

HOUSE OF ASSEMBLY

Wednesday 22 November 1978

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

QUESTIONS

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

MURAT BAY HOSPITAL

In reply to **Mr. GUNN** (24 October).

The **Hon. R. G. PAYNE**: My colleague, the Minister of Health, has informed me that the honourable member's statement that "the Hospitals Department reduced by about \$23 000 funds approved for use by the Murat Bay Hospital board for buildings," is incorrect. In fact, additional funds were provided in the 1978-79 allocation to the hospital specifically for the two building projects in question. All recognised hospitals throughout the State were provided with less funds than requested for items of expenditure other than "additional works and services". The Murat Bay Hospital was no exception to this rule and it too was asked to accept a cut. However, over and above this, the department provided an additional \$53 000 to enable the building projects to be completed. This was slightly more than the \$52 705 requested by the hospital in the secretary's letter dated 12 June 1978. A full explanation of this and the 1978-79 funds allocation for the Murat Bay District Hospital Incorporated, was provided to the secretary when she visited the department in August.

When submitting its final budget, the board requested additional funds for urgent upgrading work in the kitchen and laundry. In advising that an additional \$30 000 would be provided, the Hospitals Department did not specify that the funds were for the kitchen and laundry upgrading, well knowing that the secretary had already been advised that funds had been provided in the original allocation for the two building projects. The Hospital Board has apparently assumed that the \$30 000 related to the two building projects whereas, in fact, the funds were provided for an entirely different purpose. It is unfortunate that confusion has arisen and, to assist in resolving the matter, a letter will be sent to the board of the hospital to explain the matters previously advised to the secretary and to give details of the amounts provided for each of the projects.

LOWER NORTH-EAST ROAD

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

The **Hon. G. T. VIRGO**: It is proposed to commence reconstruction and widening of the section between Lyons Road and Valley Road next financial year, resources permitting. The section between Valley Road and Grand Junction Road is presently under review. The programming of this work will depend on the terms of the Commonwealth Government's road legislation to replace that which expires at the end of next financial year.

PETITION: SUCCESSION DUTIES

A petition signed by 49 residents of South Australia praying that the House would urge the Government to

amend the Succession Duties Act so that the position of blood relations sharing a family property enjoy at least the same benefits as those available to other recognised relationships was presented by Mr. Harrison.
Petition received.

PUBLIC WORKS COMMITTEE REPORTS

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

Mount Gambier Community Welfare Centre,
South East Community College Stage II.
Ordered that reports be printed.

The **SPEAKER** laid on the table the interim report by the Parliamentary Standing Committee on Public Works on Berri-Cobdogla Comprehensive Drainage Scheme (Stage I).

Ordered that report be printed.

JURIES ACT AMENDMENT BILL

The **Hon. PETER DUNCAN (Attorney-General)**: I have to report that the managers for the two Houses conferred together but that no agreement was reached.

QUESTION TIME

STATE'S ECONOMY

Mr. TONKIN: Can the Premier say what changes the Government will make in policy or attitude to prevent South Australia from becoming "the peasant State", a possibility suggested by an article in this week's *Bulletin*? I seek your leave, Mr. Speaker, to make one comment, and I am sure that members will agree with me when I say that I very much resent the suggestion that South Australia could become a peasant State. Despite the Premier's optimism about the State's recovery, following the success of national economic measures, the *Bulletin* article quotes a number of factors which, it says, are causing a drift of small and medium-sized industries from the State, and keeping outside industries away.

These include: industrial democracy as a plank of the A.L.P. platform, threatening future development; lack of help with transport costs; workers' compensation requirements; consumer legislation; doubts as to the future status of contracts; difficulties with secured and unsecured creditors; and the possibility of legislation for class action. All of these, and others, the *Bulletin* says, present a general anti-business tenor.

It also refers to State Government profligacy, quoting Monarto, the State Transport Authority, the size of the Premier's Department, and the expansion of the Public Service at the expense of the private sector. The conclusion drawn is that the South Australian Government must make major changes in its policies and attitudes if South Australia is not to become the peasant State.

The **Hon. D. A. DUNSTAN**: By the sound of the report, the writer has been talking to the Leader of the Opposition, and not to people who have any knowledge of and loyalty to this State. I have not read the report and, from the sound of it, I shall not bother to do so.

LIFTING WEIGHTS

Mr. WHITTEN: I address my question to the Minister of Labour and Industry.

Mr. Gunn: Dear Dorothy George!

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

Mr. WHITTEN: Will the Minister consider a proposal by the Assistant Secretary of the Amalgamated Metal Workers and Shipwrights Union (Mr. L. G. Lean) concerning maximum weights that workers are required to lift and say whether there is a need for the number of safety inspectors to be increased to enable work sites to be policed effectively?

An article in yesterday's *Advertiser* indicated that in the July-September quarter, the Amalgamated Metal Workers and Shipwrights Union obtained \$537 156 in compensation for spinal injuries alone, and stated:

"Workers with spinal injuries find that their chances of obtaining other employment afterwards are negligible," he said. "It is obvious there is a need for legislation to protect workmen against having to lift heavy weights."

"There is a weight limit of 16 kilograms for women over 18, and the fact that there is no such provision covering men is discriminatory. Men need protection and these figures prove it"

He said it was clear the number of safety inspectors must be increased and they must have wider powers to police work sites effectively and to warn companies and order them, where necessary, to provide adequate lifting devices.

The Hon. J. D. WRIGHT: The request of the Secretary of the union has not been forwarded to me, but I read the article in the *Advertiser*. It was strange that neither the union nor the Trades and Labor Council requested the Government to examine this matter. To the best of my knowledge there has been no such request. In the past, juniors and females only have been considered. After reading the article, I instructed the Safety, Health and Welfare Board to examine the matter. Regarding inspectors, for some strange reason workers on jobs are not carrying out the provisions provided in the Safety, Health and Welfare Act. Under that Act, workers have the right to elect safety officers. I consider that workers on all job sites, and in all factories and work places should meet to elect a safety officer, which is their right under the provisions of the Act. If this is not done, it will be difficult properly to police areas, irrespective of how many inspectors are provided by the department.

The small number of inspectors now employed have to cover all jobs in Adelaide at least once a week and inspectors must be available on call in case complaints are lodged. This is a two-edge sword. The employees could help themselves and should take their rights under the provisions of the Act by electing safety officers. However, this is not being done. Figures show that only 5 per cent of workers take this precaution. The honourable member would be aware that there is a limit on staff ceilings. I can give no assurance about increasing the number of inspectors this year, even though I would like to do this. I appeal to members to help the department and the Government by appointing safety officers and to police jobs. If workers run into difficulties, they have the right to call on an inspector who will attend as soon as possible.

DAY LABOUR

Mr. GOLDSWORTHY: Was the Minister of Transport expressing Government policy in his reply to the submission put to him by the Federation of Construction

Contractors about the Government's day labour work force being used for construction work to the increasing exclusion of the private sector? From the Minister's reply, it seems that there might be a decline in the contract content of the work of the Highways Department. The article in the *Bulletin* to which the Leader referred stated that economic conditions in South Australia have deteriorated under the Labor regime and that several things have contributed to this. One is the fact that the Government is increasingly doing work that was previously done by private contractors. The report, for the Premier's information, quotes Barry Hughes.

The SPEAKER: Order! The question is to the honourable Minister of Transport.

Mr. GOLDSWORTHY: It is allied to the question asked of the Premier. One of the contributors to that major article was Barry Hughes, one of the Premier's financial advisers, so he at least was aware of it, even if the Premier was not. I think nearly the whole of Australia will be aware of it in a day or two. Last week the Deputy Lord Mayor complained that the Public Buildings Department was picking the eyes out of available construction work, to the exclusion of companies that were increasingly having to make retrenchments in their work force. The Minister stated in his reply to the submission made to him by the contractors that the position would not improve for them; in fact, he said it could get worse. He wrote to the secretary of that organisation in the following terms:

Another factor likely to contribute to a future low contract content is the fact that the Highways Department is changing its traditional methods of operation to a more activity oriented approach leading to even greater day labour efficiency.

In addition, experience has proved that only three major elements of complete road construction i.e. bridges, bulk earthworks and sealing are worth considering as viable alternatives to day labour and only then under certain conditions. In response to your request to bring forward programmes to assist the contract industry, I must now advise that this cannot be done at the expense of day labour activities.

That letter indicates clearly that the position is likely to deteriorate for private firms. It has been pointed out by the contractors that what is happening in South Australia runs counter to the trend in almost every other western democracy, where contract work is taking over from Government day labour activities because of increased efficiency in the expenditure of taxpayers' funds. This policy is endorsed by the Liberal Party. The percentage of work done by Government day labour forces in South Australia is higher than that in any other State. I ask the Minister whether he is espousing Government policy?

The Hon. G. T. VIRGO: Had the honourable member told me he would ask this question I would have been on equal terms with him because I would have had the letter from the contractors association and my reply before me, so that I could have provided the House with the full details and not just those wee bits that the honourable member has chosen to take out of the letter that I allegedly sent. I do not even know whether it is the letter I sent.

Mr. Goldsworthy: Do you want me to give it to you?

The Hon. G. T. VIRGO: No, I do not want it. If the contractors want to play politics with the Deputy Leader, that is their business, not mine.

Mr. Venning: You're a joke.

Mr. Goldsworthy: They want to survive.

The SPEAKER: Order! The honourable member has asked his question. The honourable member for Rocky River is also out of order.

The Hon. G. T. VIRGO: The contractors came into my

office and we had quite an amicable discussion. I promised them that I would discuss with the Highways Commissioner the points that they had raised and provide them with a written reply. I did that. If, following that, they care to hand that reply to the Deputy Leader and he in turn cares to quote it out of context that is his business and theirs.

Mr. Goldsworthy: I'll quote the whole lot if you like.

The Hon. G. T. VIRGO: The honourable member can do so if he wants to waste question time that way; that is up to him.

Mr. Goldsworthy: You can't have it both ways.

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

The Hon. G. T. VIRGO: Let us get down to the basis of the problem that the contractors are facing—a reduction in funds for roadmaking purposes as a result of the Federal Government's cut back in funds. One of these days that fact will sink through the thick heads of members on the other side of the House.

Mr. Gunn: Rubbish!

The Hon. G. T. VIRGO: It certainly has not gone through the thick head of the member for Eyre, and it clearly has not gone through the thick head of the member for Kavel. The plain facts are—

Mr. Goldsworthy: This won't get him anywhere.

The Hon. G. T. VIRGO: It might not get us anywhere. The plain facts are that it is the honourable member's colleague in Canberra (Peter Nixon) who has consistently reduced funds to the States—not just South Australia, but to all of the States. As a result, we have had to prune our programme. The only alternative to that is to increase taxation on the motorist. The Government does not believe that we should unjustly increase taxation on the motorist, simply because of the Fraser-Nixon Government's backward policies.

Mr. Gunn: What rubbish!

The Hon. G. T. VIRGO: That is exactly what the position is, and there is no better example than arose today in relation to his phoney notice of motion (which he knows he cannot move), when he talks about funds for the Stuart Highway. Sinclair made a promise not to me but to the Mayor of Alice Springs, and Sinclair and Nixon now repudiate it; another broken promise. Had that money been forthcoming there would have been considerable work available to the contracting section because the Stuart Highway would be built with contract work. That is the sort of work those contractors are looking for. They are not getting that work because the Federal Government has reduced the funds to South Australia. I suggest that instead of wasting the time of this House, as the Deputy Leader has in going on with his platitudes, he ought to be writing or getting his Leader to write (if he would) to their colleagues in Canberra, if they still talk to them, and demand a fair go for South Australia in roads funds. Some of the senators are saying with tongue in cheek that we ought to get extra money. Let the Opposition now show how dinkum it is for South Australia by following suit and demanding that South Australia get the funds necessary so that we can continue the road programme both with our own work force and that of the private contracting sector.

MILLIPEDES

The Hon. G. T. BROOMHILL: Will the Minister of Mines and Energy ask the Minister of Agriculture what is the extent of the millipede problem in South Australia and provide me with an up-to-date report? The question arises from a radio talkback programme that I heard last week in

which a person phoned through from West Beach indicating that she had a millipede problem at her premises and that it could be that millipedes were extending from the Adelaide Hills into the metropolitan area. My first reaction was to think that perhaps the caller had misunderstood the situation and had wrongly identified the problem. However, I have since heard some reports from other sections of the metropolitan area that the millipedes are, in fact, within the metropolitan area. Will the Minister obtain some information to confirm or deny their presence?

The Hon. HUGH HUDSON: I had thought that the problem of those many-legged creatures was confined to the member for Fisher.

The SPEAKER: Order! I hope the honourable Minister will answer the question.

The Hon. HUGH HUDSON: You can be quite sure, Mr. Speaker, that I will answer the question. You can have every confidence that I will answer the question.

The SPEAKER: I hope the honourable Minister will not bring personalities into the matter.

The Hon. HUGH HUDSON: It is not a question of personalities.

The SPEAKER: Order! I hope the honourable Minister will answer the question.

The Hon. HUGH HUDSON: I thought it was confined to the honourable member for Fisher and no doubt, if it is not so confined, the member for Fisher will be the first to say "I told you so", because the member for Fisher has often warned members that they should start worrying about millipedes because they might get out of the Hills. If they have reached West Beach, as the honourable member's question suggests, then apparently they are on the move and apparently they have missed out Brighton on the way.

Whilst I have every sympathy for the honourable member, I must say that I am grateful that the millipedes have missed Brighton so far, although perhaps they are in Brighton, too. I shall be pleased to take up the whole matter with the Minister of Agriculture. I know that he has made a recent statement about investigations that are going on in relation to this problem, and that work is proposed, of a co-operative nature, and I think involving C.S.I.R.O. As soon as I get a full report, I will provide it for the honourable member.

APPRENTICES

Mr. DEAN BROWN: Will the Minister of Labour and Industry indicate the likely demand for new apprentices at the beginning of next year and, in particular, does he believe that the demand for new apprentices will be lower than it was at the beginning of 1978? The apprenticeship intake for the year 1977-78 was 23 per cent lower than that for the previous year, and that 23 per cent drop in South Australia is much higher than the national drop of only 5 per cent. South Australia also has the highest unemployment rate in the 15-19 year age group, a rate of 26 per cent. I think the Minister would agree that, unless we have an apprenticeship intake equal to or greater than that of last year, even further unemployment will be created in that age group. In talking to a number of business people, I have heard that the apprenticeship intake, at least in certain industries, is likely to be even lower next year than it was in 1977-78. If for no other reason than for the planning of many school-leavers, can the Minister indicate what the likely intake will be next year?

The Hon. J. D. WRIGHT: I am not able to give the honourable member those figures off the top of my head,

nor will I try to do that. Like him, the Government is concerned; unlike him, the Government is doing something about it. The Government has been trying for some time to induce employers to reconsider their position. Eventually, the economy will pick up. I will not go into the reasons why it is a down-turn period. We have said that before in this House, and I do not want to reiterate what has been said. Eventually, the Fraser Government will take some initiatives which will induce the economy to pick up, or, alternatively, it will be thrown out of office. One thing or the other will certainly happen.

In order to prepare for the build-up in the economy, there is a need for employers to examine their position. There is a strong indication at present (not only in South Australia, for the benefit of the honourable member, but on a national basis) that the country could be short of tradesmen and skilled people generally, because employers all over Australia have believed that there has been no need to train tradesmen. The figures I have convince me that before long, provided the economy picks up, we will be in a drastic situation because of the lack of skilled people.

The honourable member is fully aware that I have written to about 28 000 employers in South Australia, asking them to consider, under certain schemes that are applicable, placing either an apprentice or a school-leaver in their employ. The response to that letter has been absolutely outstanding. Although I do not know how many replies I have received, the number runs into many hundreds. Some employers are putting on two employees. I do not suggest that this has occurred merely because of my letter. Employers may have been considering taking such action, but now they are taking the responsibility of writing back to the Minister and informing me of the position. If all employers were able to reconsider their position and look at their work force, I am sure they would find room for one more person on their staff. I hope that employers in this State will take the responsible attitude, examine their intake of apprentices, and try to increase the number employed last year. I will get the figures for the honourable member when they are available.

PLANNING REPORT

Mr. ABBOTT: Does the Minister for Planning agree that the State Government report on the inquiry into the control of private development prepared by the State Planning Director (Mr. S. B. Hart) is a whitewash? I refer to a recent press report in which an Adelaide City Council alderman claimed that the report urging a new system of planning control in South Australia is a "whitewash", that it will take control away from local government, and that it will be a step nearer socialism.

The Hon. HUGH HUDSON: Either Mr. Laurie Curtis, an alderman of the Adelaide City Council, was misreported or he had some kind of mental aberration.

Mr. Goldsworthy: Which do you think?

The Hon. HUGH HUDSON: I prefer to believe the former, that he was misreported.

Mr. Goldsworthy: Being you, it would be the latter.

The Hon. HUGH HUDSON: The Deputy Leader should not judge other people by himself. It is not proper to do that.

Mr. Goldsworthy: I was making the comparison with you.

The Hon. HUGH HUDSON: The honourable member would be a good judge, as we all know. The basis of the report is a series of recommendations designed to avoid duplication, to give greater authority to local government,

to speed up the whole process of achieving planning approvals, and thus to ensure a beneficial effect on the costs involved in the planning process. It is designed also to improve the position with respect to planning appeals.

In the circumstances where the report clearly in its recommendations is suggesting increased powers for local government it is absolutely stupid for Mr. Curtis to claim, if he was correctly reported, that it will take away control from local government and be a step nearer socialism. I do not know what Mr. Curtis means by socialism but I do not think it has anything to do with socialism one way or the other; it has to do with the community's overall requirements to ensure that new developments do not conflict with established developments. That is just common sense; it is not socialism or anything else.

Apart from the basic garbage of the reported claim of Mr. Curtis, I take complete exception to his statement that Mr. Hart's appointment as the person responsible for carrying out the inquiry into the system of development control was not an appropriate appointment because Mr. Hart, prior to this, was Director of Planning and is currently on leave from that position.

Personally, I think that is a vicious statement by Mr. Curtis, if he is correctly reported. He would know Mr. Hart as well as anyone else who has had any dealings with Mr. Hart would know him, and anyone who has had any dealings with Mr. Hart would know that he has one quality above anything else, and that is complete integrity with respect to the way he approaches any task he undertakes. Quite frankly, I am appalled that, if Mr. Curtis made this statement, the *News* saw fit to print it and to suggest that Mr. Hart in any way would be involved with recommendations that were in some sense a put-up job either in his interests or in the Government's interests. That is simply not the case and anyone who knows Mr. Hart well or has had dealings with him would know that, if Mr. Hart thought something should be done, that is what he would recommend. Mr. Hart, because of his knowledge of the system, would know more about its weaknesses than anyone else. Those members who have ever discussed the problems with him would be aware of that knowledge, and there is no way that anyone could persuade Mr. Hart that he should not recommend something, because he did not believe in it, or that Mr. Hart would be a party to a "whitewash" in the sense of justifying the existing system of development control. That statement is absolute nonsense because, in its recommendations, Mr. Hart's report involves significant and wholesale changes to the system of development control.

