manner. The Criminal Law and Penal Methods Reform Committee has recently submitted its report on *The Substantive Criminal Law*, and the Government is now considering the recommendations of that committee relating to the offences referred to.
2. The Government is particularly concerned about the crimes referred to, particularly those involving violence. It has adopted the policy of continuously watching this area of the criminal law. To facilitate research into these and other serious crimes, the Government is establishing an office of crime statistics.
3. Generally, the Government accepts the practice of the media publishing names of convicted persons after the conviction and the publication of details of penalties.

BUILDING SOCIETIES

Mr. BECKER (on notice): Has an *ad hoc* Building Societies Advisory Committee been formed and, if so:

(a) who are the members of the committee; and
(b) what is the purpose of the committee?

The Hon. D. A. DUNSTAN: Yes.

(a) Its members are Mr. I. S. Weiss, Public Actuary, Chairman; Mr. H. R. Bachmann, Deputy Director General, Premier's Department; Mr. A. M. Smith, Director, Economics Division, Department of Economic Development; and Mr. G. F. Hiskey, S.M., Registrar of Building Societies, Executive Officer.

(b) The purpose of the committee is to give advice to the Registrar on matters of investment and financial policy relative to building societies.

POLICE DEPARTMENT

Mr. BECKER (on notice): Has the Police Department leased premises for the relocation of the Commissioner's office and other offices, and if so:

(a) at what location;
(b) what is the annual rental of the property;
(c) what is the estimated cost of alterations and furnishing the premises;
(d) what other offices or sections of the department will be located in the premises; and
(e) what staff facilities will be included on the premises?

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

Negotiations have been completed to lease office accommodation to house the administrative staff of the Police Department.

(a) 201-203 Greenhill Road, Eastwood.
(b) $127 776 per annum.
(c) The commissioning costs are estimated by the Public Buildings Department to be approximately $200 000.

(d) In addition to the Commissioner of Police, his Deputy and three Assistant Commissioners and their administrative and clerical support staff, the following management functions will also transfer:
(1) Buildings and supply;
(2) Organisational services;
(3) Special projects.
(e) Staff toilets, female rest rooms and luncheon facilities.

MINISTER'S VISIT

Mr. BECKER (on notice): Is the Minister of Transport embarking on an overseas visit this year and, if so:
(a) when and for how long;
(b) which countries will be visited;
(c) for what purpose;
(d) who will accompany the Minister; and
(e) what is now the estimated cost of such a visit?

The Hon. G. T. VIRGO: Yes.
(a) June 6 to July 20, 1978.
(b) France, Hong Kong, Japan, Soviet Union, Sweden, United Kingdom.
(c) Attend the International Conference "Public Transport Systems in Urban Areas", in Goteborg, Sweden. South Australia's innovative public transport planning procedures are the subject of international attention, and the South Australian Government is the only Government or Administration in the southern hemisphere invited to give a paper at the conference. At the same time, the Minister will be examining the latest concepts in corridor transportation so that South Australia can benefit from modern overseas transport trends. This is vitally important, as the Government is about to embark on the construction of a major new transport facility to the north-east, and any savings that can be made in the light of overseas experience will be of critical importance.
(d) The Minister's wife, the Director-General of Transport (Dr. D. Scrafton), and the Minister's Executive Assistant (Mr. R. Stiggants).
(e) $13 628 not including daily expenses.

BICYCLES

Dr. EASTICK: (on notice):
1. What projects does the Government intend to implement, if any, to encourage cycling as a means of private transport in the metropolitan area?
2. Has the Government considered the registration of bicycles and if so, when was the matter considered and what are the significant details of the consideration?

The Hon. G. T. VIRGO: The replies are as follows:
1. The Government has established a fund to assist local government councils to undertake projects aimed at encouraging cycling within their cities or districts. The initial demonstration cycle tracks in the Adelaide park lands were set up as examples. The Government now expects the local communities to continue the work through their local councils.
2. The Government has considered the registration of pedal bicycles many times, but has decided against doing so on each occasion.

COMMUNITY WELFARE OFFICES

Mr. ALLISON (on notice):
1. Is the Minister aware that his departmental staff are working in very overcrowded conditions in their Mount Gambier offices?
2. Has the Minister considered seeking alternative or additional temporary accommodation?
3. When is the old house, situated on departmental land in Elizabeth Street, Mount Gambier, and currently being used as a refuge for alcoholics, scheduled for demolition?
4. When will permanent Community Welfare Department offices be scheduled for construction on that site?

The Hon. R. G. PAYNE: The replies are as follows:
1. Yes.
2. Yes. The Public Buildings Department has been requested to make some minor alterations to upgrade the department's premises in Elizabeth Street, Mount Gambier, to provide additional office accommodation.
3. The Corporation of the City of Mount Gambier has requested that the house on departmental land at Elizabeth Street be demolished within six months. As the house is used to accommodate homeless men who are mainly alcoholics, the matter of alternative accommodation for these men is being discussed between the Management Committee of Bethesda and the Alcohol and Drug Addicts Treatment Board. Following vacation, arrangements can be made for demolition of the house in accordance with the council's request.
4. Construction of the proposed Community Welfare Centre at Mount Gambier is scheduled to commence in August, 1979, subject to the approval of the Parliamentary Standing Committee on Public Works.

MEALS ON WHEELS

Mr. ALLISON (on notice):
1. Is the Minister aware that when the Mount Gambier Gas Company was owned by a Victorian parent company the price of gas supplied to the Mount Gambier Meals on Wheels organisation was at the domestic tariff of 33 cents per unit, and that since SAGASCO has taken over that company the rate has been increased to a commercial rate of 74 cents per unit?
2. Will the Minister recommend a reversion to the domestic tariff in view of the fact that Meals on Wheels is a non-profit-making public service organisation?

The Hon. HUGH HUDSON: The replies are as follows:
1. No.
2. The matter is one for determination by South Australian Gas Company. However, the questions raised will be taken up with the company.

FOOD FACTORIES

Mr. ALLISON (on notice): Does the Minister intend to introduce legislation making it compulsory for employees in certain food factories to wear freshly laundered uniforms each day and if so, what specific industries will be included in such legislation and when will it be introduced?

The Hon. R. G. PAYNE: No.

SPEECH THERAPISTS

Mr. ALLISON (on notice):
1. How many speech therapists graduated from South Australian colleges in 1977?
2. How many speech therapists will be in training for

graduation in each of the next five years, 1978 to 1982?

3. What are South Australia's anticipated requirements for speech therapists in that period in the—

(a) Health Department.

(b) Education Department; and

(c) Community Welfare Department?

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

1. Nil: first graduates in May 1978, about 16.

2. Allowing for some wastage in third year, about 58.

3. (a) About 24.

(b) About 22.

(c) Nil. The Community Welfare Department uses, jointly, Education Department speech therapists.

FIRE-FIGHTING EQUIPMENT

Mr. ALLISON (on notice):

1. Was the cost of maintaining fire-fighting equipment and refilling of extinguishers at schools borne by the Public Buildings Department?

2. Is this cost now borne by individual schools?

3. Does the Minister recognise the risk of some schools allowing their fire-fighting equipment to deteriorate because of shortage of funds and, if so, will the Minister recommend a reversion of responsibility to the Public Buildings Department?

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

1. No.

2. No.

3. Fire-fighting equipment does not deteriorate because of a limitation of funds, as they are provided by the Education Department.

AIRPORT SITES

Mr. DEAN BROWN (on notice):

1. Does the Government have any sites under consideration as possible new airport sites to serve the Adelaide metropolitan area and, if so, where are these sites and for what type of airport would they be suitable?

2. Is the Government considering a site north of St. Kilda as a potential site for a major new domestic airport?

3. Is the Government still considering an airport site near Willunga?

4. Is the Government still considering an airport site near Monarto?

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

1. The Joint Government Advisory Committee on Adelaide's Airline Airport requirements, which was established in 1973, has through various working groups been giving extensive and detailed consideration to existing airport sites and possible alternatives or additional sites for the purpose of serving the needs of the Adelaide metropolitan area in respect of regular public transport and general aviation. The sites under consideration are understood to have included the existing sites at Adelaide, Parafield and Edinburgh, and sites north and south of Adelaide, in various combinations of functions. The joint committee has not yet reported to the State and Federal Ministers of Transport and the committee's proposals are not therefore at this stage before the Government for consideration.

2. Vide 1.

3. In view of a decision of the Federal Government not to purchase land affected by the proposed general aviation airport site at Aldinga, the State Government has directed that the site be removed from the Metropolitan Development Plan. A draft supplementary development plan to effect this among other things has been the subject of recent public exhibitions by the State Planning Authority.

4. Vide 1.

RECREATION TRAILS

Mr. WOTTON (on notice):

1. Has the recreation trails legislation announced in 1976 been drafted and, if so, when is it anticipated that this legislation will be introduced and if not, why not?

2. When is it anticipated that the Heysen Trail will be completed?

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

1. (a) No. (b) The Heysen Trail project is to be incorporated with the State-wide walking track system administered by the Tourism, Recreation and Sport Department.

2. It is anticipated that progress on the Heysen Trail will be accelerated following its transfer to the Tourism, Recreation and Sport Department. No commitment can be given to a completion date for the whole trail.

AIR CHARTER SERVICES

Mr. DEAN BROWN (on notice):

1. Why has the Premier not answered or acknowledged my letters to him of August 24, 1977, and December 20, 1977, concerning air charter services booked by Mr. R. Bail for a staff member of the Premier's Department?

2. Does the Premier intend to answer or reply to these letters?

3. Does the Premier regularly fail to answer correspondence sent to him?

4. Has the Premier's Department ever challenged the validity of the account submitted to the Premier's Department by Mr. J. Halliday for these air charter services?

5. Was Ms. D. Sussman an employee of the Premier's Department on or about April 22, 1977?

6. Was Ms. Sussman working on Kangaroo Island on April 22, 1977, and did she fly to Adelaide that day and if so, for what reason and how was this flight made?

7. Did Ms. Sussman fly to Kangaroo Island on April 25, 1977, to continue her work there on behalf of the Government and if so, how was this flight made?

8. What was the reason for this trip to Adelaide by Ms. Sussman?

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

1. There is no record in the administration division of letters dated August 24, 1977, or December 20, 1977, concerning air charter services booked by Mr. R. Bail.

2. See above.

3. No.

4. Yes. It is understood that Mr. J. Halliday lived at the same address as Mr. D. Bail who was then employed in this department and that he undertook to fly Mr. Bail to Kangaroo Island on a weekend. No official order was issued nor was any authorisation given. Apparently there was subsequently a financial dispute between the parties but the department is in no way involved.

5. No.

6. Not known.

7. Ms. Sussman has not been an employee of the Premier's Department. If she was undertaking Government work then it would assist to know which department she worked for so that further inquiries could be made.

8. Not known.

COAL DEPOSITS

Mr. ALLISON (on notice): Has the Mines and Energy Department ever investigated the presence of sub-bituminous coals in the vicinity of Moorlands Corner (on the Tailem Bend to Meningie road) and, if so, is the deposit commercially viable?

The Hon. HUGH HUDSON: The tertiary brown coal deposit at Moorlands was drilled by the Mines and Energy Department during the periods 1920 to 1932 and 1947 to 1953. Proven reserves are 31 750 000 tonnes of brown coal with a ratio of overburden to coal of about 5:1. The Electricity Trust of South Australia looked at the possibility of development several years ago, but considered that the deposits were too small to provide a source of fuel for other than a limited local requirement. At present the deposits are being assessed by Adelaide Brighton Cement Limited.

LIBRARIES SALARIES

Mr. ALLISON (on notice):

1. What are the proposed salary scales for the Assistant South Australian State Librarian?
2. Are the salaries of the State Librarian and Assistant State Librarian favourably comparable with similar positions in other States of Australia?
3. Are senior State Library salaries currently under review by the Public Service Board?

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

1. It is $19 968-$20 579.
2. The usual relativity of salaries of both positions is significantly less in South Australia than New South Wales and Victoria, and slightly greater than in Queensland and Tasmania.
3. Manpower, classifications and salaries are included in a review of the Libraries Department at present being undertaken by the Public Service Board.

PENSIONER ACCOMMODATION

Mr. ALLISON (on notice):

1. Since the release of the Radford Report on needs of the aged in the South-East, how many homes have been specifically provided by the South Australian Housing Trust for the aged and where are they situated?
2. How many homes are to be provided for the aged in that area in 1978 and 1979, respectively?
3. Is there to be any special provision for single persons' aged accommodation?

The Hon. HUGH HUDSON: The replies are as follows:

1. Since the release, in October, 1976, of the Radford Report on the needs of the aged in the South-East, the trust has purchased three older houses in Mount Gambier for use as pensioner accommodation. These houses are being altered and renovated to provide suitable accommodation for aged people. Two of these houses have already been converted and the third is currently being altered. When completed, they will provide six flats and one two-bedroom house, located as follows:

Jubilee Highway	two bedroom house
Edward Street	1 single and 1 two-person unit
Francis Street	4 single person units

2. Mount Gambier, as well as other country towns and cities, needs more aged persons' accommodation, though Federal funding will determine future building rates. The nature of structure of funding from this source beyond the end of June, 1978, is not known at this stage, and current funds are naturally fully committed until that time.
3. Any future programme for the construction of aged persons' housing which may be undertaken by the trust in Mount Gambier would include a proportion of both single and two-person units.

SHOP-FRONT LIBRARIES

Mr. ALLISON (on notice): Have any properties yet been acquired for the provision of emergency shop-front library services in metropolitan or rural areas of South Australia and if so, where are they, when will they open and for how many hours per week and if not, what is the reason for the delay?

The Hon. D. J. HOPGOOD: It is expected that public libraries will be opened in the Woodville council area as follows: a mobile service in May, a fixed library in the Woodville Institute Building in June, and a fixed library in the West Lakes Mall in July. In the Port Adelaide council area the existing demonstration mobile unit will be taken over by the council in July; it is expected that a fixed library will open in the Port Adelaide Institute building in July, and in premises yet to be decided in August. The proposed hours of opening have not yet been determined and will be matters for decision by the councils concerned following discussions with the Libraries Board. Negotiations are continuing with other councils in the western suburbs for the establishment of further libraries.

SOLDIER SETTLEMENT LEASE

Mr. ALLISON (on notice):

1. In the event of death of the ex-service holder of a soldier settlement lease is the lease automatically transferred to his surviving spouse?
2. Is the lease then transferable to the children of the deceased lessee and if so, can the children convert the lease or leases to freehold at the same valuation applicable to the deceased lessee, or at a higher valuation?

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

1. On the death of a soldier settler who is an eligible person in the terms of the War Service Land Settlement Agreement Act the widow or spouse can have the lease transmitted to her and is accredited the status of an eligible person (subject to the will of the settler).
2. A War Service Perpetual Lease is transferable to the children subject to the Minister of Lands' consent. The children of the deceased lessee as a lessee(s) of a War Service Perpetual Lease may apply to freehold. The freeholding price is fixed in the lease and is not subject ro reassessment.

BAKERY COMPLEX

Mr. ALLISON (on notice):

1. What was the total cost of establishing the bakery complex at Regency Park College?
2. How many staff are currently employed there?
3. How many apprentice trainees are currently in receipt of instruction there?
4. How many apprentices have so far completed training as bakers?

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

1. The bakery is part of a complex to serve cake, pastry-making and bakery; the identification of an individual cost for the bakery is not possible because it is an integral part of the total School of Food complex. However, an order of cost for this area is in the region of $500 000.

2. No baking teaching staff are employed there but there are three lecturers in cake and pastry making, one of whom has also had wide baking experience.

3. No apprentices are in receipt of bakery instruction there because of the protracted negotiations between the bread industry and the Labour and Industry Department for commencing training for bakery apprentices, but there are 99 apprentices in cake and pastry making.

1st Year	43
2nd Year	40
3rd Year	16.

4. No apprentices have so far completed training as bakers but 100 apprentices have completed the cake and pastry-making course.

The cake and pastry makers use the same equipment as bakers would except for two items, *viz.*, automatic bread plant and bread slicer.

FURTHER EDUCATION

Mr. ALLISON (on notice):

1. Have all existing adult migrant education programmes been reinstated and/or continued in South Australian Colleges of Further Education, subsequent upon the increased allocation of funds announced by the Federal Government on November 1, 1977?

2. What specific plans for innovatory projects in relation to Adult Migrant Education have been formulated by the Department of Further Education and have these plans been submitted to the Commonwealth Department of Education for approval and funding?

3. If plans have been submitted, what are the projects and what is their individual cost?

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

1. At any time the adult migrant education programme is fluid—some classes are closing, others opening. However, in the main, classes which were reduced in length, and activities which were reduced in number of sessions per week as a result of the initial allocation in October, 1977, were restored to their original level when an additional $159 000 was made available in November, 1977. The total adult migrant education programme is at present greater than the one which operated prior to the time the cuts were made in October, 1977.

2. In the Further Education Department's budget estimate proposal to the Commonwealth authorities, for the 1977-78 financial year, $919 000 was sought which included $381 000 for expansion within previously approved areas. The total Commonwealth allocation was $582 000 which did not allow the total expansion sought in approved areas, nor was there approval for the innovatory programmes which were included in the budget estimate proposal.

3. Innovatory projects are:

	$
Ethnic languages	19 633
Bridging Courses	6 024
Interpreters courses	2 414
Outreach and community awareness	7 760
Literacy programme	17 392
	53 223

ROSE PARK PRIMARY SCHOOL

Mr. TONKIN (on notice):

1. Has the Minister of Education received submissions from the council of the Rose Bay Park Primary School concerning an overall plan for expansion of the school property?

2. Is he aware of the School council's expressed policy that adjoining residential properties should be purchased on the open market as they become available—that is, on a voluntary basis?

3. Will he assure residents of Rose Park that the Education Department will not compulsorily acquire those properties on behalf of the school council?

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

1. Yes.

2. Yes.

3. It is general policy for the Education Department not to compulsorily acquire dwelling houses for school purposes. Unless special circumstances arise, no compulsory acquisitions will be made in relation to the expansion of the Rose Park school to provide adequate building and play space for the children.

SHOP ASSISTANTS UNION

Mr. MILLHOUSE (on notice):

1. Has the Chief Secretary received a letter dated March 10, 1978, from Mr. Michael A. Pritchard of 46 Birmain Crescent, Flagstaff Hill, making allegations against Mr. E. J. Goldsworthy and reflecting on the administration of the Shop Distributive and Allied Employees' Association, S.A. Branch and, if so, what action, if any, has been taken as a result of receipt of the letter?

2. What further action, if any, is contemplated?

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

1. A letter has been received from Mr. Michael A. Pritchard of 46 Birmain Crescent, Flagstaff Hill. Mr. Pritchard has been advised to approach the police if he considers the situation warrants investigation.

2. None.

ENVIRONMENTAL IMPACT STATEMENTS

Mr. MILLHOUSE (on notice): When, if at all, is it now proposed to introduce legislation to require, in appropriate circumstances, that environmental impact statements be prepared?

The Hon. J. D. CORCORAN: Refer to *Hansard* of March 7, 1978.

LAND COMMISSION

Mr. MILLHOUSE (on notice): What is the estimated present value of the land, either already subdivided or which it is proposed should be subdivided, owned by the Land Commission?

The Hon. J. D. CORCORAN: The estimated value of land owned by the South Australian Land Commission is $65 000 000.

MRS. BRIAN CHATTERTON

Mr. MILLHOUSE (on notice):

1. Did Mrs. Brian Chatterton's resignation from her post as Research Assistant for the Minister for the

Environment and Minister Assisting the Premier, referred to in the Premier's letter to me of July 29, 1977, ever become effective and, if so:

(a) when; and

(b) why was she again employed by the Government and when?

2. If the resignation was not effected, why not, and when was it decided, and by whom, that it should not become effective?

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

1. No. It was withdrawn shortly after the letter was sent to the honourable member.

2. By Mrs. Chatterton. Arrangements were then made that she should be attached to my Ministerial staff. Her being so attached is in accordance with the policy set out in the letter to the honourable member.

SWANPORT BRIDGE

Mr. GOLDSWORTHY (on notice):

1. Was the original design for the superstructure and deck of the Swanport bridge altered?

2. What is the estimated cost of the bridge at present?

3. Was the original proposal for a steel superstructure and deck?

4. How much is it estimated has been saved by changing the design?

5. Is the new design for the bridge considered to give the same safety and serviceability?

6. Was steel purchased for the bridge as originally designed?

7. What has happened to this steel not now to be used and if sold or otherwise used, what are the details of its sale or subsequent use?

8. What was the total cost of the steel originally purchased for the bridge?

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

1. Yes.

2. $8 300 000.

3. Yes.

4. $1 200 000.

5. Yes.

6. Some of the steel was purchased.

7. Some of the steel has been used for foundations for the Swanport bridge and for the superstructure of the Brinkley Road overpass bridge. Some has been sold through the Supply and Tender Board, with the balance temporarily remaining in stock.

8. $520 000.

IMMUNISATION

Mrs. ADAMSON (on notice):

1. How many cases of the following diseases were reported in the years 1975 to 1977—

(a) Poliomyelitis;

(b) Whooping cough; and

(c) Diphtheria?

2. What percentage of babies and five-year-olds enrolled in schools, respectively, have been immunised against these diseases?

3. By what means does the department advise parents of their responsibilities in regard to immunisation of children?

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

1. (a) Nil.

(b) Not reportable.

(c) Nil.

2. A survey of children entering school in 1975 showed that on an average throughout the State close to 80 per cent of all children under the age of two had received a full course of immunisation against diphtheria, tetanus and whooping cough; a further 7 per cent had received some immunisation. A survey of poliomyelitis immunisation in children under the age of one year showed that 75 per cent had received full immunisation and a further 15 per cent had begun a course of immunisation. The proportion of five-year-olds receiving a booster dose of diphtheria/tetanus vaccine was about 57 per cent.

3. The former Public Health Department, now the South Australian Health Commission, prepares information/publicity material in the form of immunisation schedules, posters and record cards. These are distributed to local boards of health, the Mothers and Babies' Health Association, and other providers of health services.

STATUTORY AUTHORITIES

Mr. WOTTON (on notice): How may people are employed in each of the following Statutory Authorities:

(a) South Australian Meat Corporation;

(b) Electricity Trust of South Australia;

(c) South Australian Housing Trust; and

(d) South Australian Health Commission?

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

(a) South Australian Meat Corporation—as at 7/3/78—1 898.

(b) Electricity Trust of South Australia—as at 3/3/78—5 207.

(c) South Australian Housing Trust—as at 8/3/78—1 112.

(d) South Australian Health Commission—as at 13/3/78—With the exception of the Chairman and two (2) full-time commissioners five (5) other officers of the former Department of Public Health and the present Hospitals Department have to this date been appointed to positions created under section 20 of the South Australian Health Commission Act, 1976-1977.

ENVIRONMENT DEPARTMENT

Mr. WOTTON (on notice): How many officers within the Department for the Environment are on an equivalent salary to the top three positions advertised in the new Policy and Co-ordination Division and which positions do each of these officers hold?

The Hon. J. D. CORCORAN: Four officers are on an equivalent salary. They are: Director of Administration and Finance, Director, Projects and Assessment, Chief Administrative Officer, and Senior Environmental Officer (Noise control section).

Mr. WOTTON (on notice): How many officers are currently in each of the following divisions of the Department for the Environment—

(a) National Parks and Wildlife Service;

(b) Coast Protection;

(c) Projects and Assessment; and

(d) Administrative?

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

(a) 74;

(b) 12;

(c) 39;

(d) 37.

RENAL DIALYSIS EQUIPMENT

Mr. ALLISON (on notice):

1. How many residents of the South-East of South Australia are currently receiving treatment at the renal dialysis unit in Adelaide?

2. How many former residents of the South-East of South Australia have taken up residence in Adelaide in order to receive treatment there for kidney failure?

3. How many residents of the South-East of South Australia now have dialysis machines installed in their homes?

4. Will the Minister investigate the need for renal dialysis equipment to be installed at Mount Gambier Hospital?

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

1. Six.

2. Not known.

3. Nil.

4. The provision of renal dialysis equipment at country hospitals is under continual review.

DEVELOPMENT 77

Mr. TONKIN (on notice):

1. How much of the amount of $12 330·70 for the cost of production of the book, *South Australia Development 1977* by the Department of Economic Development, is expected to be recouped by cash sales?

2. What criteria were used in compiling the free distribution list?

3. What does the Government expect to achieve by production and distribution of the book, and does its effectiveness fully justify the costs involved?

The Hon. D. A. DUNSTAN: *Development 77* was produced by the Department of Economic Development for the purpose of informing interested people within the State of current and future developments in the economy, for promoting discussion about possible changes in the structure of the economy and their effects, and for providing a detailed summary of the State economy for potential investors interstate and overseas. The publication was prepared as an information document in accordance with the above objectives. After allowing for the quantity required for promotion, publicity and information (see 2. below), the department changed the marginal cost of production for the additional copies for sale at the Information Centre.

Since the publication was prepared by only one officer in the period August to October, 1977, in addition to his normal duties, it is possible that minor inaccuracies exist. In addition, because of changes since the text was completed in November, 1977, some developments may not appear in the publication. Nevertheless, I believe *Development 77* represents a major step forward in informing the public of the nature of our economy and its possible future. Comments received from a large number of sources have been exceptionally favourable, and manufacturers, banks, associations and the public have applauded the publication. It is therefore of concern that some members have continued to criticise, "nit-pick", and object to the release of this publication. I would have thought, and now request, that the Opposition would applaud the publication and encourage the initiative of informing and educating the public, industry and commerce about the nature of the economy.

1. $300.

2. In compiling the free distribution list it was decided that a copy would be given to those who provided information for the publication, to departments, councils and public bodies (including politicians) and to the promotional outlets of the State and Commonwealth Governments. The following list details the content of the free distribution:

Governor
Commonwealth and State members of Parliament for South Australia
South Australian local government bodies
Commonwealth and State departments
Libraries
All firms contributing information to the publication, particularly those responding to the survey of manufacturing industry
Banks
Industrial and commercial associations
Trade Commissioner offices throughout the world
Foreign Affairs offices throughout the world
Promotional use by Ministers; Agent-General; South Australian trade representatives; Department officers

3. *(a)* The publication was designed to inform the public, industry and commerce about the nature of the economy, to promote discussion about future changes in and prospects for the State economy, and to serve as a promotional document for use in attracting new industry to the State.

(b) Yes.

TOBACCO

In reply to **Mrs. ADAMSON** (February 16).

The Hon. D. W. SIMMONS: The Police Department is unable to ascertain the incidence of prosecutions under the provisions of section 80 of the Community Welfare Act, which prohibits the sale of tobacco products to minors. The statistics only aggregate all offences and do not provide a detailed breakdown of individual offences under the Act. However, it is acknowledged that there are few offenders reported for this offence. Prosecutions depend upon evidence of sale, but it is not as easy to obtain the necessary proof as it would at first appear. Most sales occur in supermarkets or delicatessens, places which would not normally afford patrolmen the opportunity to observe this type of transaction and in any case a sale is unlikely to occur in the view of a uniformed police officer. Any complaint made by a member of the public is investigated but these are very rare. It may be that many parents are apathetic and do not take obvious steps to control the situation within their family circle.

The problem has also been compounded by cigarette vending machines. There is no personal element of sale in this and under existing legislation police are virtually powerless to take action against either the vendor or the purchaser where vending machines are involved and knowledge of the sale cannot be attributed to the vendor. Police could question children apparently under 16 years who are in possession of cigarettes. However, it is not an offence for children to have cigarettes, nor is there any requirement in law for a child to correctly state his age to police. When questioned, a typical response from a child is that he found the cigarettes or another lad, whose identity he does not know, gave the cigarettes to him. When a reply like this is received, the matter cannot be taken any further. Smoking by minors is a real and growing problem, as was emphasised in a recent study conducted by the National Health and Medical Research Council. The public and parents in particular, should be made aware of this problem and the adverse effect smoking can have on the health of young people.

DROUGHT

In reply to **Mr. GUNN** (March 2).

The Hon. D. A. DUNSTAN: In reply to the question raised in the House of Assembly on March 2, 1978, regarding drought, I have received information from the Minister of Agriculture that the proposition put forward by the Chairman of the Wirrulla branch of United Farmers and Graziers was amongst a number of drought issues discussed at a meeting of States and Commonwealth officers on March 10. The South Australian Government is awaiting advice from the Commonwealth on the outcome of that meeting.

DROUGHT RELIEF

In reply to **Mr. TONKIN** (March 9).

The Hon. D. A. DUNSTAN: The honourable member's question follows a statement made by the Prime Minister and the Federal Minister for Primary Industry. They claimed that farmers in Australia are not taking up drought carry-on loans because State administrations are charging too much interest. This claim has no relevance to the situation in this State. We have not had trouble in getting farmers to take up loans. Up until March 10, 1978, 920 applications have come in for carry-on loans since July 1, 1977, and over 601 farmers are currently receiving finance under our scheme. The sum of $10 140 212 has been approved in loans and $4 200 000 has been paid out.

The drought situation in this State is under constant review and we are in direct communication with the Commonwealth to ensure that the needs of rural communities in this State are being met while the drought continues. The drought relief scheme in South Australia has been an outstanding success and was held up by Commonwealth officers at last week's drought finance meeting as a fine example of how drought relief could be made efficient and effective. The farming community has also expressed this opinion. We believe that one of the most important factors in the success of the scheme has been the administrative restructuring that has resulted in clear criteria of eligibility, a short application form and the rapid processing of applications.

Obviously the honourable member has been misinformed about the scheme and the costs being incurred by the South Australian Government. I am informed by the Minister of Agriculture that carry-on loans are available to approved applicants for a seven to 10 year term. There is a current holiday on interest and capital repayments until March, 1979, but this will be reviewed in the light of the seasonal and economic situation this year. There is also provision for a further holiday on repayment if further drought occurs. While the Commonwealth component of the loan fund is interest free, it must be paid in full by the State. Repayments must be made in eight equal annual instalments and commence two years from the date of the commencement of the scheme.

The State is also required to disburse a base amount of $1 500 000 each financial year of the drought and this must be borrowed by the State Government at well above 4 per cent interest. The State Government is required to meet all administrative costs of the scheme; must stand all bad debts that may occur; and must meet all collection costs. While the loan is being disbursed quarterly payments must be made to farmers and securities must be arranged on a continuing basis. During the term of the loan changes to repayments may be necessary and these must be administered by the State. Those farmers who do not recover from the drought and who cannot repay their drought loans will have to be helped through Rural Adjustment to minimise their losses. This could be quite a significant cost to the State Government.

I can assure the honourable member that there is no way in which the South Australian Government will be making a profit out of this drought. There is no reason to alter the interest rate; however, the Minister of Agriculture will review the repayment holiday in the light of seasonal conditions this winter and spring.

STAMP DUTY

In reply to **Mr. TONKIN** (Appropriation Bill, February 28).

The Hon. D. A. DUNSTAN: During the debate on Appropriation Bill (No. 1), the honourable member inquired whether the Government had given consideration to granting relief from stamp duty where people wish to change their property from company title to strata title. In these circumstances, either no stamp duty or nominal duty of $4 is charged on an application accompanying the lodgment of a strata plan applicable to an existing building unit scheme laid out in accordance with plans and specifications approved by a council before February 22, 1968, being the date of commencement of the Real Property Act Amendment (Strata Titles) Act 1967.

In reply to **Dr. EASTICK** (Appropriation Bill, February 28).

The Hon. D. A. DUNSTAN: During the debate on Appropriation Bill (No. 1), the honourable member inquired as to the number of transfers which qualified for the Government's remission from stamp duty on new dwellings. Up to March 10, 1978, the following remissions have been made:

Amount of consideration	Total number of conveyances
$20 000 and less than $30 000	419
$30 000 and less than $40 000	1 626
$40 000 and less than $50 000	380
$50 000 and less than $60 000	198
$60 000 and less than $70 000	80
$70 000 and less than $80 000	26
$80 000 and less than $90 000	8
$90 000 and over	8
	2 745

OAKLANDS CROSSING

In reply to **Mr. MATHWIN** (March 9).

The Hon. G. T. VIRGO: Roadworks south of the Oaklands railway crossing are expected to commence in April, 1978, and will include the provision of traffic signals at the junction of the Diagonal Road deviation and Morphett Road. The school crossing on Diagonal Road, near Dunrobin Road, Oaklands Park, is situated north of the Oaklands railway crossing and is not affected by roadworks to the south. It is proposed to convert the school crossing to a pedestrian crossing but the priority of similar works at other locations, including those where no crossing facilities exist, are expected to preclude the conversion of this crossing until the latter half of 1979.

MODBURY TRAFFIC SIGNALS

In reply to **Mrs. BYRNE** (March 9).

The Hon. G. T. VIRGO: It will be necessary to relocate public utility services and to carry out roadworks before traffic signals can be installed at the above intersection. It is expected that the traffic signals will be installed during the latter half of 1978, resources permitting.

GAMBIER NORTH SCHOOL

In reply to **Mr. ALLISON** (March 9).

The Hon. G. T. VIRGO: The investigation into pedestrian and vehicle movements adjacent to the Mount Gambier North school is proceeding. It is expected that the results of the investigation will be known in about six weeks time.

MINISTERIAL STATEMENT: BORRIE REPORT

The Hon. HUGH HUDSON (Minister for Planning): I seek leave to make a statement.

Leave granted.

The Hon. HUGH HUDSON: There have been a number of occasions on which members of the Opposition, including the Leader, have made statements implying that the South Australian Government has not taken into account in its planning the Borrie report projections. I draw members' attention to *Hansard* of August 12, 1975, in which the Premier provided a detailed reply to a Question on Notice from the member for Light.

I shall briefly reiterate the main points. There was no criticism made of Borrie's work at the national level. In respect of South Australia, however, two of his simplifying assumptions, namely, those of interstate migration and, to a lesser extent, mortality, had a significant effect on Borrie's projected growth pattern for this State, so much so that the validity of his results was very suspect.

Borrie assumed in his model that interstate migration would be maintained at the same rate and with the same direction as experienced in the period 1966 to 1971. As members are no doubt aware, during this period there was, for various reasons, a significant net interstate outflow of approximately 20 000 persons from South Australia. Clearly, it was untenable to suggest that there would be a similar rate of outflow over the projection period, given that figures made available by the Australian Bureau of Statistics when the Borrie report was released showed the migrant outflow had been arrested, at least in the short term. Using Borrie's figures, the State would have lost 158 000 people to other States over the 30-year period from 1971 to 2001.