For Mr. Curtis, if he was correctly reported, to suggest that Mr. Hart is involved in a whitewash, when the system that Mr. Hart has been running for a number of years is, if Mr. Hart's report is accepted, going to be subject to wholesale alteration, is absolute nonsense. Either we have had some confusion in the report, or Mr. Curtis has taken leave of his senses and simply does not know what he is talking about.

INCORPORATED ASSOCIATIONS BILL

Mrs. ADAMSON: Can the Premier say when the Incorporated Associations Bill was first drafted, and by whom, and when the final draft was taken to Cabinet for approval?

The Hon. D. A. DUNSTAN: I do not know who the draftsman was, nor do I remember exactly when the final draft was taken to Cabinet. I would have to look back to the Cabinet records as to exactly when it was. I will obtain a reply for the honourable member.

Mr. Dean Brown: Were you ever told that that clause was in the Bill?

The Hon. D. A. DUNSTAN: I have said publicly that clause 53, in detail, was not discussed in Cabinet.

NEAPTR

Mr. WILSON: Did the Minister of Transport receive from the Director-General of Transport, on 13 September 1978, a departmental minute entitled "The Clarke Report—Choosing a Public Transport System for Adelaide's North-East"? I have before me a copy of such a document (and I did not receive it from any member of the Minister's department or from the Adelaide City Council), the first paragraph of which states:

The above report prepared by consultants Casey and Clarke for the City of Adelaide was received at a meeting between representatives of the city and the Premier on Friday, 25 August. The Premier and the Lord Mayor agreed that the NEAPTR e.i.s. and the Clarke Report would not be released until further discussions had taken place.

That statement is a direct contradiction of a reply already given in the House by the Minister. How does he explain the discrepancy?

The Hon. G. T. VIRGO: I am unable to recall whether the Director-General of Transport gave me a report on 13 September 1978. I think that, if the honourable member looks at the reply to a Question on Notice which the Premier gave him yesterday, he will see that it is in keeping with other statements that have been made by the Premier and me.

I do not know what the honourable member is getting at; I am afraid he has lost me. I do not know what he is driving at and trying to establish.

Mr. Tonkin interjecting:

The SPEAKER: Order!

The Hon. G. T. VIRGO: I do not know what the Leader is talking about, either. The information I have given to the honourable member and to others from time to time in reply to questions has been correct.

Mr. Dean Brown interjecting:

The Hon. G. T. VIRGO: The member for Davenport keeps gurgling like a drowning duck. It is a pity he does not drown and be done with it, and do humanity a great deal of good. I will examine the situation in conjunction with the Director-General of Transport.

Members interjecting:

The Hon. G. T. VIRGO: I am trying to reply to the honourable member's question; if he wishes to ask another question, he should get on his feet and do so.

The SPEAKER: Members have often complained about the small number of questions they can ask. During the past quarter of an hour there have been many interjections, and I hope this will cease.

BUILDERS LICENSING ACT

Mr. OLSON: Will the Attorney-General consider amending the Builders Licensing Act to include the provision of contractual agreements and other matters? At present, work performed by a builder regarding additions, alterations and renovations is subject to inspection by the board following complaints made by the owner about faulty workmanship. Regarding items on a contractual basis included in the project, the owner must make representations to the court if the work is considered to be unsatisfactory. There is not sufficient teeth in the legislation to enable inspectors from the board to prevent

the condemnation of the workmanship whilst the construction of the project is in progress.

The Hon. PETER DUNCAN: I do not know what led to the honourable member's question, but I shall be pleased to examine the matter.

CATTLE

Mr. CHAPMAN: Will the Minister for Planning ask the Minister of Agriculture whether the Government insists on an officer being present at regional abattoirs where brucellosis affected cattle carcasses are weighed for the purposes of compensation and/or sale to those abattoirs and, if not, whether the Government is satisfied that the system is adequately protected from abuse by abattoirs operators authorised to carry out the slaughter of condemned reactor cattle?

The Agriculture Department has undertaken a massive campaign to eradicate bovine brucellosis reactor cattle in South Australia. I understand from the department that certain regional abattoirs have been authorised to carry out the slaughter of these reactor cattle, including Samcor, Peterborough, Mount Schank and Port Lincoln. Accusations have been made that the system is being abused at one of those sites (which I do not propose to name but which I will supply to the Minister if he requires). The Government has entered into an agreement with these abattoirs to buy the carcasses at a price based on the dressed weight of the reactor beasts; killing and other handling charges are added to the figure. The beef when condemned is worth about 70 c a kilogram; dressed, the beef is being wholesaled to retail butchers in the metropolitan area for about \$1.30 a kilogram. While the abattoirs making those profits are certainly entitled to do so, accusations of fraud have been made against one abattoir for falsifying the weights of the cattle.

The system involves the reactor cattle being discovered on the property and condemned for slaughter. The departmental stock health officer reaches agreement with the owner about the compensation price of a beast up to a market valuation of \$200. I understand that, if there is any doubt about the price, the officer usually errs in favour of the owner, and this is usually well accepted by primary producers. Therefore, the owner is totally guaranteed a price for his beast before it leaves his property. The beast is then sent to the abattoir, slaughtered and weighed, and there is no departmental check on the claimed weight of the condemned beast. The difference between the compensation price paid to the grazier by the department and the price received by the department from the abattoir concerned is made up from the brucellosis compensation fund, which is funded by the Federal and State Governments, and a slaughter levy on the farmers themselves. The complaint about this system suggests that, where there is no official departmental check on weights, the system is open to abuse and is being abused. I think I have said enough to explain the reason for my concern and the concern of my constituent from whom the report came. I should like the Minister to take up this matter as a matter of urgency.

The Hon. HUGH HUDSON: I will take up the matter with the Minister of Agriculture.

LEGAL SERVICES COMMISSION

Dr. EASTICK: Can the Attorney-General say what is the extent of the professional work to be personally carried out by Mr. Kevin Duggan, Q.C., in his new

position? There is, and can be, no question as to the competence and capability of Mr. Duggan, who would be capable of taking any position in the law to which the State might appoint him. More particularly, the question is what his professional capabilities are to be used for in the position to which he has been appointed.

The Hon. PETER DUNCAN: I am unable to give any details about this matter, because the Legal Services Commission, which has been set up pursuant to an Act of this Parliament, is an independent commission which, whilst it is in fact and in law set up under the legislation of this Parliament, is a commission in which the Commonwealth has an important role to play. The decision to appoint a senior legal practitioner was the commission's. The commission called for persons to apply for appointment to the position, and I presume it received a number of applicants. The Crown Prosecutor, Mr. Duggan, was one of them. I understand from press reports that he is now appointed, as does the honourable member.

Apart from the duty statement, which I presume is available and which I have not seen I do not know of any other public document which will indicate just what are the duties that he will be required to undertake. I will seek to obtain the duty statement. If the honourable member seeks it, which I presume he does, I will ask the Director of the Legal Services Commission to let me have a report, if she is able to provide one.

NATIVE BUSHLAND

Mr. EVANS: Will the Premier say what action the Government intends to take to save the native bushland of this State, particularly of the Adelaide Hills, from being destroyed because of the massive increases in land tax charges? The Government has changed the Act so that people who have rural land and obtain the larger part of their income from rural pursuits will be exempt from land tax. There are many cases in the Hills, and I raised this matter in general debate before, but there is one case to which I will now refer to show how ludicrous the situation is.

In relation to part section 424, hundred of Noarlunga, at Scott Creek, a constituent of mine owns about 48 hectares of land, 12 hectares, of which is cleared land and the balance of 36 hectares of which is native bushland. Last year he obtained \$1 820 for the rent of a small cottage on that property. His total profit from rural pursuits (including that \$1 820) was \$699. In 1976-77 he paid \$447 in land tax, in 1978 he paid \$573, and he has just received an account for 1978-79 for \$936, which is about \$300 more than the profit from the property. This landowner could attempt to cut up the property, but I believe that the restrictions nowadays would stop him from doing that. Alternatively, he could clear the native bushland and attempt to graze more stock, and so increase his rural income. To show that he is not a rich person, I point out that his own personal taxable income for the year was \$5 149, and his wife received \$4 643, including a part pension. Their total income, therefore, is less than \$10 000, from which they must pay more than \$930 in land tax. Will the Premier look at changing the Act so that people who are trying to preserve native bushland are exempt from provisions of land tax, in exactly the same way as those persons who obtain the major part of their income from rural pursuits?

The Hon. D. A. DUNSTAN: Yes, I will look at the matter.

LAND SETTLEMENT

Mr. MILLHOUSE: Will the Minister of Mines and Energy, representing the Minister for the Environment (and I express the hope that the Minister for the Environment is getting on all right and will soon be restored to health), say whether the Government will think again about its refusal to make land in section 30, County of Chandos, available for settlement? This matter has been referred to me in my capacity as Leader of the Australian Democrats in this Parliament.

Members interjecting:

The SPEAKER: Order! I hope the honourable member will ask his question.

Mr. MILLHOUSE: Mr. Speaker, I have asked the question, and I am now giving the explanation.

The SPEAKER: I hope the member will stick to the explanation.

Mr. MILLHOUSE: Yes, Mr. Speaker. I have been shown a letter from the Minister to a resident in the Lameroo area dated 28 September. The relevant parts of this letter are as follows:

I understand that you called at the Department for the Environment recently concerning the possibility of your leasing portion of section 30, County Chandos, to enable you to help your sons take up farming in the area. Whilst I am sympathetic to your intentions in endeavouring to secure a future for your family, one of the reasons for setting this land aside as a park is that it is very close to and acts as a buffer zone for a very unique area being retained for conservation purposes.

The Minister then goes on to say that he is not prepared to do it. I have also been handed a letter written by a member of my Party to be given to me. I will again read the relevant parts of the letter, which are as follows:

Dear Ken,

Find enclosed letter I gave you a look at the day you was here, you must have seen a lot of flat land on road from Pinnaroo and there is a lot on our side too, there is lot of ground no good for farming but there is a lot of good ground for farming will grow seven to eight bags of wheat and eight to ten bags of barley and this is good enough for anyone to make a good living on.

It should be kept for people to have for farming on, and the rest that is no good for farming old Corcoran can have to run his 'roos and emus on, and this wants making very clear to Dunstan. It is not right to take this land, and should be made clear to him, and get Robin Millhouse to shove this down his neck. They just got to be made to understand this.

That is the last of the letter that I wish to quote. In view of the assertions in the letter, would the Minister kindly have the decision of refusal reviewed?

The Hon. HUGH HUDSON: The subtlety of the honourable member for Mitcham is renowned, particularly when he is dealing with a matter that has been raised with him in his capacity as the Fuehrer of the Australian Democrats. Leaving aside the usual sort of loading that goes with the honourable member's question, which loading I will not describe, I shall be pleased to take up the substance of the question with my colleague and to bring down a suitable reply, unaccompanied by any other loading, for the honourable member at another date.

TRAVEL CONCESSION CARDS

Mr. HEMMINGS: Has the Minister of Community Welfare any further information on travel concession cards which have been made available by the State Government to unemployed persons from 1 November

last? Since asking a question last week about the number of travel concession cards being granted to the unemployed, I understand there has been quite a demand for these tickets in my district, and I wonder whether that demand is being reflected elsewhere in the metropolitan area.

The Hon. R. G. PAYNE: On a previous occasion when the honourable member asked me about the number of travel concession cards issued, I was a little annoyed that I was not up to date with the information I had with me, and I could say only that I was sure that at that time at least 800 had been issued. Since then, I have remedied the position by making sure that I am kept informed. As at 5 p.m. yesterday, 2 411 concession cards had been issued to unemployed persons. I think that also answers the second part of the honourable member's question, which asked whether the demand was being reflected elsewhere in the State. I suggest that the figure given would mean that the answer is "Yes".

VIRGINIA SEVERANCE

Mr. RUSSACK: Can the Minister of Local Government say when a decision will be released by the Local Government Advisory Commission relating to the Virginia severance petition involving the Munno Para council? I have received correspondence and also have been contacted, both by telephone and personally, by people in the area who ask when this decision will be reached.

The Hon. G. T. VIRGO: I do not know the exact position at the moment, but I will check it out and let the honourable member know as quickly as possible.

SPORTS CHAMPIONSHIPS

Mr. BECKER: Will the Premier say what is the Government's policy in relation to granting leave with pay to public servants who represent this State and Australia at world amateur sporting championships? A constituent of mine was fortunate in being selected to represent Australia at the recent world lightweight rowing championships in Copenhagen. Since the age of 12 years, he has been involved in lightweight rowing, and has represented the State and Australia constantly in the past 18 years.

The Director-General of his department recently approached the Chairman of the Public Service Board seeking permission to grant this officer 25 working days leave with pay. I understand that 35 working days leave with pay were granted to Mr. Blicavs, who represented Australia in basketball at the Olympic Games. I further understand that Cabinet has reviewed this application and that the Chairman of the Public Service Board made the following statement:

The granting of 35 working days with pay to Mr. Blicavs was not made on the recommendation of the Public Service Board, but in any event it was to be regarded as an exception and not as a precedent. The proposal to grant seven working days special leave with pay to [my constituent] was endorsed by Cabinet and had been determined in accordance with the Public Service Board's criteria for granting special leave with pay for sporting events of an international character. The board does not consider that [my constituent] should be treated more generously than other officers in similar circumstances.

The request was made that he be granted this additional 25 days with pay. I believe his application was supported by a

letter to the Director-General of his department from the Australian Amateur Rowing Council, as follows:

The Australian team for the lightweight championships departed Australia on 30 June for the purpose of acclimatising in Europe at training camps in Lucerne and Berne in Switzerland and at Essen and Meschede in West Germany. As part of the acclimatisation process, the team competed at the Lucerne International Regatta on 8 and 9 July and at the West German National Championships in Essen on 22 and 23 July.

The month-long acclimatisation period prior to the world championships is one that has been adopted successfully by our teams, on medical advice, in each year since 1973 and was vindicated once again this year by the outstanding results achieved by our team in obtaining bronze medals in two of the three events in which Australia competed.

I understand that Australia is still the only true amateur sporting nation in the world and that at the Commonwealth Games one sporting association, the badminton association, received a paltry \$2 600 to support its team. The team was together for only three days before the commencement of the games, whereas the teams of other countries within the Commonwealth of Nations were together for up to three months before the games. In view of the outstanding achievements of my constituent in lightweight rowing, I ask the Premier what is the Government's policy towards assisting these people and, if the policy is restricted, whether the Government would be prepared to reconsider its attitude?

The Hon. D. A. DUNSTAN: I will get a comprehensive statement for the honourable member.

TOTALLY DEPENDENT PERSONS

Mr. WOTTON: Can the Minister of Community Welfare state the Government's plans for providing assistance to totally dependent persons in regard to the progress being made in relation to the Pines project, which I am led to believe has once again been extensively delayed because of the Government revision of priorities? Also, what progress, if any, has been made in relation to much needed day care facilities, particularly at Davenport House? In a letter from the Minister of Health on 21 July 1976 the Minister stated that the completion date for the Ru Rua project was estimated at May 1977. I am led to believe that admissions commenced in January this year. In the same letter the Minister stated that tenders for the Pines project for the totally dependent would be called for in 1977. I am now informed that, because of the Government's revision of priorities, tenders will be called in 1982-83. The Association for the Totally Dependent has written to the Minister of Health as follows:

We wish to bring to your attention that a problem is already becoming apparent at Ru Rua in that the resident children are growing, and becoming too big for that facility. Ru Rua is a bottleneck. If work on the Pines is delayed the developing problem at Ru Rua will become acute, and we fear the results on staff morale and standard of care the residents receive.

In addition to the problems within Ru Rua, further restrictions will be imposed on the relief provided for parents by way of day care. The options will presumably be either a reduction in the present two-day or three-day per week attendance, or a raising of the entry age. Both options are unacceptable to the association.

I am informed that the day care centre at Davenport House would be operational in January this year, but I believe that this facility is still not operational. I know that the Minister will immediately blame the lack of Federal funding—

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

Mr. WOTTON: I ask the Minister why the Government has not used part of the \$560 000 000 untied grants from the Federal Government to make up the leeway in this funding.

The Hon. R. G. PAYNE: The matter is of considerable importance and, although I am tempted to reply in the same manner as the question was put, I will refrain from doing so. I will obtain a report from my colleague in another place on this policy question.

ADULT MATRICULATION

Mr. ALLISON: Can the Minister of Education say what he has done to allay the fears of members of the Further Education Department staff regarding the inquiry at present being made into adult matriculation courses within the Further Education Department? I am sure the Minister will have received many letters expressing concern about this, just as I have. In particular, they have pointed out that there is no South Australian Institute of Teachers involvement, there has been little lecturer input, the terms of reference of the committee have not been published, and there has been no call for submissions, despite the fact that redeployment of staff is involved, the committee members seem to be sworn to secrecy, and the possible closure of the adult matriculation centres is involved.

The Hon. D. J. HOPGOOD: I am afraid the honourable member has been completely misled by the people who have approached him on this matter. No inquiry is going on into adult matriculation courses. Some time ago some of my officers met with members of the Treasury to look at the forward planning commitments of the Further Education Department. Adult matriculation was one of the matters which was discussed, along with many other things, because adult matriculation is one of the most important programmes run by the Further Education Department. Apprenticeship was examined, as was the whole of the stream 1 and 2 courses. This was a briefing session for Treasury officers to assist them in the forward planning that has had to be done for next year's Budget. That is all it is. The suggestion that the Institute of Teachers should be involved in what is purely an internal matter to assist Treasury officers in determining the needs that are going to be put on them when I make my bid to the Treasury next year for funds seems to me to be a little unusual.

In the process of the department's preparing some material for Treasury officers, one of the Director-General's officers contacted some of the principals of the Further Education Colleges for some information, and one of those principals, again obviously misunderstanding the nature of the exercise, alerted the institute, which in turn discussed the matter with me. I made clear to them that that is not the sort of exercise that they had envisaged, and therefore representation outside of my officers and officers of the Premier's Department seems to be inappropriate. No final decision has been taken: that was not the nature of the exercise at all.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

POLICE PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HUNDRED OF KATARAPKO

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

HUNDRED OF BONYTHON

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

PITJANTJATJARA LAND RIGHTS BILL

The Hon. D. A. DUNSTAN (Premier and Treasure) obtained leave and introduced a Bill for an Act to vest in all those groups of people known as Anangu Pitjantjatjaraku title to those parcels of land known as Pitjantjatjara lands upon and subject to the provisions of this Act; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This is a historic measure, the explanation of which is lengthy. It is proposed to leave the Bill on the Notice Paper and to debate it in February. I seek leave, therefore, to have my second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Of the many considerations leading to the drafting of this Bill the most important lies in the representations made by the Pitjantjatjara. In May 1977, members of the Pitjantjatjara Council requested freehold title to the lands described in this Bill. They specifically requested the formation of a Pitjantjatjara land holding entity.

In response to these representations the Bill seeks to establish such a land holding entity, to be designated Anangu Pitjantjatjaraku—meaning simply “the Pitjantjatjara Peoples”. The Bill gives full legislative support to the clear aspirations of the Pitjantjatjara, not only to own, but to control, their own lands.

Honourable members may ask why such support cannot be given under existing legislative and administrative provisions, and what considerations justify the establishment of fresh legislation.

In the first place legislation is needed to encompass satisfactorily the diverse and sometimes novel considerations embodied in the reality of Pitjantjatjara ownership. Honourable members will be aware that I established a Working Party in April 1977 to advise, *inter alia*, on the need, if any, for new legislation. The Working Party was at pains to integrate into its recommendations presented to me on 9 June 1978, not only the aspirations and the instructions of the Pitjantjatjara people, but their traditional, view of ownership. The Pitjantjatjara say that the whole of Pitjantjatjara land belongs to all Pitjantjatjaras. Given the acceptance of this notion by the Government, it would not have been sufficient simply to issue title under the Real Property Act as this would have left unresolved questions as to who was a Pitjantjatjara, and what, if any, special rights and responsibilities needed to be spelt out in order to render ownership as close as

possible to the Pitjantjatjara notion and at the same time to take into account the context of a modern, western, State.

In the second place the Pitjantjatjara people specifically sought an alternative to the existing Aboriginal Lands Trust Act. The provisions of this Act were explored at my request by the Working Party as to their applicability to the Pitjantjatjara case. The Pitjantjatjara have made it clear 'however' that ownership of the North West Land should rest solely in the hands of the traditional people actually living on North West Lands or who have traditional attachments to them. The present Bill recognises the principle advocated by Mr. Justice Woodward in his Aboriginal Land Rights Commission's Second Report, which asserts that such links with the land should be preserved and strengthened. Moreover, the very size of the North West Lands land; their function in supporting a scattered but culturally homogenous group; their remoteness and separation from urban interests, aspirations, and cultures all add credence to the need of creating a new land holding entity.

In the third place the Bill seeks to perform what Justice Woodward has called, in the Northern Territory context, an act of simple justice. I am sure that all reasonable South Australians would agree that after land alienation on the massive scale seen since first settlement, the restitution of the comparatively little land remaining to its original owners would seem the only principled course to adopt. Moreover the present Bill may be seen as a means of rationalising the diverse forms of tenure attaching themselves to the lands scheduled in this Bill, and at the same time providing a form of tenure consistent with that being now proposed in the Northern Territory as a result of Commonwealth initiatives.

In fact honourable members may be assured that the provisions of the Bill are fully compatible with those applying under the Northern Territory Lands Act—though I am convinced that our provisions are simpler, accord more fully with the traditional notion of ownership, and provide a better basis for the future. Furthermore the provisions of this Bill will give South Australia an honourable place in international eyes with regard to the relation of Government to the treatment and status of ethnic minorities.

The policies implicit in the Bill contradict the widely held notion that the North West Lands are 'wasted'. To those honourable members who may take the view that the Aboriginal people have failed to put to good use their traditional lands—specifically the North West Lands—I commend, for their attention, the eloquent and concise explanation of the relationship between the Pitjantjatjara and their lands, contained in pages 20 to 37 inclusive of the Report of the Pitjantjatjara Land Rights Working Party.

The Bill recognises, perhaps in all too modest degree, the fundamental and inalienable role that the Pitjantjatjara play in the heritage of this State. This Government is no smoother of dying pillows: on the contrary what is valuable and irreplaceable in our heritage must be strengthened and given all reasonable encouragement.

To turn more directly to the Bill itself there are some six aspects which, before looking at the Bill in detail, I should like to draw to the attention of honorable members:

1. Access

The Bill recognises that if the principle of ownership is to mean anything it implies that access must be restricted. In practice there are three classes of people involved:

- (1) the Pitjantjatjaras for whom no restrictions apply
- (2) certain public officers in the course of execution of statutory duties, on whom the Bill confers automatic rights of entry, and

- (3) other non-Pitjantjatjaras for whom entry is restricted to permit holders.

2. Mining

The Bill places special restrictions on the right of miners to enter upon the lands and to obtain mining tenements.

The Bill seeks to give to the Pitjantjatjara the right to refuse consent to any miner to enter the land or to carry on any mining activities, except upon conditions imposed jointly by the State Government and the Pitjantjatjara. Any such mining activity would come under the control of the Mining Act, the Petroleum Act, and the Mines and Works Inspection Act. The Bill removes the necessity for the Pitjantjatjara to establish to the satisfaction of the Wardens Court what other private owners are obliged to do, namely to show that "the conduct of mining operations upon the land would be likely to result in substantial hardship".

The Bill however confers no greater rights of veto upon the Pitjantjatjara than that.

The Bill while not removing the ownership of minerals from the Crown, provides for the payment of all royalties upon minerals extracted from the lands, to the Pitjantjatjara. The Bill makes what the Government believes to be adequate and reasonable provisions regulating relationships between the Pitjantjatjara and mining interests, in the event of major mineral or associated activities.

3. Individual Rights

The Bill provides redress for individuals or groups of Pitjantjatjaras against decisions of the land holding entity which may be contrary to their interests. Such individuals or groups have rights of appeal to the Local and District Criminal Court in the event of a decision or action which infringes upon the rights conferred by the Bill.

4. Environmental Control

The Bill recognises that certain parts of the North West Land are pastoral or quasi pastoral lands. It also recognises that there may be from time to time need for special environmental measures in accordance with wise conservation and land management considerations. Honourable members should note that existing instrumentalities concerned with such matters will continue to play their respective roles under the provisions of the Bill.

5. Land Claims

Provision is made in the Bill for establishment of a Tribunal in the event of the Pitjantjatjara claiming non-nucleus lands, or lands outside those scheduled under the provisions of this Bill. The proposed constitution, and responsibilities of the Tribunal are fully set out in part III, Division V of the Bill.

6. Scheduled Lands

The terms of reference of the Working Party required it to consider nine separate areas of land namely:

- the North West Reserve
- Ernabella
- Kenmore Park
- Indulkana
- Mimili
- The Unnamed Conservation Park
- Unallotted Crown Land (formerly Maralinga Prohibited area)
- Defence Reserve (Maralinga)
- Yalata

In scheduling the land, the Bill takes account of the recommendations of the Working Party dividing the lands into two categories namely Nucleus and Non-nucleus lands. The Nucleus lands are those lands which form the basis of entitlement, under provisions of the Bill, to membership of Anangu Pitjantjatjaraku—the Pitjantjatjara Peoples—the land holding entity proposed. Non-

nucleus lands on the other hand are lands which although comprising land to which the Pitjantjatjara have social, economic and spiritual affiliations and responsibilities, do not form the basis of membership of Anangu Pitjantjatjaraku under the Bill.

Whilst the Bill does not provide for the immediate transfer of Non-nucleus lands to the Pitjantjatjara Peoples, it is envisaged that some or possibly all would be the subject of claims provided for by the Bill. The decision as to whether any claims would be recognised and accepted by the Government would be the decision of the Minister having control of the legislation. The Minister in exercising his discretion would take into account any recommendations of the Tribunal to be established under the provisions of the Bill.

The Bill is divided into six parts of 33 clauses. Part I contains the preliminary description of the legislation and definition. I particularly draw the attention of Honourable Members to the definition of the following three terms, namely "Aboriginal Tradition", "Interests", in relation to the land and "Pitjantjatjara". The significance of those three definitions can be derived from an examination of clause 5 of the Bill, contained in Part II, which establishes the Land Holding entity. A Pitjantjatjara is defined as a person who has, in accordance with Aboriginal tradition, (as defined in the legislation) an interest (as defined in the legislation) in the Nucleus lands. Section 5 says that all Pitjantjatjara are members of Anangu Pitjantjatjaraku and therefore each has conferred upon himself all rights of land ownership created by the Bill. Thus the Bill confers upon all of the Pitjantjatjara people whether presently alive or yet to be born, and wherever living, corporate ownership of the land for the purposes of the general South Australian Law. No person other than a person having traditional attachments to the Nucleus lands is entitled to membership of Anangu Pitjantjatjaraku. Whilst this of course has the effect of conferring certain rights exclusively on a particular group of people, as I have said before it is of fundamental importance to the cultural support of the Pitjantjatjara that this be done.

Part II sets out the powers and functions of Anangu Pitjantjatjaraku and confers no inconsiderable burden upon it to protect its members and their rights of ownership.

Section 7 contains a provision requiring consultation with specific Pitjantjatjaras having interests in specific areas of land within the Pitjantjatjara lands. All rights of ownership conferred by the Bill directly upon the Land holding entity and indirectly upon its members are protected under Section 29 of the Bill which I shall discuss in due course. Clauses 8 to 11 inclusive of the Bill provide a minimal structure sufficient to satisfy the requirements of the South Australian Law in relation to the conferring and creating of rights, duties and obligations at South Australian Law upon the owners of the lands. The Working Party in making recommendations to this affect, sought to establish only the minimum structure leaving the question of the long term structure of Anangu Pitjantjatjaraku to the Pitjantjatjara themselves.

Part III of the Bill provides for the vesting of the lands in Anangu Pitjantjatjaraku.

Section 12 confers upon the Governor the power by proclamation to vest the whole or any part of the Nucleus lands in Anangu Pitjantjatjaraku for an estate in fee simple.

Division II of Part III comprising clauses 13 to 23 inclusive, provides for claims to the non-nucleus lands. Such claims are to be directed in the first instance by Anangu Pitjantjatjaraku to the Minister who is required to

refer such a claim to the Tribunal established under Division V. The Tribunal is required to consider any such claim, and in doing so to carry out hearings on or as near as possible to the lands themselves, and to make recommendations as to whether any such claim should succeed or not. As I have already explained the ultimate decision as to the success or otherwise of any land claim under the Bill rests with the Minister.

Part IV relates to the control of entry to and use of the lands and contains clauses 24 and 28 inclusive.

Clause 24 provides that entry by any non-Pitjantjatjara, with the exception of police officers acting in the course of carrying out their official duties and other officers appointed pursuant to statute acting in the course of carrying out their official duties, are required to obtain the permission of Anangu Pitjantjatjaraku before entering upon the lands. The power to issue permits may be delegated to Community Councils.

Clause 25 provides that no mining tenement is to be granted unless the Minister and Anangu Pitjantjatjaraku have consented to the registration or granting of that mining tenement. Sub-clause (2) provides that it shall not be a condition of such consent that payment other than royalties and compensation for restoration of the lands be paid to Anangu Pitjantjatjaraku. Clause 26 provides for the payment of all royalties to Anangu Pitjantjatjaraku and Clause 27 provides penalties for corrupt or unlawful practices of any mining company or executive of a mining company in obtaining any such consent. The clause also provides power for the Minister of Mines to revoke any tenement so obtained.

Clause 28 provides that the Governor may by proclamation declare any part of the land to be a controlled area and may regulate, restrict or prohibit activities of the kind specified in the proclamation within that part of the land. The object of this clause is to introduce land use controls, at the instigation of Anangu Pitjantjatjaraku, over certain portions of the land. In particular it is envisaged that controls over pastoral activities undertaken on the land will be substantially similar to controls which apply to all stock enterprises in the area. It is also expected that environmental controls, once again at the instigation of Anangu Pitjantjatjaraku, will be imposed on the land under this provision.

Part V provides for the resolution of disputes. Clause 29 gives to any Pitjantjatjara individual or group who is aggrieved by a decision of Anangu Pitjantjatjaraku the right to appeal to a local court of full jurisdiction against such decision. The clause provides for the matters to be considered by a court in determining any such matter.

Part VI is a miscellaneous part providing in clauses 31 and 32 for the disposal of offences under the Act in a Court of summary jurisdiction and providing that land tax is not payable. Clause 33 provides for the provision of moneys by Parliament for any of the purposes of the legislation. Clause 34 contains regulation-making powers which are designed, among other things, to operate in conjunction with clause 28. In particular, it is anticipated that powers similar to those contained in the Pastoral Act and the National Parks and Wildlife Act relating respectively to the depasturing of stock and the protection of plant and animal life and the land forms of the area, are provided for. The clause also provides for regulations relating to the consumption of liquor.

This is included in response to representations from the Pitjantjatjara concerned at the effect of the removal of prohibitions in the Community Welfare Act when the provisions of that Act will be replaced by those of this Bill. Subclause 2 provides that no such regulation is to be made

other than upon the recommendation of Anangu Pitjantjatjaraku.

Mr. ALLISON secured the adjournment of the debate.

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL (No. 2)

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

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Parliamentary Salaries and Allowances Act, 1965-1974; the Constitution Act, 1934-1978; the Public Accounts Committee Act, 1972-1974; and the Public Works Standing Committee Act, 1927-1975; and to repeal the Statutes Amendment (Remuneration of Parliamentary Committees) Act, 1978.

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

That this Bill be now read a second time.

This Bill is designed to provide for an increase in the remuneration of members of Parliamentary committees by approximately 45 per cent. While this is a substantial increase, it is now some considerable time since the last increase in remuneration for members of Parliamentary committees, and the increase is justified having regard to increases in general levels of remuneration that have occurred throughout the community since the date of the last adjustment. It approximates the amounts by which the payment for Government boards and committees outside Parliament have increased during that period.

In a Bill passed earlier this year it was proposed that the remuneration of committee members should be fixed by the Parliamentary Salaries Tribunal. The amending Act has not as yet been brought into operation. In view of the fact that the levels of remuneration will, if the present Bill is passed, be in line with current levels of remuneration in the general community, it is proposed to repeal the former amending Act. Instead, provisions are inserted by the Bill in the relevant Acts providing that the remuneration of committee members will vary in proportion to the basic salary from time to time payable to members.

The Bill does not deal with the Land Settlement Committee or the Industries Development Committee, as fees in those matters are fixed by proclamation, and not by Statute. The remainder of the explanation is formal. I point out that the provisions of the Bill increase the Public Accounts Committee's fees more than by the simple addition of the 45 per cent, because it brings the Public Accounts Committee into line with the remuneration of the Public Works Standing Committee. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Part II removes the present power of the Parliamentary Salaries Tribunal to recommend variations in committee salaries. Part III provides that the Chairman of the Joint Committee on Subordinate Legislation shall receive a salary of \$2 800 per year and the members a salary of \$2 000 per year. Part IV provides that the salary of the Chairman of the Public Accounts Committee shall be \$3 600 per year and the

salary of a member \$2 500 per year. In this particular case, the proportionate increase is greater than for the other committees. However, the Government believes that in view of the increasing workload of the Public Accounts Committee in recent years, the remuneration for the Chairman and members of this committee should be the same as for the Public Works Standing Committee.

Part V provides that the salary of the Chairman of the Public Works Standing Committee shall be \$3 600 per year and the salary of a member \$2 500 per year. In the case of some committees, remuneration of members is fixed by the Governor. It is intended that, if this Bill passes, comparable alterations will be made in the remuneration of the members of those committees by an appropriate executive act.

Dr. EASTICK secured the adjournment of the debate.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That I have leave to introduce a Bill for an Act to amend the Parliamentary Superannuation Act, 1974-1978.

Mr. MILLHOUSE (Mitcham): I want to speak briefly on this motion for leave to introduce the Bill, because I am opposed to it. In my view, there is no need whatever to alter the Parliamentary superannuation scheme. The Act that embodies that scheme was last amended last March, only about six months ago, and it was towards the end of that session. Here, we have now within only about six months another amendment which I understand is to be pushed through the House today. I protest most vigorously at that, and this is the first opportunity I have in the formal procedures of the House to do so.

I have, as is known, seen the Bill, and I am also opposed to its contents (but I will not go into that matter now). I merely say that, because I believe the contents are quite unacceptable and should be unacceptable to a majority of members of the House, because of the haste with which I understand it is intended to push the Bill through so that the whole matter is out of the way when we get up for Christmas, and because it is only six months since we last fiddled with this matter, I do not believe that leave should be granted.

Question—"That the Premier have leave to introduce the Bill"—declared carried.

Mr. MILLHOUSE: Divide!

While the division was being held:

The SPEAKER: There being only one member on the side of the Noes, the question passes in the affirmative.

Motion thus carried.

Bill introduced and read a first time.

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

That this Bill be now read a second time.

The formula upon which superannuation benefits for members who have during their Parliamentary career occupied Ministerial or other Parliamentary offices attracting additional salary has a number of defects. These defects were drawn to the attention of the Government, a report from the Public Actuary was obtained, and he pointed out the nature of the defects.

Ministerial service prior to 1974 is not recognised (that is unlike the situation elsewhere in Australia); Ministers who have spent a long time on the back-bench receive insufficient (if any) recognition of their extra service compared with members with equal Ministerial service but little back-bench service; owing to the effects of inflation, recent Ministerial service is given more weight than past Ministerial service.

The Bill is designed to correct these anomalies. It establishes a formula under which a member will be fully superannuated in respect of the additional salary appropriate to an office that he has held at any time during his Parliamentary career, if he has held the office for six years or more. Where he has occupied the office for a lesser period, the superannuation benefit is proportionately less. This principle is carried through into the provisions of the principal Act relating to the calculation of widows' pensions. The Bill also provides that a person in receipt of additional salary must contribute 11½ per cent of that salary to the fund and removes the present provision under which such a contribution is optional.

The Bill also makes a number of other amendments to the principal Act. It provides that the formula by reference to which recognition is given in basic pension to increasing years of service shall begin to operate after six years service rather than eight years service, as at present. It provides also that recognition may be given, after payment of an appropriate amount into the fund, of prior service in the Commonwealth Parliament or any other State Parliament, which would then bring our fund into line with the practice in the Public Service. Indeed, the effect of these amendments is to provide, in this last of the public sector superannuation funds, transitional provisions which apply already in the Public Service superannuation and the police pensions arrangements.

In the absence of those arrangements, public servants who have long service will be paying 6 per cent of their salaries and retiring on markedly greater benefits than people with equivalent service in this Parliament who will have been contributing 11½ per cent of their remuneration for the whole period of their service in Parliament. This brings Parliamentary superannuation into line with the principles of the other public sector superannuation funds.

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

Mr. MILLHOUSE: No.

The Hon. D. A. DUNSTAN: The honourable member is obviously being churlish, as he has been provided with an explanation of this matter beforehand as a matter of courtesy. However, he does not extend that courtesy to a simple matter like this.

Clauses 1 and 2 are formal. Clause 3 defines a "prescribed office" as an office attracting additional salary. Clause 4 makes amendments consequential upon later provisions of the Bill. Clause 5 obliges a person who holds an office attracting additional salary to make superannuation contributions in respect of the additional salary. However, the rights of those who have made elections to contribute in respect of additional salary are preserved. They may if they think fit elect to have their pensions determined under the old formula.

Clause 6 repeals section 14a of the principal Act. This is the provision of the principal Act enabling a member who has ceased to hold an office attracting additional salary to continue to contribute at the higher rate. Clause 7 sets out the new formula that I have outlined above relating to superannuation benefits in respect of additional salary, and provides that additional years of service shall begin to attract additional pension after six rather than eight years service. Clause 8 makes a consequential amendment.

Clauses 9 and 10 extend the new principles to widows' pensions. Clause 11 provides that a member, who has had previous service in the Parliament of the Commonwealth or a State, may have that service counted for the purposes of the principal Act, if he is prepared to make an appropriate contribution to the fund.