With mortality, Borrie assumed that the Australian experience was appropriate to be applied to all States. Given that South Australia enjoys significantly lower mortality than the national average, deaths were grossly overstated. His fertility assumptions have also been contested but were not sufficiently different in South Australia to affect the results seriously.

Criticism of Borrie's work is not confined to South Australia. The Commonwealth Government's Priorities Review Staff in its *Report on the Borrie Report* published in August, 1976, made the following observation:

> Concern with the geographical distribution of the Australian population adds a new dimension of error and requires examination of a wide range of interactions between supply and demand factors. Borrie's analytical framework is much less suited to the projection of urban and regional populations than it is to projections of overall national population.

The inadequacy of Borrie's State projections can be simply demonstrated. Borrie projected a most likely population for the State of 1 217 400 by 1976, whereas the actual population was 1 261 600. After allowing for under-enumeration in Borrie's base figures, the projections fall short by 32 000—over 40 per cent of the total growth experienced in the period from 1971 to 1976. It is interesting to note that the figures supplied by the Premier to the member for Light in 1975 were remarkably close to the actual results.

As pointed out previously, population projections —and, for that matter, any projections—must be subject to continual review. The Government is committed to reviewing the State and Adelaide population projections on an annual basis.

The Borrie report highlighted the major issues associated with population change in Australia and as such was a valuable document. It was not designed to provide a single answer to population projections for Australia and the States; already revised estimates have been produced for Australia by the Australian Bureau of Statistics and, I believe, for other States by their own State Governments.

The latest projections for Adelaide were prepared by the State Government Working Party on Household Formation, in 1976, and were compatible with the State projections available at that time. Upgraded projections will be produced shortly compatible with the State figures shown in *Development 1977.* I must, however, re-emphasise to the Leader that monitoring of change in housing demand through the household formation mechanism is of more fundamental importance for planning urban development than purely assessing population changes.

I might add that there appears to be some confusion in the figures supplied by the Leader. The 1975 Premier's Department projections estimated that, from 1976 to 1991, the growth in South Australian and Adelaide population would be 165 000 and 148 500, respectively. Borrie during the same period predicted that the South Australian increase would be 115 400; given that we have already surpassed his 1981 estimates, Borrie's figures would appear to be of limited use in the short term. The population for South Australia already exceeds the projection made by Borrie for our population in 1981.

I cannot find any reference to the Leader's quoted figures of 33 000 increase in population from 1976 to 1986 for South Australia; for this to occur there would have to be a huge migrant outflow, remembering that natural increases will account for an increase of approximately 100 000 persons over the decade.

The Leader also made two references to labour force projections. Both relate to the changing pattern of growth, first, in the total South Australian labour force; secondly, with respect to manufacturing industry. The Leader finds the predictions contained in *Development 1977* somewhat strange, or at odds with the population figures and shows a complete lack of understanding of the effects not only of our slowing population growth rate and structural changes taking place in industry, but also of the changing age distribution of our working population. Again, these forecasts must be continually reviewed to ensure that fundamental changes taking place are not overlooked or their effects left uncatered for.

In summary, I would maintain that Borrie has limited relevance in our current situation. The Government will continue to produce revised projections of population and labour force growth so that major issues can be identified before their effects are felt.

RESIDENTIAL TENANCIES BILL

At 2.13 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 2:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

Page 2, after line 38—Insert new clause as follows:

"Responsibility of Crown. 5a. This Act does not bind the Crown, but any Minister of the Crown in whom administrative responsibility is vested in respect of any premises subject to any agreement to which this Act would apply, if this Act were binding on the Crown, shall give such administrative directions as are necessary to ensure compliance with such provisions of this Act as are consistent with public policy in relation to the premises."

and that the House of Assembly agree thereto.

As to Amendment No. 9:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

Page 4, line 24 (clause 10)—leave out "tenant" and insert "party to a residential tenancy agreement, where in the case of that party being a landlord, the Commissioner is in addition satisfied that the landlord is in necessitous circumstances,"

and that the House of Assembly agree thereto.

As to Amendments Nos. 10 to 26:

That the House of Assembly do not further insist upon its disagreement thereto.

As to Amendment No. 31:

That the Legislative Council do not further insist upon its amendment but makes the following amendment in lieu thereof:

Page 6, line 33 (clause 13)—leave out "such term of office" and insert "a term of office not exceeding five years"

and that the House of Assembly agree thereto.

As to Amendment No. 32:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

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 and any person to be a deputy registrar of the Tribunal"

and that the House of Assembly agree thereto.

As to Amendment No. 34:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

Page 11, lines 10 to 14 (clause 24)—Leave out all words in these lines and insert paragraphs as follow:

"*(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 at or before the time at which the residential tenancy agreement was entered into to manage the premises the subject of the proceedings on behalf of the landlord."

and that the House of Assembly agree thereto.

As to Amendment No. 35:

That the Legislative Council amend its amendment—

(a) By leaving out "A right" from subclause (1) and inserting in lieu thereof "Subject to subsection (1a) of this section, a right"; and

by inserting after subclause (1) the following subclause:

"*(1a)* A right of appeal shall not lie in respect of any monetary claim where the amount claimed is less than one thousand dollars".

and that the House of Assembly agree thereto.

As to Amendment No. 37:

That the Legislative Council do not further insist upon its amendment.

As to Amendment No 38:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

Page 15, line 20 (clause 35)—Leave out "the period of one year" and insert "such period not exceeding one year as is fixed by the Tribunal"

and that the House of Assembly agree thereto.

As to Amendment No. 39:

That the House of Assembly do not further insist upon its disagreement thereto.

As to Amendment No. 40:

That the Legislative Council do not further insist upon its amendment.

As to Amendment Nos. 44 and 45:

That the House of Assembly do not further insist upon its disagreement thereto.

As to Amendment No. 50:

That the Legislative Council do not further insist upon its amendment.

As to Amendment No. 51:

That the Legislative Council do not further insist upon its amendment but make the following amendment in lieu thereof:

Page 29, lines 39 and 40 (clause 85)—Leave out "as the Minister may approve" and insert "as the Minister, on the recommendation of the Tribunal, may approve"

And that the House of Assembly agree thereto.

MOTION FOR ADJOURNMENT: ENVIRONMENT DEPARTMENT

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

I desire to inform you that this day it is my intention to move that this House at its rising do adjourn until 1.30 p.m. tomorrow, Wednesday, March 22, for the purpose of discussing a matter of urgency, namely:

That in view of the obvious problems arising from incompetence, wasting of money, staff discontent and allegations of dishonesty in the Environment Department and the failure so far, of the Minister for the Environment to be frank about them with the House, the Minister should, before the House rises tomorrow in contemplation of the end of the session, make a full statement to the House setting out those problems, what action has already been taken to overcome them and what future action is proposed.

I call on those members who approve of the motion to rise in their places.

Mr. Millhouse having risen:

Mr. MILLHOUSE: You pusillanimous bunch of hypocrites!

The SPEAKER: Order! The honourable member for Mitcham will resume his seat.

Mr. Millhouse: It makes me very angry—

The SPEAKER: The honourable member is out of order. I do not want any more from him at the moment.

Mr. Millhouse: It's hard not to.

The SPEAKER: Order! I call the honourable member

for Mitcham to order. As the required number of members has not risen in support of the motion, it cannot be proceeded with.

Mr. Millhouse: Haven't you any guts at all?

The SPEAKER: Order! The next time I will warn the honourable member, and that will be the last time.

QUESTIONS RESUMED

SHEEP EXPORTS

Mr. TONKIN: Can the Minister of Labour and Industry say what action he has taken to help resolve the current situation seriously threatening the future of live-sheep exports from South Australia? Pickets from the A.M.I.E.U. are preventing the loading of aged fat wethers for export to the Middle East market. The basis for the dispute is a demand from the Federal Executive of the union that companies sign an agreement for a two to one carcass-to-live-sheep ratio. A secure and growing market for live sheep from Australia has been established in Middle East countries by South Australian enterprise, and maintained by a continuity of supply. However, alternative sources of supply in Argentina, Chile, Bulgaria, and Rumania provide a constant threat to this lucrative trade.

Live sheep are essential for the Middle East market because of religious reasons and the customs of the country, lack of facilities for carcass storage, and the logistic difficulties of distribution to villages, etc. Aged fat wethers are not in the main processed by Samcor and are not normally absorbed within the local South Australian trade.

Because of the overseas live trade, producers are receiving between $12 and $20 a head, compared to $3 to $4 for sheep for slaughter, and many have been saved from extreme hardship because of this market. Many other jobs, including farm labouring, transport (both of animals and of hay), pallett making, and loading have been created by the export of live sheep, and these jobs are now being put at risk, because the A.M.I.E.U. executive is insisting on a short-sighted and unrealistic approach, which threatens the very existence of our overseas live-sheep export market. South Australia cannot afford any further loss of revenue, or anything which might further permanently depress the rural sector, and the Minister should be doing everything possible to persuade the union executive to see reason.

The Hon. J. D. WRIGHT: The first thing that has to be said in reply to the question is that sheep can go out of Australia, provided the ratio or quota, whichever way it is described, is an accepted proposition. To say that people of religious beliefs are being deprived of the animal that they prefer to eat is not quite correct. The A.M.I.E.U., to the best of my knowledge—

Mr. Goldsworthy: They said they'll get them from somewhere else.

The Hon. J. D. WRIGHT: They get them from here, provided the quota is an acceptable proposition. It is not true that they cannot get sheep, and that is my point.

Mr. Nankivell: You mean I can't sell mine!

The Hon. J. D. WRIGHT: They can get them on the basis of a two-to-one quota.

Mr. Nankivell: Well, that's—

The Hon. J. D. WRIGHT: If you want me to answer the question, stop interjecting, otherwise I will not answer.

Mr. Nankivell: I want to know what you're going to do about it.

The Hon. J. D. WRIGHT: I am not going to answer the question while you and other members interject. I am answering the question to the best of my knowledge of what is happening and I will not be stood over by you, or anyone else.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The honourable Minister will resume his seat. The honourable Minister has said that he is answering the question to the best of his ability. I hope that honourable members will remain quiet whilst he is answering the question.

Mr. Gunn: Despite the—

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

The Hon. J. D. WRIGHT: As I was saying when I was so rudely interrupted in a very arrogant manner—

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

The Hon. J. D. WRIGHT: If I am allowed to get back to the question.

Members interjecting:

The Hon. J. D. WRIGHT: Of course there is vested interest; that is why members opposite are so arrogant about the matter. I will name the vested interest if members want me to.

Mr. Chapman: The livelihood of many people is affected.

The SPEAKER: Order! The honourable member for Alexandra is out of order. I hope he will remain quiet and give the honourable Minister an opportunity to answer the question.

The Hon. J. D. WRIGHT: No-one is denying the seriousness of the dispute. If I am given the opportunity to do so by the ill-mannered people on the other side, I will try to answer the question.

Mr. Venning: Do something about it.

The Hon. J. D. WRIGHT: Why does the member for Rocky River not do something about it?

The SPEAKER: Order! Honourable members of the Opposition have complained bitterly at times that not enough questions can be asked during Question Time. How can honourable members expect more questions to be asked and answered, when they interject all the time, making the answers longer?

The Hon. J. D. WRIGHT: It may surprise members opposite to know that the position was officially raised with me at 12 minutes to 12 this morning, that is how much time I have had to do something about the dispute. Nobody bothered to tell the Government that there was a dispute in progress. Mr. MacLachlan will not deny that. I had to find out for myself this morning what was going on about this dispute. I rang people this morning to establish the facts. Nobody in this House would know that a conference was being held this morning at 10 o'clock between the people involved and the A.M.I.E.U., and that conference could have resolved the problem. Members opposite do not want the problem resolved —they want it escalated. That is what it is about. The position at 10 a.m. was that a conference was being held by those parties, and at that time I hoped the problem would be solved. I do not know what I was supposed to do before that. No-one has an answer to it.

Since then, I have been notified by Mr. MacLachlan that there is a dispute, and he has given me a copy of certain resolutions, which have been carried and which I will place on record. The resolutions were as follows:

The committee resolved—

the combined committee of the U.F. and G. and the Stockowners Association of South Australia—

that the Minister of Labour and Industry be approached

officially advising that a dispute exists which directly affects the livelihood of Sheepowners in South Australia, and that the Minister be required to intervene so that the sheep are loaded. The Minister be informed that we demand the dispute be resolved and pickets removed forthwith. In addition, we advise the Minister of our attitude and deem to take whatever action is necessary as contained in the following resolution:

This resolution is a winner:

That, if livestock shipments are to be halted from South Australian ports, both grazier organisations will arrange for the withholding of all stock for slaughter in South Australian abattoirs.

The Hon. G. T. Virgo: That will resolve a lot.

The Hon. J. D. WRIGHT: That will not resolve the matter any more than I would resolve it by interfering with a picket line, and I have no intention of interfering with that. In many countries picketing is quite legal, provided it is carried out peacefully. It is no good for the honourable member opposite to waggle his head; he does not know what he is talking about.

The SPEAKER: Order!

The Hon. J. D. WRIGHT: In many countries picketing is legal as long as it is carried on peacefully. I have been given an absolute assurance by the secretary of the A.M.I.E.U., Mr. Tonkin, that the picketing taking place at Gepps Cross or in the railway yards at the moment is of an absolutely peaceful nature.

Mr. Venning: They don't want to ship the sheep.

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

The Hon. J. D. WRIGHT: There will be no altercations, so far as the union is concerned. Union members have also been advised that, if there is any entry of police into the picketing area, they are to move on; they are not to create a disturbance in any way in that area. I think that is peaceful picketing in its proper context. The A.M.I.E.U. strongly believes (and no doubt on the other side the graziers have opinions about what is best for them) and has told me that if its policy is not carried out it will eventually lead to a situation not only in South Australia but in Australia generally (and particularly Western Australia) where many of its members will lose their jobs. On the other side, the organisations representing the farmers and graziers in this dispute have explained to me that that is not the case.

This dispute has been going on for some three years without resolution. Yet members opposite have had the impudence, although the dispute was placed in my hands officially only at 12 minutes to 12 this morning, to ask me what I am doing about it. The dispute has been considered at Federal Government level and A.C.T.U. level and, as far as I am informed, the A.C.T.U. has now given its imprimatur to the quota system required by the A.M.I.E.U. If that is the case, irrespective of what happens in the railyards at Gepps Cross, the sheep will not be loaded on the wharf, and if they are loaded they will not be taken away by the seamen.

It is no good Opposition members asking me to wave a magic wand to fix this dispute, because I cannot. I have told both organisations that I have always considered that the best way to resolve any dispute is by talking. Confrontation will not settle the dispute. Confrontation could be imminent because of threats being made that certain farmers want to break the picket lines with their trucks. I hope that they are restrained until we can arrange a conference between the parties. I do not suggest to members or to anyone else that I can fix the dispute by a conference. The dispute has been examined in the closest detail at top level for about three years. I am not Mandrake. I cannot say that the dispute can be solved easily by a conference, but at least people will be talking and there will be some chance of resolving the dispute. When I left my office at lunch time, I had arranged for a conference of interested parties to be held at Parliament House at 3.15 p.m. However, I am informed by my staff that Mr. Tonkin is unable to attend this afternoon, but that he can attend at any time tomorrow. I have therefore re-arranged for the conference to be held tomorrow, when I hope that something can be settled in the dispute.

MORPHETT VALE WEST PRIMARY SCHOOL

Mr. DRURY: Can the Minister of Education say what research is carried out before a decision is taken to build a primary school. What statistics are used and how recent are they? In last Friday evening's *News*, a report headed "Ten teachers for 66 kids" referred to the new school at Morphett Vale West. Just before the school year started, I visited that school and was told that, whilst the initial intake would be low, it would inevitably increase, and I assumed that, on the statistical information available to the department, this would be so.

The Hon. D. J. HOPGOOD: I do not have the general information that the honourable member seeks. However, I think I ought to answer the question in relation to this school, as I brought this information with me today, in anticipation of a question from one side of the House or the other.

In relation to Morphett Vale West Primary School, the actual land for the school was purchased on November, 12, 1975. The departmental decision to build a school somewhere in the area pre-dated that somewhat and, in fact, the department was discussing with local land developers as early as July, 1974, the possibility of a school's being built locally in the area. The Public Works Standing Committee submitted its report on what at the time was notionally called the Morphett Vale south-west primary school on March 20, 1975. The committee's report endorsed the departmental decision to build the school.

Actual construction commenced in June last year in time for a February start this year. What is fairly critical to this question are enrolments at the reasonably nearby Flaxmill Primary and Junior Primary School, since the school was built to cater not only for anticipated growth in the area but also to relieve to a certain extent the pressure on Flaxmill Primary and Junior Primary School. It is interesting to note that the February, 1977, enrolment for Flaxmill Primary School was 506. This year the enrolment was 476, so there has been some redeployment of enrolment from the Flaxmill Primary School to Morphett Vale West Primary School but not as many as had been anticipated by my department. Regarding the junior primary school, enrolments have gone from 269 students down to 240 students. Again, there has been some movement of enrolments as between Flaxmill Junior Primary School and Morphett Vale West Primary School but, again, not as many as had been anticipated.

I really think that my statement in the later editions of the *News* last Friday largely summarised this matter. There are large numbers of unsold houses in the area and, in addition, the building of houses on local subdivisions has not occurred as quickly as the subdividers had led us to believe back in 1974. A few weeks ago in this House my predecessor, the present Minister of Mines and Energy, referred to these sorts of problem in planning when telling the story of a similar problem that arose at Whyalla back in the days of the Hall-DeGaris interregnum.

One other point I would like to make is that a lesson can

be learnt from what happened at Hallett Cove South Primary School, which opened in 1976 with an enrolment of 60 students and grew to an enrolment of 290 students in less than a year. I have no doubt that a similar sort of growth will be seen in the Morphett Vale West areas as many of the empty houses are occupied.

MEAT EXPORTS

Mr. CHAPMAN: Will the Deputy Premier ascertain from the Minister of Agriculture, who is responsible for rural industries, what steps that Minister is now taking to ensure that farmers have access to one of the few viable export meat outlets left available to them—that of live-age sheep to the Middle East? Fat old sheep which are not desired and which are surplus in the local trade accordingly do not attract an economic return for our growers at that market level. In view of continuing bans and disruptions, I call on the Minister to put his whole support behind producers' efforts to meet contract deadlines with overseas buyers. I am prompted to pursue this question because of the reported attitude of the Minister of Agriculture during the wool bale weight issue last year, when he supported wool store employees in his public appeal to woolgrowers to support the Storemen and Packers Union.

It has been further reported that the meat industry union's actions in this instance to prevent free marketing and despatch of live wethers to the Middle East will have the effect of destroying that market. In essence, the public request by sheepowners throughout the State is that the Minister of Agriculture should, in this instance, support, without procrastination, the farmers' unions rather than the meat workers' unions.

The Hon. J. D. CORCORAN: I shall certainly refer the points that the honourable member has made to the Minister of Agriculture. I shall direct his attention to them and, if possible, get a reply for the honourable member by tomorrow. From the way in which the honourable member has spoken this afternoon, one would be led to believe that there is right on only one side of this argument. I dispute that. From my limited knowledge of the dispute, I cannot agree with the conclusions the honourable member has drawn.

EDUCATION STANDARDS

Mr. KENEALLY: Is the Minister of Education aware of the criticism levelled at the Education Department by some employer groups to the effect that schools are to blame for "the lack of knowledge and overall attitude of young school leavers"? The President of the Port Pirie Chamber of Commerce recently repeated this criticism and received considerable local media coverage. He also said that a general consensus of businessmen indicated that it was better for employers to take on an adult part time rather than to employ and train a junior full time. He claimed that the blame lay not just with the students but partly with the teachers, and also could be attributed to the lack of discipline in schools and in homes.

The Hon. D. J. HOPGOOD: It sounds as though this group of employers is trying to get out from under. If a group of employers determines, as a matter of policy, to give priority to adult people rather than to school leavers in relation to employment, that is its decision, and it should be prepared to defend that decision on proper grounds. To try to get out from under by a shabby exercise of shelving the blame on the schools is really, to a thinking person, to show oneself as being quite ridiculous. There is absolutely no evidence that standards in schools have in any way declined from those of a few years ago or those that applied when these people were in school; indeed, there is every evidence to show that since the days when these gentlemen were in school there has been considerable improvement in standards of achievement.

What has changed dramatically is not what happens in the schools, not the curriculum, and not the standards of discipline, but the labour market. There is increasing pressure and competition on school leavers from older people. That is the problem we face at present. It is quite ridiculous for these people to try to get out from under in their own obligations by putting the blame on the lack of discipline in schools or some down-turn in standards in schools. There is no evidence of this. I have spoken in the House previously about this matter. I would be the last to claim that we have not got some way to go and that we cannot improve standards further. We can, and it is important for everyone involved in education to do all they can to ensure that standards continue to improve. To suggest that there has been some large-scale decline as an excuse for a deliberate policy undertaken for other reasons is being evasive in the extreme.

VEHICLE SALES

Mr. GOLDSWORTHY: In the absence of the Premier, can the Deputy Premier say why the Government has failed to reduce stamp duty charges for vehicle sales, despite warnings from the Automobile Chamber of Commerce that present high State tax charges are a major contributing factor to the car sales slump in this State?

I draw attention to a report in today's *News* in which the Executive Director of the Automobile Chamber of Commerce, Mr. R. G. Bennett, is quoted as saying that the high costs associated with putting a new car on the road in South Australia today are acting as a deterrent to sales. Mr. Bennett says that South Australian motorists are paying the highest stamp duty charges in Australia for vehicles costing over $4 500.

That would cover the average family car and would involve most new car buyers in the State. Mr. Bennett added that the chamber had been telling the Government for some time that this State, which is highly dependent on motor vehicles for employment, should greatly relax charges on new vehicle sales. Stamp duty in South Australia is higher than in any other Australian State.

The Hon. J. D. CORCORAN: I shall be pleased to discuss the Deputy Leader's points with the Premier and Treasurer. I wonder what percentage the stamp duty would be compared to sales tax, for example, and whether it would not be better for him to support any move made by this Government to the Federal Government to reduce sales tax on vehicles. This has been done before: it was done in the time of the Whitlam Government in order to give incentive to the motor vehicle industry. I think that one of the things in which the Treasurer would be interested would be learning of the response of the Federal Government to that move before we were prepared to forgo any of the revenue we raise in this State from that source.

Mr. Goldsworthy: What do you—

The Hon. J. D. CORCORAN: I am not certain what the effect would be. The Deputy Leader would appreciate that the State Government some little while ago reduced stamp duties in the purchase of homes. Whilst it was believed that it had some effect, it certainly was not as effective as we thought it would be. What I am suggesting to the

Deputy Leader is that a real impact could be made if the Federal Government were prepared to forgo sales tax, and, in turn, it would then be reasonable to ask the State Government to forgo stamp duty on the purchase of motor vehicles.

PORT ADELAIDE COMMUNITY COLLEGE

Mr. WHITTEN: Can the Minister of Education inform me of any plans there may be to provide for a permanent administration building for the Port Adelaide Community College of Further Education? The college caters for about 6 000 full-time and part-time students, has a staff of 30 full-time instructors and about 180 part-time instructors, and serves an area extending from Henley Beach to Outer Harbor and back as far as Woodville. The Committee on Urban Regional Boundaries has recommended that Port Adelaide be the centre for administration in the western region, and I draw to the Minister's attention that already the Police Department, Marine and Harbors Department, Community Welfare Department, Motor Vehicle Registration Branch, and the State Government Insurance Commission are establishing in Port Adelaide.

The Hon. D. J. HOPGOOD: Although some consideration has been given to this matter, there is no resolution of the problem as yet. I appreciate the problems that further education in the Port Adelaide area has, and I am reasonably well aware of them. The principal there is well known to me; I taught with him once in the old days. I would be concerned to see that eventually some proper provision not only for administration but also for the various courses we would like to run at the Port is made available.

The most recent action I have taken in relation to this matter is to have the two departments examine the existing high schools in the area to determine whether there is any surplus capacity at them or whether one or more of them might become available some time soon for the complete transfer of this capital facility to the Further Education Department. However, we have drawn a blank on that matter. It would appear that not one of the schools will be available within the next few years that we could turn into a centre for further education activities, so we will have to look elsewhere.

I thank the honourable member for bringing this matter to my notice and to that of members of the House. It is something that we will have to consider seriously, and it gives the lie somewhat to a statement I was surprised to see in the press some months ago by the member for Mount Gambier, who suggested that I was mesmerised concerning building operations and that I was spending far too much money on capital facilities in further education. Any knowledge of our requirements in the north-western suburbs would make people realise that such is not the case.

QUESTIONS ON NOTICE

Mr. GUNN: Although some Questions on Notice were replied to today, many remain unanswered. Can the Deputy Premier give an assurance that these questions will be answered in the next couple of weeks, so that members who have important Questions on Notice will be furnished with suitable replies?

The Hon. J. D. CORCORAN: Yes, that will be done as quickly as possible. If honourable members, even then, wish to restore to the Notice Paper those Questions on Notice that have not been answered in the House because they want them registered in *Hansard*, there will be no objection to that.

Mr. Millhouse: In about six months time!

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

The Hon. J. D. CORCORAN: The honourable member again opens his big mouth and put his little foot in it. I made the point initially that questions would be replied to as soon as possible within the next week or so by letter. That does not mean six months time. The honourable member has a mouth, a pen, and a telephone, and if he wants to he can ring the press and tell them what is in the reply. He is an idle little man.

DAYLIGHT SAVING

The Hon. G. R. BROOMHILL: I direct my question to the Deputy Premier.

Mr. Millhouse: You—

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. G. R. BROOMHILL: Can the Deputy Premier say whether the Government will consider the contents of a recent press report which was drawn to my attention and which indicated that the Victorian Government was considering extending daylight saving next year until the end of March? Apparently, daylight saving in Victoria has been as successful as it has been in South Australia and, as a result, the community has suggested to the Victorian Government that it should continue daylight saving until the end of March. If the Victorian Government takes this action, difficulties will be created in South Australia if we do not follow suit, because this has been the history of daylight saving. I suggest that the Government should consider this matter, and perhaps an approach can be made to the Victorian Government so that the South Australian Government's view can be included in any consideration that it is undertaking.

The Hon. J. D. CORCORAN: I thank the honourable member for drawing my attention to this matter, as I have not seen the statement to which he referred. I well remember that, when daylight saving was introduced, it was done unilaterally without proper consultation with this State. I will take advantage of the knowledge that the honourable member has given to me to make a submission. I will not say at this stage what it will be, because I think if I said anything to my wife about our eight children and the difficulties we have had at times, I may be in trouble. The honourable member can rely on my being impartial when putting forward any submission as Minister for the Environment. I will consider this matter, and inform the honourable member of the submission that we make to the Victorian Government.

SHEEP EXPORTS

Mr. RODDA: Can the Minister of Labour and Industry say why Metro Meat Limited has been included in the banning of live sheep exports, as was reported in the newspaper today, although this company has kept to the two-to-one ratio?

Mr. Chapman: It's a good question after what the Minister said earlier.

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

Mr. RODDA: The Minister, in his reply to the Leader, said that sheep could go out of the country on an accepted

proposition. As has been reported, Metro Meat has kept within those guidelines, and it would appear, from publicity today, that notwithstanding that it has been brought into the dragnet of strike action. This matter is causing much concern in primary industry, as the live export market is proving a real shot in the arm regarding the depleted incomes throughout the rural sector.

The Hon. J. D. WRIGHT: I was at a loss to understand this problem because, following a question by the honourable member on, I think, last Thursday, I was forecasting what I thought as likely to happen, because it was my information then that Metro Meat would be given the opportunity to export its sheep. Subsequently, that was reported in the *Advertiser* on Friday morning as being a fact, so I was content with the situation and thought that was half way along the road to solving the whole of the dispute. I was informed by the Secretary of the A.M.I.E.U. that his Federal body (and I asked him this question this morning) had determined that everyone (that is, all exporting agents, irrespective of who they were or where they are, and I understand that that includes Western Australia as well) had to sign the agreement. He said that in those circumstances he had no option but to carry out the decision of the Federal body of the union. Simply put, that means that, until there is a general agreement about the two-for-one quota, no-one is to be allowed to export those sheep, irrespective of whether they are carrying out that quota or not.

Personally (and I can only express a personal view on this), I do not believe that that is a sensible policy, and I reiterate that. I do not pretend that I completely understand the dispute. I have been trying to pick up the threads this morning, and I know that the wether problem, the different types of sheep, and so forth come in the dispute, as has been explained to me as the dispute has gone along. Nevertheless, it would seem to me that the appropriate step for the organisation to take in the circumstances would have been to recognise Metro Meat's offer to meet the quota system and therefore to have exported at least those sheep until the dispute was resolved. I have informed the Secretary of that, but whether or not that will have any effect on the situation I will not know until I get the opportunity to meet with the bodies tomorrow morning.

UNEMPLOYED TEACHERS

Mr. KLUNDER: Can the Minister of Education say what response, if any, he has received to his recent call for a special meeting of State and Commonwealth Ministers of Education to discuss problems of unemployed teachers? I understand that Mr. Van Davy, President of the Australian Teachers Federation, recently called upon the Commonwealth and State Ministers to hold such a conference and, concurrently with that, the Executive of the South Australian Institute of Teachers met the Minister in deputation with a series of suggestions for employing more teachers in our system. The South Australian Minister agreed to support Mr. Van Davy's call for such a conference and telexed all other State Ministers and Senator Carrick. As it is some time now since these events occurred, I would like to know whether the Commonwealth has again decided to evade its responsibilities in this matter and, if so, what attitude the Minister is currently adopting towards the South Australian Institute of Teachers' submission.

The Hon. D. J. HOPGOOD: The honourable member has, in admirable detail, set out the background to this problem. One other thing that perhaps could be added to what he said in explanation of his question is that at the Australian Education Council conference in Auckland earlier this year there was some further discussion on a matter which had previously been raised by the Commonwealth Minister (Senator Carrick) about shared funding for tertiary education. This meant that the Commonwealth was proposing that the States come back into some funding for tertiary education. South Australia is quite opposed to this, and I represented that position very vigorously at the conference. When Mr. Van Davy's call came, and when I received the submission from the Institute of Teachers, it seemed to me that the suggestion which had come up at the A.E.C. conference and which I thought had been agreed upon by the conference, that there should be a meeting of the A.E.C. in April further to discuss share funding, could more productively be turned to this matter of the unemployed teachers. Therefore, I suggested that the April meeting should proceed, but on the basis of a discussion on proper funding for teachers and making more money available for employing more teachers in our schools. I have had the following reactions to that proposal: the New South Wales Minister, Mr. Bedford, contacted my office to say that he supported my call for such a discussion; and the staff of Mr. Jones, the Western Australian Minister, contacted my office to say that he was overseas at the time but they understood that he would probably be opposed to the suggestion. With one other exception, they are the only reactions I have received.

The one other reaction I have received is a telex from Senator Carrick dated March 15, which I will read to the House and which really closes the door on any chance that the Commonwealth would be willing to make more money available to the States to finance the employment of more teachers. The Senator said:

> I refer to your telex of February 20 in which you suggested to all education ministers a special meeting of the A.E.C. in April to discuss current teacher unemployment with a view to a specific submission for special Commonwealth financial assistance to assist in alleviating this. Your proposal followed a public request by the Australian Teachers Federation for such a meeting. The Commonwealth is acting to restore the health of the economy and to reduce unemployment in the community at large.

We have not seen very much evidence of that I must say; unemployment is going from bad to worse under the Fraser Government. The telex continues:

> Within the framework the responsibility for a particular occupational group employed by a State rests with the State itself. Furthermore, if an approach is to be made to the Commonwealth seeking a special financial assistance to benefit teachers or any other occupational group, that approach should come from a Premier, who no doubt would make a judgment whether a proposal for assistance to a particular occupational group warrants special consideration outside the normal arrangements. My recollection of the A.E.C. discussions in Auckland on the possible review of Commonwealth and State responsibilities in educational funding is that we talked about the possibility of a further paper from the Commonwealth for discussion at the next A.E.C. meeting in July or perhaps in advance of it. However, we did not decide to hold a special meeting for this purpose in April. I have not been approached by any other State Ministers of Education. I am sending a copy of this telex to them.

There it is: the gate has been closed. The Commonwealth is not prepared to turn its attention to the plight of unemployed teachers or to give to the States any assistance in this matter. In those circumstances, it is impossible for any one State to go it alone in coming anywhere near

meeting the sorts of request which have been placed before me by the Institute of Teachers and which no doubt have been placed before other State Ministers by the sister unions in the other States. I think that on certain matters in the submission which has been placed before me by Mr. Gregory, of the Institute of Teachers, we could have further fruitful discussions. I hope to see Mr. Gregory about some of those details, but, as for going any where near meeting the sorts of requests that were in the submission, clearly that is now impossible in view of the attitude of the Commonwealth.

I would like to conclude on one matter: Senator Carrick's telex, which has been sent to all Ministers, has received one further response. That response was from the Western Australian Minister for Education, Mr. Jones, who argues with the good Senator's contention that in fact there was no agreement to have a meeting of the A.E.C. in April. He says:

> I believe a firm decision was made at Auckland that a special meeting of the A.E.C. would be held in April or early May and, I believe, generally accepted that the meeting be held in Melbourne, to deal specifically with various aspects of State-Federal financial relationships in education. This special conference to have emphasis on schools funding and the Federal Minister would provide a paper on the subject to serve as a basis for discussion. I consider it imperative that this meeting proceed, and seek your support in ensuring that the understanding be honoured.

I believe that the Senator is incorrect in believing that there was no commitment to further discussion well in advance of the July A.E.C. meeting in Adelaide, and I would certainly again urge on him that that meeting take place, not to discuss shared funding in the tertiary sector but rather to discuss the plight of unemployed teachers.

REMAND PRISON

Mr. MATHWIN: In the absence of the Chief Secretary, I ask the Deputy Premier whether, in its search for a new remand prison, the Government has considered the use of Windana Remand Home for this purpose, because Windana is situated conveniently close to the city and meets all the criteria stated recently by the Chief Secretary. A report in the *Sunday Mail* of March 12, stated:

> Government hunts for a new prison site. The State Government was looking for a site for a new remand prison in the metropolitan area, the Chief Secretary said yesterday . . . "I have looked at two sites, and there are three more I hope to look at next week if possible."