Mr. NANKIVELL (Mallee): I would rather comment on this Bill after hearing what the member for Mitcham has to say, in order to rebut some of the arguments he is sure to make. However, I want to spell out quite clearly the reasons why the Opposition, after careful deliberation, has agreed to support this Bill. I assure honourable members and interested members of the public that, whilst this Bill provides certain benefits to members of Parliament, it is not one that provides benefits without some considerable contribution, which contribution is in line with similar funds that exist in commerce and the Public Service. I will outline some of the details so that, if my speech is being reported, it will be reported accurately, which was not the case in yesterday's *News*.

The scheme has been in operation for many years. As the member for Mitcham said earlier, a sequence of amendments has been made to this Act, some of which, made about two years ago, related to the qualifying period for superannuation. Before those amendments were made, the qualifying period was eight years. This period was reduced by those amendments to six years, but the basis of establishing a pension still remains in the original Act as eight years.

I will now set out what "qualification" means: it means that a member loses an election or a preselection for his Party and therefore cannot contest an election; that a member is able to persuade a magistrate that he is not fit on medical grounds and therefore should be retired; that he has attained the age of 60 years; or that he has been a member of this House for 15 years, or 13 years and five Parliaments, in which case he can elect to retire. Those are the qualifying periods, and this superannuation does not apply to just anyone under any circumstances. Let us look at how it works. The members of this House, Mr. Speaker, as you well know, make a contribution of 11½ per cent of their total salary towards this scheme. It is presently based on the achievement of a maximum pension after 22 years and one month.

Dr. Eastick: Will you explain what "total salary" means?

Mr. NANKIVELL: "Total salary" is the amount received by a back-bencher and any additional salary received by a member of this House by virtue of being a member of a committee or holding office in this House such as Speaker, Chairman of Committees, or Whip. I think that covers the positions that are considered to be officers of the House. All those positions attract an additional salary, as does the position of a Minister. All of those people contribute 11½ per cent of that total figure towards the superannuation fund at the present time.

If one looks at the formula currently being used to determine that additional benefit, or the additional units for which they would be able to contribute in the Public Service, one finds that they are contributing for very little benefit at all, because the scheme as it is presently devised does not give very heavy weighting to any salary in addition to that obtained by a back-bencher of this House. I have said that we contribute 11½ per cent of our salary. I think I am right in saying that one needs to be a member of this House for 14 years under this new scheme, or thereabouts, to achieve a pension of 66⅔ per cent. Fourteen years is really 28 years service, as the commercial schemes operated by banks and others work on a life

period for contribution of 35 to 44 years, and people contribute, depending on the scheme, between 5 and 7 per cent of their salary, as opposed to our 11½ per cent. On that basis, contributing on a basis of 44 years at 5 to 7 per cent, their contribution is somewhat in line with the contribution that we make to get an equivalent pension.

Other factors also have to be taken into account. Many commercial superannuation schemes do not require any contribution at all by the superannuants, so that is another factor that has to be taken into account. I suggest that, if our scheme is slightly better for the back-benchers than a person who may be in the Public Service enjoys, it is only because there is some need to compensate people for the risk involved in being employed in the field of politics, if one can describe it as that, because a person can be a Minister yesterday, a back-bencher today and out of Parliament tomorrow.

Mr. Millhouse: That is the risk members run when they come in.

Mr. NANKIVELL: That is correct, and it is a risk that not too many people, except people in your position who, as a barrister practising privately, and myself (as I have other interests), can afford to take.

Mr. Millhouse: There are 47 people here and 21 in the other place.

Mr. NANKIVELL: That is right, and they are taking risks. There are also problems for people in here. I can look around this Chamber and see people who are taking risks to represent their constituents, risks for which they need to be adequately compensated. There is no risk, so far as I am concerned, in the public view, of adequately superannuating or compensating people who have contributed substantially to the welfare of this State in Parliament any more than there is in contributing, as the public does, to the superannuation of public servants, and the public does, by way of shareholding in companies, in contributing to the superannuation of people employed on salaries and wages in those companies. I defend the principle behind this Bill of ironing out some of the anomalies that have been written into the Act. The member for Mitcham sniggers. He was a Minister once, and he is getting some compensation for that. He is going to get a pension that exceeds his Parliamentary salary, and he says that that is iniquitous. I think it is iniquitous, too; I do not think he is worth his Parliamentary salary, or a pension based on that.

I did some calculations about the Premier's situation which revealed to me that, on the present superannuation scheme, he would receive in superannuation, after his period of service, little more than a back-bencher is getting at present for his service to the House. I think my calculations are fairly accurate. How many years have you been here, Robin?

Mr. Millhouse: Twenty-three.

Mr. NANKIVELL: The Premier has been here 25 years. If he had been a member of the Public Service, that would have given him seniority (with his ability, undoubtedly top seniority) in the Public Service. It seems incredible to me that in this House we can accept a person taking the responsibilities of a Parliamentary Head of a department and retiring on about two-thirds of what the permanent head of his department would get were he to be superannuated in his job.

Mr. Millhouse: This has been so hastily drawn that there are mistakes—

The SPEAKER: The honourable member for Mitcham is out of order. He will have a chance to speak if he so desires.

Mr. NANKIVELL: My Party has looked at—

Mr. Millhouse: Look at new subsection—

The SPEAKER: Order! The honourable member for Mallee has the floor.

Mr. NANKIVELL: We have looked carefully at the Bill. Maybe, as the honourable member says, it was a bit hastily drawn. Let him draw that to the attention of the House in Committee and make appropriate amendments. We, as a Party, are not feathering our nests by supporting this legislation. We have considered the implications. We have considered the responsibilities accepted by the members. We have accepted the fact that a member can contribute for very little benefit if he stays in this House for a considerable period of time. On behalf of the Liberal Party, the Opposition in this House, I support the principal behind the legislation proposed in the amendment to the principal Act.

Mr. MILLHOUSE (Mitcham): It is noteworthy that the member for Mallee, in leading for his Party, as he usually does on Bills of this nature, did not dwell on the extra benefits which members will receive. The best advice that I have been able to obtain (and I will go into the advice I have been able to gather in the last few hours on this Bill) is that the average member, who spends between 8 and 20 years in this place, will get an extra 4.8 per cent added on to his or her pension. In other words, back-benchers will receive nearly 5 per cent more in pension. To be more precise, it means an increase in pension equal to 4.8 per cent of a back-bencher's salary, whatever it may be at any particular time.

The Hon. D. W. Simmons: That's not an increase of that amount of pension.

Mr. MILLHOUSE: It is more than an increase on the pension. Of course, the Chief Secretary, who is retiring, will receive a considerable increase in benefit under this Bill, although not nearly as much as his other three retiring Ministerial colleagues. They will get substantial increases in benefits.

Mr. Nankivell: So will you.

Mr. MILLHOUSE: I knew the jibe would come sooner or later: it came sooner. If this Bill goes through, I will also receive an increase in benefit. The member for the Mallee is quite right: if this Bill goes through in its present form, I will get more on the pension than I would get from being a member of this House. To me, that is patently and absolutely absurd, and I do not want it. If I can get to a draftsman in time, I will move an amendment to avoid this happening.

Mr. Becker: How much do you contribute?

Mr. MILLHOUSE: I do not know. I contribute 11½ per cent as far as I am aware.

Mr. Becker: On what salary?

Mr. MILLHOUSE: I am damned if I know. It is taken out of my pay. I know that I pay \$500 a month in superannuation—or is that taxation? I do not know.

Members interjecting:

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

Mr. MILLHOUSE: I was trying to answer the interjection. I am not much good at my own finances. On that piece of paper we receive, I know that \$500 is deducted for something, and I think I pay \$240 for superannuation. As far as I know, I pay the maximum amount. Even today, I receive no additional benefits for what I am paying out. Members of the Liberal Party particularly have been assiduous in telling me that I would be better out of Parliament financially than in it, and I believe they are right. The moot point is whether or not Parliament would be better off without me. If I wanted to speak in my own interests I would support the Bill, but I do not support the Bill, for a number of overwhelmingly

good reasons, and I hope that there are some members on the Liberal side who will have enough conscience to support me. I speak particularly to some members who are in the Chamber at the moment.

As members of Parliament, we are here to serve the community as leaders. I hope that we are here for the good of the community. We are not here to milk as much out of the public purse as we can and get away with it without too much criticism from outside. Yet that is what we are doing in this Bill, and I suggest that members on the Government side and on the Opposition side know that, and that is why this Bill has been brought in in such haste, two days before the end of this part of the session. It is to be pushed through the House today, I understand, so that it can get through the Legislative Council tomorrow. If that is not an admission of guilt by the Government and the Liberal Party, I do not know what is. If there is nothing wrong with this Bill, and if the member for the Mallee and his colleagues can justify it, why should it not lie on the table of the House, like 40 other Bills will do, until we come back in February? Why should members of the community not be able to have a look at this Bill? Why should all of us not have an opportunity to understand the extraordinarily complex provisions contained in this Bill?

Notice was given yesterday (perfectly properly), and the Bill was then whipped in. It will be passed through this House today; it will go up to the other place tomorrow and be passed, and will receive the Governor's assent next week. That shows that both the Government and the Liberal Party want to get this Bill in and out as quickly as they can so that, to use the slogan of British Airways, there will be a minimum of fuss. I do not propose to support that sort of procedure.

The standing of members of Parliament in our community is low enough now, for this very reason—people in the community see us as getting away with everything we can, and there is no doubt from the inquiries that I have made that this will mean an extra drain on the public purse. There can be no escape from that. We members of Parliament are taking something out of the public funds of this State for our own benefit in the future, or the benefit of our surviving spouses and others who will take benefits under this Act, and we are doing this in the shortest possible time so that there cannot be too much reaction in the community.

The first I knew about the proposal to amend the Parliamentary Superannuation Act was yesterday morning at about 11 o'clock when I had a telephone call at my chambers from an officer in the Premier's Department. This person, whose name I have now forgotten, said in a courteous way that the Premier wanted to see Mr. Blacker (the member for Flinders) and me at noon at the Premier's office, and he asked whether I could come. I said that I could not, because it was not convenient. After some discussion, Stephen Wright, the Premier's Secretary, came to the telephone, and we arranged that I would see the Premier after Question Time yesterday. In fact, there was no Question Time yesterday, but in company with the member for Flinders I saw the Premier at about 3.15 yesterday afternoon. That of itself is most unusual. I cannot recall ever having been invited previously to see a Bill before it was brought into this place, yet both the member for Flinders and I were given that invitation yesterday. In fact, after some perfunctory explanation by the Premier, which was perfectly accurate as far as I know, it was arranged that I would get a copy of the Bill. I gave the undertaking that I would not disclose the contents of the Bill before it was introduced this afternoon, and I received a copy in typed script at about 5 o'clock yesterday evening.

Mr. Keneally: Do you object to that system?

Mr. MILLHOUSE: I just wonder why this Bill, of all Bills, had to be shown to me in advance. Quite frankly, I would like to see them all but I know that will not happen. I also know, from what was told to me at the dinner table yesterday evening, that the Liberal Party has had it for some time and its members knew what was in it. They have been poring over it for a week or more. I got the impression that they had been poring over it with some satisfaction, too. I do not know how often they get Bills in advance, and I have often heard them complaining that they do not, but they got this one all right. There is one subject on which normally members of Parliament close ranks, and on which they are all expected to close ranks, and that is when there is any advantage to be gained by the members themselves. I do not enjoy being out of that club, as I know that I am.

Mr. Nankivell: You don't mind being absent from the House.

Mr. MILLHOUSE: I know perfectly well, from the interjections that are coming to me from the member for Mallee, that there is (and I feel it from the other side, too) a genuine hostility to me for expressing the views I am expressing on this Bill. It is just not done, because this is one of the things on which members of Parliament normally (and this is known outside) come together to be in agreement about. I am not in agreement about this one at all.

Mr. Keneally: We know you'll accept it. We're not hostile towards you.

The Hon. J. C. Bannon: We know you'll give it to charity.

Mr. MILLHOUSE: Those are typical of the things that will be thrown up to me. If I can, I will move an amendment to make sure that no member has to take advantage of these provisions, but I have to get to a draftsman before I can do it, and I would not be surprised if the whole thing has been whipped through before I can get an amendment drafted. Be that as it may, we will see when we come to that.

I then got hold of a copy of the present Parliamentary Superannuation Act and the amendments. It was only in 1974 that the present Act was passed. It was assented to on 4 April 1974, but it was not long before we started fiddling with it. An amendment to it was assented to on 31 October 1974, six months later. Inevitably enough, it improved the scheme for members of Parliament. Only this year, as I said in opposing the leave for this Bill, we had another amendment to the Parliamentary Superannuation Act, assented to on 9 March 1978, about six months ago. That, too, strangely enough, although it was of a minor nature, improved the scheme. Here we have yet another measure to improve the Parliamentary superannuation scheme, but this time in quite a significant fashion.

Until I had a look at the scheme this morning, I thought that having been here a long time now I would retire on 70 per cent of the going rate for a member of Parliament. This morning, I found that it is 75 per cent that I get now. Under this formula, because of these provisions, I will probably, as has already been said with great glee by a number of members in this debate, get more on the pension than I would get being in here and suffering what I have to suffer—although I must say that I rather enjoy it.

This morning, having looked at the principal Act and at the amendments, and at the proposed amendments in the Bill I had been given, I got in touch, as I was invited to do by the Premier, with the Public Actuary, and I had a long telephone conversation with him to get an explanation of the Bill. It was far more extensive than the explanation we got from the Premier today. Although the Premier was

discourteous enough to object to my making him read out that explanation to the House, if that had not been done, not one back-bencher would have known what was in the explanation before the debate went on, and I would not have known what he was going to say in explanation before the debate went on. That is an absurd situation.

As I understand the position from Mr. Weiss, the Bill has two purposes. The first affects and improves the position of the majority of members in this place. The notes I made show that under the present scheme eligibility for pension begins after six years. We have cut it down progressively, and from eight years to six years in the not distant past. The percentage at present does not start to go up until members have served eight years. Under this Bill, it will increase from the time of first qualification, which is at six years, at the rate of .2 per cent per month. The vast bulk of those who retire who have served between eight years and 20 years in this place will get an increase in pension equal to 4.8 per cent of the going rate for a back-bencher at any time. That is the increase that most people will get. That is the first of the proposals here, according to Mr. Weiss.

The second one, the one I am told was the genesis of the scheme (the back-benchers, when they looked at the thing, put in the first one, I think), is to help office holders. There has been, from what members have told me, a good deal of speculation since they knew about this Bill that it heralds an early election, that it is being tidied up particularly for the four Government Ministers who retire compulsorily at the next election. I do not know whether that is right, but it means considerable advantage for them, and incidentally, as I have said, because I was a Minister once, for me. The idea, I am told by Mr. Weiss, is to get rid of the present inconsistencies in the legislation and to introduce a system which will be founded on some principle. The principle is that it does not matter when you are an office holder; you are going to retire as though you had been an office holder at the end of your time in office. They take the six years of your service where you had the highest office in terms of the nature of the position held and then, for those six years, a calculation is made. The sum must come out to be more than unity, and the 75 per cent pension is multiplied by that sum. In my case he told me it would be about 1.4, he thought, as a quick calculation. For a bit over two years, I was Attorney-General, and for three years Deputy Leader of the Opposition. Both jobs carried extra pay, although not nearly as much as they carry now.

Mr. Nankivell: And you didn't contribute anything additional for the superannuation.

Mr. MILLHOUSE: Maybe not, but I am making up for that now, and I suggest the member for Mallee will agree. Whether I did or not, if the Bill goes through in its present form there will be a formula applied to me for the 2½ years I was Attorney-General and for the three years I was Deputy Leader of the Opposition, and it will come out to a figure which, when multiplied by 75 per cent, will give over 100 per cent. That will happen in the case of Ministers as well.

Those are the inescapable facts. Most, if not all, members of Parliament will get increased benefits under this Bill. How much it is may be a matter of conjecture, but they will get—we will get—increased benefits under it. However, there is no increase in contributions to be made by us—none at all. We are on 11.5 per cent. There may be some minuscule increase if there were some members who were not contributing for their extra jobs, but I will bet there are not any of those.

The Hon. D. A. Dunstan: There are.

Mr. MILLHOUSE: In that case, what I say is not

entirely accurate, but I felt it is 99 per cent accurate. There will be, therefore, an extra drain on this fund, and that will be met from the public purse, because, as we all know, and as I was reminded this morning by Mr. Weiss, it is impossible to give any actuarial valuation of the Parliamentary superannuation fund because—

Mr. Nankivell interjecting:

Mr. MILLHOUSE: I know the answer, dear boy. Because we do not come and go—

The SPEAKER: Order! The honourable member should say "the honourable member", not "dear boy".

Mr. MILLHOUSE: Yes, I know, Sir, but sometimes he gets so irritating that it is impossible to do it. We do not come and go according to actuarial principles but, as was put to me, rather according to psephological principles, and it is impossible to predict how many of us will go out at one time or whether we will come or go or stay.

It is impossible to give any assessment of this scheme actuarially and therefore the only way in which it can be kept solvent is by the Treasury supporting it as is required. Mr. Weiss told me (and this is a perfectly obvious to even a nut at mathematics like me) that these improvements for us in the scheme will mean further support from the Treasury, and therefore we are getting money out of public funds. How much it will be is impossible to tell but the stark facts are that this scheme will improve our positions, and the overwhelming majority of us will not pay any more for the improvements we get. The extra money will come out of public funds. Yet, this Bill is to be pushed through as quickly as we can push it through, before anyone in the community, who will be footing the bill, has a chance to protest about it. That is what we are doing; those facts cannot be controverted. We can justify it if we like, as the member for Mallee tried to do, but we cannot get away from those facts and those of themselves are entirely wrong.

The only other advice I was able to take on this matter, apart from that of Mr. Weiss, was from the former Actuary (Mr. Stratford) who was kind enough this afternoon to look at the Bill and to make some quick comments on it. He said quite frankly that it would take several hours of study to know what it really meant, yet here we are debating it as soon as it is brought in, and we are not actuaries. An actuary, of his experience, said it would take him several hours of study to know what it meant. His immediate reaction was that it would be a handsome handout for those Ministers who are retiring, that it is extremely generous in comparison with the State and Commonwealth Public Service schemes, and that it is on a par only with the Federal Parliamentary Superannuation scheme. When I heard that I remembered the hoo-hah there was in Canberra only a few months ago when the Federals did exactly the same thing for themselves as is being done here, and the only ones to stand up against it were Senators Reg Wright of Tasmania and Senator Haines of South Australia. The other thing the Actuary suggested which was of significance and which was not canvassed by the member for Mallee was that for short-term members it is a generous increase in pension. I cannot work it out; I have not the capacity to work it out. That was his opinion expressed, and yet the Bill is to be pushed through as quickly as possible.

Why the hurry? Why should this Bill, of all Bills that have been introduced in the last week, be pushed through before February? I cannot for the life of me see that it is physically possible to have an election between now and then. I suppose literally it could be, but it is so wildly unlikely that there could be any detriment to members in this place or in the other place by leaving it to be debated in February because it will not operate between now and

then. I suppose if someone died it might, but that is the only possibility, so why the hurry? Why should it not be left to be debated later on at leisure after people have been able to react to it? God knows, it is complicated enough. I have said I cannot understand it and I have reported the remarks of Mr. Stratford. If any member has a look at the Bill (and I bet no member has read it since it was introduced, though they may have pored over it in the Party room), they will see how abominably complex it is. I think clause 5 has a drafting error in it, but I am not sure. I cannot believe that new subsection (4) of section 14 should end with the word "subsection". I should have thought "section", was the proper word.