It is understood that one site could be the McNally Training Centre site, which seems likely to be closed soon to inmates, its inmates being placed in community homes. As Windana has not been used for the past few years but is in reasonable repair and has a quite good security section, I ask the Minister whether that site has been considered.

The Hon. J. D. CORCORAN: I will refer the honourable member's question to the Chief Secretary, who is now giving evidence before the Royal Commission. The question raised by the honourable member has been discussed. A number of sites, I think, are being considered, but a final decision has not yet been reached. The honourable member would appreciate that it is a decision that would need to be carefully weighed. I know that the Chief Secretary is involved in doing that, but I will get a report for the honourable member and let him have it.

MR. B. M. EVES

Mr. MILLHOUSE: Can the Minister for the Environment say what is happening about Mr. Brian Eves's employment in the Environment Department? My question is supplementary to two Questions on Notice that I have asked: one last Tuesday and another today, both of which have been answered, I am glad to say. My question also related to something that was said in answer to an oral question of mine to which the Minister replied last Thursday. Last Tuesday I asked the following question of the Minister:

> 2. How many persons holding positions in the National Parks and Wildlife Division of the Environment Department have resigned in the past 12 months and—
>
> *(a)* who are they . . .

In the list that was prepared in reply to my question appeared the name Mr. B. M. Eves. Therefore, on information given to me by the Minister himself last Tuesday, Mr. Eves was one of those persons who had resigned from the department. In answer to my oral question last Thursday, the Minister replied as follows, in part:

> The honourable member is flogging a dead horse on this matter, the same as he flogs dead horses many times in other directions.

That was a slight mixture of metaphors, but never mind.

The Hon. J. D. Corcoran: It's good enough for you.

The SPEAKER: Order!

Mr. MILLHOUSE: That is the Minister's general attitude towards others. The Minister's reply continued:

> He made a statement this afternoon, I think, that Mr. Brian Eves had resigned. He is wrong in that—

to which I interjected "Oh!"—

> The leak, whoever it was, has given the honourable member the wrong information.

To that I interjected, "He's on the list from last Tuesday," meaning the list the Minister himself had given me of the people who had resigned from the department. The Minister continued:

> He may have submitted his resignation, but he has not yet resigned. There could be developments about which the honourable member is not aware.

In reply to a question I had on the Notice Paper today about Mr. Eves (Question No. 493) in which I asked whether Mr. Eves had been an officer in the division and, if so, for how long, what positions he had held and whether he had resigned, and when his resignation took effect, the Minister stated: "Yes, he is in the department. He has been there five years and eight months. He has been a Senior Inspector. No, he has not resigned."

Last week he had resigned and this week he has not resigned. I, being in the middle, am accused of having had a leak from someone about this matter. Mr. Eves is one of the officers of the department mentioned in connection with allegations of illegal reptile trafficking which were made by Mr. Darryl Levi in a letter to the former Minister for the Environment, now the Chief Secretary, on July 19, but about which no action has apparently even yet been taken. It was an 11-page letter, and I propose, with your permission, Sir, to quote just a couple of sentences of it. Mr. Levi stated:

> Mr. Eves pointed out some of the problems of the department in preventing illegal trafficking, particularly in relation to reptiles. They [Eves and a man named Coombe, another officer of the department] suggested that as I had met some of the Melbourne people suspected of trafficking I could greatly assist them. Mr. Eves told me he would see the Director on the coming Monday morning and arrange the approval of my import permit. Mr. Eves also promised that

should I wish to make a further journey to Melbourne to purchase reptiles he would arrange approval of a permit. Mr. Eves then asked me if I would do such a trip and try to obtain information from the Melbourne dealers on the source of their reptile supplies. It was also suggested I might best "loosen their tongues" by supplying them with a few reptiles. After about a three-hour conversation it was decided that Mr. Coombe and myself should go on a two-day trip over the Easter weekend to collect some reptiles for me to take to Melbourne. It was agreed that these could be used in exchange for other interstate reptiles I may have wanted.

The SPEAKER: Order! The honourable member said that he wanted to quote only a couple of sentences.

Mr. MILLHOUSE: I have finished that part of the letter, and there is only one more sentence I wish to quote. Some time later Levi complained bitterly to Mr. Lyons, the Director, about this. He was assured by Eves that the Director would know all about the matter. The last sentence I want to quote is as follows:

Mr. Lyons told me he was shocked to hear that his officers had made such arrangements. He said that even if I was helping National Parks and Wildlife Service they had no right to say an import permit would be approved.

I wrote to the present Minister in support of Mr. Levi on December 19, to which the Minister replied on December 22 saying that he would be pleased to discuss the matter with me. Since then and until now he has fobbed me off by saying that he did not have the report and that he was not in a position to discuss the matter with me. Now we find this extraordinary situation regarding Eves. This is one of the matters I would have mentioned today at some length if the Liberals—

The SPEAKER: Order!

Mr. MILLHOUSE: —had had the guts to support me.

The Hon. J. D. CORCORAN: I am not quite sure what I have to answer.

Mr. Millhouse: What's happening about Eves?

The SPEAKER: Order!

The Hon. J. D. CORCORAN: Was that the question? I thought that all the things that were appended to it had something to do with something else.

The Hon. Hugh Hudson: Reptiles.

The Hon. J. D. CORCORAN: As I said the other day, he is an expert on reptiles, this fellow.

The SPEAKER: Order! "The honourable member."

The Hon. J. D. CORCORAN: Sorry, Sir, the honourable member is an expert on reptiles. Let me trace the events of the past 20 or so days in connection with Mr. Brian Eves. I think it was on March 1 that he submitted his resignation, which was to be effective, I think (and I do not want the honourable member to hold me exactly to these dates) on March 13.

I think that, on about March 10, Mr. Eves must have had a change of mind, because he sought permission to see the Director of the Environment Department in connection with his resignation. This was the third time a formal resignation had been made by Mr. Eves; I am given to understand that on a number of occasions he had threatened to resign. The Director, Mr. Dempsey, made an appointment to see Mr. Eves, I think on the Tuesday, three or four days before the resignation was due to take effect. He informed Mr. Eves at that meeting that he was not prepared to discuss the resignation and that he was not willing to allow Mr. Eves to withdraw it, for the reason I have mentioned: that this was the third occasion on which he had submitted a formal resignation. That was all that was said, and a letter to that effect was handed to Mr. Eves. Mr. Eves had with him representation from the Public Service Association, as he was perfectly entitled to have.

On the next day, I think on the Wednesday before the Friday when the resignation was due to take effect, a letter was received over the signature of the Secretary of the Public Service Association. Attached to that letter was a medical certificate from Mr. Eves's doctor, to the effect that he considered that Mr. Eves was not in a fit state of mind at the time he decided to resign to have taken that decision. This indeed posed a problem for the Director. He had to decide whether or not to ignore that medical advice. I note the honourable member is grinning about it, and I do not know why.

The Hon. Hugh Hudson: Perhaps it's wind.

The Hon. J. D. CORCORAN: It is not wind on this occasion.

Mr. Millhouse: I can't tell you why, or I would be interjecting.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: The honourable member thinks he knows more about it. I think it was right and proper for the Director to have a second look at the situation because of the medical certificate of which he was not aware, and neither the Director of the division nor any of the staff from the department were aware of it either, before the Wednesday, when the letter was received from the Secretary of the Public Service Association. The Director decided (it was not I; it is his prerogative under the Act) that he would review the decision, and he called Mr. Eves back on either the Thursday or Friday to discuss the matter with him again. He decided that, in the light of the medical certificate, he would countermand the decision that he had already made and would allow Mr. Eves to remain in the department. However, because the medical certificate purported to show that he was not in a fit state of mind to take a decision at that time, the Director thought it proper to change the duties of Mr. Eves and his location. I believe that that is a perfectly proper course in the circumstances, and that was done. As I understand it, Mr. Eves is now with the Coast Protection Board, still in the Environment Department. I am not certain of the duties he has been given.

Mr. Millhouse: Does he know anything about them?

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

The Hon. J. D. CORCORAN: Mr. Eves has proved himself over the years to be a competent officer, who can handle reports and the clerical aspects of any office, whether in the Coast Protection Board, the National Parks and Wildlife Division, or anywhere else. I have no doubt about his ability to do that.

That is the current situation. When I replied to the honourable member verbally in the House the other day, I was aware that these discussions were going on, although no finality had been reached. I said that to the honourable member. There was nothing untoward, as is now shown about the statements I have made. In relation to the matters the honourable member referred to at the end of his question, I can only say that the problem has not yet been finally resolved.

Mr. Millhouse: After nearly 12 months?

The Hon. J. D. CORCORAN: I suppose the honourable member thinks that I should personally investigate anything raised, especially by him. I am afraid that that is not the case. I cannot do it, and I have not got the time. If I had, I would not do it. I leave the reply where it stands, and I hope it has satisfied the curiosity of the honourable member.

Mr. Millhouse: No, it hasn't.

The SPEAKER: Order!

At 3.6 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

PRICES ACT AMENDMENT BILL, 1978

Returned from the Legislative Council without amendment.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL, 1978

Returned from the Legislative Council without amendment.

DISTINGUISHED VISITORS

The SPEAKER: I notice in the gallery two distinguished visitors from New Zealand, namely, the Right Hon. Brian Talboys, the Deputy Prime Minister and Minister of Foreign Affairs, and His Excellency Mr. Laurie J. Francis, High Commissioner for New Zealand in Australia. I invite the honourable gentlemen to take a seat on the floor of the House, and I ask the Deputy Premier and the Leader of the Opposition to escort the honourable gentlemen to a seat on the right-hand side of the Speaker.

The Right Hon. Brian Talboys and His Excellency Mr. Laurie J. Francis were escorted by the Hon. J. D. Corcoran and Mr. Tonkin to seats on the floor of the House.

RESIDENTIAL TENANCIES BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Mr. MILLHOUSE: It may be that members on the other side have been apprised of the recommendations of the conference and that members on this side either know about them or do not care, and that we are not to have any debate at all on this motion. That is not my position. I am not privy to the secrets of the other Parties. I have reservations about some of the recommendations, and I think it is possible that the Attorney hoped to pop this one through without anyone debating it. If it had been left to the Liberals, he would have succeeded. Not one of them got up. If I had not got up, we would not have had any debate on this matter. I have looked at the debate in another place on this matter, although I know I must not canvass that.

The CHAIRMAN: The honourable member is quite right. He cannot mention the debate in another place.

Mr. MILLHOUSE: I know that, Sir, but it has been a help. Let us look at amendment No. 2. It is absurd, if I may suggest it. It is a question of whether the Act should bind the Crown. It was a matter of some considerable concern to members on this side of the House, if I remember correctly.

As I understand it (and I supported this view), the Crown should have been bound by this Bill. If the Crown is the landlord, whether it is the Environment Department, the Highways Department, the Railways Department, or the Housing Trust, which is a State instrumentality, it should be bound. I thought the other place was insisting on that and I thought members on this side of the Chamber were insisting on it, but it does not seem to have happened. We have here a new section which, with great respect to the draftsman, is as cockeyed as anything can be as a matter of law. It is the first of the amendments, and the marginal note is to be, "Responsibility of Crown". The Crown does not really have any responsibility at all. "This Act does not bind the Crown," it says. It is absolute and utter nonsense. It is what T. Playford, former Premier of this State, used to call good British justice, which was shoved into a Bill to look beaut and mean nothing. That is exactly what these words come to.

I hope that members of the legal profession on the other side (the member for Morphett, for example) will perhaps give their views on this matter, and I invite the Attorney-General to say a few words as well. I defy any honourable member on this side, if it were included to save their faces, to explain the meaning. There is no sanction in the provision and no-one can tell what it means. It can mean anything any Minister wants it to mean, or nothing, and it will no doubt be taken to mean nothing by a Minister when it is convenient to do so. No-one, so far as I can see, could judge whether the Minister is entitled or not to take any particular view, and no sanction against the Minister is written into the clause if by some chance he were found to have breached. The clause means nothing at all, except that the Act does not bind the Crown and will apply only to Government houses or to semi-government housing when it suits the Government of the day and the Minister of the day.

It would have been far better to leave out this clause altogether. The result would have been the same, only it would have been far clearer than having the clause left in. Now that I have spoken in the debate, no doubt some honourable member will get up and say, "What a lovely conference it was. How reasonable everyone was. How fair the compromises are on each side. I hope that the Bill will work. Everyone is pleased about it." I am not, if only for the meaningless amendment, the effect of which is that the Crown is not bound by the Bill. That is enough for me to feel that the whole thing should be rejected.

Mr. Becker: I'd throw the whole Bill out.

Mr. MILLHOUSE: I am glad to hear the member for Hanson interject that he would throw the whole Bill out. I hope that he will support me in the debate to reject this compromise.

The Hon. Peter Duncan: His tongue is stronger than his arm.

Mr. MILLHOUSE: We will see that in a moment. I ask for an explanation, although obviously none is going to be given, at least of this amendment, and in justification of some of the other amendments. Otherwise, it seems to me that the Liberal Party once again has just crumpled in the face of Government pressure.

Mr. EVANS: What the honourable member has said is typical of his niggardly approach to politics. He should have noticed that I was returning to my seat and had something else I had to do at the time the question was put. I had intended to speak.

Mr. Millhouse: If I hadn't risen, it would have been too late.

Mr. EVANS: I do not think that that would have been the case, Mr. Chairman; you are a reasonable man. The conference was a matter of compromise, because two political ideologies were in conflict. I believed that, on going to the conference, the Crown should be bound. If there were an area of compromise, it was that the Minister

would have to realise in the future that the Minister of the day would have to pass a instruction to his departments that they attempt to put into practice the provisions of the Bill, wherever necessary to do so. The member for Mitcham might be right in legalistic terms by saying that it might not mean anything. However, common sense is involved. He expects people to spend large sums on seeking legal opinions so as to get justice. The compromise gives the opportunity for Parliament to say that the Minister is expected to do what the private sector is expected to do, except where an exemption is obtained.

Mr. Millhouse: I think the member for Morphett would be able to defend it better than you.

Mr. EVANS: That may be so. I do not object to the compromise, which will give a guide to the Minister on what Parliament expects from Government departments. I am prepared to accept such a provision.

Progress reported; Committee to sit again.

SUPERANNUATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Superannuation Act, 1974-1976. Read a first time.

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

That this Bill be now read a second time.

It provides for a number of significant amendments to the principal Act, the Superannuation Act, 1974-1976. It provides that superannuation benefits may be extended by regulation to part-time employees in Government or semi-government employment. It provides that early retirement pensions, that is, the lesser pensions payable on retirement at the age of 55 years, may be commuted to a lump sum payment and a smaller fortnightly pension payment. It is proposed that this right to commute will apply to early retirement pensions first payable after the commencement of this amending measure. It provides that the pension payable to a spouse on the death of a contributor or pensioner may be commuted regardless of the age of the spouse. Under the present provisions of the principal Act a spouse may commute the spouse pension only after attaining the age of 60 years. This right to commute is to apply to any spouse pension first payable after the first day of January, 1973.

The Bill proposes that the child benefit payable under the principal Act be extended to a child adopted by the spouse of a deceased contributor or pensioner after the death of the contributor or pensioner if the Superannuation Board is satisfied that the contributor or pensioner, or the spouse or both, had, before the death, assumed the care of the child with a view to its adoption. The definition of "salary" is amended by the Bill so that the extra amount payable to an employee appointed in an acting capacity to a higher position is to be regarded as part of the employee's salary for the purpose of determining his level of contribution and pension after this situation has continued for a period of 12 months.

The Bill proposes an amendment to section 11 of the principal Act designed to enable an arrangement as to superannuation to be entered into between the Superannuation Board and a body that is not a Government agency but to which a contributor has been seconded.

Any existing lower benefit contributor is, under a further amendment to the principal Act, to have the right to elect before June 30, 1978, to be a higher benefit contributor with superannuation benefits of amounts determined by the Public Actuary, having regard to the relative periods for which the contributor contributed as a lower benefit contributor and as a higher benefit contributor.

Clauses 1 and 2 are formal. Clause 3 amends the definition section of the principal Act, section 5. The clause amends the definition of "commutable pension" so that early retirement pensions are not excluded and thereby may be subject to commutation, and by removing the limitation that spouse pensions may not be commuted until the spouse has attained the age of 60 years. The definition of "eligible child" is amended by this clause so that it includes a child adopted by the spouse of a deceased contributor or pensioner after the death of the contributor or pensioner where the board is satisfied that the contributor or pensioner, or spouse, or both, had, before the death, assumed the care of the child with a view to its adoption. A new definition of "salary" is substituted for the present definition providing that allowances may be included or excluded as part of "salary" by regulation. It is proposed that a regulation will be made including as part of "salary" any higher duties allowance that has been payable for 12 months.

Clause 4 inserts in the principal Act a new section 10a providing for the making of regulations to establish a superannuation scheme for part-time employees. Clause 5 amends section 11 of the principal Act which provides for the making of arrangements as to superannuation between the board and any public authority. The clause amends the definition of "public authority" in this section so that it includes any body prescribed by regulation.

Clause 6 amends section 13 of the principal Act which sets out the investment powers of the Superannuation Fund Investment Trust. The clause amends the section so that the trust may make investments in any manner not presently listed in the section but which is approved by the Treasurer. Clause 7 amends section 14 of the principal Act by providing that any borrowing by the trust is not automatically guaranteed by the Treasurer but may be guaranteed by the Treasurer.

Clause 8 inserts in the principal Act a new section 57a providing that a lower benefit contributor may, before June 30, 1978, elect to be a higher benefit contributor. Subclause (2) provides that this election will have effect from the contributor's next contribution adjustment day, that is, in July, 1978, and that the superannuation benefits of such contributor will be of amounts determined by the Public Actuary.

Clause 9 amends section 64 of the principal Act so that the salary of a contributor who has been reduced in salary but who has elected to continue to contribute to the fund at the salary attaching to his previous position may be adjusted by the board to reflect salary movements. Clause 10 makes a drafting amendment to section 78 of the principal Act. Clause 11 amends section 84 of the principal Act by providing that the spouse of a deceased contributor or pensioner may elect to commute part of the spouse pension regardless of his or her age. This right is to apply to any spouse pension first payable after January 1, 1973.

Mr. NANKIVELL (Mallee): We have been asked to deal with this Bill as expeditiously as possible. In the time available to me since I have had a copy of the Bill and of the second reading explanation—

Mr. Millhouse: How long is that?

Mr. NANKIVELL: About half an hour. I have discussed specific matters with the Parliamentary Counsel responsible for the Bill, and have satisfied myself that the Bill is drafted in such a way as to put into effect those provisions that have been set out in the second reading explanation. I refer first to the provision for a part-time employee to be brought under the superannuation benefits by regulation and not by proclamation. Because of that provision, the way in which these persons will be brought within the

cover of the Superannuation Act will be a subject for this House to consider, as the necessary regulations will have to be laid on the table in the normal way.

Provisions concerning early retirement bring early retirement contributors on the same footing as those who retire at the normal age. If a person retires at 55 years of age instead of 60 or 65 years, he accepts a lesser pension, but provision is made to enable him to commute that part of the pension he would have been entitled to commute had he attained the normal retiring age of 60 or 65 years. If the amount that could be commuted at 60 or 65 years was 30 per cent of the full pension, as I understand it and as it was explained to me, the new provision means that the person retiring at an earlier age can commute 30 per cent of the amount that would be applicable to the reduced salary, and that would be some fraction of the retiring salary the person would have enjoyed if he had not retired at 55, instead of 60.

I understand that the "eligible child" clause has been widened as a result of one or two cases in which adoptions have taken place but the necessary papers and procedures for the legal adoption of the child were not completed before the death of the contributor. This amendment will allow a child in the process of adoption, where the people responsible for assessing the case can be satisfied that the contributor and his spouse intended to adopt that child, to have the same benefits as it would have had had it been a legal or a *de facto* child, as is the case at present.

This Bill also refers to people employed in a higher position in an acting capacity. This happens frequently when someone may be a Director or an Acting Director. As I understand it, superannuation is based on the salary at the age of retirement and, if a person is in an acting capacity, up to now it has been construed that he retires on his salary without the benefit of the additional salary he has been earning as a result of having the higher appointment.

As I understand it, the Bill provides that, if a person is employed in an acting capacity in a higher position than the one he previously occupied and has acted in that position for at least 12 months before retirement, he will now have his pension assessed on the basis of his having received that higher salary as a permanent rather than as a temporary salary whilst he was so acting.

The matter concerning non-government agencies is referred to in the Bill under clause 5, which amends section 11. I understand that in this case the prescribed body is the Jam Factory, and that someone who is a member of the State Superannuation Fund and who is a Government employee has been seconded to the Jam Factory, which is not a Government agency, and therefore there is some question about whether or not he has portability or continuance of superannuation. Provision is being made in the Bill for people seconded or taking up such positions as a result of Government direction.

Mr. Millhouse: Does this make superannuation better on the whole for public servants? Does it increase benefits?

Mr. NANKIVELL: It provides additional benefits in the case of early retiring superannuants. It also provides additional benefits for persons who have been acting in a higher capacity for at least 12 months before retiring, and it provides for part-time employees to come within the province of the Superannuation Act on a complicated formula. Therefore, regulations will have to be considered by Parliament.

Mr. Millhouse: That's pretty hollow.

Mr. NANKIVELL: It takes into account the amount of money received according to the question of part-time. If a person progressively reduces contributions from full time to part time, those fractions on which he is on lesser time are by some way included in a formula giving that person a higher benefit.

Mr. Millhouse: It does increase the benefits.

Mr. NANKIVELL: It does, as does the other benefit to which I was about to refer, that is, that until June 30, 1978, persons who did not elect to take higher benefits when the new Act was brought in may elect to do so from July 1. As a result persons who thought they would be better off if they remained in the old scheme than they would if they had joined the new scheme and who have now seen that the new scheme contains additional benefits can, if they elect, take up these higher benefits. Again, this is an actuarial calculation. They will get only a part benefit. If they have been contributing for 20 years and have 10 years to go to qualify for superannuation (and I think 30 years is a normal requirement in the public service), and if they contribute for 10 years for the new benefit, they will receive a pension which is a compromise between the two.

I think that a number of persons are affected by this. Obviously, the matter has been brought to the Government's attention by people who thought they were hard done by because they did not fully understand the new scheme when it was brought in. It is to be fair to those people that this provision is made. The benefit is not back-dated to the date on which the new scheme came into force, but these people can get the additional benefits as from July 1, provided that they elect to contribute for those higher benefits before June 30, 1978.

There may be aspects of this Bill I have overlooked, but I do not believe there are. My discussions with the draftsman have satisfied me that what was intended is contained in the amending Bill.

I think I can say, on behalf of the Liberal Party, that we have no serious objections to the additional benefits provided they are actuarily sound, and I am given to understand that they are. The only area for question might be in relation to how some of the fractions are merged together. If that is to be done by regulation, the House will have more time to look at the matter at a future date. As the House is rising this week and it is likely that it will not be sitting again before the end of June, in order to enable these superannuation benefits to be brought into effect it is necessary to deal with the matter now. Although I agree that it is somewhat hasty, I support the Bill.

Mr. TONKIN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1978

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

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

That this Bill be now read a second time.

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

Mr. Millhouse: No!

The SPEAKER: Leave is not granted.

The Hon. G. T. VIRGO: The principal object of this Bill is to provide a completely new scheme for the regulating of parking throughout council areas. As the Local Government Act now stands, individual councils have power to make by-laws regulating parking within their areas. A recent investigation has revealed that there are variations from council to council, and that a motorist is in some difficulty in ascertaining the obligations cast upon him in relation to parking. These discrepancies have led to

adverse criticism of local government authorities which is sometimes difficult to refute. A further difficulty arises from the fact that parking is regulated by a council by way of resolution, and it is extremely difficult for the ordinary man in the street to ascertain the exact position in any one instance, even if he were to get copies from the council of its parking resolutions.

It is proposed that the whole matter will be dealt with by way of regulation, as this will provide greater flexibility for amendment, and will provide a complete code of offences and penalties. Councils will still have the power to decide upon the way in which various streets and roads, etc., will be regulated in their own areas, but the method of such regulation will be governed by the regulations made under the Act. It is contemplated that the regulations will simply provide that a motorist need only obey the signs and marks erected or placed by a council, and of course the regulations will ensure that there is complete uniformity throughout council areas in the way in which signs and marks are to be provided.

Clause 1 is formal. Clause 2 provides for the commencement of the Act, and for the suspension of operation of any clause should the need arise. Clause 3 effects a consequential amendment. Clause 4 repeals two sections of the Act, one dealing with the appointing of taxi stands, and one dealing with the declaration of prohibited areas. Both these matters will be provided for by the regulations. Clause 5 repeals the Part of the Act that provides for parking meters and parking stations, and inserts a new Part dealing with parking generally.

New section 475a provides the widest possible regulation making power. Certain matters will be prescribed by the regulations themselves, e.g., the prohibition against parking within a certain distance of traffic signals. In all other respects, a council may regulate, restrict or prohibit parking in public places within its area, in accordance with the regulations. The regulations may specify certain exemptions, and it is proposed that such classes of vehicles as, for example, vehicles used by or for persons with a severe physical handicap, will be dealt with in this manner. New section 475b empowers a council to grant special exemptions in such circumstances as it thinks fit.

New section 475c provides that parking signs, etc., need only substantially conform with the regulations (or regulations under the Road Traffic Act) in order to be valid. This means that, for example, a discrepancy of a few millimetres does not invalidate a particular sign or mark. New section 475d provides that any person carrying on a business in the name in which a vehicle is registered is deemed to be the owner thereof. New section 475e provides certain necessary evidentiary provisions for the facilitation of prosecutions. The usual so-called "owner/onus" provision is provided. It is made quite clear that no person can call in question the actions of a council in erecting signs, etc. (A defendant of course may still establish that a sign was not in fact erected at all, or that a sign was there, but did not conform with the regulations.)

New section 475f provides that a person has a defence if he had to contravene the regulations in order to avoid accident, or to comply with directions of a police officer or council officer. New section 475g provides that a council, or a council officer, is not liable to any person merely because of the exercise in good faith of any powers under this Part. New section 475h provides that a council may provide car parks and parking stations, and may make by-laws for the purpose.

Clause 6 repeals the various powers to make by-laws in relation to the parking or standing of vehicles. Clause 7 deletes some words from section 679 of the principal Act that were inadvertently left in that section as set out in the first amending Bill of 1978. Clause 8 inserts two new sections. New section 794a provides that any prescribed offence may be expiated. This section replaces the existing provision in the Police Offences Act; the latter Act now seems to be an inappropriate "home" for such a provision. New section 794b provides that prosecutions for offences under the Act must not be commenced without the approval of the Commissioner of Police, or the appropriate clerk of the council. It is quite inappropriate that private citizens should prosecute for offences without such prior approval. Clause 9 effects another minor consequential amendment to the Act, as amended by the first amending Bill of this year.

Mr. RUSSACK secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL, 1978

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967-1976. Read a first time.

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

That this Bill be now read a second time.

This Bill is designed to overcome a problem that has arisen in Whyalla. The Corporation of the City of Whyalla presently owns the Foreshore Motel and leases it to the present licensee. At the conclusion of the lease, the council hopes to operate the motel in its own right. The present Bill is designed to enable the council to do this. In certain other States local authorities, particularly in the more remote areas, operate hotels and motels to provide a service to the community and to encourage tourism. The Government believes that it is desirable to enable local governing authorities to enter into such ventures in this State. Hence the Bill enables a council to hold a full publican's licence, a limited publican's licence or a restaurant licence.

Clause 1 is formal. Clause 2 inserts a definition of "council" in the principal Act. Clause 3 deals with the declarations to be furnished by a council upon application for a licence. Clause 4 empowers a council to hold a full publican's licence, a limited publican's licence or a restaurant licence.

Mr. RUSSACK secured the adjournment of the debate.

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2233.)

Mr. ALLISON (Mount Gambier): It appears that there is some question whether the Art Gallery is currently conducting legally its bookshop and part-time coffee shop. Although it is highly unlikely that any member of the public would question the provision of the type of service which one finds in any number of art galleries across the world, nevertheless the Minister has deemed it necessary to bring this Bill before us, apparently to legalise those two activities, (the running of the bookshop and the coffee shop), and also partly to change section 23 of the existing Act.

The major amendments to section 23 are, first, a fairly commonsense approach to increasing the maximum penalty for breaches of the regulation from the existing $40 to a new figure of $500. The second major amendment is that the board of the Art Gallery will be empowered to make certain regulations, including three main ones. It will be empowered to make traffic and parking regulations

covering the areas of land under its control, secondly, to make a basic assumption that any vehicle detected transgressing regulations may be deemed to be in the possession or in the control of its owner, with the owner having the onus of proving otherwise, should he be liable to prosecution; and thirdly, to provide for a parking offence expiration fee to be paid in lieu of prosecution.

We support the Bill, bearing in mind that the first part of the legislation concerning the bookshop and the coffee shop is simply designed to legalise an existing operation. The second part of the legislation regarding the traffic regulations is directed against people who might be searching for parking space in this increasingly crowded city of ours and who might take it on themselves to find out which organisations have teeth in their parking regulations and which ones do not. It appears that quite a number of people have already detected that in the city centre there are several State-operated organisations which are quite unable to enforce penalties against any, on the surface, breaches of traffic offences. It is possible that the Art Gallery could be the subject of an emergency, for example, a major fire, with the numerous works of art and artifacts that are stored there threatened. If vehicles were illegally parked, they could prevent access to the fire by Fire Brigade vehicles. That reason alone is sufficient for the passage of the Bill. We support the legislation.

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

ENFORCEMENT OF JUDGMENTS BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2307.)

Mr. ALLISON (Mount Gambier): The situation regarding this Bill and the two following, which are really cognate Bills, has not changed since last week when a colleague recommended that this be one of the five Bills which should have been put before a Select Committee.

I would give the lie to an accusation made by the Attorney-General in which he said that members on this side were simply trying to delay this legislation because we did not like it and wanted to see it cast out. That is not so. We readily admit that much of this legislation is very desirable. Those Bills have been the subject of at least one printed Law Reform Committee report, the thirtieth report of the South Australian Law Reform Committee, printed in 1974. We are now awaiting the publication of another very important report, report No. 8 which, we understand, is soon to be released by the Federal Law Reform Commission. Many people in Adelaide, including the Law Society, members on this side of the House and members of the community who are interested in the passage of these Bills, have been quite unable to obtain any information about the contents of that Federal report. We have been unable to obtain a copy of it anywhere.

Although we suspect from the Attorney-General's second reading explanation that he has modelled this legislation on the Federal report on the enforcement of judgments, which has still to be released, we have no means at all of checking it. Therefore, we are quite unable to compare just how close the legislation before us comes to those recommendations by the Federal body. We are certainly aware that the legislation before us does not conform exactly even to the report that was released by our South Australian committee in 1974.

As I have said, we are firmly convinced that this legislation, including the Bill that was debated last week, should have been referred to a Select Committee. I have already obtained 10 or 12 pages of assessment of the various clauses in the Bill before us, but I do not intend to go through the entire Bill item by item as I had originally intended, because I understand that it is more than possible that appropriate action either to defer the legislation or refer it to a Select Committee will be taken in another place. I understand that the Attorney-General has had discussions about that.

I now refer to the thirtieth report of the South Australian Law Reform Committee, 1974, wherein the committee stated:

> The purpose of this paper is to carry forward the reforms made in 1852 and 1875—

and that highlights how long ago it is since effective reform took place—

> so as to produce the result that a plaintiff in execution does not lose the fruits of his judgment in some cases or in others pay costs unnecessarily incurred because the execution is set aside or is infructuous on the ground that he has selected an inappropriate writ of execution in the circumstances.

That is basically the philosophy of that Law Reform Committee. It does not seem to be one-eyed philosophy but takes into consideration the needs of both the debtor and the creditor. The report continues:

> . . . the law should be reformed so that in place of the old writs of execution there should be substituted a simplified procedure by lodging the necessary documents with the Master of the court. These documents will authorise the seizure of all classes of assets in the respondent's hands; an enquiry as to what those assets consist of; and will found an application to the court or Master to bind assets of the debtor in the hands of third parties. The Master will then direct the Sheriff by letter or in any other way that he thinks proper to seize into his hands all the assets of the debtor which he can find and to pay thereout the plaintiff's judgment and costs and the costs of execution.

Apparently a similar reform of the law has existed in New Zealand since 1882, so it is quite an old-standing reform there. The Law Reform Committee states that, secondly, it desires to recommend substantive amendments to the law governing the various forms of execution that a plaintiff may use. I would recommend that Law Reform Committee report to members for their general reading. It is about 16 or 17 pages long and I do not intend to burden the House by reading it today.

The two comments I have made basically set out the philosophy of that committee—an aim to simplify the whole proceedings of debt collection and the enforcement of judgments. The Bill before us, which is to enforce judgments of the Supreme Court and the local courts, does initially carry out the main point made in the committee's recommendation that the nature of writs of execution be considerably simplified. In this case they are reduced to only three writs: a writ of sale, a writ of possession and a writ of attachment. The rest of the Bill tells us how these writs are to be enforceable.

Admittedly, this legislation is, as the Attorney-General has assured us, based on the Law Reform Committee report. Whether it was the 1974 State report or the 1978 Federal report is not made clear. Certainly, we cannot check on the Federal report because we have been unable to obtain a copy of it. We accept that, in principle, this legislation is quite desirable. It is possible, however, that important variations from the State and Federal reports are present in this legislation. It is of such special importance that the Law Society of South Australia readily admits that it has not had access to the various reports or the necessary time to go through the five important Bills before us that enact sweeping change to debt collection and enforcement of judgment legislation.

Therefore, since an auspicious body like that has not had time to consider the Bills or the reports, it is hardly likely that anyone else in the community has been able to appraise the legislation.

As I said earlier, what I have said is not an indication that members on this side are against the legislation; it is simply that we believe that the whole cross-section of the community involved in debt collection and law enforcement should be permitted to have a good look at the legislation and to bring forward a number of major and/or minor recommendations for amendment. Personally, I have no doubt that a number of amendments would be desirable because the legislation seems in several spots to be rather loosely drafted, and several ambiguous clauses certainly need tightening up.

Mr. Millhouse: Could you give me instances of them?

Mr. ALLISON: I had intended to give the House about 18 pages of them, but I will give the honourable member a few of them, if he has not already done so. Clause 9 (2) *(b)* excludes from seizure under a writ of sale a judgment debtor's furniture or household effects. Under section 168 of the Local and District Criminal Courts Act (the present law), the only accepted similar items are wearing apparel, bedding, sewing machine, typewriting machine, or mangle. A further limitation under the present law is that the total value of wearing apparel, bedding, tools and implements of trade accepted from seizure shall not exceed $60, so any items that would push the total exemption value over $60 could be seized.

It is quite possible that a debtor could put his money into furniture (and one has only to look at the various antique furniture auctions that take place in Adelaide and the countryside almost every week to realise that items of furniture could include precious antiques) and exclude such items from seizure on the grounds that they were part of his furniture. It is not beyond the bounds of possibility that a debtor with rather extravagant tastes might have not one television set priced between $600 and $1 400, but a second or even a third one, since debtors generally do not always seem to be responsible people and may let their tastes exceed their judgment.

Mr. Millhouse: Are you assuming that television sets are furniture?

Mr. ALLISON: He could claim that it was a necessary item of furniture, part of his household furniture. The definition is not strictly clear. There is every possibility that a ceiling much higher than $60 might be imposed on a debtor's furniture; for example, $500 or even $1 000 might be the ceiling placed, but at least there should be some reasonable limit beyond which items of this description might be seizable.

In clause 9 (5), relating to the removal of seized goods, it is possible that under the *expressio unius* interpretation the debtor could consent to the property's being left on the premises. If he does, there is the question whether, having given that permission, the Sheriff is then bound by it. Because of the way in which this subclause is drafted, it may be argued (and it may be counter-argued that this is wrong) that all the debtor has to do is to consent to the property's remaining on the premises and, if he is given that consent, it is illegal for the Sheriff to remove it. It would be far more sensible for the Sheriff to be given absolute discretion on whether or not the goods should leave the property of the debtor after they have been seized. If there is no such discretion on the part of the Sheriff, it is quite possible that, if the Sheriff left items with the debtor, the debtor could sell them or deal with them in some other way to defeat the writ of sale. I suggest that there is every chance, with that subclause, that tighter drafting will make it more effective.

Under clause 10(3), 21 days of written notice must be served on the judgment debtors whereas, under the present law (the Local and District Criminal Courts Act, section 171), the only requirement is that five days must intervene between the date of seizure and the date of sale of the goods. Now it is proposed that the intervening period be at least 21 days, that a written instrument must be prepared to give notice of the intended sale to the judgment debtor, and that that written instrument must be served upon the judgment debtor. Those three points present quite a problem if they are considered one at a time.

Mr. Millhouse: Are you going to move amendments?

Mr. ALLISON: We have been informed that there is every possibility that this will be dealt with in the Upper House. We have not had time to prepare effective amendments.

Mr. Millhouse: You've had the weekend.

Mr. ALLISON: I have done this over the weekend.

The DEPUTY SPEAKER: Order! The honourable member for Mitcham and the honourable member for Mount Gambier should not be discussing proposed amendments. The honourable member should address the Chair.

Mr. ALLISON: In case there is any doubt, I must say that the statement I made last week still stands: we will be opposing this legislation, not because we dislike every line of it but simply because, in principle, we feel that the community at large has not been given sufficient time to analyse the legislation and to bring forward its opinions. We will oppose the second reading.

The proposed lengthening of the time to 21 days, an increase of more than 400 per cent, can only increase the chance of something happening to stop the effective completion, as far as the court is concerned, of the execution. What is the real reason behind extending the time to 21 days unless it is to make things more difficult for the creditor? Apart from those two steps involving further delay by taking longer to be put into effect, they increase very substantially the costs of execution against the goods, and the serving of notice personally on the judgment debtor may also increase the expense. It may increase the delay, because anyone who is experienced in debt collecting will be well aware that a number of people are quite adept at making it difficult for summons or judgment summons writs to be served on them.

Mr. Millhouse: They are very adept indeed.

Mr. ALLISON: Yes, I have had some experience—

Mr. Millhouse: On which side of the fence?

Mr. ALLISON:—in debt collecting. I was formerly a manager, in the middle 1950's, of a major debt-collecting firm. In some mitigation, however, I might say that I did not like the work, for two reasons: one was that I was never working fast enough for the creditors, and the other was that I was always working much too fast for the debtors. For that reason, I opted quickly out of that line of business. However, I have had considerable experience in issuing unsatisfied judgment summonses and following up warrants of commitment, and so on. In fact, I had some 18 months of work that was unpleasant in many ways. I am not speaking idly when I assess this legislation.

We could say that it would be better if there were no requirement that written notice be served on the judgment debtor (that is the present law, as those experienced in debt collecting would be aware), because the judgment debtor knows when his goods are seized that they will be sold unless he pays the debt beforehand. It is hard to imagine a seizure of goods that will not come to the attention of the judgment debtor. A less attractive alternative would be to have provision expressly for

service by post, just as the provision now is contained in section 95 of the Local and District Criminal Courts Act. If notice is still to be given to the debtor, as proposed in the Bill, the period of delay before the sale could be greatly reduced, bearing in mind that it would take some days to prepare the written notice of sale, and for it to be presumed to be delivered, even through the post, to the debtor. At least three days would be required, and with weekends and with consequent delays in mails (I am not referring to the mail strike which is on at present, which would increase the possibility beyond that) it could be five or six days before anything could be done.

There is also the matter of land, which people these days generally consider to be a more serious attachment than the seizure of property. There is no requirement of service of written notice upon the debtor at present, although the new legislation makes it cheaper to advertise in the newspapers, since only one advertisement is required, as opposed to advertisements in the *Government Gazette* and two newspapers in the former legislation. That is a relatively minor compromise. We suggest that the present division of writs into two categories (execution against goods, on the one hand, as against execution against land, on the other hand) has no logical foundation, although it is quite possible for goods to be worth far more than land; for example, a front-end forwarder in forestry could be worth $50 000 to $100 000, whereas a block of land might be worth $5 000 or $10 000. The issue of two separate writs has a practical foundation of being a division based upon the gross difference in value, and the procedure under clause 10 seems disproportionately cumbersome and could be expensive if the execution is levied against only $100 worth of goods.

So, it would seem, on the surface, that one of the intentions behind this proposal is to discourage creditors from seeking an execution against goods in relation to small debts, simply because the cost of such action would be disproportionate.

Clause 26 (1) deals with the summons for examination. This subclause could be interpreted to mean that a summons for examination can be issued only out of the court in which the judgment has been given. The clause specifically refers, in each instance, to "the" court; it does not say any court. So, by definition, the court would be the court in which the judgment was given. This provision could make for tremendous difficulties and expense, if the debtor moved after judgment was delivered—if, say, a decision were given in Adelaide and the debtor had moved to Brisbane. It may well be that the Attorney-General intended that the subsequent actions would be issued out of the same court, possibly to protect the debtor, whom he might falsely assume to be a person always residing in one and the same place, but it would be possible for a debtor to move from one place to another hundreds or thousands of miles distant, and for an action to have to be taken out of the same court rather than out of an alternative court could considerably increase the expense. Under the present legislation, it is possible for a subsequent action to be taken out of an alternative court.

Mr. Millhouse: Have you anything to say about the question of recovery of costs under clause 26 (1)?

Mr. ALLISON: Under the old system of recovery of costs, it was generally recovery against the debtor.

Mr. Millhouse: Do you think that 26 (1) gives any right to use the provision to recover?

Mr. ALLISON: I will deal with that in Question Time later. I had not given that thought.

Mr. Millhouse: It's an important matter.

Mr. ALLISON: Yes, it is. Regarding clause 26 (6) *(a)*, failure to appear for examination, anyone experienced in court work will readily realise that debtors do not go to prison for debt or for failure to pay debts. The old warrants of commitment are issued for contempt of court, that is, for failure to appear before the court generally on the second or third U.J.S. The form of the U.J.S., which is always served personally on the debtor, clearly states, "Take notice that if you obey this summons the court may commit you to gaol." I think that most debtors would be aware of that. Where, through reasonable cause or excuse, the debtor fails to attend court, he can apply to the court to have the order for imprisonment discharged and the examination listed for hearing. Anyone who has been to court will realise that the courts are generally generous in this regard if they see due cause or excuse. The point has been made by a number of debt-collection firms that, were it not for such a penalty, the hardened and clever debtors would attempt to ignore examination summonses. Indeed, most debtors of that type generally pay on that type of warrant rather than on a U.J.S.

There could be cases where an innocent debtor was unable to appear in court, and courts are generally lenient towards such people. The power to imprison for failure to attend is now to be taken away, and I think that that provision is covered by a subsequent Bill that will come before the House later, so I cannot debate that issue. The creditor will have to face the cost of issuing a writ of attachment and the cost of transporting the debtor to court. One of the worst features of this procedure is to be found in another associated Bill that we will deal with later. The provision deals with the process involved when the Sheriff has to take charge of the goods to be seized.

Regarding clause 26 (6) *(b)*, on the surface this proposal appears to correspond with the situation under the present law, whereby, when a debtor fails to comply with an order for payment made on his examination, a further U.J.S. can be issued to bring him to court for a further examination. Under the present law, it is usually on the second U.J.S. or, if not, then on the third examination any order made for payment by instalment or otherwise by the debtor is given the sanction by being preceded by a suspended order for imprisonment. Imprisonment is suspended so long as the debtor makes the payments he has been ordered to make. Section 180 (2) of the Local and District Criminal Courts Act is proposed to be repealed under another Bill with which we will deal subsequently. Under the present law, the second order is a sudden death order leading to the issue of the present writ of attachment, generally for 10 days imprisonment should the debtor default.

The Attorney-General will no doubt be well aware that such suspended orders for imprisonment are not made in practice under the present law unless the debtor has misbehaved in relation to one or more previous orders for payment, and then the debtor can protect himself against some blameless slip-up if he keeps his instalments slightly ahead, rather than by paying them on time or falling into arrears. The onus is on the debtor. Under the Bill, there is no power for the courts to make a suspended order for imprisonment. It has power only to bring a debtor back before the court, and under the provisions of the Sheriff's Bill to be discussed later, it has to be immediate. However, I will refer to that matter during the debate of that Bill.

The Real Property Act does not recognise unregistered interests, but by clause 10 of this legislation we are referring to all creditors, secured and unsecured, whether they have registered interests or not, being equal before the law. That means that title over land, mortages, and legal binding contracts, whatever they are, will be dealt with under this legislation rather lightly on the basis of first

come first served. The question to be asked is: why change a system that attaches considerable importance to having secured creditors? Another question is: why put the onus on a judgment creditor or debtor to discredit another person's claim against the debtor? Should not the onus be on the claimant to have to prove his claim?

A question concerning clause 10 (11) is: how do judgment creditors and judgment debtors dispute the claim of a third party? Where is the onus of proof, where is the burden of proof, and what court will hear this dispute? Those details are not made clear.

Concerning clause 13 (3), what happens if a party is evading the service of a summons or a writ? What rules of court will cover the service? The present rules are contained in the Local Courts Act and the Supreme Courts Act, but this legislation does not make clear which rules will cover the service. Must it be a personal service on the debtor, or is it a service of some other kind? No rules are listed for substituted service or service by advertisement, and it may well be necessary to have a different form of service from a strictly personal one when a debtor cannot be found.

Concerning clause 20 (4), how is the writ of execution renewed? Is it by an interlocutory application to a court and, if so, what court? Is it to be by application to the clerk or to the master? Clause 21 contains the words "proper cause", but what do they mean? The court is in no way aided by this legislation in deciding what is a proper cause.

Many other major and minor questions can be raised after a cursory perusal of this legislation. I am a layman in such matters, but a cursory perusal of this legislation indicates that many questions need to be asked. If I am not sure of the answers, it is obvious that many other members are uncertain. We will oppose this legislation at the second reading stage, not because we dislike it but because we believe that there are so many questions to be answered and so little time in which to draft worthwhile and valid amendments, since the House is rising, we believe, tomorrow. It would be better were the matter referred to a Select Committee or, at worse, deferred.

Mr. TONKIN secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

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

Later:

Received from the Legislative Council and read a first time.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message that it insisted on its amendments to which the House of Assembly had disagreed.

The Hon. D. J. HOPGOOD (Minister of Education) moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Allison, Hopgood, Klunder, and Wilson.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 9.15 a.m. on Wednesday, March 22.

The Hon. D. J. HOPGOOD (Minister of Education) moved:

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

Motion carried.

Later:

The Hon. J. D. CORCORAN (Deputy Premier) moved:

That the honourable member for Stuart be substituted as a manager of this House on the conference of the Bill in place of the honourable member for Spence.

Motion carried.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2295.)

Dr. EASTICK (Light): I am not the lead Opposition speaker on this measure: the member for Fisher will take that role. Opposition members have had a close look at this legislation, which introduces features that are, in one sense, abhorrent to us because of the possibility of reducing the authority of local government. However, on reflection, and after considering the full implications of this measure and the Minister's explanation, it becomes obvious that there is a genuine need for this mattter to be considered in advance of a more detailed consideration of the Planning and Development Act. It may be that, following the report of Mr. Hart and other consideration of the Planning and Development Act, we will in the not too distant future be considering a complete rewrite of that Act.

It is recognised that that course of action is quite important and will inevitably benefit the whole area of planning and the attitude to planning in this State. From time to time it will become apparent that difficulties are associated with planning, and the very nature of those difficulties, if left without immediate action being taken, will be detrimental to the end result, to the amenity of the State and to the best interests of the people of this State. We have adopted that attitude to these amendments believing that a proliferation of outlets that generates an increase in the amount of traffic from certain business establishments destroys the amenity of an area for the local populace.

If there had been a forward notice greater than that which was given by the Minister, a number of developers may have seen fit to rush in and lodge an applicaiton for development, even if they had not thought it through. On that basis the Opposition is happy to accept that this measure will be retrospective to the date of announcement; that is, March 16. That form of retrospectivity has gained the approval of this House on earlier occasions. It does not have the abhorrent qualities that retrospectivity for a long period of time has to members on this side. On that basis, I have no argument with the Bill. I indicate my general support for what the member for Fisher, as lead speaker in this matter, will say.

Mr. Millhouse: Just like earlier this afternoon: somebody else saved you.

Mr. EVANS (Fisher): I am thankful that I have some friends at times, and I am glad that the honourable member who has just interjected is not in that category. The Opposition supports the Bill as a short-term measure.

There is a need for a complete revision of planning laws and the different controls that prevail in our city at the moment. I speak in particular of the total metropolitan area when I speak of the city. There may be a need to move wider afield, to regional towns and country areas; there is a need in the metropolitan area because of the inflexible nature of many of our zoning laws and the areas that have been zoned. I notice that there is a move by the Minister to amend the Bill in the Committee stage. That being accepted as proof that there is a necessity for an appeal to be provided for, there is no need to debate it at any length at this time, except to say that it is refreshing to see that the Minister has seen the need for some revision of the appeal provisions.

I am concerned about one or two areas, and the Minister may want to comment on them when winding up the second reading debate. Where a person or body may own a piece of land upon which it is desired to build some form of food store, shop, retail outlet or take-away food outlet, and the Minister, through the wisdom imparted to him by his planning consultants, decides that a project should not go ahead, the owner of that property could be placed in a difficult position if the zoning provisions or conditions that prevail over that piece of land restricted his opportunity to such a degree that he could not dispose of the property for any useful purpose at the time. In other words, there may be no demand for the type of building that can be built or the business that can be created on that piece of land, thus taking away the area of activity that the Minister decided the owner could not put into practice.

I should like to know from the Minister whether special consideration would be given to this type of land so that it could be rezoned for some other purposes, maybe residential—whether a speedy processing would be given to an application if it was considered favourable to be rezoned to be used for either cluster housing, R.1 accommodation, or whatever. If not, some people could be quite seriously disadvantaged.

The other matter that concerns me is that some take-away food outlets are important to the immediate neighbourhood, by which I mean within about a kilometre. If that opportunity is denied, we could be forcing some people to use a motor vehicle to travel greater distances than they would have to do if the facility was provided closer to their homes.

I know that the Minister can say that the planning consultants and advisors will take that matter into consideration; I hope and trust they will. However, I think we should be conscious of the need and desirability of having retail outlets, especially those providing the sorts of goods and services that are of an immediate nature, close to a community. I hope that the Minister can bring about a complete review of the planning legislation in this State as soon as possible so that we can, at least as individuals in society, know where we are heading, and know that also those present persons who wish to create employment by setting up retail outlets or creating an opportunity for people to shop near to their homes without interfering with the neighbourhood can be given that opportunity.

There is no doubt that the point the member for Light made in relation to traffic congestion has to be considered. Because of the present laws, certain business organisations have created retail outlets on roads that are already congested and near the junction of two or more roads that are already congested, and by doing so have created greater congestion and inconvenience to through traffic as well as to neighbourhood traffic. I ask the Minister to give an assurance that to his knowledge no venture will be seriously disadvantaged by this measure passing through Parliament this week; that, to his knowledge, no application is likely to be affected; and that no proposal of which his department has some knowledge is likely to be seriously disadvantaged. If the Minister knows of any such situation, I think the House should be made aware of it.

If there is a need to provide for compensation or the giving of special consideration, we should do so and not just with one flash of the pen, virtually, say to somebody that he has lost a condition or an opportunity that he had and, although he is financially disadvantaged, that Parliament will not recognise that and the Government will not give him any consideration. I think the Bill is necessary at this time and that it will do no harm in the short or the long term as long as we take into consideration persons who may have been involved in some proposal at the moment that could be before the Minister's notice or close to being before his notice. I support the Bill.

Mr. MATHWIN (Glenelg): I have some reservations about the Bill, and councils in my area are concerned about it. I have contacted both councils which I represent, and they have asked me a number of questions which I hope the Minister will be able to answer later. My main concern with this type of legislation is its intrusion into the responsibilities of councils. I believe local government should be able to administer its development rather than that the State Planning Authority should do so. If local government requires any information, it can call on the State Planner to assist. I am sure that this has been done in the past, and there is no reason to suspect that it will not be done in the future.

On the matter of shopping sites, local government has power and control over demolition of buildings and the like, and that power still remains. Another thing about which I am concerned is the provision in clause 2 regarding an area of 2 000 square metres. I and my councils believe that is not a very big area. It represents a piece of land 50 metres by 40 metres. This provision could put all shopping centres under the State Planning Authority. In a shopping centre, as set out in the zoning regulations, the area of floor space of the shop governs what parking area is required. If one adds together the building and the parking area, there is very little left in an area of 50 metres by 40 metres .

If the Minister is concerned about council boundaries in relation to the concern of residents about consent use I can say that in my area there has never been this problem. If this were a problem, residents, whether in one council area or another, would be circularised and liaison would continue between the two or three councils involved.

Local government is being regionalised; a field officer will be put into each region, and his or her job will be to liaise between local government and the State Planner. I believe that this assistance should be good enough. We have never had such close liaison before. I sincerely believe and strongly recommend that the administration should remain with the council and not be with an outside body, because if it is, control is taken away from the council, which I consider should be responsible for it.

The zoning regulations relate to consent use, and people have the right to appeal to the Planning Appeal Board. Do not forget that these regulations were laid down some time ago by the authority and were adhered to as a strict model. Councils could not deviate at all regarding their situation. The rules were laid down by the State Planner, and there was no flexibility for any council regarding its area. I remember that well. Regarding the Planning Appeal Board and consent use, councils have fought these matters on a number of occasions, and in my experience cost has never entered into the matter.

In his second reading speech, the Minister said that this

Bill was intended to introduce, as a short-term holding measure, an amendment controlling shopping development in zones other than designated business, shopping and centre zones. It is mainly in residential areas that local councils have already got control over shops, through the consent use procedure, so councils have control in the matter to which the Minister referred.

I would like to Minister to comment on another matter. In his explanation, he says that, according to such concepts, similar proposals are being actively pursued at Tea Tree Gully Plaza and the Noarlunga Regional Centre and that, to a significant extent, the concept proposed in the metropolitan development plan is being circumvented. To what extent has the Minister in mind, and what does he mean by that sentence? He continued:

> The most basic reason for this failure to achieve the objectives of the plan is the ability, under current development control arrangements, for major shopping developments to be sited in freestanding locations outside the designated shopping zones. Such developments have exploited a provision in the zoning regulations which was designed to allow councils some flexibility to approve, in residential zones, small local shopping developments serving the immediate needs of local residents. Instead, in many instances that provision has been used to enable major retail developments to go ahead in residential and industrial zones creating severe problems in terms of local amenity, traffic generation and so on.

I submit to the Minister that councils are always very conscious of these problems, and consider the factors carefully before consenting to new shops in these areas. Moreover, the amenity and parking areas, etc., are governed by existing conditions in the planning regulations, over which the council has no control or discretion. The Minister also said:

> In some instances councils may feel obliged to allow undesirable developments to proceed due to their inability to bear the full cost of expensive appeal procedures.

I would like clarification from the Minister, because to my knowledge councils would never shirk that responsibility. I would be more than surprised if councils would ever have done this. I would have to be convinced on that point by the Minister, and I would be obliged if he would speak about that matter in his reply to the debate. On page 4 he states:

> Early indications from the work of the Metropolitan Centres Study to date indicate that most retailers and developers accept the need for more effective policies relating to shopping centre developments, and would favour more effective control over retail developments.

I would like the Minister to name the retailers and developers who have asked for this. All those I know strongly favour less Government interference. I suspect that this kind of statement is a prime example of opinion rather than fact. I should like the Minister to give an explanation on those points.

I have no doubt that the Bill will reduce significantly the area of responsibility and authority of local government, and will transfer more power to the State planner. That is the matter about which I am most concerned because, almost every month, the powers of local government are gradually being eroded by different bodies and authorities. I believe that this measure is another step in that direction. I hope that the Minister's reply will help me decide whether or not to support the Bill. Some areas need to be explained further before some of my constituents and I will be satisfied.

The Hon. HUGH HUDSON (Minister for Planning): I thank members for their consideration on this matter. Inevitably, when a major proposal is considered, discussions occur between local government, the State Planning Office and the developer. Certainly, where the proposal involves a consent use in a residential zone, it is always possible for the planning office, in the Government's view, and the Metropolitan Development Plan to be circumvented. The only possible case where someone could be affected adversely would be where someone had bought land without the proviso that the purchase was subject to appropriate planning approval from the local council. If a person had been incautious enough to go ahead without that approval, it is possible that he could well be caught. I do not know of an instance where that is so, but it is conceivable that that could be the case.

If that were the case, my view would be that the developer was at risk in purchasing land without the approval of the local council for the development proposed. In the circumstances, his only option that would apply when the Bill became law would be to persuade the local council to support a rezoning of the land concerned so that the land would not be caught by this provision. Of course, the rezoning process enables local objections to be considered and objections that are beyond the local area also to be considered. The normal process of rezoning is a relatively straightforward matter if all that is involved is a local issue. Normally there would be no difficulties in those circumstances.

Obviously, if a developer was proposing a major development in a residential zone, had bought land, had not obtained the appropriate consent use from the council and was then caught by this Bill and because, as Government policy, we opposed the development because of the further planning consequences of it and stopped him under the provisions of this Bill, and were successful in stopping him, his only alternative would be to get a rezoning of the area. Presumably, because that would require the Government's approval, he would be unsuccessful in doing that as well.

Existing circumstances do impose, quite often, excessive costs on developers. I do not have to remind members of the Queenstown case where Myer S.A. Stores Limited won the legal battle in the end but lost the war because, by the time the company was ready for development, West Lakes had commenced. Myer needed to get in first, but was unable to do so. The appeal provisions that exist under the Act could be used by Government or private objectors to hold up a development considerably and thereby impose increased cost on a developer. Even if the appeal were not successful, it could ultimately stop the development.

The main purpose of the Bill is simply to close what has in effect become a loophole. Consent use for shopping in residential zones was intended to provide for local shopping: it was not intended to provide a situation whereby shopping centres could be built in a residential area without any attention being paid to the overall structure of the Metropolitan Development Plan. Our view would be that, if it were proposed to establish a shopping centre of some significance in a residential area, the appropriate way to proceed would be through a supplementary development plan and a rezoning of the area rather than doing it by the back door in getting council consent to something that was never intended should happen. It is not good enough for the member for Glenelg to say that councils will not consent improperly to those sorts of things, because there have been instances where that has occurred, and developments—

Mr. Mathwin: Not a responsible council surely.

The Hon. HUGH HUDSON: I will say nothing further, except that there may be some councils that are not always

fully responsible. However, the consequences of a decision improperly made in these circumstances are considerable so far as the community is concerned—first, in imposing difficult traffic conditions and all the associated costs, and, secondly, perhaps in creating a situation where the viability of other planned centres is put at risk.

Developers who are concerned about investing in shopping centres want some security for their investment. If they go ahead with a multi-million dollar investment in an area that is zoned appropriately for shopping and find that their whole investment is put at risk by another development in a residential area which is not too far away and which under any proper planning basis could not have been given a guernsey but could be given a guernsey now in metropolitan Adelaide, they are not being properly protected.

The situation in other States is not different from that which it is proposed to introduce under the provisions of this Bill. For example, in Perth, local councils have no power to deal with applications for shopping centres in excess of 2 000 square metres. Applications above that ceiling are determined exclusively by the Perth Metropolitan Region Planning Authority, the equivalent of our State Planning Authority.

Mr. Mathwin: Does that include parking areas in the size of the shopping centre?

The Hon. HUGH HUDSON: Yes, because we are talking about a land use approval and not a Building Act approval, so it relates to the area of land that is subject to a proposed land use, and shopping applications in excess of 2 000 square metres in Perth are never considered by local council but go to Perth's equivalent of our State Planning Authority.

The Bill does not go as far as that. It permits applications in excess of 2 000 square metres to be considered by the Minister, who may then give the go-ahead to the local council to proceed if he is satisfied that it will not have a detrimental effect in terms of traffic or impact on other shopping centres. In Sydney, two approvals are required for shopping developments of more than 2 000 square metres or within 300 feet of any main road. The approval of both the local council and the State body, the Planning and Environment Commission, is required for such developments. So, even if the local council approves a development in New South Wales, it can be vetoed by the Planning and Environment Commission. However, this dual approval system in New South Wales tends to be very unsatisfactory and leads to frequent appeals.

In Melbourne—and I hope the member for Glenelg will listen to this—shop developments are prohibited in residential zones. It is not possible to build a shop in a residential zone in Melbourne by approval of the local council.

Mr. Mathwin: You can't do it here if people don't want it—consent use.

The Hon. HUGH HUDSON: The people might not want it and the local council might still give approval.

Mr. Mathwin: If it was against the majority—

The Hon. HUGH HUDSON: In a number of cases councils have given approval, even though substantial objections have been lodged.

Mr. Mathwin: They should change the council.

The Hon. HUGH HUDSON: Yes, and if people voted at local government elections there might be a more democratic situation, but they tend not to vote. In Melbourne, if one wants to build even a local corner shop in a residential zone, the only way it can proceed is by rezoning of the land for shopping purposes, and rezonings are controlled by the metropolitan authority, the Melbourne and Metropolitan Board of Works. Even the erection of a local corner shop would require rezoning of the land and an application to the Melbourne and Metropolitan Board of Works, and not be subject to approval by the local council. In reserve living zones, those areas which are zoned for future urban development, the Board of Works controls all shopping developments, and the local council has no say at all. It is the equivalent of our rural A zone. What is being proposed here is not inconsistent with, and not as tough as, the rules applying in Perth, Melbourne, or Sydney.

I suggest strongly that it is the kind of scheme that will enable developers to know where they are going. Nothing is worse for developers in this area than being committed to many millions of dollars in a major development and to discover later, through some council approval given in relation to a residential zone, that their whole investment can be put at risk, and the major developers simply would like a bit of certainty. They say that, in Adelaide, it is catch as catch can, and the way in which developments have proceeded in the past has cost the community considerable sums of money and has adversely affected the amenity of local areas, where the original metropolitan development plan was designed to try to prevent those adverse effects. I thank members for their support, and I hope that my reply will have avoided some debate in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Prohibition of certain dealings in relation to shops."

Mr. MATHWIN: I move:

Page 2, line 18—Leave out "two" and insert "four".

I believe that the area of 2 000 square metres is far too small; it is a parcel of land measuring about 50 metres by 40 metres. The amount of shop floor space determines the amount of parking space to be provided by the shopkeeper. If he has to provide a large area for parking, 2 000 square metres is insufficient area. I ask the Minister to accept my amendment. He said the matter will come to him for decision. I think it would be fair and right for the area to be extended in accordance with my amendment.

The Hon. HUGH HUDSON (Minister for Planning): I ask the Committee to reject the amendment. Under new subsection (6), the Minister can authorise the local council or the State Planning Authority to proceed with a particular application. Because an area is more than 2 000 square metres and the matter comes to the Minister, the local council is not necessarily prevented from dealing with it. The amendments I propose to move will provide an appeal against the Minister's decision to refuse the local council or the State Planning Authority approval to proceed with consideration of the proposal.

There are situations where a 2 000 square metre floor area proposal could be approved by a local council if adjacent parking was available. There could be a closed service station with parking facilities available on the other side of the road or next door, and the area might be isolated from other shops. Typical supermarket sizes in terms of floor area are as follows: Big Heart, up to 1 400 square metres; Foodland, 1 000 to 1 500 square metres; Coles up to 3 200 square metres; and Woolworths, up to 3 700 square metres. Junior department stores vary in size from 1 000 to 3 700 square metres. It is possible, if adjacent parking were available, that the 2 000 square metres limitation would be covering something that is relatively large.

I reiterate that 2 000 square metres happens to be the

kind of figure that provides the dividing line between powers of local councils and the State planning authorities in Perth and in Sydney. In Perth, local councils have no power at all to deal with projects of more than 2 000 square metres. In Sydney, if anything is more than 2 000 square metres, two approvals are required, one by the local council and one by the Planning and Environment Commission.

Under this proposal, all that happens is that, if it is greater than 2 000 square metres in a residential zone or in an industrial zone, it must go to the Minister. If he authorises the local council to proceed, it proceeds in the normal way. If he does not, the proposal is held up; in effect, a prohibition is placed on the proposal, unless the developer, through a further amendment I will be moving, takes it on appeal and wins the appeal. Then, he is back to the local council. This is only dealing with shopping proposals in residential zones and in industrial zones, in areas not otherwise zoned as business centres, a commercial centre, or for shopping. The Bill does not touch areas zoned for shopping purposes, but is designed to prevent the indiscriminate development of major shopping facilities in a way which is inconsistent with the overall Metropolitan Development Plan and which will only create further planning problems.

I think that the 2 000 square metre limitation is reasonable. It appears in legislation both in Perth and in Sydney. It does not mean that, if an application is greater than 2 000 square metres, it will necessarily get knocked on the head. If it can be demonstrated that it is purely local shopping to serve the local residents only and will not have adverse consequences, the Minister would be required to refer it back to the local council for determination.

Mr. MATHWIN: I do not see that we should have to copy Perth or Sydney in this regard. The Minister is talking about a residential zone, but he must have overlooked that that is covered by the zoning regulations. We have to bear in mind the Planning Appeal Board, and a responsible council would make a responsible decision. If one is looking for an example, one could recall the area on Morphett Road a couple of years ago on which one of the big shopping enterprises wished to erect a shopping centre near the Marion drive-in theatre. The Marion council at the time refused the application, and that was on consent use. The subsequent bus depot is almost as bad as a shopping complex would have been. Many of the locals were concerned at having a shopping complex opposite a school. I find the Minister's argument difficult to follow, namely, that people do not have the good sense to appeal against this kind of building. What it really boils down to is that the Minister wants to decide the matter on his own. Again, I say that 2 000 square metres is not large for a shopping area, including as it does the parking area.

Amendment negatived.

The Hon. HUGH HUDSON: I move:

Page 2, lines 28 to 42—Leave out all words in these lines and insert—

(4) Where a Planning Authority, pursuant to this section, has no power to deal with an application, the Planning Authority shall forthwith forward to the Minister the relevant application and supporting material together with its report thereon on the proposed use of land.

(5) After consideration of the application, supporting material and report the Minister may, by notice to the Planning Authority, authorise the Planning Authority to deal with the application, if he is satisfied that the proposed use of land—

(a) conforms with the purposes, aims and objectives of the authorised development plan and the zoning regulations relating to that land:

(b) is not likely to generate a significant amount of traffic;

(c) is not likely to result in the need for any expenditure on transport or traffic works or facilities within or without the locality;

and

(d) is not likely to have a detrimental effect on the development of, or result in a diminution of the use by the public of, or result in a diminution of the use by the public of, shops or community facilities within—

(i) a District Business Zone, District Shopping Zone, Local Shopping Zone, the Noarlunga Centre Zone or any other use zone or use zone of a class or kind prescribed by regulation under Part IX of this Act;

or

(ii) any other area prescribed by regulation under Part IX of this Act.

(6) Where a notice under subsection (5) of this section has been given to a Planning Authority in relation to an application, the Planning Authority may deal with that application in all respects as if this section had not been enacted.

(7) Where, within a period of three months next following the day on which he received the application, supporting material and report referred to in subsection (5) of this section the Minister has not given the notice referred to in that subsection to the Planning Authority, the person who made the relevant application may appeal to the board.

(8) On appeal, to which the Minister shall be a party, the board shall—

(a) if it considers that there exist grounds on which the Minister could have been satisfied as to the matters referred to in paragraphs *(a)*, *(b)*, *(c)* and *(d)* of subsection (5) of this section, direct the Minister to give the notice referred to in subsection (5) of this section and the Minister shall comply with that direction; and

(b) in any other case, dismiss the appeal.

(9) Section 27 of this Act, other than subsection (6) thereof, shall apply to and in relation to an appeal under this section as if that appeal were an appeal referred to in section 26 of this Act.

The effect of the amendment is to provide an appeal against the Minister's decision where he has refused to allow a particular application to proceed. In allowing that appeal, the nature of the Bill has been changed to the extent that the Minister is now required only to authorise local councils or the State Planning Authority to deal with the application for a consent use for shopping in a residential zone or in an industrial zone if he is satisfied according to the provisions of new subsection 5 *(a)* to *(d)*. The area referred to in new paragraph *(d)* (ii) would be an area such as the proposed Tea Tree Gully and Golden Grove development area.