The Hon. D. A. Dunstan: There is an error, but the error is in the next subsection; subsection (4) should be subsection (5).

Mr. MILLHOUSE: Maybe that makes sense of it; I am damned if I know. That shows how quickly the Bill has been printed; it has only today's date on it. I defy any member to say that he understands clause 7. The member for Mallee did not try but he may boast that he understands it. The new amendment to section 17 of the principal Act contains formulae and definitions that I believe are difficult to understand. The proposed amendments to section 24 are just as bad. S equals 40 per cent of the relevant amount multiplied by the appropriate factor. The appropriate factor is defined, and so is the relevant amount, but it is to all of us, I suggest, and without much fear of contradiction, gobbledegook.

This is the sort of measure which should not be pushed through the House but it is being pushed through the House because it is for our so-called benefit. I can only protest about it and I will protest about it at every stage I can because I do not believe we are being honest and honourable in pushing this Bill through. If members say that we are, I say that we do not appear to be honest and honourable in doing anything like this. We are not here to feather our own nests and merely to think of ourselves and to regard service in Parliament as a full-time career, that is not the idea at all. We are here to try to give some example to the community and to exert some measure of leadership. Yet, this negates any thing we can possibly do in any other way and I regret it has been introduced in the manner in which it has. Although this is a vain hope in the nature of the matter I hope the Bill does not pass.

Mr. BECKER (Hanson): How I hate hypocrites. How I despise people who take the opportunity to use their colleagues for cheap publicity, particularly after the type of contribution we have just had from the member for Mitcham. He admits he does not understand the Bill; he never has understood anything when it comes to superannuation funds or money matters. Yet he thinks he has the right to abuse all and sundry for something he believes could be seen as members of Parliament grabbing something for their own benefit. There is no benefit in this until a member retires and I would have thought a person with his qualifications would understand that simple point. I would have thought the honourable member would understand a member has to survive in Parliament long enough to be able to enjoy any benefits of retirement, no matter what career anyone wishes to choose.

The member for Mitcham also mentioned the poor image of members of Parliament. Let me remind him, as the only member from commerce on this side of the House, that we are not going to get anyone from commerce interested in standing for Parliament if the member for Mitcham's argument is accepted. This State will not be able to benefit from the experience of men in commerce who would like to have the chance to represent

their political Party in this House if we cannot provide something to attract them. I think the member for Mallee made that clear when he drew comparisons between the type of superannuation benefit that the Premier of this State would receive at the moment and would receive if this Bill is passed. It is a poor benefit when related to someone who has been head of the Government of this State. When the so-called superannuation scheme is considered there can be no comparison between the benefits received by a person in commerce on a salary comparable with that of the Premier or his Ministers.

A principle is involved in the whole scheme. In commerce, banking, insurance, the Public Service, the Police Department, and in industry, superannuation or retirement benefits are based on a portion of the annual salary, calculated over the previous three years. There is nothing wrong with this scheme. It is not robbing the taxpayers, as the member for Mitcham has said. I wish that he would read the Auditor-General's Report more often. He should refer to the report for the year ended 30 June 1978 and see what is the balance of the Parliamentary superannuation fund. The fund currently stands at \$2 404 000. I will read from the balance sheet for his benefit. I did not want to take the time of the House to do it, but we must give him a lesson. The balance of the fund on 1 July 1977 was \$2 153 000, whereas in 1976 it was \$1 688 000. We start off with \$2 153 000. The ordinary contributions of members of Parliament were \$189 000 (rounded off) and contributions by the Government (equal to members' contributions) were \$189 000. In banking, insurance, commerce, and in any other industry I know of the employer matches the contribution \$1 for \$1 and, in many instances, on a two-for-one basis. No-one can say that the taxpayers of the State are being robbed in that situation. The amount distributed certified by the Public Actuary was \$240 000.

In the banking industry, people who retired 10 or 15 years ago have to depend on special grants from their employers so that they can have a superannuation scheme that is considered to be even reasonable and that places them above the poverty line. Many companies, whether large or small, make additional payments to prop up their superannuation schemes. Interest earned in investments and cash balances at the Treasury was \$188 000, almost the same as was contributed by the members. Therefore, it is quite a healthy fund, which is well invested and well placed. The total income of the fund was \$807 000. Expenditure for the year included payments to ex-members of Parliament, \$236 000; to widows of ex-members of Parliament, \$95 000—not very much; refund of contributions to members who lost their seats in the 1977 election, \$17 789; commutation payments to those who retired or who were entitled to a commutation payment, \$204 000—not a significant sum, when we consider that, in banking and other areas, one can commute 100 per cent of the superannuation. Administration expenses amounted to \$1 400 (an utter pittance). Expenses of the fund were \$555 000, making a net increase to the fund of \$251 000, thus leaving a balance at 30 June 1978 of \$2 404 000.

That money has been built up by the earnings and contributions of those who contribute to the fund. An additional payment is made by the Treasury, but it is even below the contribution commerce has to make to justify a superannuation fund for its employees.

The Hon. D. A. Dunstan: And very much less than the Government's contribution to the South Australian Superannuation Fund or to the Police Pensions Fund.

Mr. BECKER: Certainly, considerably less. No member should hold up to ridicule or use his colleagues in order to

chase a simple headline on a matter such as this. It is unworthy of a member of Parliament, let alone the Leader of a political organisation.

Mr. BLACKER (Flinders): I intend to oppose the second reading of the Bill. I did not oppose the leave that was granted to the Premier to introduce the Bill, because he extended to me the courtesy yesterday of informing me of the proposal he intended to present to the House. Having given me that courtesy, I believe that I had a duty to ensure that the matter came before the House for debate.

However, I cannot accept that the measure is in the best interests of members or the image of Parliamentarians. It is a move to try to bring parity between the superannuation as proposed for members and that of top public servants, and that this anomaly is far too great by normal community standards. My only regret is that we should use top Public Service superannuation as the basis on which to increase our own. Perhaps we should be looking at other levels of trying to taper off senior public servants' superannuation. Only a fortnight ago, a report appeared in the *Bulletin* entitled "Superannuation Scandal—How to Retire with \$500 000". The report goes into some considerable detail about the bankruptcy which the writer believes that the Commonwealth, the States, and private enterprise are going to have to face soon. This legacy on society is mounting. There are no real statistics, because you cannot give a factual account of what your expenditure will be in the coming years. Because of this, there is no real accounting to know what the liability will be to the Commonwealth, the States, and private enterprise. Part of the article states:

Nearly all Federal and State superannuation schemes are unfunded because the Governments are not putting in money at the same time as their employees are contributing.

That does not apply in this case. The report continues:

The Governments are only paying out when their liabilities fall due. The dangers are obvious. Any employer running a scheme on this basis can adopt a short-term viewpoint and gear his benefits to what he can afford to pay out now, ignoring the escalating effect of the benefits in the long term.

If the whole scheme becomes prohibitively expensive and the employer has to cut back benefits, he will have benefited one generation of contributors at the expense of another. The Commonwealth and State Governments of Australia could well be approaching that position.

The article continues in that vein throughout. If members read it, they will probably appreciate the difficulties which we, as members, future leaders of the States, and the Commonwealth will be facing soon. Superannuation is one of the greatest problems confronting any future planning operation. I believe that the scheme will obviously benefit most members, but it is the select few who will receive the greatest advantage. We could probably ask why, and it has already been suggested in the debate that an early election is in the wind.

Another factor worth mentioning is that the proposal will give the Premier and the Leader of the Opposition an opportunity to be able to carry out a Ministerial reshuffle without seriously affecting anyone's position. While it may not amount to much over a long period, it will enable the Premier to make that move before the four Ministers retire prior to the next election. The member for Mallee has assured me that the Bill will not make any difference, but my initial understanding of it is that, in the short term, some avenue may open up to the Premier to allow that to take place.

The biggest problem regarding this Bill was outlined in today's *News*. As a member of Parliament, I constantly

work with people to obtain the support and respect of the community, yet today's report is headed "MPs rush own 'super' Bill". The report states:

A Bill boosting MPs superannuation benefits will be pushed through State Parliament today. It will lift the pensions of all politicians but particularly those who have held higher-paid jobs, such as Ministers.

The biggest problem that I, as a back-bench member, have is in commanding some respect for the position I hold as a position of some dignity. Time and again members of Parliament have been rubbished, in some cases probably quite justifiably, but I think in most cases unfairly. We will all be accused of feather-nesting our own case in relation to this Bill. The Premier's comparison between the Public Service and members of Parliament will not be seen by the community as justification for rushing through a Bill such as this. If this Bill was allowed to stand for a reasonable period of time so that the community could grasp the situation, there might be a greater appreciation and acceptance of the measure. I oppose the second reading.

Mr. GUNN (Eyre): I want to make one point relating to what the member for Mitcham has said this afternoon. I would like to see a good superannuation scheme implemented for all members of the community, but what the member for Mitcham said indicates that he is the greatest hypocrite in South Australia. He comes into this place knowing that he will receive the benefit of this legislation, puts on a turn, jumps up and down, cans other members, and hopes to get all the publicity in the world. However, he does not tell the community that he receives substantial outside income and that he also spends much time practising in the courts when he should be here. The member for Mitcham cannot have his cake and eat it, too. If he is fair dinkum, he will not accept the benefits now or in the future, but I am sure that he will accept them.

I am sick and tired of listening to the member for Mitcham perform in this place. It would be easy for members on this side of the House to oppose the legislation, knowing full well that it will go through anyway. If the member for Mitcham is sincere, he would not carry on as he has done. His constituents should be told how many hours he puts in at the courts when he should be here considering legislation. If it was left to the member for Mitcham, there would be no discussion or debate on much legislation. Members of Parliament should be well paid and compensated, as are other members of the community. They are entitled to superannuation. Good superannuation schemes encourage good people to stand as members of Parliament. In the private sector, good superannuation schemes encourage people to enter an industry. The family and wife of a member of Parliament are entitled to the security provided by a good superannuation scheme.

The House divided on the second reading:

Ayes (41)—Mr. Abbott and Mrs. Adamson, Messrs. Allison, Arnold, Bannon, Becker, Broomhill, Dean Brown, Max Brown, and Mrs. Byrne, Messrs. Drury, Duncan, Dunstan (teller), Eastick, Goldsworthy, Groom, Groth, Gunn, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Venning, Virgo, Wells, Whitten, Wilson, Wotton, and Wright.

Noes (2)—Messrs. Blacker and Millhouse (teller).

Majority of 39 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Certain previous service to be counted."

Mr. BECKER: Has consideration been given to portability between this fund and other pension funds such as private superannuation funds?

The Hon. D. A. DUNSTAN (Premier and Treasurer): No, no consideration has been given to that matter. What has happened with the State Public Services is that service in the public sector can be considered to be service for the purposes of the Public Service in South Australia. We do not extend that to areas outside public sector employment. In consequence, I felt that this amendment to the Act was going as far as we reasonably could go to bring the Parliamentary Superannuation Fund into line with that principle.

Clause passed.

New clause 12—"Renunciation of certain benefits."

Mr. MILLHOUSE moved:

Page 6, after clause 11 insert new clause as follows:

12. The following section is enacted and inserted in the principal Act after section 39:

39a. (1) A member may, by notice in writing addressed to the Treasurer, renounce the benefit of the Parliamentary Superannuation Act Amendment Act (No. 2), 1978.

(2) Where a person gives a notice to the Treasurer under subsection (1) of this section, the provisions of this Act shall apply to and in relation to the member as if the Parliamentary Superannuation Act Amendment Act (No. 2), 1978, had not been enacted.

This amendment gives any member (and I propose to take advantage of it if it is passed, as I sincerely hope it will be) the right to opt out of the benefits in this Bill. I had a lot of quite unpleasant things thrown at me during the second reading debate. I knew they would come. They always do in a situation like this. It is every member's right, I suppose, to say what he likes about another member, particularly if he feels deeply about it and his own position is being threatened. That is, no doubt, how the members who spoke felt. I moved this amendment so that I (and I hope some other members in the House feel as I do) will be able to opt out of this provision. I hope that this shows that I am genuine in my opposition and in what I said.

May I, on this matter, just say one or two things? I know that you will allow me to say them in view of a little chit chat we had across the Chamber a while ago. I was reproached, as I have been reproached before, by members because I carry on my profession as well as being a member of Parliament. Of course, I am not alone in Parliament in doing that; many of us have other occupations that we are able to carry on in one way or another. I make no apologies for that. I certainly make no secret of it. In my view, a member of Parliament is a better member of Parliament and far more in touch with the community by having another occupation which one can call a normal occupation as well as being a member of Parliament.

I do not agree, except in the case of a Minister, that members of Parliament should be full-time. I think it is quite wrong that we should live off the game and be absolutely dependent on it for our own economic wellbeing and that of our families. It must bend one's judgment at times. I suppose I have had more experience of this than any other member in this place, because I have been here for a long time and I have, for a number of years, had no other source of income except that of a member of Parliament. I know how that felt, and I know how much easier it is when one knows that one is not financially dependent upon one's job here to make decisions, especially if they are going to be hard ones. I will not say any more about that. It is my conviction; I have said it before, and it is probably not entirely relevant

to the Bill. So far as money is concerned, since I left office when we were booted out of Government in 1970—

Mr. Nankivell: You threw yourself out.

Mr. MILLHOUSE: The member for the Mallee is quite bitter about that, and we all know how bitter he is. I do not regret that decision; I believed it to be honourable at the time, and I believe subsequent events show that we acted honourably. The very fact that the Labor Party, which opposed the Bill which led to our downfall, brought the same Bill in later and passed it shows that.

The CHAIRMAN: Order! The honourable member has now gone far from the Bill.

Mr. MILLHOUSE: Ever since that time my aim has been to have a combined income approximating that of a Minister. I make no more out of my profession than that, and I do not believe that I spend any more time practising my profession than a Minister does carrying out his Ministerial duties. I make that explanation because I was challenged to make it before. I must say that there are many years when I do not have a combined income as high as that of a Minister, but on occasion I do. That has been my aim, and I make no apology for that. I appreciate, Mr. Chairman, your allowing me to make that explanation in view of the very unpleasant things said about me in this debate and on previous occasions.

This amendment will allow me, and any other member who wants to protest about this Bill, to show that he or she is genuine in protesting about it by opting out of its provisions. I think it is only fair, in view of the things that I have said, that I should move this amendment, and I hope that it will be accepted by the Committee.

The Hon. D. A. DUNSTAN: If the honourable member wishes to take this course of action, I see no reason why he should not be allowed to do so, and I propose to accept his amendment.

Mr. BECKER: May I ask the member for Mitcham a question relating to the statement that he made a few minutes ago? I do not know whether it links up with the clause or not.

The CHAIRMAN: If the honourable member is seeking information from the honourable member for Mitcham, it ought to relate to the amendment before the Chair.

Mr. BECKER: I will ask my question and you, Mr. Chairman, can rule accordingly. Is it honest for a member to absent himself from the sittings of the House to earn an income when the House is sitting?

The CHAIRMAN: I have to rule the question out of order, and the member for Mitcham would not be under any pressure to answer. If he wished to answer, I suppose he could.

New clause inserted.

Title passed.

Bill read a third time and passed.

Later:

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HOTELS COMMISSION BILL

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

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish the South Australian Hotels Commission; to provide for its powers and functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This Bill, in a rather different form, was introduced into the House of Assembly on 15 March 1978. It lapsed at the end of the last session of Parliament through insufficiency of time necessary fully to debate its provisions. Since that time, discussion has taken place with representatives of the hotel, motel, restaurant, caravan and convention industries, and the provisions of the original Bill have now been changed slightly to accommodate the wishes of those representatives. I understand that all segments of the industry now consider that the Bill has important benefits to the promotion of hotel and related industries. A number of specific amendments suggested by sectors of the industry have been incorporated.

The purpose of the Bill is to establish a Hotels Commission that will act to assist in the development of hotels, motels and restaurants in South Australia. Adelaide is one of the few big cities in the world, and the only city in Australia, without the benefit of an international standard hotel. Until recently, progress on developing a feasibility study into establishing an international hotel in Victoria Square had been slow. However, as I indicated in answer to a question by an honourable member last week, the prospects of constructing such a hotel at this time very promising. For obvious reasons, I cannot give any details of progress at this stage.

Mr. Tonkin: That seems to be a fairly recurrent theme.

The Hon. D. A. DUNSTAN: I assure the Leader that this time the recurrence seems to be bearing fruit. There is very little doubt that the absence of international standard accommodation has been an impediment to the development of tourism and the full exploitation of the convention market. In the city of Adelaide there are only seven licensed hotels that have a majority of rooms with private facilities. The number of bed spaces available is 1 631 as at June 1978, while for convention purposes the effective space available is only 50 per cent of that.

The Convention Bureau has stated that there is at present a shortfall of some 500 rooms in Adelaide for accommodation purposes. The bureau expects that this will increase to 1 500 by 1980 and nearly 4 000 in 1985. Quite apart from the basic shortage of quality accommodation, Adelaide does not at present possess a "deluxe" class hotel that could accommodate a convention of up to 200 delegates under one roof. The absence of a twin facility hotel of international standard that could house delegates and provide conference facilities has, according to the Manager of the Convention Bureau, cost the State more than \$500 000 a year. The fragmented arrangements that Adelaide has to offer for convention organisers stand in sharp contrast to the facilities that other States possess to attract this much needed sector of the tourist market. Apart from the provisions of this Bill which are designed to correct the accommodation shortfall for conventions, the Government has also announced plans to establish convention and trade exhibition facilities at the Wayville showground.

It is not intended that the Hotels Commission will become an aggressive competitor with the private sector of the hotel, motel, restaurant industry. The basic objective of the commission is to provide the facility for a statutory authority to acquire an interest in these areas or similar licensed establishments and to be available to provide advice and assistance to the private sector of that industry. It is also planned that the commission will provide loans or guarantees, for the development of hotels, motels and restaurants.

In summary, the broad functions of the Commission will

be to:

(1) Act as a replacement body to the International Hotel Committee in all matters relating to the planning, financing and eventual construction of an hotel of international standard in Victoria Square.

I point out to honourable members that it will be necessary for the State to acquire the whole site, and provide it and to take some equity in this arrangement. This corporation will be empowered to do that. Continuing:

(2) Provide the statutory base for the Government to acquire an interest in licensed premises in circumstances where the continued survival of a particular business is in jeopardy or there is a necessity for the Government to assist the private sector in establishing a hotel, motel or restaurant.

(3) Promote employment opportunities in the tourist and accommodation industry.

(4) Explore the need for Government assistance to the tourist and accommodation industries in areas currently covered by the South Australian Development Corporation and in appropriate circumstances recommend to the Industries Development Committee loans or guarantees to companies in the tourist and accommodation industries.

I point out to honourable members that the Government already has the ability, through the South Australian Development Corporation, to take interests in this sector of industry. Indeed, numbers of establishments in South Australia have been established only with the assistance of the South Australian Development Corporation. This corporation will take over that function from the S.A.D.C. Continuing:

(5) Establish appropriate liaison with the various segments of the two industries and institutions and organisations related to or having a bearing on those industries.

(6) Monitor developments in the two industries and seek to develop uniform policies on matters related to administration, standards and marketing.

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

Leave granted.

Remainder of Explanation of Bill

Clauses 1, 2, and 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the Act. Clause 5 establishes and incorporates the South Australian Hotels Commission. Clause 6 provides that the commission shall be constituted of five persons. Clause 7 sets out the terms of office of members and also provides for the appointment of deputies of members.

Clause 8 provides for the remuneration of members of the commission. Clause 9 provides for a quorum of three members of the commission. Clause 10 validates any acts of the commission that may be invalid by reason of some procedural deficiency and also provides the usual personal immunity for members of the commission. Clause 11 provides for the disclosure of interests by members and also makes the usual provision for possible employee members. Clause 12 provides for the execution of documents by the commission.

Clause 13 sets out the functions and powers of the commission and has been discussed and agreed upon with the President and General Secretary of the Australian

Hotels Association. It covers the functions outlined earlier and it is particularly commended to the attention of honourable members. It should be noted that the power of the commission to acquire an interest in a private enterprise, or to grant or lend moneys to a private enterprise, may not be exercised without the approval of the Industries Development Committee. Clause 14 provides for a usual power of delegation by the commission. Clause 15 provides for the commission to engage employees for the purposes of performing its functions under the Act. Clause 16 provides for the commission to enter into appropriate arrangements with the South Australian Superannuation Board.

Clause 17 empowers the commission to make use of the services of certain officers of the public service and other statutory authorities. Clause 18 provides for the preparation of annual estimates. Clause 19 empowers the commission to borrow under a Treasury guarantee. Clause 20 provides for the operating of bank accounts by the commission. Clause 21 is a usual investment power for funds not immediately required for the purposes of the commission. Clause 22 is a usual accounts and audit provision. Clause 23 provides for an annual report by the commission. Clause 24 provides that offences shall be dealt with in a summary manner. Clause 25 provides a general regulation-making power. Clause 26 makes it clear that this Act in no way detracts from the provisions of the Licensing Act.

Mr. EVANS secured the adjournment of the debate.

SOUTH AUSTRALIAN OVERSEAS TRADING CORPORATION BILL

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

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish the South Australian Overseas Trading Corporation; to define its powers and functions and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This measure has been discussed in detail with people in the private sector who have an interest in this area and who are already in overseas trading. Considerable enthusiasm by the private sector for the purpose of this Bill has been expressed. The explanation of this Bill is lengthy and it is intended that it be not debated until February. Therefore, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

In the introduction of the Bill to establish an Overseas Trading Corporation, it seems appropriate first to look at the philosophical reasons for the presentation of the Bill—to see what it means and how it is intended to work, and then to look briefly at the Bill, clause by clause. First, as to the philosophy. It has become increasingly apparent that there is a growing necessity for South Australian industry to exploit every available avenue to acquire a more solid footing in the international export market. Traditional markets have tended to diminish and, in some cases, to disappear. The Government has long been aware

of the need to aid industry in the development of new markets, and has actively pursued enquiries in many countries not previously regarded as being traditional trading partners.

In many cases these enquiries have been made in Third World countries where the general method of doing business is very often different from accepted Western Principles. More often than not, in such countries a Government-to-Government arrangement is either a pre-requisite or at least of great assistance in gaining entrée to the appropriate Government purchasing organisation with whom our exporter or consultant will wish to deal. Again, many opportunities exist for joint venture functions, involving the foreign government, the private sector, and the South Australian Government.

In all these areas, an Overseas Trading Corporation will have the capacity to act as a catalyst and provide both impetus and assistance to South Australian traders, exporters and consultants.

In establishing the Department of Economic Development the Government gave it specific responsibility for overseas activities. This responsibility has been discharged as far as possible using existing resources, but it has become apparent in that exercise that wider areas of assistance are necessary. As an example, the Bill provides for recommendation to the Industry Development Committee for Treasury guarantees of a performance nature—an instance of the necessity to provide such guarantees arose recently.

The same section of the Bill contemplates recommendation to the Industry Development Committee for long-term low interest loans to finance initial overseas contracts—another area of considerable difficulty to our current and would-be exporters.

In acknowledging the great value of the Commonwealth Trade Commissioner Service, it must be emphasised that the proposed Overseas Trading Corporation will not be a duplication of that Service. It will act as an investor, counsellor, catalyst, entrepreneur or partner with local private enterprise, as may be required and may best suit the situation.

It is considered that South Australia's (indeed Australia's) need to export is so great, and the general level of activity so small, that significant new State Government initiatives are called for. Additionally, the State Corporation will complement the work of the new Commonwealth Overseas Trading organisation.

So, to recapitulate, there are two particular areas of activity which the Bill contemplates—direct involvement in trading goods and services on behalf of South Australian producers and manufacturers and consultants, and further assistance in financing the operations of local companies directed to overseas markets.

In relation to the first area—direct involvement in trading goods and services on behalf of South Australian producers, consultants and manufacturers—it should be pointed out the Bill provides, in Part III 11 (1) that the corporation shall only engage in overseas trade where trade of a kind cannot be, or is not being, adequately maintained and developed by ordinary commercial enterprise, or by existing Commonwealth and State organisations.

Thus—the corporation is designed to *assist* to *complement* and to co-ordinate—and *not* to compete with or take over existing structures.

It will pay duties and taxes and will not engage in transactions of a kind which are within the functions of any authority for which an Act of Parliament, State or Commonwealth, exists, except by request of that authority.

I draw special attention to section 13, which specifically prevents the corporation from competing with existing exporters, excepting only in extremely unlikely circumstances, and to section 14 which prohibits the corporation from engaging in retail trade, whilst section 15 prevents the corporation becoming a manufacturer.

Who shall run the corporation?

The Bill seeks a Board of six, three of whom shall be experienced in overseas trade and appointed from the private sector. The three Government sector members will represent those Departments most concerned—Economic Development, Agriculture and Fisheries, Woods and Forests.

It is intended that the staff be small and very expert. Whilst they are being sought, staff will be seconded from the Department of Economic Development.

The Corporation will be charged with the responsibility of recovering all its costs and will finance its activities by means of borrowings on the semi-governmental loan market.

Thus, the Corporation will assist in the development of South Australia's overseas trade in whatever way may be appropriate, but particularly by—

- acting as the corporate vehicle for the South Australian Government's Government-to-Government trading and investment activities
- engaging in trade directly as principal, partner, or commission agent
- organising consortia of local consultants and development contractors for overseas development projects, and
- controlling the activities of South Australia's overseas trade agents.

Now, may we look at the Bill briefly but in detail.

Part I provides the Title and interpretations.

Part II deals with the establishment of the Corporation.

It provides that it may sue and be sued and be capable of acquiring, holding and dealing with property.

This part also provides in section 6 (1) and (2) that the Corporation shall consist of six members, and that the term of office shall not exceed three years. Machinery is provided in section 6 for removal of Corporation members for cause.

Section 7 deals with the appointments of the Chairman and Deputy Chairman.

Section 8 requires a quorum of four members, and provides for proper procedures at meetings.

Section 9 provides for validation of actions by the Corporation in the event of a defect in appointment of a member. This section also indemnifies members for acts or omissions performed in good faith.

Section 10 prohibits actions by members with conflict of interests, and provides a penalty of \$2 000 for any breach. The section requires disclosure of interests of members to be recorded in minutes of meetings.

Part III deals with the powers and functions of the corporation.

Section 11 allows the corporation to engage in overseas trade with the object of ensuring the maintenance and expansion of overseas trade, particularly of the kind which is not being adequately maintained and developed by ordinary commercial enterprise. The section lists the activities and responsibilities of the corporation.

Section 12 precludes the corporation engaging in transactions which are within the function of other authorities or departments of State or Commonwealth.

Section 13 provides rules for operation of the business of the corporation and prevents the corporation from competing with private enterprise where the latter is carrying on business in a proper way.

Section 14 prevents the corporation from entering into retail trade.

Section 15 precludes the corporation from engaging in the production or manufacture of goods.

Section 16 provides for reference to the Minister in certain circumstances, and for Ministerial direction in certain circumstances. This section also provides that in certain circumstances the Minister shall notify his approval of specific transactions in the *Gazette*.

Part IV deals with the staff of the corporation.

Sections 17 and 18 exclude employees from the Public Service Act, and permits arrangements under the Superannuation Act.

Section 19 allows the corporation, with approval of a Minister controlling a department, to permit the services of an officer of that department to be used on terms to be agreed. It allows a similar use of officers of agencies and instrumentalities.

Part V. These are the financial provisions.

Section 20 requires the corporation to act in accordance with sound commercial principles. The same section sets out the financial policy to be pursued.

Section 21 requires the Treasurer to pay \$500 000 to the corporation out of General Revenue. The section sets out the method of appropriation.

Section 22 relieves the corporation from the payment of interest to the Treasurer on the capital of the corporation. This section requires that the capital be repayable by the corporation to the Treasurer at such time and in such amounts as the Treasurer determines.

Section 23 authorises borrowing from the Treasurer, or other sources, with the consent of the Treasurer. This section allows the Treasurer to guarantee borrowing by the corporation.

Section 24 details the banking practices to be followed by the Corporation.

Section 25 allows surplus funds to be invested as approved by the Treasurer.

Section 26 requires proper books to be kept.

Section 27 limits the Corporation to contractual obligations of \$1 million without Ministerial approval.

Section 28 limits the Corporation to a maximum contingent liability at any time of \$10 million.

Section 29 defines "profit" and determines its application.

Section 30 allows for payment to Members, as determined by the Governor.

Section 31 requires the Auditor-General to audit at least once a year.

Part VI—Section 32 provides for reports by the Corporation to the Minister, and for provision of those reports to Parliament.

Section 33 permits delegations, and provides for summary disposal of offences against the Act. This section also allows the Governor to make regulations. The Government believes the South Australian Overseas Trading Corporation will be of material assistance to South Australian exporters, traders and consultants—and by extension to the economy of the State.

I commend the Bill to the House.

Mr. TONKIN secured the adjournment of the debate.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Prevention of Pollution of Waters by Oil Act,

1961-1975. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Prevention of Pollution of Waters by Oil Act was passed in 1961 to complement Commonwealth legislation introduced as a result of the 1954 Convention on the Pollution of the Sea By Oil. Similar legislation was passed in other States. The amendments now proposed are based on recommendations of the Council of the Association of Australian Port and Marine Authorities.

Under the existing provisions, if a discharge of oil occurs from a ship or from any apparatus for transferring oil from or to a ship, the person responsible for the ship or apparatus may be guilty of an offence and the Minister may remove the oil from the waters affected and recover from the person responsible all costs incurred in such removal.

There are two serious defects: the Act does not apply to discharges from oil rigs, refineries, pipelines (except when transferring oil to or from ships) or vehicles, and there is no power in the Minister to take action or require others to take action to prevent spillages. The Bill seeks to remedy these defects.

The scope of the Act is also extended to include pollution of non-navigable waters. It is possible that a body of water that is inland may be polluted as the result of the escape of oil from a vehicle, or, at some future time, from an oil rig, pipeline or refinery.

Clause 1 is formal. Clause 2 provides that the Act will come into operation on a day to be fixed by proclamation. Clause 3 amends the long title of the principal Act so that it expresses the wider scope of the Act as amended. Clause 4 amends section 3, the interpretation section of the principal Act. There is a definition of "apparatus" to include pipelines, receptacles and any device used for exploration or recovery of oil. The definition of "jurisdiction" has been amended to include non-navigable waters.

Clause 5 repeals and re-enacts section 5 of the principal Act which deals firstly with the liability for a discharge of oil into the waters of the jurisdiction. Liability of the owner, agent or master in relation to a ship or the person in control in relation to any apparatus remains unchanged, although the definition of "apparatus" is now much wider. In the case of escape of oil from a vehicle the person liable will be the person who has undertaken to transport oil by means of that vehicle. Subclause (2) sets out the offence of discharging oil into the waters of the jurisdiction. The penalty remains at \$50 000. Clause 6 repeals section 6 of the principal Act which provides for defences to charges under section 5. Defences to criminal and civil proceedings under the Act will be dealt with in proposed new sections 7c and 7d.

Clause 7 repeals section 7 of the principal Act, which gives power to the Minister to remove oil from polluted waters, and enacts new sections 7 to 7e. New section 7 is similar to the existing section but enables the Minister to take action to prevent a discharge of oil. The costs reasonably incurred by the Minister in exercising his powers under the section will be recoverable as a debt from the person who is liable under section 5 or who would have been liable if the discharge had occurred. Section 7a provides that the Minister may by notice require the

person liable under section 5 (or who would be liable if a discharge occurred) to take steps to prevent the discharge or to prevent or mitigate pollution when a discharge has taken place. If such a notice is not complied with, the person upon whom it was served is guilty of an offence for which a maximum penalty of \$50 000 is provided. The Minister may in such circumstances cause the work to be carried out and may recover his reasonable costs as a debt due from the person concerned. Section 7b provides for the service of notices under section 7a. Section 7c provides that it shall be a defence to a charge for an offence under the Act that the alleged offence resulted from the need to save life or from military or similar action or from an irresistible natural phenomenon. It is also a defence that it resulted from the negligent or malicious act of someone other than the defendant or his agent. Section 7d provides similar defences to a claim for costs or expenses incurred by the Minister under sections 7 or 7a, with the exception that negligence of a third party is not a defence. However, where the situation arose through negligence or failure of the Government in providing or maintaining navigational aids, there will be a defence. In the case of a discharge that the Minister thought was likely to occur, the person concerned will not be liable for costs and expenses if he can establish that in fact there was no real likelihood of a discharge occurring, or if the steps taken by the Minister were unreasonable. The section also provides for a maximum amount for which the owners of an oil tanker may be liable based on tonnage, where the spillage was caused by the negligence of a third party. Section 7e provides that where the Minister has claim under sections 7 or 7a in relation to a ship or vehicle, the amount recoverable shall be a charge on that ship or vehicle, which may be detained until the amount owing is paid or security given. It is an offence, with a maximum penalty of \$10 000 to move a ship or vehicle that is being detained.

Clause 8 makes consequential amendments to section 10 of the principal Act. Clause 9 makes formal and consequential amendments to section 11 of the principal Act. Clause 10 amends section 12 of the principal Act by altering the spelling of "harbormaster" to correspond with the form used in the Harbors Act. Clause 11 makes a consequential amendment to section 15 of the principal Act. Clause 12 makes consequential amendments to section 16 of the principal Act. Clause 13 amends section 17 of the principal Act, which deals with proceedings for offences against the Act, by striking out the words "for the recovery of a penalty". This phrase is ambiguous since it could be understood to refer to proceedings to enforce payment of a fine that had already been imposed. Clause 14 makes two minor formal amendments and a consequential amendment to section 18 of the principal Act.

Mr. WOTTON secured the adjournment of the debate.

ABATTOIRS AND PET FOOD WORKS BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to license abattoirs, poultry abattoirs and pet food works; to regulate the standards of hygiene and sanitation and abattoirs, poultry abattoirs and pet food works; to regulate the quality of meat, meat products, poultry meat, poultry meat, poultry meat producers and pet food; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is designed to establish a licensing and inspection system for the abattoirs, poultry abattoirs and pet food works that serve the Adelaide metropolitan area and the major regional centres of the State. Under the Bill, it is proposed that all meat, poultry meat or pet food available for purchase and consumption within these areas will have been produced at abattoirs or works licensed or recognised under the measure and having proper standards of hygiene. All such red meat is also to be subject to inspection in order to ensure that it is fit for human consumption.

The Bill has been introduced together with Bills amending the Abattoirs Act, 1911-1973, the Health Act, 1911-1977, the Local Government Act, 1934-1978, and the South Australian Meat Corporation Act, 1936-1977. The Health Act Amendment Bill provides for the making of regulations imposing hygiene standards in respect of slaughterhouses situated outside the abattoirs areas to be proclaimed under this measure. The Local Government Act Amendment Bill removes the provisions in the Local Government Act that relate to meat hygiene, but retains the provisions that require country slaughterhouses to be licensed by councils. The Abattoirs Act, 1911-1973, provides for the establishment of abattoirs boards for areas outside the Adelaide metropolitan area which either establish and operate public abattoirs, as in the case of the Port Pirie Abattoirs Board, or supervise the inspection of meat produced at private abattoirs. The Abattoirs Act Amendment Bill removes from the Abattoirs Act all provisions that do not relate to the establishment and operation of abattoirs by abattoirs boards but relate to hygiene or the inspection of meat. The Bill amending the South Australian Meat Corporation Act removes the provisions in that Act that relate to meat hygiene which will instead be regulated under this measure.

The major problems that this legislative scheme is designed to overcome are the lack of uniformity in the meat hygiene standards that apply in the built-up area of Adelaide and the unsatisfactory meat hygiene standards of a number of country slaughterhouses and abattoirs. At present the high meat hygiene standards required under the South Australian Meat Corporation Act do not apply to the more recently developed parts of the Adelaide metropolitan area and, accordingly, it is proposed that under this measure those standards will apply in abattoirs areas that encompass the whole of the Adelaide metropolitan area and, in addition, the major regional centres of population. With respect to country slaughterhouses, it is proposed that those that are substandard will be required to up-grade to proper standards of hygiene established under the proposed regulations under the Health Act with the major responsibility for enforcement of these standards being vested in the local boards of health and the local health surveyors.

Under this Bill each abattoir, poultry abattoir and pet food works situated within an abattoirs area proclaimed under the measure will be required to obtain a licence and to meet standards of construction, plant and equipment prescribed by regulation under the measure. Each such establishment that is in operation at the commencement of this measure is to be automatically granted a licence, but, if it does not comply with the prescribed standards, will be required to up-grade to those standards within a period of three years from the initial grant of its licence.

Slaughtering works established after the commencement of the measure, in order to obtain a licence must meet certain criteria to the satisfaction of the Chief Inspector appointed under the measure, who is to be the licensing authority. These criteria include, in the case of meat abattoirs, the slaughtering capacity of the abattoir, its location and the requirements of the State for the slaughter of animals for the production of meat and meat products. These criteria which relate to the economic viability of a proposed meat abattoir are necessary, in the Government's view, both to prevent underutilization of existing resources and to avoid wastage of the considerable public investment, by way of inspection services, that is required in respect of any meat abattoir.

As already stated, the Bill provides for the regulation of hygiene standards of pet food works in addition to red meat or poultry meat abattoirs. This is considered necessary for the reason that such meat at times enters the human food chain and for the reason that some diseases of pets caused by the consumption of contaminated food are communicable to humans. The Bill also provides for the necessary inspection powers with respect to red meat abattoirs, poultry meat abattoirs and pet food works and the products of such abattoirs and works. Under the Bill, all red meat must, before being made available for purchase, be passed by an inspector as fit for human consumption, which is to be indicated by the branding of the meat.