If, having considered these matters, the Minister is of the view that the matter should not proceed, the developer will lodge an appeal against that decision with the Planning Appeal Board, which must then decide the matter under new subsection (8) of the amendment by having consideration of the matters that the Minister was required to consider in reaching his decision, and reviewing that decision, making a determination whether or not the Minister could have come to another decision. If it is satisfied that the basis of the Minister's decision was wrong, the appeal would be upheld and the developer would be able to proceed with his application to the local council. That is the basis of the amendment. It is intended to establish an appeal against the Minister's decision on a reasonable basis, and I ask that the amendment be accepted.

Dr. Eastick: Why did you find it necessary to amend it at this late hour?

The Hon. HUGH HUDSON: Discussions have occurred involving various people and organisations, leading me to conclude that an appeal in the circumstances would be appropriate.

Mr. EVANS: I support the amendment. I am aware of the Minister's discussions with intelligent, reasonable and compromising people, whose views would be reasonable. I believe that there is a need for an appeal provision.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

Returned from the Legislative Council without amendment.

MINING ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

> Page 3, lines 18 and 19 (clause 6)—Leave out "the sale and disposal of the radio-active mineral" and insert "the person by whom the radio-active mineral was mined to sell and dispose of the mineral".

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

> That the Legislative Council's amendment be agreed to.

The effect of this amendment is to make clear that the right of the person who mined radio-active minerals, which has been stockpiled, ultimately to sell it is not taken away, and it is to ensure that there is no backdoor means of ripping off the ownership of radio-active minerals that have been stockpiled. It is a reasonable amendment, and I accept it.

Mr. GOLDSWORTHY: I agree with the Minister, because it is a sensible amendment.

Motion carried.

LICENSING ACT AMENDMENT BILL, 1978

Adjourned debate on second reading (resumed on motion).

(Continued from page 2381.)

Mr. RUSSACK (Goyder): Again, I object to the indecent haste with which this Bill has been introduced. It was introduced about two hours ago, and we are expected to investigate its ramifications intelligently and to support it.

Mr. Millhouse: You don't have to support it.

Mr. RUSSACK: I said that we are expected to support it: I did not say that we would support it. It is a short Bill and had a second reading explanation of one paragraph, but it has far-reaching aspects. It is a new approach in relation to local government, and this is a serious matter. On social matters, it seems that we have to have step-by-step progress. The situation regarding this Bill is similar to that which applied to a Bill that was introduced on the final day preceding the Christmas recess. At that time an urgent Bill was introduced: I believe that Bill concerned an urgent matter, but it should have been a hybrid Bill, because it concerned only one council. However, so that it would be passed its provisions covered the whole State, and all councils were involved. The same thing applies to this Bill. The Opposition was sympathetic to the Bill to which I have referred, and did what we considered was proper. However, that does not mean that we will pass this Bill today, because it concerns a far more serious matter. The first sentence of the Minister's second reading explanation states:

> This Bill is designed to overcome a problem that has arisen in Whyalla.

That is not absolutely true. This Bill is not designed specifically just to overcome a problem at Whyalla, because it introduces into the State the right of local government to have a licence to operate premises for the distribution and sale of intoxicating liquor.

Mr. Millhouse: Just as I said: to sell grog.

Mr. RUSSACK: That is right in crude terms. It is not possible for the Opposition to consider in two hours a matter of such magnitude. I understand that some dissatisfaction has been expressed by the Whyalla council. I know that some people are keen to have this scheme adopted and that the council owns the Foreshore Motel. It has leased it and, when the present lease expires, the council wishes to take it over as a going concern and operate it. So that this legislation may pass today but will not be considered in relation to Whyalla only, the Minister suggests that the whole State be involved so that the Whyalla council can have its licence. However, I understand that a final decision has not been made by the council. A decision was made by the council in December concerning this matter, but it only empowered an officer of the corporation to investigate the matter. I understand that another meeting will be called soon.

Mr. Evans: I think it was held last evening.

Mr. RUSSACK: I heard about a meeting held in Whyalla, but no final decision was made.

Dr. Eastick: An inconclusive result?

Mr. RUSSACK: Yes. Obviously, there has been no unanimous decision on this matter, and I understand that the council will have a second look at it. The second reading explanation of the Bill states:

> Certain other States local authorities, particularly in the more remote areas, operate hotels and motels to provide a service to the community and to encourage tourism.

I take it that the Minister means South Australia. I (and I have asked others this afternoon) know of no local government body that has the full control and holds the licence of a hotel or motel in any remote area. The community in some towns does, but as yet no local government body does.

Mr. Chapman: What is wrong with the management of the Whyalla hotel now? Isn't the licensee doing a good enough job?

Mr. Keneally: It is not the Whyalla Hotel.

Mr. RUSSACK: It is the Foreshore Motel at Whyalla. I do not know whether or not it is a success. Possibly it is a great success and the Whyalla council wants the money from it or it is not a success and the council is left holding the baby because it owns it, and it wants the ratepayers to pick up the tab. It is one or the other. The Minister says that the Labor Government in South Australia believes that it is desirable to enable local government authorities to enter into such ventures in this State; hence, the Bill enables the council to hold a full publicans licence, a limited publican's licence or a restaurant licence.

Mr. Abbott: Do you agree with that in principle?

Mr. RUSSACK: I do not. Local government is not an organisation that people can just join as they can a club or other organisation. Local government is a form of government for the people. It is up to the people to have a say. Members opposite talk about democracy and worker participation, which means letting everybody have a say in this matter. That being so, why do they bring in a Bill and two hours later expect the House to pass it without people

in the community being aware of it? The Local Government Association was not aware of this Bill, and I am sure that if it was we would get some indication from it and from the councils about it.

Clause 3 *(b)* provides:

(b) by inserting after subsection (2) the following subsection:

(2a) In subsection (2) of this section—

"prescribed officer" means—

(a) in relation to a body corporate that is a council —the town clerk; . . .

In the principal Act, section 39 (2) provides:

Save as otherwise expressly provided every intending applicant for the renewal of a licence for which a fee is payable on a percentage basis shall in each year on or before a date fixed by the rules of court forward to the clerk a statutory declaration by such intending applicant (or where such intending applicant is a body corporate or club by the secretary thereof).

The Bill states:

(a) in relation to a body corporate that is a council—the town clerk; . . .

I can readily think of a number of town clerks who would not appreciate, on a moral basis, having to carry out the duties prescribed to the clerk in this Bill. It does not say "an officer of the council"; it specifically states "the town clerk". Why should a town clerk be placed in that position? To some honourable members that may be a minor thing, but it depends on the man's own thinking and on what he believes and accepts.

I believe that, if this is expected of the secretary of a club, that man knows what he has accepted as part of his duty, but a town clerk who has accepted a position to serve the people in a form of government should not be placed in that position.

Mr. Keneally: Town clerks have to be involved somewhere in the administration.

Mr. RUSSACK: But as yet that council has not got a licence, and that is one of the reasons why I am saying that, if this Bill is passed, it should be amended so that it refers to "an officer of that council".

Mr. Keneally: Then there is no problem for the town clerk if the council does not have a licence.

The SPEAKER: Order!

Mr. RUSSACK: In summarising, I say that this Bill has been introduced into this House with absolutely no consideration for the members of this side, and it is bordering on an insult for us not to be able properly to consider this measure, which is far reaching, I have endeavoured to contact people who would be involved, but it is impossible in the time allotted to contact those people who would express a view that we could consider. It is impossible for local government generally. Also, this Bill overrules the Local Government Act, as it provides:

(1b) Notwithstanding the provisions of any other Act—

(a) it shall be lawful for any council to apply for and hold a full publican's licence, a limited publican's licence or a restaurant licence under this Act;

For the reasons I have expressed, the Opposition opposes the Bill.

Mr. EVANS (Fisher): I support the comments of the member for Goyder. I believe this shows a clear distinction between the two philosophies of politics in this State. There is no need for local government to move into the area into which the Minister is attempting to allow it to move. I think the member for Goyder has made that quite clear. I do not think it matters whether much notice or short notice is given about a matter like this, because the Liberal Party (and I would be surprised if the Country Party and Australian Democrats do not have the same view) is opposed to local government's moving into an area where it has an advantage because of some of its taxation advantages yet it is competing with private enterprise, while at the same time taxing private enterprise by way of rates. To have the taxing power through rates but be able to set out in the restaurant and hotel field in competition with private enterprise is unfair and unjustified.

I accept that it is Australian Labor Party policy to take over as many of these fields of endeavour as possible. In this case it is more than just a motel that is involved; the Bill relates to a restaurant, hotel, and motel. The local government authority would be competing not only with private enterprise but also with local sporting clubs that rely upon their bar and restaurant trade to survive and be able to compete in sporting competitions and provide the sporting facilities necessary for their competitors. These clubs have have difficulty getting full support from local government now to conduct their competitors. Local government has difficulty in finding enough money to do that now, so why does this council want not to lease it but to act in competition not only with private enterprise but also with the sporting groups that hold bar and liquor licences in the community?

On behalf of sporting groups and private enterprise, we genuinely oppose this method of A.L.P. intrusion into the areas where there is no need for Government or local government to intrude. It is not a function of government to operate this sort of business. We as a Parliament should be looking at our area of Government and giving the opportunity to local government to govern and to administer its affairs to help the community. I oppose the proposals in all areas. I do not accept that it is necessary for local government to take out licences for restaurants, hotels or motels.

Mr. CHAPMAN (Alexandra): I support the members for Goyder and Fisher. On the brief evidence we have had from the Minister in relation to this Bill, I see no reason why the Government has introduced legislation to extend the powers, authorities and involvements of local government in the direction it does. There may be another explanation directly associated with the proposal at Whyalla, and hopefully the Minister will state that before we go to vote, but, as has already been said by the member for Goyder, no reason is given in the second reading speech and there is no indication in the wording of the amendment that suggests that we ought to support such extensions at local government level. With tongue in cheek, I contacted a council today about this subject, and was asked "What the hell next is he going to get up to." If that may be read as an example, local government has clearly not been warned, nor has it been informed publicly about such proposals.

It may be that when the Minister gets up, as he has been known to do previously in this House, he will lambast the Opposition and criticise the shadow Minister for his lack of understanding of what is going on around him. He may direct his criticisms at other members, including myself. He is quite capable of doing that. On the evidence before the House, the Bill is a fly-by-night idea that the Government has had. There must be some unexposed or ulterior motive attached to its intention in this regard, so I cannot support the proposal. Quite frankly, I think that it ought to be laid aside until next session. It is not only improper and unfair, but quite clearly it is outside the practices of this House to introduce a Bill that has not been publicised and about which the parties concerned are

not aware, and expect it to go through its remaining stages on the day of its introduction. I support the attitude expressed by my colleagues and oppose the Bill.

Mr. MATHWIN (Glenelg): I oppose the Bill, first, because of the undue haste with which it was presented. As my colleagues have said, it was introduced less than two hours ago. No-one outside this Chamber knows about it. Therefore, we can term it a secret Bill. What chance has anyone had to study this Bill or even peruse it? No member has had a chance to look at the Bill to see its effects, let alone take it into his or her district to see what councils and people think about it. We have been dealing in this Chamber in the last three weeks with what the Minister himself has termed "rats and mice legislation", yet the day before we are to rise, the Minister has the gall to bring in a Bill like this which he states in his explanation is the policy of his Government. The Minister presented us with one copy of the second reading explanation and said the Bill was designed to overcome the problem that had arisen at Whyalla. He stated the situation there, and went on to say:

> In certain other States local authorities, particularly in the more remote areas, operate hotels and motels to provide a service to the community and to encourage tourism.

We have had an encouragement of tourism by this Government in the last seven years, but it has been very limited indeed. We have had the promise of an international hotel in Victoria Square so often that people cannot visualise what it is going to be. At one stage the hotel was to have little square baths because the Japanese have small baths.

The SPEAKER: Order! The honourable member is getting away from the provisions of the Bill.

Mr. MATHWIN: I admit that I was carried away from the subject, but the explanation of the Minister in relation to tourism led me to recall the fiasco about the provision of an international hotel. The Government will not encourage an international airport. How are we to encourage people to this Sate?

The SPEAKER: Order! The Bill deals with Whyalla.

Mr. MATHWIN: The Bill encompasses all local government. In the Minister's explanation it is stated that the Bill has been introduced because of the situation in Whyalla, but it will cover all local government. One has to look carefully into what the Minister of Local Government introduces in this Chamber, as we have learned from past experience of him. The Minister says that the Government believes it is desirable to enable local governing authorities to enter into such ventures in this State, so we see what the situation is. Eventually the Government will try to place local government in a political situation, and it will be taken over by political parties. By that process, eventually the Government will have more control over this type of hotel and motel. That is what the Bill is all about. I do not know why the Minister was not honest about it in the first place and say, "This is in our book of rules; this is in our Constitution; this is in our State Labor platform to do this sort of thing." If that is the case, why did the Minister not say that?

The SPEAKER: Order! There is nothing in this Bill regarding A.L.P. policy.

Mr. MATHWIN: I oppose the Bill.

Mr. BLACKER (Flinders): I oppose this Bill, for several reasons, most of which have already been stated. The initial reason is the undue haste, I have not seen the second reading speech. I have been looking over the member for Glenelg's shoulder to try to grasp what it says, but I can speak only on what has been said in the Chamber. One thing that worries me is that no thought or consideration has been given to to the views of ratepayers.

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

Mr. BLACKER: I oppose the Bill mainly because I believe that local government generally is not looking for this type of measure, and I do not believe that ratepayers would agree with it, either. The Bill was introduced only late this afternoon, and I have been required to speak on it immediately, so that I have had difficulty in drawing any firm conclusions about the reasons for the Bill and its desirability from a local government point of view. During the dinner adjournment I had the opportunity to contact three councils, representatives of which were opposed to this type of legislation. They had not heard about this type of measure, nor did they believe that it was desirable that local government should be involved in it.

My greatest concern is for ratepayers. I am certain that the ratepayers I know would be opposed to local government's becoming involved in any way with the Licensing Act. I cannot accept the point that ratepayers would expect local government to take on this role in the community. What also concerns me is that should local government become involved in a full or limited publican's licence, it would be in direct competition with sporting bodies that hold licences and also in direct competition with community hotels. A number of our areas have community hotels. There are three in my district and, in each case, local government would be in direct competition with a community hotel.

I do not believe that that competition is right, and I cannot believe that the ratepayers of the respective communities would accept that competition as being fair and proper. I must oppose the Bill, because I cannot see any merit in it. I am not satisfied that the Whyalla council agrees with this type of measure; there is no evidence to say that the council favours it. It has been discussed at council meetings, but there is certainly some question whether it is a unanimous or a majority decision of council in favour of the proposal. Because I believe there is no demand by local government, by ratepayers or the general community for this measure, I must oppose it.

Mr. GOLDSWORTHY (Kavel): I oppose the Bill. It was dropped into the House this afternoon out of the blue. Even if we had had a month in which to consider it I doubt very much whether the attitude of the Opposition would be much different to it. The explanation that the Bill has been introduced to accommodate Whyalla council, just does not hold up. It is a general Bill that gives councils the authority and the ability to enter into the hotel trade. A satisfactory explanation of that matter has not been given to the House. In my view this Bill should go the same way as the Bill the Government proposed for an international hotel that it was intended would involve the Government. To use the Minister's words, I think he said it would go to "Annie's room".

Local government is not interested in this measure. I certainly do not believe that there has been any degree of consultation with councils throughout South Australia about this measure. If there had been such consultation, I believe that the Government would not have got much encouragement for the Bill.

To introduce it at this stage of the session is unrealistic. Having perused the Bill, which is fairly readily understood, I am totally opposed to it. I believe that most councils would be opposed to it, and I do not believe for a moment that the public wants councils to be involved in

what is fundamentally and traditionally an area that has been handled most competently in South Australia by private enterprise. For the Minister's sake I repeat that the Bill should finish up where it is proposed that the international hotel Bill—

The SPEAKER: Order! There is nothing in the Bill about an international hotel.

Mr. GOLDSWORTHY: As I have said before, that is in "Annie's room". I oppose the Bill.

The Hon. G. T. VIRGO (Minister of Local Government): I fully understand the criticism that has been levelled at the Government or me for bringing in a Bill at a late hour and not providing sufficient time for members to consider thoroughly the problems associated with it. Arguments on that score have been used for as long as I have been in the House, and will be used for as long as this Parliament continues as a Parliament, because Governments will continue to introduce legislation, of necessity, at late stages of a session. That is a platform from which criticism can be levelled, so I cop that. I would like to have been able to give the Opposition a copy of the Bill and the second reading explanation a week, a fortnight, or a month ago, but the simple fact is that it had not been drafted. We can do nothing about that.

What the Bill proposes to do (and that is really the kernel of the subject), is to remove an existing barrier that prevents local government from doing something, which, in one instance at least, it now wants to do. In another instance, as the member for Napier reminds me, the Elizabeth council a while ago wanted to be free from current restrictions of the Licensing Act that prevented a council from holding a licence.

Members interjecting:

The Hon. G. T. VIRGO: I am absolutely amazed at the attitude of members opposite on this measure because they have time and again paid lip service to local government, saying how it ought to be given more power and autonomy. By this measure we are giving councils more power and autonomy and the Opposition is putting on a bit of a sham about it. The member for Flinders had better talk to his counterparts in Queensland, because I can show him sections of the Queensland Act that go further than we do in this measure. Let members understand properly that Whyalla corporation has asked the Government to remove the existing barrier so that it can conduct a restaurant, which is a licensed restaurant—

Mr. Russack: It approached you in the past couple of days?

The Hon. G. T. VIRGO: No, it did not.

Mr. Russack: Why didn't you do it before?

The Hon. G. T. VIRGO: I explained that to the honourable member a little while ago. I would have liked to bring in the measure a week or a month ago had it been drafted, but it had not been drafted. There is nothing simpler than that about the matter.

At present, the Whyalla council owns the Foreshore Motel. It operates and can operate, as a local governing body, the whole of the motel's operation, returning to the ratepayers the profit from that operation, with one exception: the restaurant. It is absolutely unbelievable that Opposition members would say, "Yes, the council can run the motel, caravan parks and anything else within the terms of the Local Government Act, but it is prevented under the Licensing Act from holding a licence." I think this simply will be a question of those who want to muzzle local government voting against the Bill and those who believe in the extension of local government supporting it.

Members interjecting:

Mr. Mathwin: Hudson tried—

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

The House divided on the second reading:

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

Noes (15)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Chapman, Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Russack (teller), Tonkin, Venning, Wilson, and Wotton.

Pairs—Ayes—Messrs. Max Brown, Duncan, Dunstan and Payne. Noes—Messrs. Arnold, Dean Brown, Evans, and Rodda.

Majority of 7 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment.

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

That this Bill be now read a third time.

Mrs. ADAMSON (Coles): I oppose the Bill wholeheartedly. The mind boggles at its implications. The Bill as it comes out of Committee is as foolish as the Bill that went into Committee. The Minister says that the functions of local government should be extended. The function of local government is to govern, not to pull beer and serve prawns, which is what this Bill entitles it to do. I should say that the opportunities for humour inherent in this Bill are considerable. During the dinner break, I was thinking of the local government authorities within my own district, all of whom have been very hospitable in their time. But I doubt very much whether mine host the Mayor of Campbelltown would want to be involved in anything like this, nor the Mayor of Burnside, nor the Mayor of East Torrens. I have not had time to consult them, for the simple reason that this Bill was introduced with such ruthless haste. I feel that I speak for ratepayers in saying that this Bill should be opposed; in fact, it never should have been introduced.

Mr. RUSSACK (Goyder): Nothing has been said, nor has the Minister said anything in reply, to change my mind about the Bill. It is short and does not involve the Local Government Act, yet it takes priority and can dictate to local government what can be done.

The Hon. G. T. Virgo: That's not true. It will remove an existing barrier from local government.

Mr. RUSSACK: The method of presenting this measure into the House has prevented local government from becoming aware of what is being done. It is a matter of the Government's forcing on to local government something that perhaps local government does not want to accept.

Mr. Hemmings: If they don't want it, they don't have to take advantage of it.

Mr. RUSSACK: That is all right, but it goes on to the Statute Book. There is not a mandate for this; it was not mentioned as part of the Government's policy.

The Hon. G. T. Virgo: Are you saying if it wasn't in our policy speech we shouldn't do it—is that what you're saying?

Mr. RUSSACK: No. The Government did not have a mandate, and therefore it is more important that the people should be aware of what is being presented to the House. I oppose the third reading.

The House divided on the third reading:

Ayes (22)—Messrs. Abbott, Bannon, and Broomhill, Mrs. Byrne, Messrs. Corcoran, Drury, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally,

Klunder, McRae, Olson, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Noes (15)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Chapman, Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack (teller), Venning, Wilson, and Wotton.

Pairs—Ayes—Messrs. Max Brown, Duncan, Dunstan, and Payne. Noes—Messrs. Arnold, Dean Brown, Evans, and Tonkin.

Majority of 7 for the Ayes.

Third reading thus carried.

LANDLORD AND TENANT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HOUSING IMPROVEMENT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CONSTITUTIONAL MUSEUM BILL

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

MOTOR FUEL RATIONING BILL

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room on Wednesday, March 22, at 9.15 a.m.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

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

Motion carried.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D. J. HOPGOOD (Minister of Education): 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 Narcotic and Psychotropic Drugs Act in two minor respects. First, the Bill amends section 7 of the Act to make clear that the regulation-making powers contained in subsection (1) of that section are not trammelled by the rather antiquated provisions in subsection (2). In fact, subsection (2) is repealed by the Bill and, in so far as it adds to the provisions of subsection (1), it is incorporated in that subsection. Moreover, a comprehensive power to regulate the issue and dispensing of prescriptions for drugs to which the Act applies is inserted in subsection (1). These amendments should overcome the problems raised in *R. v. Medianik*, in which the validity of certain regulations made under the principal Act was challenged.

Secondly, the Bill provides that the powers of entry or inspection conferred by the principal Act can be exercised by a person on the authority of the Minister or the board. At present, the authorised person must be a police officer or a public servant. With the advent of the Health Commission, the officers who are engaged in this work will cease to be officers of the Public Service. Hence, an amendment is necessary to reflect the new administrative arrangements.

Clause 1 is formal. Clause 2 repeals the antiquated provisions of section 7 (2) of the principal Act and makes appropriate adjustments to subsection (1). Clause 3 removes the requirement that an authorised person must be a member of the Public Service.

Mr. WILSON secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G. T. VIRGO (Minister of Transport): 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 principal purpose of this Bill is to relieve the Governor of the responsibility of confirming road orders under the principal Act. It is more convenient and appropriate for the Minister administering the principal Act to undertake this responsibility. The Act also removes certain anachronistic references to the Garden Suburb Commissioner and the Renmark Irrigation District, and generally brings the principal Act up to date and improves the procedures under it. The provisions of the Bill are as follows: clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 brings the definition section of the principal Act up to date with the fact that the Garden Suburb Commission and the Renmark Irrigation Trust are now included in the local government area.

Clause 4 brings the principal Act up to date with the land acquisition legislation of 1969. Clause 5 ensures that the reference in section 6 of the principal Act is to the Minister for the time being administering the Crown Lands Act, 1929, whether or not he happens to be the Minister of Lands. Clause 6 widens the reference to the Minister for the time being administering the principal Act. Clause 7 streamlines and makes consequential amendments to the procedures under the principal Act. Clause 8 makes a consequential amendment.

Clause 9 makes consequential amendments to section 14 of the principal Act relating to the Garden Suburb Commissioner, the Renmark Irrigation Trust, and the Minister of Lands. The purpose of the amendments to subsection (4) of this section is to relieve the Governor of the responsibility of confirming road orders and transferring that responsibility to the Minister administering the Act. Clauses 10 and 11 make consequential amendments.

Clause 12 repeals section 17 of the principal Act. The procedures relating to reservation of minerals are now contained in the Mining Act, 1971-1976. Clause 13 makes a consequential amendment, and by paragraph *(b)* ensures that an easement over a closed road appears on the certificate of title. Clause 14 : it is desirable that where a closed road is consolidated with contiguous land, easements existing for the benefit of the contiguous land exist also for the benefit of the closed road. Paragraph *(d)* makes this amendment. The other amendments are self-explanatory. Clause 15 is a consequential amendment.

Clause 16 is designed to relieve the Minister of routine administration which can be performed by the Surveyor-General. Clause 17 substitutes the Minister or his nominee for the Director of Lands and updates the reference to the land acquisition legislation. Clause 18 makes consequential amendments, and also relieves the Minister of further duties under the principal Act, transferring these to the Surveyor-General. Clause 19 simply achieves metric conversion. Clause 20 is a consequential amendment. Clauses 21, 22 and 23 make consequential amendments to the schedules.

Mr. GOLDSWORTHY secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1978

Adjourned debate on second reading (resumed on motion).

(Continued from page 2381.)

Mr. RUSSACK (Goyder): Again, we can make the same comments that we made earlier concerning a previous Bill. This Bill was introduced today, but I believe that surrounding this Bill is a different set of circumstances from those that applied to the other Bill. It is difficult to examine this measure thoroughly in the time available but, after inquiring from those who have been involved, I am satisfied that this measure presents no problem. For some years there have been problems concerning parking and various parking regulations, because they have differed from council to council. Some have been applied by regulation and others by by-law, and others have differed between councils because of the motions passed. Therefore, there has been no uniformity, thus causing confusion and also creating difficulty in policing parking facilities in different council areas. Those problems have resulted in this Bill being introduced.

I understand that some people have spent about four years considering some of the provisions of this Bill but, more particularly, a working party in the past 10 to 12 weeks has examined various aspects of this problem, in order to introduce complete uniformity throughout council areas in relation to signs and markings for the parking of vehicles. Representatives from the South Australian Local Government Association and the Town Clerks Association have been involved in that working party. I am assured that that working party is in full accord with the provisions of this Bill, which mainly involves the metropolitan area and some provincial cities in this State, although it is all-embracing for local government authorities. We support the measure, and hope that it will have the result which is desired and which has been sought for some years concerning this difficult situation.

Mr. MATHWIN (Glenelg): In the few moments that I have had to examine the second reading explanation I have found it difficult to ascertain what the Bill is all about. However, I understand that it will mean government by regulation, because the whole crux of this measure is to be contained in the regulations that are still to come before Parliament. Government by regulation is not desirable, and one must utter some words of caution. I understand the problems facing the Minister and councils concerning this matter, but I stress the situation in which the Minister of Local Government has again introduced in a short time such far-reaching legislation.

The Hon. G. T. Virgo: Would you prefer that I left it until October?

Mr. MATHWIN: I prefer that the Minister would have introduced this legislation earlier. There has been a recess since Christmas, and plenty of opportunity for this legislation to have been drafted and introduced before today.

The Hon. G. T. Virgo: The draftsman had it until this morning.

Mr. MATHWIN: The Minister would have known about this problem, because it has existed for some time. I would be surprised if, during his term in this House, the Minister of Local Government has not had some communication from Mr. Howie, who is well up with this sort of thing. I think most members have heard of him and had communications from him from time to time, so there is no doubt that the Minister has been well aware of what has occurred. The Minister has excelled himself by treating members with contempt in allowing no time for investigation of this legislation. I believe that time ought to be given to members of the Opposition to investigate what the legislation is about. In his second reading explanation the Minister said:

> It is proposed that the whole matter will be dealt with by way of regulations,—

so again we have Government by regulation—

> as this will provide greater flexibility for amendment, and will provide a complete code of offences and penalties. Councils will still have the power to decide upon the way in which various streets and roads, etc., will be regulated in their own areas, but the method of such regulation will be governed by the regulations made under the Act.

In explaining clause 5, which repeals Part XXIIa of the Act, the Minister said:

> Certain matters will be prescribed by the regulations themselves—

we again have government by regulation—

> e.g., the prohibition against parking within a certain distance of traffic signals. In all other respects, a council may regulate, restrict or prohibit parking in public places within its area, in accordance with the regulations. The regulations may specify certain exemptions, and it is proposed that such classes of vehicles as, for example, vehicles used by or for persons with a severe physical handicap, will be dealt with in this manner. New section 475b empowers a council to grant special exemptions in such circumstances as it thinks fit. New section 475c provides that parking signs, etc., need only substantially conform with the regulations (or regulations under the Road Traffic Act) in order to be valid. This means that, for example, a discrepancy of a few millimetres does not invalidate a particular sign or mark.

Mr. Howie, who I mentioned earlier, has on a number of occasions brought to the attention of councils that signs and distances were not valid because papers had not laid on the table of this House for a certain time.

Mr. Millhouse: Are you speaking of new section 794b?

Mr. MATHWIN: I am speaking of new section 794a, which is contained in clause 5. New section 475a (2) provides that regulations may be made for regulating, restricting or prohibiting the parking or standing of vehicles in any public places. Again, that is government by

regulation. The same new section contains the following paragraphs:

(h) providing for the time at which areas or zones created by a council, and any conditions or limitations upon the use of areas or zones, come into operation;

(i) providing for the temporary control by the clerk of a council of the parking or standing of vehicles in public places;

This provision will enable the town clerk to take the necessary steps to have a temporary control under certain circumstances. Paragraph *(l)* states:

Fixing, and providing for the payment of, fees for any such exemptions.

(m) states:

prescribing penalties, not exceeding two hundred dollars in each case, for breaches of the regulations under this Part.

I find it difficult to go through the rest of the Bill because of the short time we have had to consider it. That therefore makes the debate a farce as far as the Opposition is concerned, because no matter what the Opposition says the Government will roll it through in any case.

Had the Opposition had any intention of trying to draw up amendments it would not have had time, because we have only just received the Bill and been able to read the Minister's explanation. I agree that in most cases, from what I have seen of the Bill, there is a need for this type of legislation. I again register my objection to the hurried way the Minister introduced this Bill. I believe it is bad for the Government to do this. The Government has brought in this legislation without allowing the Opposition time to talk to councils, town clerks and mayors to try to form an opinion about the Bill from comments made by the people it affects. It is all very well for the Minister to say that it has been before a committee for some weeks or months, but we know how much time has been spent trying to update the Local Government Act. It is imperative that any Opposition have time to peruse a Bill thoroughly and for it to have the opportunity to bring to the Government's attention those things which may be causing problems in the public area. I again stress my disapproval of the way the Minister (and I think this is the third Bill he has brought in today that has had to go through the House in such a short period) has allowed such little time for consideration of this Bill; it is not good enough.

Mr. MILLHOUSE (Mitcham): I agree with what has been said by members of the Liberal Party about the speed with which this Bill has been brought in. I hope that their colleagues in another place are going to put their money where their mouth is and not allow the Bill to go through tomorrow. I would have thought, looking at the Bill, that it reduces the powers of local government. It takes away discretion from local government and gives a blanket power. All local government can decide is what areas are to be regulated. Once it has done that, the penalties will be uniform. I will not argue that point. I could not pick up from the member for Glenelg's speech whether he was on to this or not and I am not sure whether the member for Goyder picked it up either (he may have and I may not have been here when he was speaking), but I refer particularly to new section 794b, to be inserted by clause 8. This will refer not only to the contents of this Bill but also to everything in the Local Government Act. It will mean that in future no private person will be able to take proceedings for an offence under the Act unless he goes to the Commissioner of Police and gets his authority, or to the clerk of the council.

I would have thought that was a fairly significant amendment. I do not know whether the member for Goyder or the member for Glenelg spoke to that, but I was prompted to speak tonight by the mention of Mr. Howie. This will cut him out altogether in future; he will not be able to launch any prosecution against anyone. I think the authorities have got a down on him, and I cannot believe the the Commissioner of Police or the clerk of any council, for example, the Adelaide City Council, will allow him to prosecute for any sort of offence under the Act in the future. I am not sure whether this was in the explanation of the Bill; I do not think I have ever seen that. I was not favoured with a copy this afternoon, but that is certainly the effect of this new section. Whether members like that or not, I do not know; whether they have had time to think about it or not, I do not know. In his explanation the Minister said:

New section 794b provides that prosecutions for offences under the Act must not be commenced without the approval of the Commissioner of Police, or the appropriate clerk of the council. It is quite inappropriate that private citizens should prosecute for offences without such prior approval.

That is a good assertion—I do not know what the evidence or arguments in favour of it may be. I do not know how long it has been possible for private citizens to prosecute (I would have thought ever since we had local government legislation), and the day before the session ends it is to be taken away on the mere assertion in one sentence of the Minister. New section 794b provides:

No person shall commence proceedings against a person for an offence against this Act—

and that is not just this Bill we have before us now: that is the Local Government Act—

without the prior approval of the Commissioner of Police, or the clerk of the council of the area in which the alleged offence was committed.

I know that a bloke like Howie has been a damned nuisance to lots of local government authorities and to the State Government, I suppose, on occasion, but I think that in some ways he has performed a public service. He has shown up the weaknesses and the intricacies of the mistakes that have been made by laws and regulations pursuant to Acts, and so on. I cannot see any reason why at this time we should take away the right of Mr. Howie or anyone else to take proceedings under the Local Government Act if they so wish. I speak only to draw members' attention to that. It does not look as though any of them are interested, but at least I have had my say on it and no-one in the House can say that he or she did not know now what the effect of that provision will be.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Repeal of Part XXIIa of principal Act and enactment of Part in its place."

Mr. RUSSACK: Will the Minister explain more fully what is meant by new section 475b?

The Hon. G. T. VIRGO (Minister of Local Government): The Government has announced on a number of occasions that it intends to provide special provisions for parking for incapacitated people in the belief that the wheels of a motor vehicle are the counterpart of a fit person's feet. This is an enabling provision so that, when amendments are made to the Motor Vehicles Act to give effect to that policy, the enabling provisions will already be in the Local Government Act.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—"Enactment of ss. 794a and 794b of principal Act."

Mr. RUSSACK: Will the Minister give a further explanation regarding new section 794b?

The Hon. G. T. VIRGO: The position is fairly clear and simple. The local government body principally, and the

police, are responsible for the carriage of the passage of the parking provisions, and indeed, all other aspects associated with the Act. Clearly it is their responsibility to enforce and their responsibility to launch prosecutions, and it is for that reason that it is put there.

Mr. MILLHOUSE: I move:

Page 6, lines 6 to 9—Leave out all words in these lines.