Clause 1 is formal. Clause 2 provides that different provisions of the measure may be brought into operation at different times. Clause 3 sets out the arrangement of the measure. Clause 4 sets out the definitions of terms used in the Bill. Attention is drawn to the definition of 'pet food works' which is wider than the definitions of 'abattoirs' and 'poultry abattoirs' in the sense that it includes any works where pet food is produced whether or not slaughtering is carried on there. Subclauses (2) and (3) of this clause provide for the declaration by proclamation of abattoirs areas.

Part II, comprising clauses 5 to 8, provides for the appointment of inspectors and their powers. Clause 5 provides for the appointment of registered veterinary surgeons as Chief Inspector and deputy Chief Inspector and for the appointment of persons not necessarily so qualified as inspectors. Inspectors under this clause may include inspectors appointed by the Commonwealth Government. Clause 6 provides the powers necessary for an effective system of inspection and the particular attention of honourable members is drawn to this clause. Included in this clause is the power of an inspector to dispose of any meat or poultry meat that in his opinion was derived from a diseased animal or bird or is unfit for human consumption for any other reason and to brand meat as fit for human consumption. Clause 7 empowers an inspector to direct that steps be taken to remedy defects in a slaughtering works that in his opinion render it insanitary or unhygienic and to order the works to close down, wholly or partially, in the meantime. Provision is made in this clause for an appeal to the Minister against such requirements of an inspector. Clause 8 protects inspectors from personal liability arising from any exercise of their powers.

Part III, Division I, comprising clauses 9 to 22, deals with the licensing of red meat abattoirs. Clause 9 defines the word 'licence' for the purposes of Division I. Clause 10 is one of the basic provisions of the measure, prohibiting the slaughter of animals for the production of meat in a abattoirs area except at a licensed abattoir. At subclause (2) the present exception to this prohibition is retained, namely, that the occupier of any land outside a

municipality or township may slaughter animals for the production of meat for the consumption of persons resident or employed on that land. Clause 11 regulates applications for licences. Clause 12 regulates the grant of licences in respect of abattoirs not in operation at commencement of this measure and sets out the criteria which the Chief Inspector is to have regard to in determining whether or not a licence should be granted. Clause 13 provides for the automatic licensing of abattoirs in operation for the period of six months preceding the day on which the declaration of the abattoirs area has effect notwithstanding that an abattoir may not conform to the prescribed standards of construction, plant and equipment. Subclause (2) of this clause provides for exemptions from compliance with the prescribed standards for a period of three years.

Clause 14 permits the Chief Inspector to attach conditions to an abattoir licence relating to such aspects of the operation of the abattoir as are prescribed by regulation. Clause 15 prohibits operation of an abattoir if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of that abattoir. Clause 16 provides for the renewal of licences. Clause 17 provides for the surrender, suspension and cancellation of licences. Clause 18 makes provision for the transfer of licences. Clause 19 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 20 requires the Chief Inspector to keep a register of licences. Clause 21 prohibits the carrying out of alterations to an abattoir without the approval of the Chief Inspector. Clause 22 provides for the recognition of abattoirs outside the State, if they are of a standard equivalent to the standard required under this measure.

Division II of Part III, comprising clauses 23 to 36, deals with the licensing of poultry abattoirs. Clause 23 defines "licence" for the purposes of Division II. Clause 24 prohibits the operation of a poultry abattoir in an abattoirs area unless the poultry abattoir is licensed. Clause 25 provides for applications for licences. Clause 26 regulates the grant of licences in respect of poultry abattoirs not in operation at the commencement of this measure and sets out the criteria which the Chief Inspector is to have regard to in determining whether or not a licence should be granted. Clause 27 provides for the automatic licensing of any poultry abattoirs in operation for the period of six months preceding the day on which the declaration of the abattoirs area has effect notwithstanding that it may not conform to the prescribed standards of construction, plant and equipment. Subclause (2) of this clause provides for exemptions from compliance with the prescribed standards for a period of three years.

Clause 28 permits the Chief Inspector to attach conditions to a poultry abattoir licence relating to such aspects of the operation of the abattoir as are prescribed by regulation. Clause 29 prohibits operation of a poultry abattoir if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of that abattoir. Clause 30 provides for the renewal of licences. Clause 31 provides for the surrender, suspension and cancellation of licences. Clause 32 makes provision for the transfer of licences. Clause 33 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector.

Clause 34 requires the Chief Inspector to keep a register of licences. Clause 35 prohibits the carrying out of alterations to a poultry abattoir without the approval of the Chief Inspector. Clause 36 provides for the recognition of poultry abattoirs outside the State if they are of a

standard equivalent to the standard required under this measure.

Division III of Part III, comprising clauses 37 to 49, deals with the licensing of pet food works. Clause 37 defines "licence" for the purposes of Division III. Clause 38 prohibits the operation of a pet food works in an abattoirs area unless the pet food works is licensed. Clause 39 provides for applications for licences. Clause 40 regulates the grant of licences in respect of pet food works not in operation at the commencement of this measure and sets out the criteria which the Chief Inspector is to have regard to in determining whether or not a licence should be granted. Clause 41 provides for the automatic licensing of any pet food works in operation for the period of six months preceding the day on which the declaration of the abattoirs area has effect notwithstanding that the works may not conform to the prescribed standards of construction, plant and equipment. Subclause (2) of this clause provides for exemptions from compliance with the prescribed standards for a period of three years. Clause 42 permits the Chief Inspector to attach conditions to any pet food works licence relating to such aspects of the operation of the works as are prescribed by regulation. Clause 43 prohibits operation of any pet food works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of that works. Clause 44 provides for the renewal of licences. Clause 45 provides for the surrender, suspension and cancellation of licences. Clause 46 makes provision for the transfer of licences. Clause 47 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 48 requires the Chief Inspector to keep a register of licences. Clause 49 prohibits the carrying out of alterations to any pet food works without the approval of the Chief Inspector.

Part IV, Clauses 50 and 51, provides a right of appeal to the Supreme Court against any decision or order of the Chief Inspector made in the exercise or purported exercise of his powers under Part III of the measure.

Part V of the Bill relates to the inspection and branding of meat, poultry meat and pet food. Clause 52 is another basic provision, in that it prohibits the slaughter of animals at licensed abattoirs unless an inspector is present at that time. Clause 53 provides that it is an offence for a person to brand meat unless he is an inspector or is acting at the direction of an inspector. Clause 54 prohibits the sale within an abattoirs area of meat or a meat product unless it was produced at a licensed abattoir or at an interstate abattoir recognised under clause 22. Clause 55 prohibits the sale in an abattoirs area of meat or any meat product that is unfit for human consumption. Clause 56 prohibits the sale for human consumption in an abattoirs area of any flesh or offal produced, processed or stored at a pet food works or any product derived from such flesh or offal. Clause 57 prohibits the sale in an abattoirs area of any poultry meat or poultry meat product unless it was produced at a licensed poultry abattoir or at a recognised interstate poultry abattoir. Clause 58 prohibits the sale in an abattoirs area of any poultry meat or poultry meat product that is unfit for human consumption. Clause 59 prohibits the sale within an abattoirs area of pet food produced within the State at an unlicensed pet food works. Clause 60 prohibits the sale in an abattoirs area of pet food that is unfit for consumption by pets.

Part V deals with miscellaneous matters. Clause 61 empowers the Chief Inspector to exempt a licence holder from compliance with any provision of the measure or to exempt a slaughtering works from a prescribed standard. Clause 62 makes provision for the service of documents by

post. Clause 63 prohibits the furnishing of information, or the keeping of records containing information, that is false or misleading in a material particular. Clause 64 is an evidentiary provision. Clause 65 provides for a summary procedure in respect of offences against the measure. Clause 66 is the usual provision subjecting officers of bodies corporate convicted of offences to personal liability in certain circumstances. Clause 67 provides for the imposition of penalties for continuing offences. Clause 68 empowers the making of regulations.

Mr. RODDA secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1975. Read a first time.

The Hon. PETER DUNCAN: 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 makes amendments to the Real Property Act, 1886-1975, on a number of unrelated topics. In the near future the system of registration of land and dealing in land will be complemented by the Land Ownership and Tenure System. This system makes use of a large computer for recording of interests in land. At times, up to 1 000 instruments are lodged at the Lands Titles Office each day, the daily average lodgments at present being approximately 750 instruments; and the purpose of the new system is to increase the speed and efficiency with which information can be extracted. However, it will still be necessary for officers to check instruments to ensure that they comply with the Act before the information they contain is fed into the computer. This is a complex process that can be simplified by the use of what is known as "panel forms". Instruments under the Act at the moment are in a narrative form. The new forms will set out the required information in separate "boxes" each designed to contain only one category of information. It will then be easier for the examining officer to cast his eye down the form to check that the proper information has been supplied. The Bill paves the way for the introduction of panel forms by providing that instruments shall be in a form approved by the Registrar-General. This will enable the modification of forms from time to time as experience with the new system requires. Another amendment to facilitate the introduction of the Land Ownership and Tenure System is the abolition of dealings by endorsement. It is impracticable under the system to record a dealing endorsed on another instrument.

It is important for the efficient operation of the Lands Titles Office that there be an efficient method for appointing an Acting Registrar-General and Acting Deputy Registrar-Generals. On occasion the Registrar-General and a Deputy Registrar-General are absent from the Office in their official capacity. When this occurs during the absence of other Deputies on account of sick, recreation or long service leave, the need to appoint officers to act in their place becomes apparent. The Bill redraws the provisions now in sections 13 to 18 of the Act to provide for these appointments and to update the wording of the Act. The Bill also makes a number of unrelated amendments that are best dealt with in the

explanation to the clauses.

Clauses 1 and 2 are formal. Clause 3 replaces rather outmoded provisions in the Act relating to the Office of the Registrar-General and its administration. By sections 14 and 15 the Bill provides for appointment of an Acting Registrar-General and Acting Deputy Registrar-Generals. The Registrar-General and all officers under him have, for many years, been employed under the Public Service Act. Subsection (5) of section 13 recognises this. Clause 4 makes amendments to section 23a of the principal Act. Paragraph (a) widens the reference to "mortgagee". Paragraph (b) adds new subsection that enables the Treasurer to require the production of evidence that succession duty or other claims have been satisfied. Clauses 5 and 6 make amendments to the service of notice relating to the bringing of land under the principal Act. Often a large number of notices must be served in respect of one allotment and the requirement that service must be by registered post results in unwarranted expense. In many cases service by registered post is unnecessary, e.g., to persons obviously long since deceased, or to proprietors with no appropriate address and description such as "of Adelaide, Yeoman". The amendments give the Registrar-General discretion as to the mode of postage.

Clause 7 replaces subsection (1) of section 54 of the principal Act. The subsection is a general one dealing with all instruments registered under the principal Act and providing that they must be in accordance with the principal Act. The new subsection has the same effect except that instruments must now be in a form approved by the Registrar-General. The ability of the Registrar-General to direct, and if necessary change the form of instruments will further simplify their preparation, increase efficiency in registration procedures and make searching of the Register easier and will also greatly assist the successful introduction of the Land Ownership and Tenure System. Clause 8 simplifies a reference to writs of execution. The amendment is consequential upon the Enforcement of Judgments Act, 1978. Clause 9 replaces section 73 of the principal Act. The section has the same effect except that the form of certificates of title must be approved by the Registrar-General. It is unnecessary to provide specifically for units in a strata plan because they come within the definition of "land" in the principal Act.

Clause 10 amends section 79 of the principal Act which enables the Registrar-General to issue a substituted or new certificate of title in place of one lost or destroyed. At present notice must be given in the *Gazette* even in cases where notice is unnecessary. The amendment gives the Registrar-General discretion and consequently hastens the issue of a substituted or new certificate of title where notice is unnecessary. Clause 11 amends section 96 of the principal Act to provide that transfers must be in a form approved by the Registrar-General. Clause 12 makes an amendment to section 105 of the principal Act consequential on the Enforcement of Judgments Act, 1978. Clause 13 by amending section 107 provides for a form approved by the Registrar-General on the transfer of property after a sale on execution. Clause 14 amends section 116 to provide for a form approved by the Registrar-General where lands are leased. Clause 15 replaces section 120 of the principal Act. The new section provides for surrender of a lease by the use of a form approved by the Registrar-General and not by endorsement upon the lease. The Land Ownership and Tenure System is not designed to handle dealings with land by endorsement.

Clause 16 removes a passage from section 122 relating to production of a lease bearing an endorsement. Clause 17 amends section 128 to provide that mortgages and

encumbrances be in a form approved by the Registrar-General. Clause 18 removes an unwieldy passage from subsection (2) of section 129 and replaces it with a simple authority in the Registrar-General to require plans and specifications to be attached to a mortgage or encumbrance when deemed necessary. Clause 19 removes the reference to "a receipt or memorandum" in section 143 which provides for discharge of mortgages and encumbrances. These interests are frequently discharged by the endorsement on the back of the duplicate instrument of "a receipt or memorandum". The amendment requires a separate instrument in a form approved by the Registrar-General. Clause 20 repeals section 144 of the principal Act which is unnecessary because of the amendment to section 143. Clause 21 replaces section 150 of the principal Act so that the transfer of a mortgage, lease or encumbrance must be in a form approved by the Registrar-General.

Clause 22 repeals sections 153 and 154 of the principal Act. Section 153 provides for extension of a mortgage, encumbrance or lease by an endorsement on the instrument and section 154 provides for the effect of an extension. After the passing of the Bill extensions will be made by separate instrument in a form approved by the Registrar-General under the general power in section 54. The clause enacts a new section 153 relating to a problem that has arisen with the extension of leases. Where a registered lease includes a right to renew or extend the term, that right takes precedence over a subsequent dealing with the land such as a transfer or mortgage. A prospective transferee would be unable to determine from the Register Book whether a lessee had exercised his right of renewal even after the initial term of the lease had expired. He would be subject to a renewal made in accordance with the lease but registered after the registration of his transfer. Where a new title is issued after the initial term of a lease has expired that lease is not noted on the new title. A person dealing with the land might suddenly find his dealing subject to a lease of which he had no notice. The effect of the new section 153 is that a lease will cease to have effect as a registered instrument at the end of its term unless the term is renewed or extended by registered instrument. The Register Book will therefore always state accurately the interests to which a registered dealing will be subject. Clause 23 removes the reference to the thirteenth schedule in section 155 because the use of the form is optional and there is no need to refer to it in the Act.

Clause 24 by paragraph (a) amends section 157 of the principal Act to provide that the revocation of a power of attorney must be in a form approved by the Registrar-General. Paragraph (b) removes the reference to a "registration abstract". Registration abstracts are historical anomalies. Clause 25 repeals section 189 of the principal Act and replaces it with a new section. The present section enables a married woman to have the marriage noted on the title to land in respect of which she is registered. The new section makes a general provision for a registered proprietor to have a change in his name, address, occupation or status noted on his title. Clause 26 repeals section 190 of the principal Act. Section 190 is an anachronistic provision left over from the 19th Century allowing a husband to be registered on the title to his wife's land in certain circumstances. Clause 27 amends section 191 of the principal Act to provide that caveats must be in a form approved by the Registrar-General. Clause 28 replaces subsection (3b) of section 220. At present the procedure that the Registrar-General must adopt to reject an instrument is clumsy and time consuming.

Clause 29 amends section 223a of the principal Act to

provide that an application to the Registrar-General for the rectification of a certificate must be in a form that he approves. Clause 30 amends section 274 of the principal Act. This section prohibits any person who is not a solicitor or licensed land broker from receiving fees for the preparation of instruments under the Act. However, the Land and Business Agents Act, 1973-1977, allows an agent involved in the transaction to charge for work done by a legal practitioner or licensed land broker in his employment. The amendment made by this clause allows that provision of the Land and Business Agents Act to have effect. Clause 31 replaces section 276 of the principal Act which, at present, requires service by registered post. This is both unnecessary and extremely costly. Clauses 32 to 35 repeal those schedules which provide forms that from now on must be approved by the Registrar-General. Clause 36 repeals the twenty-fifth schedule to the principal Act and re-enacts it in a simplified form.

Mr. EVANS secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's suggested amendments:

No. 1. Page 2, line 9 (clause 4)—Leave out "twenty-eight" and insert "ninety".

No. 2. Page 2, line 13 (clause 4)—Leave out "twenty-eight" and insert "ninety".

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

That the Legislative Council's suggested amendments be disagreed to.

The Government is opposed to these amendments, because the charges that are made under the Dog Fence Act and the Vertebrate Pests Act are rendered on the same account. If these amendments were agreed to, a situation would arise where the charges under the Vertebrate Pests Act were due in 28 days, while the charges under the Dog Fence Act were due in 90 days. That is a grossly unnecessary complication. The reason for the 28 days being in the Bill in the first place was the need to ensure uniformity and to limit administrative costs. On those general grounds, I ask the Committee to disagree to the amendments.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the legislation.

Later:

The Legislative Council intimated that it did not insist on its suggested amendments.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3 (clause 6)—After line 12 insert subsection as follows:

(8) The organization shall be responsible to the Minister.

No. 2. Page 7 (clause 19)—After line 45 insert subsection as follows:

(4a) Notwithstanding the provisions of any other Act, the powers and functions of the Treasurer under subsections (3) and (4) of this section shall not be transferred or delegated to any other person.

Amendment No. 1:

The Hon. HUGH HUDSON (Minister of Mines and Energy): 1 move:

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

At the time the amendment was moved and agreed to by the Government in another place, we had checked out through my department whether the amendment was acceptable to the Commonwealth and to the Australian Mineral Industries Research Association. At that stage we were informed verbally that it was acceptable, and so we accepted the amendment. Honourable members will appreciate that Amdel is a joint organisation in which the State has the principal control, but it was established jointly by the State, the Commonwealth, and AMIRA. I think honourable members opposite will now be aware that AMIRA regards this amendment as contrary to the basis of the agreement reached in relation to these amendments between the State, the Commonwealth, and AMIRA, and that organisation therefore has requested that the amendment be rejected.

I think that is broadly true of the agreement. I do not think that the amendment matters all that much, but in the circumstances it is only proper that it should be disagreed to.

Motion carried.

Amendment No. 2:

The Hon. HUGH HUDSON: 1 move:

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

The amendment relates to investment and borrowing of money, which can be done only with the consent of the Treasurer. It is a reasonable amendment.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 1 was adopted:

Because the amendment is contrary to the agreement between the Commonwealth and the State and AMIRA.

Later:

The Legislative Council intimated that it did not insist on its amendment No. 1, to which the House of Assembly had disagreed.

BOATING ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 11 (clause 9)—Leave out paragraph (b) and insert paragraph as follows:

- (b) he may board a boat—
- (i) for the purpose of determining whether a registration label is affixed to the boat in accordance with this Act;
 - (ii) for the purpose of inspecting the boat to determine whether it is seaworthy; or
 - (iii) for the purpose of investigating an offence that he reasonably suspects to have been committed by a person on board the boat;

No. 2 Page 3, lines 15 to 18 (clause 9)—Leave out all words in these lines and insert:

- (i) by a member of the police force at a police station in South Australia nominated by the operator of the motor boat, or if the operator fails to nominate a police station after being invited to do so, at a police station nominated by the member of the police force or authorized person; or
- (ii) by a nominated person at a place agreed upon by the operator of the motor boat and the member of

the police force or authorized person;

No. 3. Page 3, (clause 9)—After line 36 insert subsection as follows.