The effect of that will be to strike out new section 794b. I can see no reason in the world why we should cut out the right or the opportunity for any citizen to launch a prosecution under the Local Government Act. It does not have to be parking only; it could be any other offence which is created under the Act at the moment. I do not know how many there are: there must be hundreds, as there are about 800 or 900 sections in the Act. By enacting 794b, we are providing that in future no-one will be able to launch a prosecution for any offence under the Local Government Act without the authority of, God knows why, the Commissioner of Police. Why pick him—why not the Minister of Local Government? The new section refers to the Commissioner of Police or the clerk of the council concerned. This is taking away an opportunity which private citizens must have had since local government was first enacted in South Australia. I cannot see why we should do it.

The Minister no doubt hoped it would sneak through without anyone seeing it— that is the reason why we get Bills in the last couple of days of a session. They are brought in, and the Opposition is conned into dealing with them straight away. There are always the ritual complaints such as we have had today on these Bills, but they get through nevertheless, and the Government has got them through. All he said in his explanation was:

> It is quite inappropriate that private citizens should prosecute for offences without such prior approval.

I ask him to justify that.

Mr. MATHWIN: I support the amendment. I was disappointed that the Minister did not explain it. He explained it at the beginning, but not very well. I would have hoped that the Minister would see the mistake that was made in this provision. New section 794b refers to "an offence against this Act".

It is the Local Government Act that is involved, not this Bill. The Local Government Act is a large Act, and this amendment covers any offence against that Act. No-one, under the provisions of that Act, can, without prior approval of the Commissioner of Police or the clerk of the council concerned, institute proceedings. That is not good enough. I ask the Minister to reconsider the situation in light of the argument put forward by the member for Mitcham and other members on this side. I hope that the Minister will realise that a mistake has been made in drafting this provision. It is only proper that a member of the public should have the right to commence proceedings. It is our duty as members of Parliament to protect the rights of the individual. A right has been taken away by this provision.

Mr. RUSSACK: Is the whole Act involved or is it only the Bill?

The Hon. G. T. Virgo: The whole Act.

Mr. GOLDSWORTHY: I take it that the Minister cannot envisage a circumstance in which a member of the public would be justified in taking proceedings without first obtaining approval of the clerk or the Commissioner of Police.

The Hon. G. T. Virgo: I can't imagine a situation that warranted proceedings where the Commissioner of Police or the clerk concerned would not give approval.

Mr. Millhouse: You haven't got much imagination, then.

The Hon. G. T. Virgo: I have that much confidence in local government.

Mr. GOLDSWORTHY: I have not given these hypothetical circumstances much thought, but I could imagine a dispute where a clerk could be involved and where it would be impossible to get his permission to institute proceedings. I could not imagine what criteria the Commissioner of Police would apply.

Mr. Millhouse: Why pick the Commissioner of Police?

The Hon. G. T. Virgo: Because he's responsible—

Mr. Millhouse: What's the Commissioner of Police responsible for under the Local Government Act?

The CHAIRMAN: Order!

Mr. GOLDSWORTHY: The clause is so sweeping because, conceivably, circumstances could arise in which someone wants to take action and the clerk, who maybe involved, does not give his permission to institute proceedings. The Commissioner of Police may believe that the matter is trifling, whereas to a member of the public it may seem of major importance. That person could well feel aggrieved by the Commissioner's not giving his permission for proceedings to commence. If the provision is as wide as the Minister says it is, it is too wide.

Mr. Millhouse: It's a con! Why was it put in this Bill and not in the master Bill?

The CHAIRMAN: Order!

Mr. GOLDSWORTHY: In this case the member for Mitcham is assisting the point I am making. The Minister's explanation is anything but satisfactory. Many ratepayers could conceivably envisage circumstances where they could, of their own volition, wish to undertake proceedings. If those proceedings are not warranted the court will decide in that direction and the ratepayer will be all the poorer for his experience. At least he will have had the opportunity to initiate proceedings if he feels aggrieved about the matter.

Mr. Mathwin: It's a right.

Mr. GOLDSWORTHY: I would have thought so. It is unreasonable for a clerk, who has a vested interest in what happens in his own area, to vet such a matter. I do not know what criteria the Commissioner of Police would use to vet applications to commence proceedings. The clause is unrealistic and completely undemocratic.

Mr. RUSSACK: I consider that the amendment is appropriate in this case. It opens up the matter fairly widely.

Mr. Millhouse: As wide as it can.

Mr. RUSSACK: To the full extreme. Earlier the Minister said that local government should have all the authority it can have and should be autonomous, but local government is really made up of the people.

Mr. Millhouse: The ratepayers.

Mr. RUSSACK: They are now called electors. This provision largely restricts the right of the individual because he must first obtain approval of the clerk of the council of the area or of the Commissioner of Police before taking proceedings. If this provision applied only to the other provisions of the Bill, perhaps we could accept it, but to include the whole Act absolutely closes the right of any elector to take any action unless he has the approval of the clerk of the council or the Commissioner of Police. I have been assured by those who drafted the Bill (and they may not have been involved in drafting this provision) that it is greatly needed. However, for the reasons I have given I support the amendment.

The Committee divided on the amendment:

Ayes (16)—Mrs. Adamson, Messrs. Allison, Becker, Blacker, Dean Brown, Eastick, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Venning, Wilson and Wotton.

Noes (22)—Messrs. Abbott, Bannon, Broomhill, Mrs. Byrne, Messrs. Corcoran, Drury, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold, Chapman, Evans, and Tonkin. Noes—Messrs. Max Brown, Duncan, Dunstan, and Payne.

Majority of 6 for Noes.

Amendment thus negatived; clause passed.

Clause 9 and title passed.

Bill reported without amendment.

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

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I do not know whether the matter contained in clause 8, which was the subject of the amendment, is the most significant thing in the Bill. I do not know whether the other things matter, but certainly that one does. It is a good example of a Government's trying to con the House on the second to last day of the session into something that has far-reaching consequences, without saying anything about it. I believe that the Liberal Party, if it has any sense at all, will alert its members in the Upper House to this matter, and will see that the Bill does not go through there tomorrow if it contains that offending new section. I say that to them. The ball is in their court. Nothing more can be done down here. I have alerted them to it. and I think they admit they had not noticed it themselves.

I think it is a very significant change in the whole of the local government law, and I hope that the Upper House will not allow this Bill to go through tomorrow with that provision contained in it. If the Government wants the other provisions of the Bill, it should be prepared to go without this one. I do not propose to vote against the third reading of the Bill unless someone else calls, but I give that warning and offer that advice, with charity, to members of the Liberal Party. It is up to their colleagues in another place as to whether the Bill goes through with this provision in it or whether it goes through without it.

Mr. MATHWIN (Glenelg): I shall support the third reading, but with the proviso that I am most deeply concerned about that part of clause 8 which, as the member for Mitcham has said, is the nub of the matter. In general, the Bill fills a need that has existed in local government over many years, and I welcome most of its provisions, but I am concerned that one must look for the fly in the ointment. The Minister introduced this Bill only a couple of hours ago, and we have seen the second reading explanation only since dinner. How can one absorb this legislation which refers to regulations?

The DEPUTY SPEAKER: Order! The honourable member should address himself to the Bill as it comes out of Committee. This is the third reading stage, not the second reading debate.

Mr. MATHWIN: That is what I am doing.

The Hon. J. D. Corcoran interjecting:

Mr. MATHWIN: There is no point in the Deputy Premier's calling across the House, because we have found the trick in the Bill. It is in new section 794b as follows:

> No person shall commence proceedings against a person for an offence against this Act without prior approval of the Commissioner of Police or the clerk of the council. . .

That refers to the whole of the Act. I support the Bill, but I express a warning of the dangers of clause 8.

Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2380.)

Mr. TONKIN (Leader of the Opposition): The member for Mallee has already canvassed the benefits of the Bill, and I agree entirely with what he said in regard to those. The Bill provides that superannuation benefits be extended by regulation to part-time employees, that early retirement pensions may be commuted to a lump-sum payment and a smaller pension payment, that pension payable to a spouse on the death of a contributor may be commuted regardless of the age of the spouse, and it refers to the benefit payable to a child adopted by a spouse. The second reading explanation is remarkably full, compared to some of the explanations we have had to various Bills in the latter part of this session. The Bill refers to the definition of salary so that increases in salary by reason of a temporary appointment may be taken into account for purposes of superannuation, and it relates to the arrangement as to superannuation that may be entered into between the Superannuation Board and a body which is not a Government agency but to which a contributor has been seconded. All of this is worthwhile, and one can find little fault with it.

I am amazed to find (but I suppose I should not be) that no reference is made to clause 6, which is probably one of the most far-reaching parts of the legislation. Once again, as we have seen on so many other occasions, we see a Bill containing a large number of worthwhile provisions with a little sting hidden in the tail. On this occasion, the sting is certainly hidden in the tail: indeed, it is not referred to in the second reading explanation. Clause 6 *(b)*, which amends section 13, provides:

> by inserting after paragraph *(g)* of subsection (1) the following paragraph:
>
> *(h)* in such other manner as the Treasurer may approve.

This may well appear to be a technical amendment to the principal Act, something that is not worth worrying about, but, when one reads the principal Act, one realises that section 13 is significant. Referring to the Superannuation Fund, it provides:

> (1) The Fund shall so far as is practicable, be invested by the Trust—
>
> *(a)* in securities of the Commonwealth;
>
> *(b)* in securities of any State or Territory of the Commonwealth;
>
> *(c)* in loans to local government bodies in Australia;
>
> *(d)* upon mortgage of land in Australia of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land;
>
> *(e)* in any manner for the time being allowed by—
>
> (i) any Act of the State relating to the investment of trust funds; or
>
> (ii) any enactment of the Commonwealth or of any State, other than this State or of any Territory of the Commonwealth relating to the investment of trust funds in the Commonwealth, that State or Territory, as the case may be; or
>
> *(g)* in stocks, shares, debentures or any other securities of limited liability companies incorporated under the law of a State of the Commonwealth, including this State, having a paid up ordinary capital of one million dollars or more.

The original paragraph *(f)* was struck out by a subsequent amendment. That is a significant part of the principal Act,

because it sets down the ways in which the Superannuation Fund may be invested for the benefit of its members. We are now asked to add after paragraph *(g)* the following paragraph:

(h) in such other manner as the Treasurer may approve.

What we are doing is basically opening the Act right up so that the Treasurer may at any time approve of literally any investment of contributors' funds.

The Hon. J. D. Corcoran: That's if the board requests it. It's not a direction.

Mr. TONKIN: Nevertheless, the fund shall, so far as practicable, be invested by the trust. The principle involved is most important because the money is held in trust. That requirement is now to be opened up to any investment at all.

The Hon. J. D. Corcoran: With the approval of the Treasurer.

Mr. TONKIN: Yes. I would normally not worry too much about this legislation, but in the present circumstances I feel bound to point out the dangers that may arise. We have seen a situation develop in this State in which we are facing a record deficit, in which the State in becoming desperate for funds, and in which statutory authorities are being created as a matter of Government policy, as announced in the policy speech by the Premier last September, for the specific purpose, it is said, of being able to borrow up to $1 000 000 a year without breaking the gentleman's agreement, which exists with Loan Council, as to such loan borrowings.

Mr. Becker: Where do they get the money from?

Mr. TONKIN: That is the point, and the member for Hanson has hit the nail on the head again: the money has got to be available before it can be borrowed. It seems to me that, in this circumstance, the funds available in the Superannuation Fund can now be invested in any of the statutory authorities either created or about to be created by the Government in order to raise loan funds to keep the State expenditure going at the wasteful level that is applying now.

It is possible that, in these circumstances, that $124 000 000-plus can be available for borrowing in this way, $124 000 000 being the sum of assets as at the last financial year, and I imagine that that sum has increased considerably since then (probably by about $14 000 000, because that was the measure of the increase in the last financial year). It is a considerable sum of money, and it will probably be over $136 000 000. It can be used, under the terms of this small throwaway clause, to be invested in statutory authorities. I can think of the new ones and of the old ones. I can think of the Monarto Development Commission and of other harebrained schemes. I should hate to see that money invested in a scheme such as the Monarto Development Commission, where it would be lost forever. I know that the Deputy Premier will say in defence that this money is as safe as if it were in the bank and that it is attracting a greater rate of interest, perhaps up to 10 per cent. It is Government guaranteed, so it cannot possibly come to any harm.

I repeat that this money will be available for borrowing by statutory authorities under the legislation if it is passed. The strict guidelines that have been set down for the investment of such funds in trust are being widened. The Government is fast demonstrating that it is running out of sources for borrowing. It is doing everything it can to raise money for borrowing by the statutory authorities it is creating, showing clearly that it is running out of avenues for borrowing and that it wants to get its hands in some way on the Superannuation Fund. The tragedy is that there will be no money left to borrow after a year or two. This demonstrates clearly that the Labor Party Government of today is not concerned with the long-term future of this State. It wants to make its alley good while it can and to borrow whatever money it can from whatever source it can find, and it has no concern whatever for the future of this State.

This little clause, which is tucked away and which is not explained in the second reading explanation, is most significant. The Deputy Premier may be upset about this, but his subterfuge and that of the Treasurer has not been able to get past the Opposition, in spite of the urgency with which the Bill was introduced and asked to be passed. There is no question that people in South Australia can take this legislation as an indication that the Government is convinced that it is in its last term of office and does not expect to win the next election. If it did expect to win it, it would be much more careful about how it raised its funds and into what it put money from the Superannuation Fund. This is a small but significant clause, and it must be carefully examined. I am gravely concerned about its implications and, if the Deputy Premier can give an undertaking, we will be pleased to have it. However, after what he has said in the House about the purpose of the Hotel Commission and its intentions or otherwise concerning the Hotel Australia, I do not think anyone in South Australia would trust him again.

Mr. GUNN (Eyre): When we previously had such legislation before the House, I took much interest in it and had about a two-hour discussion with the Public Actuary. On that occasion we had considerable time to study the legislation and to be fully aware of its implications. I recall that I pointed out to the House that I did not oppose the legislation, as I believed that superannuation schemes should be properly designed so that taxpayers would not have to carry a heavy burden in future. I was disappointed that, when the Minister introduced the Bill, nothing was said about the likely cost to the taxpayer of this measure.

I appreciate that benefits available from this legislation will be popular with public servants, and I do not object to that. However, on the one hand we are giving away benefits to public servants but on the other hand we have on the Statute Book legislation that takes money off people whose only superannuation is their assets: that is, succession duties legislation. If we pass this legislation (and I do not object to it) we should not also have succession duties legislation on our Statute Book. It is a sorry day for the people of this State when the Government has such conflicts of interest. I support the Bill, but it is unfortunate that we should give to one section of the community benefits that should be available to the total community. At present, they are not available.

Bill read a second time.

In Committee

Clauses 1 to 5 passed.

Clause 6—"Investment of Fund."

Mr. BECKER: This Bill allows the Superannuation Fund Board to lend moneys in such other manner as the Treasurer may approve. It could be construed as providing an avenue for the Government to obtain money by borrowing from the Superannuation Fund. Such borrowings would be approved by the Treasurer and, as the fund is guaranteed by the Government, it would not suffer any loss. Can the Minister say whether that sets out the position correctly?

The Hon. J. D. CORCORAN (Deputy Premier): The Leader of the Opposition, and to some extent the member for Hanson, have read all sorts of suspicious motives into this clause. It gives the trust greater flexibility: nothing more or less. If the trust decides that clause 13 does not

provide all the avenues that should be open to it, it can suggest to the Treasurer that it invest in some other area. It cannot do so without the Treasurer's approval and that is important. This measure is a protection for the fund.

Mr. BECKER: Many statutory authorities have borrowing powers guaranteed by the Government, and I see nothing wrong in that. In this case it seems that such authorities can approach the Superannuation Fund or the fund can approach the authorities if it has money to lend, and all funds are guaranteed by the Treasurer, and that means the Government. It is a no-risk investment either way.

The Hon. J. D. CORCORAN: If that is the case, what are we arguing about?

Clause passed.

Remaining clauses (7 to 11) and title passed.

Bill read a third time and passed.

Later:

Returned from the Legislative Council without amendment.

ENFORCEMENT OF JUDGMENTS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2385.)

Mr. TONKIN (Leader of the Opposition): My reason for rising to speak on this matter is not to take up the time of the House to any extent but to make quite clear the Opposition's total concern about the way in which this series of Bills was introduced. It has been a matter of extreme concern, not only to the Opposition but also to members of the legal profession and various other bodies throughout the community.

Mr. Millhouse: Which ones?

Mr. TONKIN: The concern has been expressed by way of letter, by personal communication and by contact from the Law Society. I do not intend to go into the matter at any length. I merely want to make quite clear that our opposition to the Bill is made as a token protest at the way the Bill has been introduced with the other associated Bills and to make quite certain that it is known that the Opposition believes that this matter and the others should have gone to a Select Committee. I therefore intend to oppose the Bill at its second and third reading stages, and I will do the same with other Bills in this series. I sincerely trust that this whole matter will be resolved by reference to an appropriate Select Committee in another place so that all the people who have made their protests can have their say and so that the legislation can be considered in a rational and proper manner.

It has become traditional for the Attorney-General of this State to rush into legislation so that he can claim credit for being the first in the field. This is not necessarily a desirable thing for any Attorney-General, particularly when in order to be first he sacrifices the fundamental principle of consultation with people in the community who are concerned about the legislation. I believe that is what has been done. I believe the Attorney-General, in his haste to make a name for himself, has in fact omitted that very fundamental step—consultation with those people in the community concerned with the Bill. I oppose the Bill because of the implications that it has.

Mr. MILLHOUSE (Mitcham): I do not think the Leader of the Opposition need worry as much as he is pretending to be worried. It is perfectly obvious that now, on the second to last night of the session, we have got to the fill-in material, and the fact that the debate on this Bill is proceeding in the absence of the Attorney-General or anyone on the front bench with any legal knowledge shows that the Deputy Premier, who is in charge of the business of the House, is using this as fill-in material while waiting for other things to happen. It is quite obvious that these Bills cannot possibly go through the other House in one day, controversial as they are. So, whether or not the Upper House gives a few of its members something to do during the adjournment and sets up a Select Committee on this Bill, or the one we passed last week, is irrelevant. The fact is that the Bills will come back to this House at some time in the future. That is the important thing.

It is really not worthwhile spending much time on these Bills now just for the sake of debating them and being a convenience to the Government. If the Government had done what I think the Attorney-General undoubtedly wanted to do last week and probably had half persuaded the Government to do, that is, push them through last week so that they might have had a chance of getting right through Parliament, we all could have started to worry. I have told my friends in the Law Society that there really is no panic about the thing now, although I am often wrong. However, I do not think I am wrong on this occasion. I do not think there is any chance whatever of these Bills going through.

The Hon. J. D. Corcoran: Have you got any friends anywhere?

Mr. MILLHOUSE: I know that the Minister is in his usual bad temper after dinner tonight. He has already tried to upbraid me on another matter and that interjection is typical of him. I will ignore it, Mr. Speaker. Just to show the sort of thing that can go wrong with a Bill like this (and I am sorry that there is not even a draftsman here to listen to this, but if I can get the attention of the member for Morphett)—

Members interjecting:

Mr. MILLHOUSE: Well, he is the only bloke with any legal knowledge, apart from myself, in the House.

Members interjecting:

The SPEAKER: Order! The honourable member knows that he should refer to "honourable member".

Mr. MILLHOUSE: He is the only honourable member in the House, besides myself, who has any legal knowledge.

The Hon. J. D. Corcoran: I am pleased you prefaced that comment with "legal".

Mr. MILLHOUSE: The Deputy Premier is in a really bad temper tonight.

The Hon. J. D. Corcoran: I am always upset by little worms.

Mr. MILLHOUSE: I hope that gets into *Hansard.* He says that he is always upset by little worms. The Deputy Leader has been saying things like that either openly to me in the Chamber today, or *sotte voce,* all day. It does not worry me at all.

The Hon. J. D. Corcoran: Of course it does; you have a persecution complex.

Mr. MILLHOUSE: I would have thought that, if I had said it did worry me, that would show that I have a persecution complex. The fact that I said that it did not worry me shows that I do not have a persecution complex.

Mr. Mathwin: Even a worm will turn.

Mr. MILLHOUSE: That is right. I was a "reptile" this afternoon; I am a "worm" now. Maybe I will—it does not matter. If I can get the attention of the member for Morphett for a moment, I will direct his attention to clause 26 just to show the sort of imperfections there are in the draftsmanship. Clause 26(1) provides that, where the court has given a judgment for the payment of a sum of

money, the court may, upon the application of the judgment creditor, examine the debtor. I will now suggest a set of circumstances that is not covered by that particular form of drafting. Has the honourable member been able to find the Bill?

Mr. Groom: Yes.

THE SPEAKER: The honourable member for Mitcham will direct himself to the Chair, not to the honourable member for Morphett.

Mr. MILLHOUSE: I was speaking through you, Sir! Let us take these circumstances: a plaintiff takes proceedings and fails, and an order for costs is made against him. Costs can amount these days (alas, they are not as high as they are for eye doctors, but they are high) to several thousands of dollars, once bills for costs are taxed. It is pretty obvious to me that that situation is not covered by clause 26 of the Bill. There has been no judgment for the payment of a sum of money, but nevertheless an unsuccessful plaintiff, a man who has failed in his claim and had an order for costs made against him which may amount to a sizable sum, ought to be compelled to pay. But this clause which is the only one which could conceivably, as far as I can see on a reading of the Bill, be used to compel him to pay, simply does not cover that circumstance.

I shall be pleased to hear the honourable member for Morphett on that if he thinks I am wrong in it, but I am pretty certain that that is correct. I hope that, next time the Bill comes into the House, that situation will have been covered, because it is a real imperfection in the Bill.

I wish to say only one other thing, and I agree with some of the things that have been said by members of the Liberal Party on this occasion about this set of Bills—I can remember a long way back now to the time when I was an articled clerk, and the present Premier was a young practitioner. I remember on one occasion seeing him in the U.J.S. court, and I chipped him on the fact that a good socialist was in the U.J.S. court trying to dun unfortunate debtors for money. I well remember the answer he gave, because I have always thought that it was on that occasion accurate. He said on that occasion, "Anybody who gets hauled up in the U.J.S. court is a crook," and I believe that to be so. Very few honest persons allow a debt to get to that stage unless they are deliberately attempting to avoid payment. I defy any member on the other side of the House to deny that. That is what the Premier said to me (neither of us was in politics in those days) as a justification for his appearing in the U.J.S. court for creditors. He was absolutely right. When we look at this scheme of legislation, let us all remember that that is, by and large, the position. All the crocodile tears we have had from the Attorney-General about this are not worth the effort that he puts into shedding them. That is the position—that honest people never allow their debts to get to this position.

The Hon. J. D. Corcoran: That's rubbish.

Mr. MILLHOUSE: Well, it was your own Leader who said that to me.

The Hon. J. D. Corcoran: You were an articled clerk 30 years ago. What would you know about it then and what would he know?

Mr. MILLHOUSE: He knew a fair bit. You ask him and he will tell you how much he knew about it. He always does. Nothing that has ever happened since has made me change my mind about that, and I wager nothing that has ever happened to him since has made him change his mind about it, either. That is a general observation, and I believe that it is common sense.

Let us come back to the point that I made under clause 26, and I shall be very pleased to hear the honourable member for Morphett speak on it. It is the only example of imperfect draftsmanship that I have picked up in this Bill, and it seems to me that that situation where there is simply an order for costs, and that is the debt, is not covered, and, if the Bill goes through in its present form, that order for costs has no ultimate sanction at all.

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

SITTINGS AND BUSINESS

The Hon. J. D. CORCORAN (Deputy Premier) moved:

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

SHERIFF'S BILL

Adjourned debate on second reading.

(Continued from March 7. Page 1984.)

Mr. ALLISON (Mount Gambier): This Bill is consequential upon the Bill which has just passed through this House. I do not propose to prolong the debate, since we have already voiced some protest at the speedy manner in which these Bills have passed through this House. As was stated by the Attorney-General in the second reading speech, this Bill consolidates the position of the Sheriff and the bailiffs in South Australia, the office of Sheriff presently being established under the Supreme Court Act, and the Local and District Criminal Courts Act providing for the appointment and operation of bailiffs.

Clause 3 repeals sections 84 to 105 of the Supreme Court Act. Those sections are largely replaced by subsequent clauses in this Bill. I do not intend to go through those clauses in this instance as I started doing in a previous debate, but there are one or two points that I should like to make. Sections 101, 102 and 103 of the Supreme Court Act contain certain provisions for the liability of the Sheriff should prisoners escape. There is also a statement regarding the Crown's liability in the event of that happening. The thirtieth report of the Law Reform Committee of South Australia, to which I have referred before, states:

> Section 100 subsection (2) of the Supreme Court Act should be modified. A Sheriff receives some slight protection in relation to his duties under the Statute 1 & 2 Will. IV. c. 58 s.6 which appears to be in force in South Australia but the standard which the Sheriff must attain to get protection is extremely high and we think unreasonably so. We think that a Sheriff should only be personally liable for wilful default not for some form of mistake or technically wrongful act because in this area of the law the possibilities of enquiry are few and unlikely to be productive whereas the likelihood of mistakes even by the most conscientious Sheriff is very great, and accordingly Sheriffs and similar officers frequently desist from taking property which almost certainly belongs to the debtor because of some false claim which if it were even possibly true might subject the Sheriff to liability for an act which would be "wrongful" in its technical sense at common law.

This measure evades the issue of wilful wrong on the part of the Sheriff and seeks to remedy the situation as it used to apply under the Supreme Court Act to change the law in accordance with the Law Reform Committee's recommendation in the 1974 report. The committee also makes the following comment:

> In England the law is that the Sheriff has a general

authority to carry out any order of a court which it is not the duty of any other officer of the court either at common law or by Statute to execute. This is in fact the position in practice in South Australia but it is doubtful whether the English authority for so doing was in existence in 1836.

It seems from that comment that South Australia was leading the field in respect to the duties of the Sheriff, even in 1836. The report continues:

It is certainly both convenient and satisfactory for the law as it now is in practice and we think that the position should be put beyond a doubt by Statute.

That, too, is something that this legislation seeks to do. Regarding new procedure, the Law Reform Committee makes the following comment:

In relation to the new procedure which we recommend there will need to be express provision as to the order in which the Sheriff is to realize assets. Either the plaintiff in execution must give an express direction as to the order in which he wants the assets realized or the Sheriff must be given a discretion, in the absence of express direction, to realize assets in the way most convenient to carry out the execution.

The Sheriff ought to have an express right to sell by private treaty if there is no reasonable bid at public auction. There is at present some right at common law to sell by private treaty but the limits are quite unclear and the position should be made plain by Statute.

The last two Bills we have considered are consequential and seek to remedy those defects in existing law and to set the issue beyond a doubt by including them in the Statutes.

As I said before, sections 84 to 105 inclusive of the Supreme Court Act are repealed and most of those sections are replaced by more up-to-date provisions that are more relevant to the modern situation. Clause 15 still troubles me. It provides:

The Governor may, by regulation—

(a) regulate the performance of the duties of the sheriff;
(b) prescribe, and provide for the payment of, fees to the sheriff in respect of the execution of any process;
(c) provide for the settlement of disputes as to the amount payable in any case;
(d) provide for the giving of security for the payment of fees; and
(e) prescribe conditions upon which property seized in execution may be withdrawn from sale.

The recommendations of the Law Reform Committee were quite clearly directed along the lines to which clause 15 addresses itself, but it would be much more satisfactory if these provisions were not made the responsibility of the Governor by regulation but were written into the legislation as a more suitable alternative.

Many of the conditions were written into the previous Supreme Court Act and are now to be provided for by regulation. That means that they would be difficult to debate in this House because we do not have those conditions before us now. That is one more reason why this legislation should have been referred to a Select Committee so that issues such as that could have been aired. I have no doubt that, had these matters been put before a Select Committee, those issues would have been amongst the issues brought up. We do not see regulations in this House until much later and, by that time, they have already been enforced within the State. There is no point in prolonging the debate. We opposed the previous Bill, but we do not intend to oppose the present Bill, since it is consequential. We have already expressed our general objection to the principle of hurrying the Bill through.

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

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 7. Page 1984.)

Mr ALLISON (Mount Gambier): The comments we have made regarding the preceding three Bills are identical to those for this one. We object in principle to the haste, but certainly not in principle to the legislation. Once again, I shall be brief. This piece of legislation performs two simple acts: it repeals section 33 of the principal Act, which referred to the execution of instruments by order of the court; it also repeals sections 115 and 116 of the principal Act, which refer particularly to writs of execution, writs of *fieri facias*. Section 115 refers to the seizure of notes, securities, and other personalties and section 116 refers to the power to sell land under writ of *fieri facias*.

In the 1974 Law Reform Committee report, to which we have referred many times in the debates, the point was made that the committee desired to recommend substantive amendments to the law governing the various forms of execution which a plaintiff may use. The report states:

South Australia has perhaps been spared some of the extreme consequences of the retention the various writs of execution by the provisions now embodied in section 115 of the Supreme Court Act. Since 1845 it has been possible to levy execution against the land of a judgment debtor under a writ of *fi fa.*, and many of the potential problems to which the difference in the scope of the writs of *fi fa.* and elegit might otherwise have given rise have been thereby alleviated. Nevertheless, section 115 has not always proved satisfactory in operation since it requries that execution be levied upon goods in the first instance, and only upon a failure to satisfy the judgment debt out of the personalty of the debtor is recourse to the realty permitted. The interval between the issue of the writ and the time at which execution against the realty became possible has often enabled the debtor to dispose of the realty and defeat the judgment creditor altogether.

In these circumstances the first reform we propose is designed to achieve two objectives. Firstly, we propose the abolition of the procedure whereby a successful plaintiff initiates execution by the suing out of a writ, such as *fieri facias, levari facias, distringas,* delivery, or *venditioni exponas,* and its replacement by a more informal procedure.

Members of the House will recall that in the enforcement of judgments legislation, which has been before the House, these various writs were consolidated and replaced by three single writs which we have enumerated, and the legislation has been considerably simplified. We therefore do not propose to oppose this legislation, since we have already expressed our opposition in principle to the speed with which it is going through. We will support the Bill.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 7. Page 1985.)

Mr. MATHWIN (Glenelg): I support the second reading of this Bill, and I intend to move an amendment in Committee. The Attorney-General is not present. Presumably he is off to China again, as he was when his Bills were debated before the Christmas recess. We asked

the Attorney whether this Bill could go to a Select Committee, for obvious reasons, because of the interest and concern within the community regarding such legislation, and certainly the concern withing the legal profession. I should like to quote from a letter sent to the Attorney-General in relation to this matter, but especially in relation to the Bill now before the House, although it embraces Bill Nos. 51, 52, 53, 54a, and 81.

The SPEAKER: Order! The honourable member can speak only to the Bill before the House.

Mr. MATHWIN: That is right; that is what I am doing. 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 need 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 the the Law Society would necessarily be opposed to the proposal. 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 Mr. Tonkin and to Mr. Millhouse.

The letter is signed by D. F. Wicks, Honorary Treasurer of the Law Society. Although the Attorney-General received that letter, he gave it short change. He did not see fit to do anything about it. Indeed, he said that he did not intend to delay any of this legislation. As far as he was concerned, it was to go through the House straight away. In his second reading explanation, the Attorney-General said:

> Under the amendments the jurisdictional limit of a local court of full jurisdiction is increased from $20 000 to $30 000. The jurisdictional limit of a local court of limited jurisdiction is increased from $2 500 to $10 000. The jurisdictional limit of the small claims division of the court—

and this is probably the most hard-hitting and important part of the Bill—

> is increased from $500 to $2 500.

Even the Attorney-General, fat cat that he may be, must admit that $2 500 is not a small claim. I imagine that it would put a dent even in his pocket. So, he should realise that it is not a small sum. The sum of $500 might mean little to the Attorney-General but, nevertheless, it means a lot to the rank-and-file members of the community. I submit that $2 500 is far above what could be claimed to be a small claim. So, we can see, from the second reading explanation, that the judges' jurisdiction, the highest jurisdiction, is increased by one half. The Local Court jurisdiction, under the magistrates, is increased from $2 500 to $10 000, a 300 per cent increase, and the small claims division is increased by 400 per cent.

Lawyers and solicitors are not allowed to practice, in the small claims division, and that is a major problem. Perhaps that is all right for the Attorney-General. He said to me that these people could obtain legal advice if they wanted it. I know many hundreds of people in my district who would not be able to stand up in court, even if they had legal advice given to them, and defend themselves, because they are not geared to this type of operation. They would be opposing credit managers or big business people who are well versed in these procedures and who spend much of their time in court. Some would no doubt be in the small claims court more often than would some lawyers, so they could well be termed professionals.

What chance would ordinary members of any age in the community have in trying to battle it out with representatives of some of the larger business concerns? They would have no chance at all. I believe that the Attorney-General, in his effort to get this legislation through Parliament, to get another first on the books for South Australia to prove that we are a radical and advanced State, is doing much harm to this State's ordinary people. That is the great pity about all the legislation, but the Attorney-General will not see it that way.

The other problem brought about by the legislation is the fact that it relates to the Rules of Court in a number of areas. One of the main problems we have so often is that of the Government's attempting to govern by regulation, because Rules of Court amount to government by regulation. I suspect the Attorney-General of wishing to push on with the counselling situation, whereby a scheme of arrangement can be entered into so that people can be given advice on how to manage their affairs. In this situation, the tribunal has the power to alter or confirm a scheme. In this regard, the situation for the creditors will be that no action can be taken for up to three years. Anyone during that time could be bankrupt; indeed, some people would deem it more expedient to go bankrupt, because they can do that for $500. Perhaps the most important question we ought to ask the Attorney-General or the Government is how well the present small claims court is operating. I pose the question to any Government member, whether a fat cat on the front bench of a mere back-bencher: why increase the small claims court limit, let alone increase it from $500 to $2 500?

Mr. Abbott: Whom are you talking about?

Mr. MATHWIN: I am talking about the fat cats.

The SPEAKER: Order! The honourable Ministers are

not fat cats.

Mr. MATHWIN: I do not mean any particular Minister, but Ministers generally. It is a matter of salary and income. Can any Government member fairly claim that $2 500 should be regarded as a small claim?

Let me quote the case of *Rahim v. Scott*, Adelaide Local Court action No. 45257 of 1974. This was a claim for $150 unpaid rent, and the landlady lived in Malaysia. The claim was instituted on her behalf by the firm of land agents who managed the property for her, and that firm knew all of the facts of the matter and its representatives would have been the ones to testify at trial. The landlady herself had no personal knowledge of the matter at all. The defendant, without a solicitor, put in an appearance denying liability and the matter was listed for trial on May 28, 1975. Under the small claims legislation the plaintiff, in effect, is obliged to take his own case, and in this case it meant that Mrs. Rahim would have to come from Malaysia to prove her claim. As soon as the date of trial was learnt, Mrs. Rahim was written to in Malaysia advising her of what had happened, and she wrote to the clerk of the court informing him that she would not be in Adelaide for the trial date but requesting an adjournment until November, 1975, when in fact she would be in Adelaide. The case was called on for hearing on May 28, 1975, and struck out because of the non-attendance of the plaintiff.

That is one case in which there was an injustice. I now refer to another matter. A building subcontractor on July 1, 1977, had approached a builder for payment of a debt of under $500. The builder had told the subcontractor that, as the total due was under $500, he could not have a lawyer in court, and that he would not win in court. The builder laughed at the subcontractor when payment was requested. Obviously, the difficulties in the way of creditors have become well publicised, and engender an unfortunate amount of defiance on the part of debtors who are not all weak, simple, poor people who need to be protected from fierce lawyers.

I have given a few examples of injustice and troubles already caused by the existing small claims legislation, and now the amount is to be increased by 400 per cent or 500 per cent by this legislation, which would mean far greater losses to plaintiffs and creditors. I cite a small claims case that could lead to bankruptcy. A man can be bankrupt for a debt of $500, and the upper $2 000 of the proposed small claims range could lead to bankruptcy. A serious consequence could follow from small claims proceedings stripped of the safeguards built into normal legal proceedings by the existing small claims legislation and, further, by these proposed amendments, with bankruptcy as a possible consequence, all of the normal legal procedures and safeguards should apply. Therefore, the small claims limit should not be raised above the minumum debt for bankruptcy, which will remain at $500. Only the Commonwealth Parliament can raise this figure, and there is no indication that this will happen.

How can a claim large enough to lead to bankruptcy be considered a small claim? The effects are obvious to anyone. I hope later to amend clause 3, which relates to small claims and which increases the figure to $2 500. I do not oppose increasing this amount and would agree to its being increased to $1 000, as that would suffice. It should not be increased to $2 500, however.

I now refer to clause 12, which relates to section 32b of the principal Act. By restricting examination to Local Court judgments, are we to assume that the Supreme Court will sit in examination of judgment debtors as to their means and ability to pay debts? That comes back to the cost factor, and I should like an explanation of this clause when the Minister replies.

Clause 16 amends section 58 of the principal Act by striking out the passage "five hundred dollars" where it occurs and inserting the passage "two thousand five hundred dollars". This provision relates to an appeal from the Local Court to the Full Court, and is removing the procedure for speedier justice. Clause 17 relates to when a special summons may issue, and it seems from the information I can gather that special summonses are to be removed, and later some others, too. I wonder why this should occur.

This clause relates to section 91 of the principal Act which allows a plaintiff in certain cases, for example, simple debts, to issue a special summons, and section 106 of the Act requires any defendant who files an appearance (denial of liability) to such special summons to file at the same time an affidavit in which he must swear that he has a good defence, and setting out in some detail one of the grounds of his defence. Thus the special summons has the advantage of alerting a plaintiff to the nature of at least one of the defences relied on by the defendant, and of obliging the defendant to prove his *bona fides* by swearing such an affidavit containing such a defence.

Furthermore, the court has power, pursuant to section 106(2), to strike out an appearance in such a case where the affidavit does not disclose some valid ground of defence. This clause will prevent the exercise by the court of this power to strike out an appearance and remove from the defendant the obligation to swear in detail a ground of defence. I wonder why the Attorney is doing that?

On occasions an obviously faulty affidavit will lead the plaintiff successfully to make an application for immediate relief or to strike out the appearance, thus bringing the proceedings to finality quickly and avoiding the delay of months until a trial takes place. On the question of immediate relief it is necessary to refer to the same situation in which the principal Act may be altered.

Why prohibit special summonses? That is another question the Minister ought to answer. In clause 18, which amends section 98, we see again the effect of appearances. It sets out a new proposed defence requirement for the small claims court. I have much concern about this clause. A slight modification of the remarks I made concerning clause 17 applies here. Clause 18 will require the defendant to file a defence which may require some detail when its form is prescribed by rules of court. This has to be done by the rules of court, which are the same as regulations. These, of course, are yet to be made. Even so, it will not be on oath, and without special summons the plaintiff will not be able to apply to strike out an appearance or apply for immediate relief. This is likely to cause some problems, and it could cause hardship in some cases. The plaintiff will not be able to apply for relief.

Clause 19 relates to an appearance to a counter-claim. There must be a defence. The defendant will not know whether the plaintiff intends to contest the counter-claim. The counter-claim does not require appearance or defence. If there is no obligation on the plaintiff to file an appearance or a defence to a counter-claim from $500 to $2 500, how will the court know whether or not the counter-claim is to be defended until the parties turn up to contest the matter? That means that, until the parties appear in court, they will not know whether there is to be a contest or not. How will the defendant know whether the plaintiff is contesting the counter-claim and whether he will have to prove his case by producing his witnesses?

The omission of this requirement could lead to a defendant's incurring much inconvenience and expense through having to prepare, unnecessarily, for the trial, a counter-claim and to arrange for witnesses to attend. Later

in the Bill it states that there are areas in which the witnesses and plaintiff will probably have to travel great distances. A litigant should know whether there is going to be a defence or not and should not have to wait until the day he appears in court to find that out. Clause 21 appears to be in favour of the defendant. It repeals section 114 of the principal Act and provides:

> Every action against a natural person residing in South Australia at the time the action is brought shall be commenced in the court having jurisdiction to the amount claimed nearest to the place where the defendant, or any one of the defendants being a natural person, resides.

How does a plaintiff know where the defendant resides? It is all against the plaintiff. This clause is revolutionary and a major departure from previous law and from corresponding legislation, both State and Federal. It obliges the plaintiff to sue out of the court nearest to the defendant, whereas under the present provision the plaintiff has a wide choice and can sue out of the court nearest to the place where the cause of action arose, nearest to the place where the defendant resides or carries on his business, or nearest to the place where the plaintiff carries on his business or resides, if the plaintiff is suing in contract. Those alternatives under the present law correspond to some extent to the alternatives listed in section 93, which allows a plaintiff in South Australia to issue a summons.

Why is the change proposed? Why does it relate only to natural persons and not also to corporate defendants? These are some of the questions we ought to ask the Attorney-General. Perhaps, in his absence, some members opposite can answer these questions. Clearly, the proposers of this legislation consider it still appropriate that corporate defendants should not have this benefit. One wonders why that is so.

Some examples are available of unfair difficulties that plaintiffs and creditors will encounter under the proposal in clause 21. For instance, a country resident (and this case has been quoted to me) came to Adelaide in his car. A collision occurred with an Adelaide resident's car. Although the accident happened in Adelaide, and all potential witnesses are in Adelaide, the Adelaide resident will be obliged to sue out of whatever distant country court may be the closest to where the country driver lives.

Another example is of a railway worker who lives in a country town and runs up credit with a local storekeeper, leaving a large outstanding balance due on his account. If the railway worker moves to a distant railway town, why should the country storekeeper and all potential witnesses have to travel hundreds of miles from the place where everything happened just because the defendant has chosen to move or has been transferred in his daily avocation?

This would certainly cause some great problems to these people. I am not talking about big business; I am talking about other people not in big business who could well be involved in this sort of situation. If this provision is allowed to go through, it will provide an unjustifiable immunity from legal processes in some cases and in other cases it will encourage defendants to defend proceedings in the confident expectation that it will be uneconomic for the plaintiff and the necessary witnesses (not to mention the plaintiff's lawyer) to travel great distances to prove his or her case.

This of course, refers not only to small claims but also to larger cases in other jurisdictions involving up to $30 000. Therefore, in that particular area, there are many problems. One asks why they would commence actions at the place nearest to where the defendant resides. Why is this restricted to natural persons? That is only making it far more costly to bring actions if they are to be defended. If the defendant, the plaintiff and his witnesses must travel to the appropriate court, at the Supreme Court the defendant may ask the plaintiff for security for costs. In the Local Court, if the plaintiff is outside this State or Commonwealth, the defendant can ask for security for costs. If plaintiffs must travel to the court nearest the defendant, should not the defendant be required to give similar security in this matter?

This situation could well be abused, if the defendant lives in a distant court area (in Berri or Port Pirie) and enters an appearance to the plaintiff's claim, the plaintiff may withdraw the claim because of the possible expense involved, and in fact may not be able to recover those costs from the defendant, let alone the judgment debt.

Under the present system, unsatisfied judgment summonses must be issued out of the court nearest to where the defendant resides.

They are some of the matters causing concern within the profession. I refer now to clause 23. There is no way of enforcing judgment, if the defendant fails to comply with the order for return of specific chattels. Under the present system a court may issue a warrant of extension against goods of the defendant until the defendant delivers the goods. What does the plaintiff do if the defendant refuses to return the chattels? That is another question that could well be answered when the Minister attempts to conclude the debate. Even the Minister would admit that it is a very complicated area.

By clause 25, section 152 of the principal Act is amended by inserting after subsection (3) the following subsection:

> Proceedings based upon the small claim shall be instituted in the manner prescribed by rules of Court.

I wonder what the Attorney has in mind here. I know this is going to be left to regulation. I oppose clause 26 out of hand. I think it is a bad clause.

Mr. McRae: Clause 26 you are opposing? Do your constituents know that?

Mr. MATHWIN: Under this clause one finds out only when one gets to court whether or not one has to defend the matter. That is what it means. It provides that "no order shall be made in respect of a claim under this Part for the answering of interrogatories". That of course, has been proved to establish the issues between parties, and it has been a very important part of this area of the courts.

Mr. McRae: Who has briefed you—the Law Society?

Mr. MATHWIN: It is all right for the honourable member to criticise the situation. I have information on it from a number of areas, not only some of the professional men but also some other people. Part of the matter relating to clause 26 has been submitted by members of the honourable member's profession.

Mr. McRae: I'll bet they did!

Mr. MATHWIN: That may be so, but they are not all rogues.

Mr. McRae: Nobody said they are rogues. There is a great deal of work to be made out of that, though, isn't there?

Mr. MATHWIN: The honourable member is suggesting that his colleagues in the profession are rogues. I did not suggest it. It is the first time we have had a breakdown of communications in relation to the tightest little union in the State, that of the lawyers.

The SPEAKER: I hope the hounourable member will get back to the Bill.

Mr. MATHWIN: I am dealing with clause 26, and having a hell of a job to get out of it. One has to get to the court before knowing whether or not one has to defend a claim. What is the situation regarding witnesses if one does

not know until one gets to, say, a court in Whyalla or Port Lincoln, and one does not know until one gets there whether or not there will be a defence?

Mr. McRae: This is a small claims court. Heavens above!

Mr. MATHWIN: I will now outline some of the pre-trial procedures which have been in use since time immemorial and which have two main objects. The first is to define the issues so that each side can obtain a good idea of the case, and it will have to meet at the trial and limit the issues for the trial and the length of the trial. That is the situation I have tried to get over to the honourable member for Playford before he decided to upset his own professional colleagues.

The other object is uncovering an unmeritorious plaintiff or defendant long before trial. A defendant who puts in an appearance merely to delay the plaintiff's claim or even a plaintiff who brings a claim with very little reason, can be cut short by these interlocutory proceedings, whose abolition is now proposed. The application for immediate relief enables each side to call the other's bluff without having to wait months and months for a trial, and also avoids the inconvenience or expense of a trial or the preparation of one. That is the situation that I was trying to get over to the member for Playford.

I should hope that members opposite are seeing the light now and realise that there are some problems with this legislation. I believe that when the member for Playford speaks he will have realised that there are problems in this legislation and that something must be done to iron them out. The question that I should like to ask the Attorney-General if he were here, but he always goes to China at the end of the session—

The SPEAKER: Order! The honourable Attorney is away on Government business, and the honourable member knows.

Mr. MATHWIN: Clause 28 repeals sections 154 to 173 inclusive of the principal Act. I ask members opposite why sections 159 and 160 have been repealed? It seems to me that a mistake has been made there. Those sections relate to executives of estates, trustees in bankruptcy and other assignments of plaintiff and defendant to sue and be sued in the name of the deceased. I ask members opposite who are legal eagles to perhaps explain that matter because they will be able to tell me why those sections of the principal Act have been repealed.

As far as I am concerned, this is bad legislation. It was introduced in a hurry. The Law Society appealed to the Attorney-General about this measure but, much to the disgust of his professional colleagues, the Attorney ignored it. I suspect that some of his professional colleagues on that side of the House also appealed to him about it. This measure should have gone to a Select Committee. I support the second reading only because I intend to move an amendment during the Committee stage of the Bill.

Mr. McRAE (Playford): First, I refute any suggestion that I ever collectively called the legal profession or any of its members rogues. Secondly, let me deal with the history of the small claims court. It is the proud claim of the Caucus committee dealing with legal matters that the Government first introduced into this State the small claims court. What a boon it has been to the ordinary person living in any part of our community! I am surprised that the member for Glenelg should oppose legislation that would increase the small claims court jurisdiction level from $500 to $2 500 for the very reason that this is a no-cost jurisdiction.

I can recall that when we first suggested $500 all sorts of people, not just from the Law Society but from all sorts of learned bodies, raised their hands in horror and said that the system would never work. It has worked remarkably well. Most members, I am sure, would have had complimentary remarks made to them about the way this jurisdiction has worked. A trial period for any system must always be allowed. The system worked well for $500, so the Government has seen fit to suggest an increase that is in line with modern terms in saying $2 500. I am sure that that limit will work just as well as the $500 limit has worked. I am proud indeed of the magistrates who have supervised these small claims courts for the work that they have done.

The increase in the local court jurisdiction level is much overdue. It is now $20 000. This measure provides a minimal increase to $30 000. In fact, my only regret is that we are not increasing the limit to $40 000 or $50 000, because what occurs is that claims can be held up endlessly in the Supreme Court because of the technical and complex nature of the jurisdiction of that court and its rules. I will come to that point when I deal with the most remarkable amendment I have ever heard of, which has been foreshadowed by the member for Glenelg.

The member for Glenelg referred to clause 21. I agree that some changes to the existing law are proposed in this clause, but I am sure that in practical terms it will not cause anywhere near the inconvenience that he suggests. In fact, I almost see the Machiavellian mind of a non-lawyer at work here. I do not believe it was a lawyer who wrote those notes; I think perhaps it was a politician. Only a non-lawyer would be that Machiavellian about the dire results that could flow from clause 21.

Clauses 25 and 26 are the key clauses about which the honourable member was so worried. Clause 25 provides that the proceedings dealing with a small claim shall be instituted in a way prescribed by Rules of Court. That is eminently proper. When this court was first proposed it was recognised by the whole Attorneys-General committee and very much by the then Attorney-General, now Mr. Justice King, that only when a person got the grasp of getting the litigants together and trying to hammer out a process of conciliation and arbitration rather than deliberately creating litigation would one be able to decide what should be done. Of course, those Rules of Court must come before Parliament. The simple intention of the Government, about which the honourable member challenged me, is that those rules be as simple as possible. I, for one, would be outraged if they were anything else but simple.

Let me lay stress now on clause 26 because I am sure that the member for Glenelg, whom I know as an assiduous member not only of the House but also of a committee on which we are both members, has been grossly misled. I understood him to say that he intended to oppose clause 26. He is saying that he will impose on some poor wretched layman the job of answering interrogatories. Has the honourable member ever drawn an interrogatory or has he ever seen one? It is a horrible document, and if I had anything to do with it I would wipe it out throughout the entire legal system, let alone the small claims court.

Mr. Mathwin: It establishes issues between parties.

Mr. McRAE: So it is said.

Mr. Mathwin: That was given to me by the profession.

Mr. McRAE: Yes. It was said by some people in the profession that a small claims court would never work, because the lawyers would be bush lawyers and the laymen would never involve themselves in the process of conciliation and arbitration, but they did. The honourable

member should look at a set of interrogatories. He would see perhaps 26 typed pages of rubbish and 26 typed pages of answers, at the end of which no-one is more certain than at the beginning where they are going. If I speak with some feeling on this, it is because I have seen cases of this sort in the course of my career, where I have felt very sad for my poor clients, mostly working people who had been forced to go through this nonsense, who deliberately have had their claims delayed through the civil courts by the service of such rubbish on them. Being an honest member, I am sure the member for Glenelg does not realise that if he knocks out that claim he can perpetuate the ridiculous system by which enormous costs will be imposed on his constituents.

The next item is the discovery of documents. That means the discovery of every relevant document which, under a complex set of rules, might be relevant to any of the issues that might arise at the trial—pages and pages of superfluous garbage. Next is the giving of particulars. In many cases, this can take again perhaps eight, nine, or 10 pages, and still that might not be enough. Then the other side wants further and better particulars. There is a name for that, too.

Mr. Mathwin: Doesn't that help resolve cases before they get to court?

Mr. McRAE: In certain major commercial cases where millions of dollars might be at stake, that might be so. In ordinary cases, where a painter, a plumber, or someone else is suing for a small debt, or in relation to an accident, why do we need pages and pages of this rubbish when we have a specially qualified highly paid special magistrate, specialising in this jurisdiction, to deal with these issues?

Mr. Mathwin: How do they cost out the issues?

The SPEAKER: Order! The honourable member has spoken. He will have an opportunity in Committee to ask questions.

Mr. McRAE: I realise, Sir, that I was out of order in replying to the interjection. I am sure that the honourable member, while he spoke in very good faith, has been sorely misled about the whole nature of these documents. They are in fact a lawyer's paradise. I say to the member for Glenelg that, if he wants to perpetuate a lawyer's paradise, have the interrogatories. That will take up half a day, costing a constituent $250, and cost some poor other wretch another $250 to answer it. Let him have discovery, and particulars, and further and better particulars. Have all those things, and take away from the constituent all the benefits of this Bill.

It is well known to members in this House that I can hardly be described as the most radical of the lawyers of the A.L.P. I strongly support the Bill. None of the things that are in it is in any way detrimental to the community. They are very much to benefit of the community, and I am surprised that, of all people, the member for Glenelg should be putting obstacles in the way of such beneficial legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. MATHWIN: I move:

Page 1, line 18—Leave out "two thousand five hundred" and insert "one thousand".

I have already given my reasons for moving this amendment. I cannot agree that a small claim could be in the area of $2 500. To many people, that is a fortune. To some people, $500 is a great deal of money, but the increase to $2 500 is far and above what the amount should be. Let us look at both sides of the picture. We are talking not about professional people, but about ordinary people. A person has received a summons for $2 000, and is not allowed legal assistance in the small claims court. This person could be any old lady or any other person within the community, facing up to what I would call a professional person, representing a big business, and dealing with such matters every day of his working life. He is smooth, and he knows the game inside out. How can the layman battle it out against this expert, this smooth operator, in the court? The idea is to protect not the professional man but the small person; that is the crux of the situation. A person should have the right to legal assistance in the court, more especially if the sum involved is such a large one. As the small claims court does not allow legal representation I believe the figure involved should be less than $2 500. The figure of $1 000 represents an increase of 100 per cent. I ask members to support my amendment.

The Hon. D. W. SIMMONS (Chief Secretary): The Government believes that the amount set out in clause 3 will produce a more realistic division of work within the court in the light of current money values and, despite the spirited defence of lawyers' interests by the member for Glenelg, I oppose the amendment.

Mr. MATHWIN: I resent that remark by the Minister. You should be blasted well ashamed of yourself as a Minister.

The CHAIRMAN: Order! The honourable member knows full well he must not—

Mr. MATHWIN: I never mentioned the profession, except in passing. My main plea was for the ordinary working-class person in the State. The Minster should be ashamed for saying what he said. You are a disgrace to the Ministry and to your Party.

The CHAIRMAN: Order! The honourable member should not address other members as "you".

Mr. MATHWIN: I object to the remarks the Minister made in his pompous manner. I make my plea for the ordinary people, not for the profession. I make that clear to the thick head of the Minister. If it did not penetrate his skull earlier, it should have done so now. If the Minister had any guts, he would retract his statement about me.

Mr. McRAE: Special magistrates are appointed to the small claims court; they are also special in the sense that they specialise in a particular jurisdiction. They give legal assistance to all parties appearing before them, whether or not professional, and I think that the honourable member's fears are unfounded.

Mr. GUNN: I come to the defence of the member for Glenelg. I waited for the Minister to withdraw or rephrase his remarks. In view of the comments of the member for Glenelg, it would have been proper and reasonable for the Minister to withdraw his remarks which were a gross reflection on the honourable member and which were uncalled for. The Minister would be aware of the great deal of work the honourable member has put in on the Bill. In the spirit of the debate, it would be appropriate if the Minister withdrew his comments, which were untrue, unparliamentary, and unworthy of him.

The CHAIRMAN: Order! They were not unparliamentary; otherwise the Chairman would have taken note of them.

The Committee divided on the amendment:

Ayes (15)—Messrs. Allison, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin (teller), Rodda, Russack, Venning, Wilson, and Wotton.

Noes (21)—Messrs. Abbott, Bannon, and Broomhill, Mrs. Byrne, Messrs. Corcoran, Drury, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, McRae, Olson, Simmons (teller), Slater, Virgo, Wells,

Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson, Messrs. Arnold, Nankivell, and Tonkin. Noes—Messrs. Max Brown, Duncan, Dunstan, and Payne.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (4 to 50) and title passed.

The Hon. D. W. SIMMONS (Chief Secretary) moved:

That this Bill be now read a third time.

The House divided on the third reading:

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

Noes (15)—Messrs. Allison, Becker, Blacker, Dean Brown, Chapman, Eastick, Goldsworthy, Gunn, Mathwin (teller), Nankivell, Rodda, Russack, Venning, Wilson, and Wotton.

Pairs—Ayes—Messrs. Max Brown, Duncan, Dunstan, and Payne. Noes—Mrs. Adamson, Messrs. Arnold, Evans, and Tonkin.

Majority of 7 for the Ayes.

Third reading thus carried.

LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 21. Page 1656.)

Dr. EASTICK (Light): This Bill was introduced and supported in the Upper House, and it will be supported here. In bringing the matter to our attention, the Minister pinpointed the fact that changes effected in 1976, when the Racing Act was created, have been found to be wanting in some respects. A matter causing some concern is that it is difficult, because of the limitations of the Racing Act, to prosecute those who are seeking by bookmaking and totalisator betting to defraud or act against the spirit of betting and totalisator betting. The evidentiary powers contained in the original Lottery and Gaming Act will strengthen the arm of the police and other persons charged with the responsibility of investigating betting and totalisator infringements. I refer to two parts of an editorial appearing in the *Australian* of December 15, 1976, which, under the heading "Gambling Australians", states:

> The urge to gamble is so deeply rooted in the Australian psyche that no contest escapes a wager and a lot of money changes hands when there is really no contest at all. Gambling has always been a growth industry but now it booms as never before while so many other areas of the economy stagnate.

The editorial further states:

> It is disturbing, though, to realise that the nation is now gambling an amount equal to roughly one-quarter of the Federal Budget every year.

That is an astonishing figure. The industries that generate much of the gambling turnover are the three arms of the racing industry. Regrettably, where S.P. bookmaking is involved a percentage return to those industries is lost, and it is hoped that, by this measure, it will be possible more satisfactorily and successfully to prosecute those indulging in S.P. bookmaking.

I support prosecutions being taken against any person who is defrauding the racing industry by illegal bookmaking. Regrettably, a number of the principals of S.P. bookmaking never come into court. They have a series of front men or fall guys, whose responsibility it is to take the prosecution if there is a detection of the activity, and there have been instances in South Australia in which one principal has over a period had five, six or even more of the fall guys with a blemish on their record while he gains the financial benefit as the principal of the S.P. operation.

I have said before that they do nothing to support the industries that generate the turnover and, because there is a lack of turnover from that significant area of S.P. betting, the racing industry is denied additional funds which are extremely important. It is public knowledge that the T.A.B. distribution for this year will be considerably less than that which has applied previously and, most of the decrease is associated with the increase in the costs of conducting T.A.B. activities.

Therefore the racing industry needs all of the funds that can possibly be made available to it. If we can destroy illegal S.P. bookmaking, which regrettably has been part and parcel of gambling activities for many years, we could see a definite improvement in the position of thoroughbred horse-racing, trotting, and dog-racing.

If the measures we are asked to consider will assist in this function, they will have support of members on this side. I would like to believe that as a result of the measures we are taking this evening the Chief Secretary, or the other responsible Minister, will in due course be able to inform the House that S.P. bookmaking, which is a blight on the whole gambling industry has been contained and that the funds which have been denied to the industry will be channelled back to where they should deservedly be. I support the Bill.

Mr. BECKER (Hanson): I support the remarks of the member for Light. I am pleased that the Goverment is making an honest attempt to stamp out illegal bookmaking by increasing the penalty to $2 500 or imprisonment for six months. This is similar to what I advocated some years ago, that a concerted effort should be made to stamp out illegal bookmaking. I believe the penalty needs to be high to act as a deterrent. I think that the penalty of $2 500 or imprisonment for six months is a reasonably severe penalty. I hope that in future the courts will consider the concern of Parliament and impose the maximum penalty.

It is interesting to note that new section 63(2) states:

> No person shall make a bet with a person if the acceptance of the bet by that person constitutes an offence against subsection (1) of this section.
>
> Penalty: Five hundred dollars or imprisonment for three months.

Subsection (1) states:

> No person shall be in or upon any street or public place for the purpose of betting unlawfully.

I am a little concerned in relation to the other part of the Bill that relates to totalisator betting. Since the introduction of the T.A.B. it has not been uncommon for syndicates to be formed. It is not uncommon for people, either in their work place or at a place of recreation, to say, "Look, will you race down to the T.A.B. and put one unit each way on such and such a horse?" As I understand it, that could be an offence under this Act, but it is extremely difficult to prove that the person accepting the bet is acting as a messenger to go down, legally, to the T.A.B.

I have a constituent who was placed in such a situation some time ago I have never been able to find out what happened and I have always felt that was an anomaly that may exist in the Act. It is common practice in offices and

factories to have syndicates and for somebody to act as banker and to place a bet with the T.A.B., quite legally. It will be extremely difficult to prove otherwise, and a substantial penalty is provided, similar to that for S.P. bookmaking or betting—$500 or imprisonment for six months. I think it is a pity that whilst we would like to see the money from gambling and racing channelled through the legal systems, whether it be the bookmaker at the racecourse or the totalisator, there does not seem to be any defence, as I understand it, from the syndicate point of view. The question is whether syndicates are illegal. If they are illegal it is unfortunate, because many of them are operating as Christmas clubs. I cannot see any way around it, but I hope that, if somebody is acting as a messenger and going to the T.A.B. on behalf of a syndicate or Christmas club, that will be taken into consideration as well. Because of what it seeks to achieve, I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Enactment of ss. 63 and 64 of principal Act."

Dr. EASTICK: As a consequence of inserting new sections 63 and 64, it will be possible to use the evidentiary powers of the existing Lottery and Gaming Act to better effect to investigate and, hopefully, further the prosecution of persons illegally acting as bookmakers or acting against the best principles of totalisator betting. I would be interested to know whether the Government has a commitment and, if so, what that commitment is to act effectively against S.P. bookmaking. I think I could answer by saying that the very fact that the Government brought in this measure is an indication of its sense of need in this area. I would like to hear from the Chief Secretary whether the Government has a particular policy or attitude to this and whether, in the consideration of the measures currently before the House, the Government gave any consideration to the creation of an offence against the person who may not have been the one actually taking the betting, receiving the money, or receiving the nomination of the horse, but who was the principal of the person taking the bet.

I fully appreciate the difficulties which exist because the person who is the principal and the one who is providing the cash may well be a long way away and just providing the bank for some other person who will take the prosecution in the event of being found out. It is the person who is prosecuted who really gains no real benefit out of the whole transaction, but it is a blight on his name because he has a court record, whereas the person who has actually perpetrated the act is getting off scot free. I would appreciate knowing from the Chief Secretary whether these matters were considered and whether the Government has a mind to extend, after further investigation, a scheme where by the perpetrator of the betting transaction will be prosecuted or will be concurrently prosecuted, and not only the person who acts in the sense of bookmaker as explained in this particular clause, that is, the person who takes or records the bet from the bettor.

The Hon. D. W. SIMMONS (Chief Secretary): I am not able to give an answer off the cuff. I will draw the honourable member's remarks to the attention of my colleague to find out whether that matter has been or should be, taken into account. As the member for Hanson said, the penalties proposed in this clause indicate a commitment by the Government to curtailing the activities of S.P. bookmaking. I cannot say any more than that.

Clause passed.

Title passed.

Bill read a third time and passed.

LAND SETTLEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 9. Page 2107.)

Mr. CHAPMAN (Alexandra): When I commenced the debate on March 9, by arrangement with the Government the debate was adjourned. I have very little to add to the remarks that I made then, except that when referring to the members of the present Land Settlement Committee I made a mistake. I said as recorded at page 2106 of *Hansard* that apart from the Chairman of the committee (the member for Whyalla) the other members of the committee included Mr. Blevins and Mr. Whyte. Mr. Whyte is not currently a member of the Land Settlement Committee. The other honourable member from the Legislative Council is the Hon. Murray Hill. I think it is fair to mention also the other members currently serving in that capacity. They are now the member for Newland, who took the place of the member for Spence and the member for Napier.

My only other comment is that, apart from the part of the report furnished to this Parliament by the Land Settlement Committee last year to which I have referred there is one other factor. The committee was not unanimous in all of its decisions following the investigation into the situation on Kangaroo Island last year. It divided on the subject of perpetual war service land settlement rentals. That dissension by the Liberal members of that committee at that time occurred after considerable investigation and comparison with other war service land settlement rentals in other areas in the State, and we furnished the Parliament with a minority report. I intend at the next session at the appropriate time to follow up that matter and seek, on behalf of all the war service land settlers of Kangaroo Island, a comparable rental to apply to their war service land settlement lease holdings for the future. By "comparable" I mean that their rental on a similar production area of land compares at least equally with those relating to the other major war service land settlement areas developed on the mainland. With those few remarks, I have pleasure in supporting the Bill.

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

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 2118.)

Mr. GOLDSWORTHY (Kavel): I support the Bill. It is a short Bill that expands the membership of the Dog Racing Control Board from five members to six by adding a nominee of the Greyhound Owners, Trainers and Breeders Association of South Australia. This was an undertaking given by the Government when the Racing Act was before the House. From memory, I think the undertaking was to the effect that, when this organisation was strong enough and was felt to be representative of the owners and trainers, the Government would then put one of its members on the board. Parliament had been apprised of this fact since the passing of that legislation. For that reason, I support the Bill.

Mr. BECKER (Hanson): I support this Bill and the remarks of my colleague. I can remember that, when this legislation was brought to the House in November, 1976,

there were several suggestions and proposals for the Dog Racing Control Board. I always believed that the board should consist of five persons. There were several attempts by the Minister to come to some compromise. We were talking of numbers between seven and 11. I always believe that an odd number is a satisfactory constitution for any board, and I am concerned that the membership of the board has now been increased to six.

I am also concerned about the history of the organisation that has now been nominated. As you would know, Mr. Acting Speaker, a few years ago we had same unpleasant experiences with people and allegations that were made in relation to that organisation. I have been assured that, since the Greyhound Racing Board has been established, and under its current chairman, the breeders organisation has improved itself and is now worthy of representation on the board. I only hope that, with this representation, the breeders will accept their responsibility, and that members of that group will do all they can to enhance further the standing of greyhound racing in South Australia. It is in their interests that they do, and it is in the interests of the administrators of greyhound racing in South Australia to ensure that it continues on the high plane that it has enjoyed over the years. For that reason, I will support this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of Board."

Mr. BECKER: How will the person representing the Greyhound Owners, Trainers and Breeders' Association of South Australia Incorporated be nominated?

The Hon. HUGH HUDSON (Minister of Mines and Energy): When the Racing Act was before Parliament, the Minister of Tourism, Recreation and Sport indicated that he was prepared to include a nominee from the association when he was satisfied that that association was broadly representative of owners, trainers and breeders throughout the State. He was not so satisfied at that stage. He is now satisfied and the procedure will be for the association to make a nomination to the Minister that the Minister will then put to Executive Council for approval by the Government. It is up to the association to determine its own method of nomination. As long as the committee that runs the association makes the nomination that is enough for the Minister to proceed on.

Clause passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1978

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, line 24 (clause 9)—After "(4)" insert "and by inserting in lieu thereof the following subsection:

(2) A petition referred to in subsection (1) of this section proposing severance of any portion of an area may not be presented before the expiration of the period of five years from the presentation of the last such petition in relation to that area."

No. 2. Page 3, line 31 (clause 10)—Leave out "fifteen" and insert "ten".

No. 3. Page 3, line 39 (clause 10)—Leave out "forty" and insert "twenty".

No. 4. Page 4, line 30 (clause 15)—leave out "to" and insert "modifying in part".

No. 5. Page 4, lines 31 and 32 (clause 15)—Leave out "(which alternative proposal may affect a council not affected by the petition or purported petition)".

No. 6. Page 4, line 32 (clause 15)—Leave out "shall" and insert "may, if he approves the alternative proposal,"

No. 7. Page 4, line 33 (clause 15)—Leave out "and in some newspaper" and insert "in a newspaper circulating throughout the State and in some other newspaper, if any,"

No. 8. Page 4, line 34 (clause 15)—After "and" insert ", upon such publication,"

No. 9. Page 4, line 38 (clause 15)—Leave out "fifteen" and insert "ten".

No. 10. Page 5, line 4 (clause 15)—Leave out "forty" and insert "twenty".

No. 11. Page 6, line 24 (clause 18)—Leave out "ten" and insert "three".

No. 12. Page 6, line 43 (clause 19)—Leave out "or lending".

No. 13. Page 6, line 45 (clause 19)—After "council" insert "not set out in a budget approved by the council"

No. 14. Page 7, lines 1 and 2 (clause 19)—Leave out all words in these lines.

No 15. Page 7, lines 37 to 40 (clause 22)—Leave out all words in these lines.

No. 16. Page 8, line 26 (clause 23)—After "company" insert ", being a body corporate or a natural person of or above the age of majority,".

No. 17. Page 8, line 28 (clause 23)—After "subsection" insert "or this paragraph".

No. 18. Page 8, line 35 (clause 23)—After "persons" insert ", being a body corporate or a natural person of or above the age of majority,"

No. 19. Page 8, lines 44 to 48 (clause 23)—Leave out all words in these lines and insert "upon the council".

No. 20. Page 9, Line 38 (clause 23)—Leave out "persons" and insert "bodies corporate or groups of persons".

No. 21. Page 10, line 2 (clause 23)—After "persons" insert "or groups of persons".

No. 22. Page 10, line 7 (clause 23)—Leave out "such person" and insert "body corporate or group of persons".

No. 23. Page 12—After line 10 insert new clause 24a. as follows:

24a. Section 104 of the principal Act is amended by striking out from subsection (1) the passage ", in the case of a municipality, at a place fixed by the council, and in the case of a district, at the district office," and inserting in lieu thereof the passage "at the office of the council".

No. 24. Page 17 (clause 34)—After line 35 insert paragraph as follows:

(aa) by striking out from subsection (2) the passage 'the day subsequent thereto' and inserting in lieu thereof the passage 'the period of fourteen days commencing on that day';

No. 25. Page 19, line 5 (clause 40)—Leave out "such cheque" and insert "a cheque drawn for that purpose in accordance with that subsection".

No. 26. Page 25, line 30 (clause 58)—Leave out " 'forty' " and insert " 'twenty' ".

No. 27. Page 27, line 32 (clause 66)—After "from any" insert "land or".

No. 28. Page 31, line 5 (clause 70)—Leave out "of the municipality".

No. 29. Page 31, lines 15 and 16 (clause 70)—Leave out "of the municipality".

No. 30. Page 31, line 19 (clause 70)—Leave out "The Bus and Tramways Act, 1935-1975," and insert "the State Transport Authority Act, 1974-1977,".

No. 31. Page 31, line 20 (clause 70)—Leave out "within the municipality".

No. 32. Page 31, line 24 (clause 70)—Leave out "within the municipality".

No. 33. Page 31, lines 26 and 27 (clause 70)—Leave out "within

the municipality".

No. 34. Page 32, lines 27 and 28 (clause 70)—Leave out "within the limits of any municipality".

No. 35. Page 32, lines 41 and 42 (clause 70)—Leave out", and of the full age of twelve years acting as conductor of any licensed vehicle".

No. 36. Page 36, line 46 (clause 70)—Leave out "municipality" and insert "area".

No. 37. Page 40, line 43 (clause 70)—Leave out "within the municipality".

No. 38. Page 43, line 39 (clause 70)—Leave out "within the district".

No. 39. Page 44, lines 39 to 48 (clause 70)—Leave out all words in these lines.

No. 40. Page 45, lines 1 to 33 (clause 70)—Leave out all words in these lines.

No. 41. Page 46, line 27 (clause 70)—Leave out "within the municipality".

No. 42. Page 46 (clause 70)—After line 32 insert paragraphs as follows:

XXXVIIa Except as aforesaid, for authorising and regulating the construction or erection of boat-houses, sheds, landing-stages, stands, or other buildings, and determining the rents or fees payable in respect thereof; for regulating the rights of admission thereto by the public; and for fixing the charges to be charged therefor:

XXXVIIb Except as aforesaid, for regulating the tolls, fares, and charges payable by the public in respect of the use of the waters of any such lake, dam, river, water-course, or pond:

XXXVIIc Except as aforesaid, for regulating fishing and angling in any such lake, dam, river, water-course, or pond:

XXXVIId For regulating or prohibiting fishing from any bridge, jetty, pier, wharf, ferry, or other structure vested in or under the care, control, or management of the council:

XXXVIIe Subject to section 671, for regulating, controlling, or prohibiting the use or occupation of any portion of the foreshore under the care, control, or management of the council and any reserve adjacent to any such foreshore:

XXXVIIf Subject as aforesaid for regulating the speed of motor vehicles along or on any such foreshore or any part thereof:

XXXVIIg Subject as aforesaid, for regulating, controlling, or prohibiting the removal of sand, shells, seaweed, or other material from any such foreshore:

XXXVIIh Subject as aforesaid, for fixing and regulating the collection of fees to be paid for licences to use or occupy any such foreshore or reserve or portion thereof, or to remove sand, shells, seaweed, or other materials from any such foreshore:

XXXVIIi Subject to the Harbors Act, 1936-1974, for the management of any ferry to which Part XXIX applies and the approaches thereto:

XXXVIIj Subject as aforesaid, for fixing the tolls to be levied and the fares to be charged for the conveyance of passengers, horses, cattle, sheep, and other goods and chattels of any kind by any such ferry; and for the collection of tolls and fares:

XXXVIIk Subject as aforesaid, for fixing the times for using any such ferry; and for otherwise giving effect to the provisions of Part XXIX:

No. 43. Page 48 (clause 70)—After line 34 insert paragraph as follows:

XVIa Generally for the good rule and government of the area, and for the convenience, comfort, and safety of the inhabitants thereof:

No. 44. Page 48 (clause 70)—After line 39 insert subclause as follows:

(2) Any by-laws in force immediately before the commencement of the Local Government Act Amendment Act, 1978, shall, to the extent that they are consistent with the provisions of this Act, as amended by that Act, have the same effect as if they had been made under this Act, as amended by that Act.

No. 45. Page 56, lines 8 to 12 (clause 86)—Leave out all words in these lines and insert subclause as follows:

(13) The council may at any time, notwithstanding anything contained in this Act, abandon the re-alignment proposal and, may where land has been acquired by the re-alignment method, offer the land for sale to the owner from whom it was acquired or his successor in title.

Consideration in Committee.

Amendment No. 1:

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

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

This is a new proposal that has been put in by another place that would restrict the opportunity of altering a council for a period of five years from the last presentation of a petition from that area. I suggest that this is a liftout from the letter, which I take it that all members received, from the Munno Para council. The Government is not prepared to put a blanket embargo of that nature into this measure, although I appreciate the problems of Munno Para council.

Dr. EASTICK: I accept the situation as has been explained by the Minister that it is a lift-out of the Munno Para council's letter. The matter was represented in this place by me about 15 or 18 months ago when it was initiated by Munno Para council, after a poll had been taken following an attempt by the Elizabeth council to take it over, and when the result was completely at variance with the publicly anticipated result. It became apparent from the large sum that had been expended by Munno Para council and possibly by Elizabeth council in the promotion of its cause that the ratepayers would suffer in the long term because money that should have been spent on services for the public was being spent on legal fees, polling costs, etc.

I can appreciate the motivation of Munno Para council in making this further plea in its letter to members of Parliament. I can also accept why the Upper House has seen fit to put forward the amendment it has put forward. It may well be that a compromise could be reached somewhere in the middle. That may yet be tested. Any Council, irrespective of the position of Munno Para council, should be able to get on with its job for at least a three-year or four-year period without having what is more than an ardent suitor breathing down its neck.

Mr. RUSSACK: I support the Legislative Council's amendment. I, too believe that even though a council has been singled out in the amendment, the provision would apply generally. I support the member for Light's comments that it would be reasonable, where an attempt has been made to either sever or annex portion of a council area, to give to the council an assurance that its business will not be continually interrupted.

Motion carried.

Amendments Nos. 2 and 3:

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

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

disagreed to.

Amendment No. 2 deals with the number of people necessary to present a petition or require a poll to be held being 15 per cent of the electors. The amendment is to reduce that 15 per cent to 10 per cent. Secondly, if a poll is held, the number of people who must vote against it to defeat it must be 40 per cent, and it is proposed to reduce that figure to 20 per cent. About three years ago when we put this provision into the Act, we started off in this Chamber by putting in a requirement for 20 per cent for a poll and 33⅓ per cent to defeat a poll. After a conference at which we reached a compromise, the 20 per cent was reduced to 15 per cent, but the 33⅓ per cent was increased to 40 per cent. I think the two are related. It would be quite inconsistent to have a figure here different from that in the other part of the Act. If there were to be any amendment along the lines suggested (and I do not support it), we should make sure that there is a degree of consistency.

Motion carried.

Amendment No. 4:

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

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

This amendment is adding the words "modifying in part". It is saying that, where the Local Government Advisory Commission makes the alteration, that alteration to the original petition must be "modifying in part" something that was already there. I am not sure how effective such a phrase would be. I suggest that it will apply more restrictions than are desirable on the Local Government Advisory Commission, but I am not sure. I am sure, however, that there will be a conference on this Bill, and perhaps the matter could be discussed further with the managers of the Upper House.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be disagreed to.

There is no doubt that this reduces quite considerably what the Government thought it desirable that the Local Government Advisory Commission should be able to do. It means that any alteration to the prayer cannot affect a council which is not affected by the petition or purported petition. If, during the course of the consideration of a prayer of petition the Local Government Advisory Commission believed that it was fairly obvious that there should be an alteration to an adjoining council, and if that adjoining council was agreeable to the alteration, which might be of the most minor nature, this would preclude that from occurring. In the Bill, we are attempting not to shackle the advisory commission any more than is necessary, bearing in mind that it is an advisory commission, not making decisions, but simply bringing down recommendations.

Motion carried.

Amendments Nos. 6 to 8:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 6 to 8 be agreed to.

Motion carried.

Amendments Nos. 9 and 10:

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

That the Legislative Council's amendments Nos. 9 and 10 be disagreed to.

This is the 15 per cent, 10 per cent, 40 per cent, and 20 per cent situation that I discussed in relation to amendments Nos. 2 and 3.

Mr. RUSSACK: When the Bill was debated, I said something similar to what the Minister had said. This matter was decided as a result of a conference. However, on occasions many ratepayers have been upset about this high figure. Some people believe that by setting such a high figure to obtain a petition and to have the matter defeated, the odds are against the electors who do not wish to have the proposition. I speak for the people who believe that the figure is too high. The Minister has indicated that there will be a conference at which these matters will be discussed. It is impossible to consider the amendments in such a short time, but I accept that consideration can be given to them at a conference.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be disagreed to.

This is the amendment moved in this Chamber by the member for Goyder to reduce from 10 sitting days to three sitting days the period when the Minister must report. I indicated that I did not have a particularly strong view at that time, and I have found nothing to persuade me that the 10-day period is right or that the 3-day period is right. I am sure that tomorrow, at the conference, we will find a figure that will satisfactorily resolve the position.

Mr. RUSSACK: I have discussed this matter with people involved in local government. They consider that the time should be much shorter than 10 days, because 10 sitting days covers almost four weeks. From my investigations, the Local Government Association would like to see a shorter period.

Dr. EASTICK: I support the general comments of my colleagues. In the event that there was a need for an appointment under the defaulting council provisions, it is inevitable that questions would be asked in the Chamber during the period leading up to the tenth day. Much of that could be offset if a report were made with a minimum of delay. I know the Minister has indicated an open mind on the matter.

The Hon. G. T. Virgo: Within 10 days.

Dr. EASTICK: I fully appreciate that it is within 10 days, but the Opposition has experienced in the past situations in which the Government has dragged similar notifications out to the nth degree.

Mr. Russack: Even in the introduction of Bills?

Dr. EASTICK: Yes, but I was not going to be so unkind as to mention that. I believe that it would be in the greater interest of the Parliamentary system, and it would certainly offset unnecessary questioning and possible embarrassment to individuals, if members knew that it would be made available as an official document within three days, thus offsetting what might become an embarrassment to persons who were not personally or vitally involved. Innuendo could have a serious effect.

Motion carried.

Amendments Nos. 12 to 14:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 12 to 14 be agreed to.

Motion carried.

Amendment No. 15:

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

That the Legislative Council's amendment No. 15 be disagreed to.

This is the provision that deals with the auditors' committee. Section 83 of the Local Government Act provides for the appointment of a committee consisting of the Auditor-General, an officer of the Local Government Department, and another person appointed by the

Minister to inquire into the qualifications of people, and to issue certificates, etc. We are adding after "another person" the words "who may be an officer of the Public Service of the State" for a good reason, namely, that qualified people outside the Public Service are difficult to find in this area, and I am sure that the member for Goyder and the member for Light will appreciate that people who are competent in local government are indeed rare. We want to have that additional latitude, as we believe it would be desirable to have it. Accordingly, we are opposing the amendment, which would restrict the third person being appointed to a person who did not work for the State Public Service. We could find ourselves in a position of not being able to get anyone.

Dr. Eastick: It wouldn't be a mandatory appointment. I stress that point.

The Hon. G. T. VIRGO: The Bill provides "who may be an officer of the Public Service", but it does not have to be. It will not restrict us to appointing someone who is not a member of the Public Service.

Motion carried.

Amendments Nos. 16 to 23:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 16 to 23 be agreed to.

Motion carried.

Amendment No.24:

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

That the Legislative Council's amendment No. 24 be disagreed to.

I think that the Legislative Council has found a point here and has sought to rectify what obviously is a weakness, namely, the presentation of the petition of the day subsequent to the holding of a meeting. To get the 10 per cent of electors to qualify the day following is probably placing people in an extremely difficult, if not impossible, position. However, I am not sure that a matter ought to drag on for 14 days. I think it is a matter which tomorrow at the conference we could examine. My thoughts now are that seven days would be adequate but, in the meantime, I oppose the amendment so that it can be discussed at the conference.

Motion carried.

Amendment No. 25:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendment No. 25 be agreed to.

Motion carried.

Amendment No. 26:

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

That the Legislative Council's amendment No. 26 be disagreed to.

This matter comes back to the 40 per cent-20 per cent discussion we had previously.

Motion carried.

Amendments Nos. 27 to 45:

The Hon. G. T. VIRGO moved:

That the Legislative Council's amendments Nos. 27 to 45 be agreed to.

Motion carried.

Later:

The Legislative Council intimated that it insisted on its amendments Nos. 1 to 5, 9 to 11, 15, 24 and 26 to which the House of Assembly had disagreed.

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

That disagreement to the Legislative Council's amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Eastick, Harrison, Hemmings, Russack, and Virgo.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10.30 a.m. on Wednesday, March 22.

The Hon. G. T. VIRGO moved:

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

Motion carried.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 1. lines 13 to 17 (clause 3)—Leave out paragraphs *(a)*, *(b)* and *(c)* and insert paragraphs as follows:

"*(a)* a

(i) Judge of the Children's Court of South Australia;

(ii) person holding judicial office under the Local and District Criminal Courts Act, 1926-1976; or

(iii) special magistrates; and

(b) two justices, of whom at least one is a woman justice,".

Consideration in Committee.

The Hon. D. J. HOPGOOD (Minister of Education): I move:

That the Legislative Council's amendment be disagreed to.

The amendment relates to the composition of the court and is referred to in clause 3. This matter was referred to when the Bill passed through this Chamber. The Opposition in this Chamber did not at the time see fit to move any amendment. The amendment relates to a situation that has now passed. The court has purely judicial functions; in fact, the real decisions, the social welfare decisions, are made departmentally and on the advice of the panel referred to in the Bill. For these reasons, I urge the Committee to reject the amendment.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment is unnecessary to the proper workings of the Act.

Later:

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

Consideration in Committee.

The Hon. D. J. HOPGOOD (Minister of Education) moved:

That disagreement to the Legislative Council's amendment be insisted on.

Mr. WOTTON: I support the amendment from another place which would mean that the present situation concerning the jurisdiction with regard to the adoption of children would be allowed to continue. The present system has worked satisfactorily. The jurisdiction is exercised by a special magistrate and two justices of the peace, of whom one must be a woman, and that is what the amendment spells out. We are dealing with whether or not a child should become part of a family, and it is important in this instance to have lay involvement in the matter of a court case. Hitherto, the Government in either place has failed to give any reason why the system should be changed at this stage.

[Midnight]

People who have had experiences in courthouses say that the present system functions well because it takes away the courthouse atmosphere, and provides a friendly and informal setting. It is not a criminal or divorce matter but involves family people who are deciding the future of a child, and that is an important and sensitive matter. Because the Government has not given any reason why the situation should be changed, I support the amendment.

The Hon. D. J. HOPGOOD: I explained this matter, albeit briefly, before this Bill went to the other place. The situation has changed: the court will be considering legal matters, and social welfare matters, which required two justices of the peace, one being a woman, will now be handled before this matter reaches the court. A lady who is a special magistrate in the Children's Court may well be the person acting for the purposes of clause 3(c) of this Bill. Clause 5 also refers to the panel and the constitution of panel boards. This is where social welfare matters would be determined, and there would be a strong representation of women. I urge the Committee to reject the amendment.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Mrs. Adamson, Mrs. Byrne, Messrs. Payne, Wells, and Wotton.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 10.30 a.m. on Wednesday, March 22.

The Hon. D. J. HOPGOOD moved:

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

Motion carried.

STAMP DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

POLICE OFFENCES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 1, lines 13 and 14 (clause 2)—Leave out all words in these lines.

Consideration in Committee.

The Hon. D. W. SIMMONS (Chief Secretary): I move:

That the Legislative Council's amendment be disagreed to.

This matter was canvassed at some length in this Chamber, the point made being that leaving section 33(3) in the Act provided a convenient loophole whereby people charged under it in respect of pornographic offences could find a loophole and so avoid prosecution. The Government believes that this loophole should be closed, but it would be better to delete this amendment and allow common law principles to determine the matter.

Mr. GOLDSWORTHY: I support the amendment, which is similar to one that I moved in this Chamber. The loophole to which the Chief Secretary has referred is obscure to me and, without this amendment, the whole section of the Act is weakened.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment was adopted:

Because the amendment will retain specifications which are open to use as legal loopholes.

Later:

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2234.)

Dr. EASTICK (Light): I acknowledge that this is a relatively simple measure that has proceeded here from another place. It has four main purposes. The first relates to fees to be charged by incorporated health centres. Secondly, there is clarification of superannuation eligibility of transferred employees. Thirdly, provision is made to overcome the conflict of interest situation that could occur with members who were board members, and this applies both to the hospital situation and the health centre situation. Fourthly, the Bill provides for the transfer arrangements for current Institute of Medical and Veterinary Science employees who are to become employees of Queen Elizabeth Hospital and Flinders Medical Centre. The matter of the charging of fees was discussed briefly by the Select Committee that led up to the appointment of the Health Commission, and it was recognised that areas of administration had yet to be considered. The introduction of this provision follows naturally from the position relating to fees, a matter that arose in the original Bill in connection with hospitals. Clearly, this matter needs clarification.

Regarding the superannuation eligibility of the transferred employees, it was always intended that if any factors arose that were unknown to the Select Committee at the time, they would, on being identified, receive the attention of this House so that no-one would lose out on a superannuation entitlement. In relation to the third matter, regrettably one finds in the community from time to time a situation in which a person obviously has a conflict of interest, particularly in relation to tenders or to the determination of a person or group to provide a service and to participate in decisions made. Be it in local government, hospital boards or elsewhere, it is, in my opinion, completely taboo.

By the same token, I would agree that it is completely wrong that a person who is the only likely supplier of that service in the community and who is responsible for accepting the unpaid service on the hospital board, on another board, or indeed on councils, should be denied the opportunity, on behalf of himself or the organisation that he represents, of receiving consideration in the giving or the determination of that tender or entitlement. Most certainly, that person should not be involved in the discussions, Having indicated his interest in the matter he should always, I believe, withdraw from the discussion.

That has not always been the case. It is unfortunate when a person involves himself in a determination when he has an interest. This provision, which deals with hospitals and health centres, clearly indicates that a person so involved may not participate. I believe that is reasonable, and that the end result will be a much better one in the public view. The transfer arrangements for I.M.V.S. employees are a natural follow on. They can be encompassed in the scheme of arrangements applying to

the Queen Elizabeth Hospital and to the Flinders Medical Centre. This will take away an area of some concern in regard to obtaining their rights while they are working at a distance from the I.M.V.S. and they do not have direct communication. As sufficient of them are to be employed within the arrangements associated with these larger hospitals, I am in complete accord with the measure included. The Opposition supports the Bill.

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

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2234.)

Mr. BECKER (Hanson): This legislation has been requested because of the Federal Government's amending the Medibank arrangements. At page 372, the Auditor-General's Report for the financial year ending June 30, 1977, under the heading "Medibank Agreement", states:

> Prior to January 1, 1977, costs incurred by the institute for human pathology services, subject to either the Medibank Hospital or Medibank Medical arrangements, were recoverable from—
>
> *(a)* recognised hospitals (with or without institute laboratory on the premises) which were responsible for payment of any charges on behalf of patients; and
>
> *(b)* Health Insurance Commission (Medibank) which was responsible for payment of charges relating to patients of private hospitals and non-hospital private patients who fell outside the Medibank hospital programme agreement.
>
> As a result of modifications to the Medibank health insurance arrangements the responsibility for payment of charges relating to human pathology has altered as from January 1, 1977, and charges are now recoverable from—
>
> *(a)* recognised hospitals for public patients; and
>
> *(b)* the individual patient in all other instances.

As a result of modifications to the Medibank health insurance arrangements the responsibility for payment of charges relating to human pathology has altered as from January 1, 1977, and charges are now recoverable from recognised hospitals or public patients, and secondly, the individual patient in all other instances. Section 17 of the Act provides:

> It shall be the duty of the council to establish and maintain an institute of medical science for the following purposes, namely:
>
> *(b)* Furnishing the Adelaide Hospital and any Minister of the Crown (without cost to the hospital or Minister) such services in pathology, bacteriology and biochemistry and other allied sciences as the Board of Management of the Adelaide Hospital or the Minister requires.

Because of the new Medibank arrangements, the Federal Government has requested that the Royal Adelaide Hospital now be responsible to meet the costs incurred by the institute. I understand the services supplied for the benefit of the Royal Adelaide Hospital by the Institute of Medical and Veterinary Science, cost about $7 500 000 a year. If we examine the costs of pathology charges for the year ending June 30, 1977, we find that this cost the Hospitals Department $6 900 000, an increase of $2 000 000 over the previous year, but we have to take into account that payments for pathology services for 1977 included $548 000 under-charged by the institute in 1976.

We are referring to a considerable sum that will be now charged to the Royal Adelaide Hospital but, of course, the whole sum will be reimbursed by the Federal Government under Medibank arrangements. Irrespective of the costs that the institute will now have to charge the Royal Adelaide Hospital, it still will not cover the full cost, and the institute has been able to supply these services at a considerable saving to the Royal Adelaide Hospital. I was fortunate that I went interstate recently, representing a committee of this House, to examine hospital administration. Wherever we went, representatives of hospitals in other States spoke very highly of the Institute of Medical and Veterinary Science in South Australia. It is full credit to the Director, the board, and the staff of the institute.

I would have thought that, at this stage, while we are examining the Act and with this Bill that we would have complied with the request of the Auditor-General, who has been very critical in relation to certain payments by the institute that should have been paid by the Government. However, I hope that this matter will be rectified in the next session of Parliament. Basically, the Bill conforms with the Federal Government agreement with the State in relation to Medibank, and the costs that must be charged to the Royal Adelaide Hospital and subsequently reimbursed. The legislation will come into effect as from November 1, 1977: I have no argument with that, if they are the terms of the agreement.

Another amendment, of course, deals with striking out the definition of Minister. This is in conformity with Government policy, and leads to greater flexibility within the Act. The only other amendment is to change the name of the Adelaide Hospital to the Royal Adelaide Hospital where it is referred to in the Act. This legislation, which has been previously dealt with in the Legislative Council, is purely an administrative measure and is supported by the Opposition.

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

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 19 (clause 4)—After "4" insert "(1)".

No. 2. Page 2 (clause 4)—After line 12 insert—

> (2) In this Act, a reference to a public notice is a reference to a notice published—
>
> *(a)* in the *Gazette;*
>
> and
>
> *(b)* in a newspaper circulating throughout the State.

No. 3. Page 6, line 24 (clause 17)—Leave out "The " and insert "Subject to this section, the".

No. 4. Page 6 (clause 17)—After line 29 insert—

> (3) The Minister shall not give his approval under subsection (1) or subsection (2) unless he is satisfied that, not less than one month before he so gives his approval, the Committee—
>
> *(a)* has caused to be given public notice of the place where the proposed Development Directions, or any amendment, variation, or revocation thereof, may be examined by the public;
>
> and
>
> *(b)* the Committee has considered any objections received in relation thereto.

Consideration in Committee.

The Hon. HUGH HUDSON (Minister for Planning): I move:

That the Legislative Council's amendments be agreed to.

There are four amendments from the Legislative Council

in this matter, all related to one particular topic, and I will treat them as a group. The main amendment deals with clause 17, which is the provision which allows the development committee to give development directions and, as drafted, that the committee could, from time to time, with the approval of the Minister, prepare and publish in such manner as it thinks fit such development directions as are in its opinion necessary or expedient for carrying out and giving effect to a development scheme. The Legislative Council has amended this provision to provide that the Minister shall not give his approval for any development directions until not less than one month before his approval is given the Development Committee has caused to be given public notice of the place where the proposed development directions, or any amendment, variation, or revocation thereof, may be examined by the public; and the committee has considered any objections received in relation thereto.

When this matter was before the Select Committee, this clause was considered, and it was believed that the original drafting was the more appropriate as it would allow a greater flexibility. However, it does not matter all that much, and I believe that we can accept these amendments. All it will mean is that in a particular case where the whole business of receiving objections, etc. is inappropriate, the Land Commission will simply write a more detailed contract to control the way in which the development takes place, and avoid the need for the Development Committee having to give any development directions and go through this particular procedure. I have discussed the matter with the representatives of the Tea Tree Gully Council and the Land Commission, and they think that the amendments would leave the Bill in a workable form.

[Sitting suspended from 12.30 to 1.25 a.m.]

SOUTH AUSTRALIAN HERITAGE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 6—After clause 15 insert new clause 15a as follows:

15a. (1) The owner of an item that has been placed in the register may, before the expiration of the sixth month next following the day on which that item is so placed, by notice in writing served on the Minister, require the corporation compulsorily to acquire that item and the corporation shall so acquire that item.

(2) For the purposes of subsection (1) of this section, the value of the item shall be deemed to be the value of the item on the day immediately preceding the day on which the relevant public notice was given under section 12 of this Act.

No. 2. Page 9, line 1 (clause 23)—Leave out "not".

No. 3. Page 10, line 22 (clause 23)—After "Minister" insert "or until the expiration of the third month next following the day on which it so informed the Minister of its receipt of the application, whichever event first occurs."

No. 4. Page 10, line 24 (clause 23)—After "of this section" insert "or, as the case may be, upon the expiration of the period of three months referred to in subsection (1) of this section".

No. 5. Page 10, lines 24 and 25 (clause 23)—Leave out "that recommendation" and insert "the recommendation, if any,"

No. 6. Page 10 (clause 23)—After line 29 insert—

42g. (1) Where, pursuant to section 42f of this Act, a planning authority has—

(a) refused its consent;

or

(b) granted its consent subject to conditions any person having an interest in the relevant item who suffers loss or incurs expenditure in respect of that interest in consequence of the refusal or the granting subject to conditions of such consent, shall be entitled to receive from the corporation, as defined for the purpose of the South Australian Heritage Act, 1978, compensation in respect of that loss or expenditure as may be agreed upon between that person and the corporation.

(2) In default of agreement under subsection (1) of this section the amount of compensation shall be determined by the Land and Valuation Court.

No. 7. Page 10, line 30 (clause 23)—Leave out "42g" and insert "42h".

Consideration in Committee.

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

That the Legislative Council's amendments be disagreed to.

These amendments destroy the whole concept of the Bill and would enable the owner of an item that had been placed in the register within six months to require, by serving a notice in writing on the Minister, the corporation compulsorily to acquire that item.

Mr. Tonkin: What's wrong with that?

The Hon. HUGH HUDSON: What is wrong with that is that, if everything one wanted to preserve had to be acquired by the Government, the limitation of funds would quite simply mean that one would not be able to preserve very much. Where overseas countries have had items of heritage that it was important to preserve, they have found methods of preserving them while leaving a large number of them in private ownership. It is already a fact that a number of the items that would be preserved are already in public ownership. To create a situation where, in order to preserve something, one must acquire it, is simply creating a situation where one will not preserve much and the effectiveness of the Bill as a whole would be limited.

The second main difficulty with the amendments is that in any case where a planning authority refused its consent or granted its consent subject to conditions any person having an interest in the relevant item who suffers loss or would incur expenditure in respect of that interest would be completely compensated. That would raise an impossible situation, a situation that would affect adversely the ability of the community at large to preserve items in our natural heritage. We believe that that would destroy the basic principles involved in the Bill.

Another amendment relates to the requirement that the Minister, in making a report to any planning authority, would have to report within three months. In some cases very complicated situations can arise. They have arisen just recently in relation to Hahndorf.

Dr. Eastick: What about going back to reading?

The Hon. HUGH HUDSON: Reading what?

Dr. Eastick: That particular clause.

The Hon. HUGH HUDSON: When the Minister was dealing with the Bill in this place he gave the assurance that these matters would be dealt with expeditiously, but there are circumstances in which particular applications may lead to considerable complications. The sorting out of those complications may take time. It would be wrong to put a time limit on the Minister when that time limit is not placed on the planning authority that has to consider the application. As the member for Murray would appreciate in relation to Hahndorf, dealing with those proposals is taking a considerable time. Anyway, that is another aspect of the Bill that is not acceptable.

A further amendment binds the Crown with respect to the Bill. It is the Crown that is adminstering the Bill, and it

is therefore involved automatically in protecting a significant part of the heritage of the items that are already subject to listing by the National Trust. That amendment is just a silly piece of bureaucracy. Those are the four major matters raised by the Legislative Council's amendments. The Government disagrees to all of them.

Mr. WOTTON: I am disappointed that the Government has taken this attitude to the amendments. The first amendment, which deals with the acquisition of items, has been canvassed before. It relates particularly to a building that is placed on a register and is privately owned. If the person who owns it wishes to sell the property, the corporation should acquire it for its real value. Much has been said that it has been proved in other places that the value of a property increases naturally once it is placed on such a register. That is not always the case, I would suggest, particularly regarding a commercial enterprise.

I am sure that the same applies here as applies in Victoria, and that that would not necessarily be the case. As was pointed out during the second reading debate by the member for Light and myself, it is vitally important that the public sector or the private person who owns any item should be compensated for it in this regard.

Regarding the second amendment, nothing that the Minister has said this evening or that the Minister for the Environment said during the second reading debate would convince me that a time limit should be placed on this activity. Reference was made to cases involving loss of files, difficulties associated with officers taking leave, to the loss of correspondence between members and Ministers, and the difficulties arising from matters being allowed to drag on. I believe that there is a real need that a provision should exist whereby a report or contact of some sort should be made every three years.

It is vitally important that the crown should be bound, because so much of this State's heritage is held by the Crown. Why should private individuals be affected in this way if the Crown is not willing to be brought under the same legislation?

The Hon. Hugh Hudson: Is the Crown going to be compensated?

Mr. WOTTON: If members of the public will be compensated, that could be looked at. This is another piece of legislation under which the Crown will be allowed to go scot free, whereas private individuals will be forced to pay. There is a need for people to be compensated if they are affected in any way in this regard. While we all appreciate the need for this State's heritage to be preserved and protected, a private person should be protected if he is disadvantaged in any way by the legislation.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments would destroy the purpose of the Bill.

Later:

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

Consideration in Committee.

The Hon. HUGH HUDSON: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Broomhill, Chapman, Drury, Hudson, and Mathwin.

The Hon. HUGH HUDSON moved:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council, if it is granted, on the Bill to be held during the adjournment of the Houses, the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 11 a.m. on Wednesday, March 22.

STATUTES AMENDMENT (IRRIGATION ACTS) BILL

Returned from the Legislative Council without amendment.

RECREATION GROUNDS (REGULATIONS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

RESIDENTIAL TENANCIES BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2379.)

The Hon. HUGH HUDSON (Minister of Mines and Energy): Earlier, the recommendations of the conference had been explained by the Attorney-General and the debate adjourned. If any further explanation is needed, I shall be pleased to oblige honourable members.

Mr. BECKER: I wish to clarify the situation referred to earlier by the member for Mitcham, who was critical of the report of the conference and attacked the managers. I do not support the principle of the Bill, because its provisions are too wide, and because any consumer legislation that leads to increased costs to consumers is not in their best interests. I have that fear in relation to this legislation. I was not happy about the clause referring to the responsibility of the Crown, because I appreciate the valuable contribution made by the Housing Trust in providing welfare housing. It would be a tragedy to bind totally the trust. Whilst the managers have tried to do the best they could with this legislation, I am not entirely happy with it but I must accept the fact that the conference has been held and certain results have been achieved. However, I register my protest at the whole principle of this Bill.

Mr. EVANS: I support the motion because I believe that this Bill, when it becomes law, is close to what the Liberal Party announced as its policy at the recent State election. One aspect on which we differ is that it does not totally cover the Crown. Politics and Parliament is a matter of achieving the possible, and that is all that was possible to achieve at the conference and during the hearings of the Select Committee, and we have to accept it. The relationship of landlord and tenant in the community was reaching a serious situation in which landlords could not keep control of their premises, because tenants refused to pay rent and threatened action against landlords, who were forced to wait for long periods without receiving any rent.

If the tribunal works as it is expected to and should, there can be a speedy remedy to those problems. However, many landlords and others involved fear that the tribunal will act in a biased way, and this attitude will

be difficult to correct if the Government is more sympathetic to one side than it is to the other, regardless of whether it favours the landlord or the tenant. The whole spirit of this legislation and its future success rests on the honesty and integrity of the tribunal and the way in which it handles appeals and complaints from either landlords or tenants. This aspect should continue to be examined closely by Parliament. The conference recommended that the term of office for tribunal members not exceed five years, and this gives the Attorney-General or the Government the opportunity to appoint people for a shorter time.

At least we know that there is a maximum period. I think that that was an achievement by the conference that was important. We should accept that it was an important provision. The result that has been achieved by negotiation, that the onus of proof has been removed from the landlord in relation to children and placed on the tribunal to approve, is an important achievement. I am happy to support the recommendations that have come back and the suggested amendments. I believe the conference was a success and the Bill should be a success in the future.

Motion carried.

ADJOURNMENT

At 2.13 a.m. the House adjourned until Wednesday, March 22, at 2 p.m.