(3) Where a person is charged with an offence consisting of a failure to obey a direction given under paragraph (a) of subsection (1) of this section, it shall be a defence to prove that compliance with the direction would have endangered life or property.

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

That the Legislative Council's amendments be agreed to.

Mr. GOLDSWORTHY: On behalf of the Opposition I am glad that the Government has accepted these amendments, which I believe are sensible. They spell out precisely the authority of an inspector when he seeks to have an owner manoeuvre a boat. They also define more clearly the arrangements that can be made in relation to attendance at a police station by someone who has been apprehended and they simply state that it will be a defence to prove that compliance with a direction of an authorised officer might cause danger to life and limb. The amendments are eminently acceptable and sensible and I congratulate the Minister for accepting them.

Motion carried.

HARBORS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, lines 14 and 15 (clause 7)—Leave out paragraph (a).

No. 2. Page 2, line 18 (clause 7)—Leave out “, in the opinion of the Minister,”.

No. 3. Page 2, line 21 (clause 7)—Leave out “, in the opinion of the Minister,”.

No. 4. Page 3, line 1 (clause 10)—After “may” insert “, with the approval of the Governor,”.

No. 5. Page 4, line 12 (clause 12)—Leave out “proclamation” and insert “regulation”.

No. 6. Page 4 (clause 12)—After line 22 insert subsection as follows:

(3a) Land that is within the area of a council shall not, without the consent of that council, be placed under the care, control and management of the Coast Protection Board in pursuance of this section.

No. 7. Page 4, line 30 (clause 12)—Leave out “proclamation” and insert “regulation”.

No. 8. Page 4, line 43 (clause 12)—Leave out “or”.

No. 9. Page 5 (clause 12)—After line 3 insert paragraph as follows:

(f) make any by-law, or seek the making of a regulation, affecting the occupation, management, use or control of the land;

No. 10. Page 5, lines 5 and 6 (clause 12)—Leave out subsection (5).

No. 11. Page 6, line 24 (clause 21)—Leave out all words in this line and insert paragraph as follows:

(b) he may board a vessel for the purpose of investigating an offence that he reasonably suspects to have been committed by a person on board the vessel;

No. 12. Page 8 (clause 37)—After line 27 insert paragraphs as follows:

(ca) by striking out from subparagraph XXXI of paragraph 8 of subsection (1) of section 667 the passage ‘Subject to section 671’ and inserting in lieu thereof the passage ‘Subject to the Harbors Act, 1936-1978’;

(cb) by striking out “subsection (1) of section 671;”.

Amendment No. 1:

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

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

This amendment relates to a number of amendments which have been moved by the Legislative Council and which seek to ensure that the Governor is the one who has to approve of all land matters rather than the Minister. The amendment is objectionable for the following reasons: under the existing provisions of the Act powers relating to land under Part II (acquisition of wharves and water frontages) are vested in the Governor, while powers relating to land under Part III (management and control of harbors) are vested in the Minister. Most land dealings that now occur occur in respect of Part III of the Act (land relating to the management and control of harbors). That power already resides in the Minister. The proposal in the Bill was to transfer as well the powers under Part II from the Governor to the Minister.

The effect of the Legislative Council's amendment is to reject that proposition, and it means that, because the Bill seeks to consolidate into one the provisions relating to land and vests the responsibility in the Minister, the effect is the transfer of all powers that were previously with the Minister back to the Governor. I think I should make clear to members that the word "Governor" simply substitutes Executive Council or Cabinet for the Minister. We believe that the original proposition on this matter was reasonable and that it should persist. Cabinet applies general rules relating to the land and expenditure on land, and expenditure on land above a certain sum (I think \$50 000) goes to Cabinet anyway for approval. I believe that the amendment of the Legislative Council is unnecessary and defeats the original purpose of the Bill.

Mr. GOLDSWORTHY: I support the Legislative Council's amendments. I recall that we sought to move amendments but I do not know whether this was one of them. It seems to me, that, as a matter of principle, it is not a good idea to give the Minister added powers over and above those that reside in the original Act. It may make life simpler for the Minister but, in relation to some of the decisions of Government, I think one could say that two heads are better than one and the collective heads of Executive Council might be better than that of a single Minister, and the decision should reside, as it does, in the Governor, or, in fact, Executive Council. For this reason I believe we should support the Legislative Council's amendments.

Motion carried.

Amendments Nos. 2 and 3:

The Hon. HUGH HUDSON: I move:

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

These amendments were accepted in the other place, and we see no difficulty with them.

Motion carried.

Amendment No. 4:

The Hon. HUGH HUDSON: I move:

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

This again requires the approval of the Governor rather than the Minister. Many land dealings involve leasing arrangements, and to have to go to Executive Council all the time delays by a week the arrangements and it is not really appropriate.

Motion carried.

Amendment No. 5:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 5 be

disagreed to.

New section 44 (3) provides:

Notwithstanding the provisions of subsection (1) and subsection (2) of this section, the Governor may, by proclamation, place—

- (a) any part of the foreshore of the sea; or
- (b) any water or other reserve, wharf or breakwater situated within any harbor, in the sea, or upon the foreshore of the sea,

under the care, control and management of—

- (c) any Minister of the Crown;
- (d) a council;
- or
- (e) the Coast Protection Board.

The Legislative Council has sought to require that this be done by regulation rather than by proclamation. Power to transfer the care, control and management of foreshores and jetties by proclamation rather than by regulation is consistent with and supersedes the existing provisions in the Local Government Act, which is repealed by this Bill. This Bill is repealing the sections of the Local Government Act that allow the Governor, by proclamation, to transfer land to the care and control of the Minister if it relates to foreshores generally.

It is also consistent with and supersedes the existing provisions contained in section 45 of the Harbors Act, which is also repealed by the Bill. Previously, provisions in the Local Government Act and provisions in the Harbors Act allowed for the use of proclamations to vest certain land in the care and control of the Minister, the council, or the Coast Protection Board. What the amendment is doing is simply to repeal those provisions in the Harbors Act and in the Local Government Act and get a consolidated provision in the Harbors Act. There is no difference in the arrangements that previously applied. Whenever action takes place, consultation will take place with the local council involved. There is no reason to require that this be done by regulation, thus having all the business about being subject to disallowance and involving the Subordinate Legislation Committee.

Mr. Mathwin: What is the appeal situation if it's a proclamation by council?

The Hon. HUGH HUDSON: Exactly the same as the position now. There is no appeal. A political approach can be made to the Minister or the Government with respect to proclamations now issued under the Local Government Act or the Harbors Act. All the Bills ought to do is to consolidate that arrangement. There is no case for regulations.

Mr. GOLDSWORTHY: This is the amendment we sought to move in this place (we could not get it drafted) substituting "regulation" for "proclamation". The Minister for the Environment indicated he had no objection if there was none from his officers, and objections came from them. For the Minister to claim that "proclamation" exists in the Local Government Act and that this is simply continuing the *status quo* is a point, but I believe that we should be prepared to make a change if the change is an improvement. We believe that the amendment is an improvement. If a dispute occurs, the Minister said that a political approach could be made to the Minister, and there the decision resides. The Minister claimed that the possibility of a disallowance of a regulation was a disadvantage, whereas I claim it to be an advantage. There is another court of appeal, namely, the Parliament, where the regulations can be tested.

Mr. Mathwin: An added protection.

Mr. GOLDSWORTHY: Yes. We believe that the final decision should reside with Parliament, and this is the case if the matter is resolved by regulation. I support the

amendment.

Mr. MATHWIN: I, too, support the amendment. Dealing with the matter by regulation would allow a proper time for appeal, and would be a protection to councils and the community generally. Regulations have to lay before Parliament for 14 days. The Subordinate Legislation Committee would go through the normal process of collecting evidence from people who wanted to appear before it on the matter. Any member would then be able to debate the regulations. I see nothing wrong with residents or councils having the proper right of appeal, and with having the regulations coming before the Parliament. The matter should not be left to proclamation, from which there is no appeal.

Motion carried.

Amendment No. 6:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 6 be disagreed to.

This provision seeks to put in something that was never in the Local Government Act or the Harbors Act. Section 476 (1) of the Local Government Act empowers the Governor by way of proclamation, without consent of council, to withdraw any foreshore from the care, control and management of the council and place that care elsewhere. That can be done at present. The basis of the amendment is to alienate from the Crown the Crown's basic responsibility to ensure proper care of our foreshores. When there is trouble on the foreshore, the Crown must exercise responsibility. Local government, while it is involved (and hopefully can be more involved) in the protection of foreshores, is unable on its own to exercise responsibility. If action has to be taken to place certain land under the Coast Protection Board, that power exists now under the Local Government Act, and the Government does not propose that that power should be given up, even though that section of the Local Government Act is being repealed. Consequently, the amendment is objectionable and I cannot agree with it.

Mr. GOLDSWORTHY: I am sorry that the Minister has taken this attitude. One of the complaints we hear with increasing frequency is that the powers of councils have been eroded. In all sorts of areas, local government has seen its powers whittled away. This amendment gives the local council some authority regarding areas of the foreshore which come within the council area, and I am all in favour of it. The Government subscribes to centralist political philisophies.

The Hon. Hugh Hudson: These provisions were put in the Act by Liberal Governments.

Mr. GOLDSWORTHY: This amendment seeks to improve the situation.

The Hon. Hugh Hudson: It seeks to—

The SPEAKER: Order! The honourable Minister will have an opportunity to speak.

Mr. GOLDSWORTHY: It gives local government some authority that should rightly be theirs. The amendment would not be acceptable to the Government because of the attitude which it has evinced over the years. We believe that the power of local government should be strengthened. Moves have been made in this place to see that that happens. This is not a major move as far as the Government is concerned, but it is one in the right direction. The increased authority may be over and above the *status quo*, but in many other cases local government powers have been taken. For that reason, the Opposition supports the amendment.

Mr. MATHWIN: I support the amendment. I do not want to denigrate the past record of the Coast Protection Board, which has done good work in the foreshore area.

The Minister has said that the Government pays the bill and it should be able to do what it wishes.

The Hon. Hugh Hudson: I didn't say that.

Mr. MATHWIN: That was the implication. I will ask the Minister to refresh his memory regarding storm damage that occurred many years ago. The Minister will realise that the Playford Government at that time paid the full amount of foreshore repairs. The Coast Protection Board has indicated to councils that repair work will cost \$200 000 to \$400 000 and only 80 per cent of that sum will be met by the board; local governments will have to find the remaining 20 per cent. However, the payment could be more. For the Minister to say that the Coast Protection Board pays the lot is simply not true. The ratepayers of the seaside councils have to foot the bill to a certain extent.

In past years, the Government has paid the full amount for foreshore repairs, and the Minister knows that that is true. This occurred in his old electorate regarding the Brighton council, and also in Glenelg. It is no use the Minister's saying, "He who pays the piper plays the tune." There is nothing wrong with the amendment; it gives a council the right to consent, and it is only fit and proper that local governments should have the right. I am disappointed that the Minister has seen fit to oppose the amendment.

The Hon. HUGH HUDSON: If, over the years, the coastline had been protected properly by previous Governments and local government, there would have been no need for the Coast Protection Board to be established. One of the problems in protecting beaches is that development was allowed right up to the beach. This was a great mistake. Any honourable member who cares to think about it for a moment will appreciate that—

Mr. Mathwin: It's still happening at West Lakes.

The SPEAKER: The honourable member is out of order.

The Hon. HUGH HUDSON:—the only way in which the situation can be rectified in the long run involves the expenditure of a lot of money, and a co-ordination of effort. It is simply not proper in those circumstances that the Government, through the Coast Protection Board, should be required to spend 80 per cent of the money to get any work done.

The Local Government Act provides for land to be placed under the care of the Coast Protection Board by proclamation without the consent of the council involved. Normally, consultation takes place. When I first came into Parliament, for some years approaches were made to the Brighton council about providing additional recreation areas. This was before the member for Glenelg became mayor of Glenelg. The answer to the proposal was "What do you need additional recreation areas for in this area? We have got the beach." This occurred in the middle 1960's. The honourable member will recall that when he became associated with the council, its attitude changed.

It is not too far away from the time when the most reactionary attitudes were expressed on this issue, even within the Brighton council. In a situation in which a council adopts a stupid attitude, the Government has to be in the position that it is currently in under the Local Government Act, and that it seeks to be in under the Harbors Act, with the repeal already agreed to of the relevant section of the Local Government Act. The position of the Government is quite clear. If this amendment were carried, the Bill would fail.

Motion carried.

Amendment No. 7:

The Hon. HUGH HUDSON: I move:

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

This follows from amendment 5, and requires regulation rather than proclamation.

Mr. GOLDSWORTHY: For the same reasons as I enunciated earlier, I support the amendment.

Motion carried.

Amendments Nos. 8 and 9:

The Hon. HUGH HUDSON: I move:

That the Legislation Council's amendments Nos. 8 and 9 be agreed to.

They relate to a matter that is consequential of the repeal of the sixteenth schedule, clause 77. In drafting the Bill, reference to the sixteenth schedule in section 671 (1) of the Local Government Act was overlooked. In order to maintain the present status of that particular provision, this amendment is necessary.

Motion carried.

Amendment No. 10:

The Hon. HUGH HUDSON: I move:

That the Legislation Council's amendment No. 10 be disagreed to.

The provision enables the Governor to vary or revoke a proclamation. This amendment is consequential on the other amendments substituting "regulation" for "proclamation". We disagreed to those, so we must disagree to this.

Motion carried.

Amendments Nos. 11 and 12:

The Hon. HUGH HUDSON: I move:

That the Legislation Council's amendments Nos. 11 and 12 be agreed to.

These were Government amendments, and they are a consequence of the repeal of the sixteenth schedule of the Local Government Act and the insertion of new section 44 (4) (f) pursuant to clause 12.

Motion carried.

The following reason for disagreement to the Legislation Council's amendments Nos. 1, 4, 5, 6, 7, and 10 was adopted:

Because they destroy the purposes of the Bill.

STATE LOTTERIES ACT AMENDMENT BILL

Consideration in Committee of the Legislation Council's amendment:

Page 1, line 14 (clause 2)—Leave out 'word or words "Lotto",' and insert "words".

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

That the Legislation Council's amendment be disagreed to and that the following amendment be made in lieu thereof:

Clause 2, page 1, lines 14 to 16—Leave out 'or words "Lotto", "Cross Lotto" or "X Lotto (whether with or without the addition of any other words, symbols or characters)' and insert ' "Lotto" with the addition of the word "Cross" or the letter, symbol or character "X" or any other words, letters, symbols or characters'

The effect of the Legislation Council's amendment was to turn the Bill into one which dealt only with the use of "X Lotto" or "Cross Lotto" so that there was no ban on the use of the word "Lotto" on its own. Certain discussions have taken place with the gentlemen in another place, and it was suggested that we might be agreeable to the exclusion of the word "Lotto" on its own provided that the word "Lotto", when it was used with any other suffix or prefix in order to try to commercialise it in some way, was also prevented from being used in South Australia without the written authority of the commission. This would mean

that the word "Tattsлото" would not be used appropriately in South Australia.

The Legislation Council's amendment on its own would have cut out "X Lotto" and "Cross Lotto" but not "Tattsлото" or "B Lotto". We can make certain suggestions on that score. It was agreed that it was appropriate in the current circumstances to allow the continuation of the word "Lotto" on its own but to require that the use of "Lotto" in relation to any other word could not be carried out without the authority of the Lotteries Commission. The effect of the suggested alternative amendment is to allow someone to use the word "Lotto" if they so desire without the authority of the Lotteries Commission, but if someone wants to use "A Lotto", "Cross Lotto", "X Lotto"—

Mr. Evans: What about the Glenelg Football Club?

The Hon. HUGH HUDSON: It is caught and will have to call it "Lotto" without a prefix or suffix. That is the basis of the suggested amendment. I think it is quite clear that anything that is used with the word "Lotto" as a prefix or suffix will not be permitted under this amendment without the written authority of the commission.

Mr. EVANS: I reluctantly support the Minister's proposal. It does not go as far as we tried to achieve. It is a bit ridiculous that the word "Lotto" associated with any other words cannot be used in a title or description. I would not mind if that was in the title. In other words, the point I raised about the Glenelg Football Club Lotto is that that title could not be used if the Minister's amendment passes, but the title "Lotto conducted by the Glenelg Football Club" could be used. That may be lawful. I support the amendment. It is a compromise. It is not as far as I would like it to go, but at least the word "Lotto" is protected from any restriction of use by the State Lotteries Commission.

Mr. BECKER: I reluctantly support the proposal put before the House. Obviously, the Minister has come to an agreement before the Houses have had a chance to consider the conflict. There is no doubt that there was a conflict between the Chambers over this issue. The proper way to resolve it would have been to have a conference between the Houses.

I would like some assurance from the Minister that the policy of the Lotteries Commission will be such that it will adopt a totally realistic attitude towards charitable organisations and sporting bodies that are finding it difficult at the moment to raise money and that, if there is a "Glenelg Football Club Lotto" or a "West Torrens Football Club Lotto", those bodies will be given approval to use those names, and similarly with any other charitable body that identifies its name with the word "Lotto". I accept the spirit of the compromise, but I would like to get a policy indication from the Minister that the commission will be realistic in relation to its approval.

The Hon. HUGH HUDSON: No-one has to apply to use the word "Lotto".

Mr. Becker: The word "lotto" is free?

The Hon. HUGH HUDSON: Yes. There is no worry about that. I am happy to give the assurance that the Lotteries Commission will be completely realistic in relation to anyone who advertises or publishes notices just using the word "Lotto", because the Lotteries Commission has no power to do anything about it anyway.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment adversely affects the Bill.

Later:

The Legislation Council intimated that it did not insist on its amendment and that it agreed to the House of Assembly's amendment in lieu thereof.

ART GALLERY ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After clause 1 insert new clauses as follows:

1a *Repeal of s. 5 of principal Act and enactment of section in its place*:—Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:

5. *Constitution of board*:—(1) Until the appointed day, the board shall consist of seven members appointed by the Governor.

(2) After the appointed day, the board shall consist of—

(a) five members appointed by the Governor; and

(b) two members elected by the subscribers to the art gallery.

(3) In this section—

'the appointed day' means a day appointed by proclamation for the purposes of this section.

1b. *Amendment of principal Act, s. 6—Term of office*.—Section 6 of the principal Act is amended—

(a) by inserting after the passage 'all persons appointed' in subsection (1) the passage 'or elected';

(b) by inserting after the passage 'member appointed' in subsection (2) the passage 'or elected';

(c) by inserting after the passage 'is appointed in subsection (3) the passage 'or elected'; and

(d) by striking out subsection (4).

1c. *Amendment of principal Act, s. 7—Casual vacancies*.—Section 7 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) Upon the occurrence of a casual vacancy in the office of a member of the board, a person may be appointed or elected (as the case may require) to fill the vacancy.

1d. *Amendment of principal Act, s. 8—Notice of appointment*.—Section 8 of the principal Act is amended by inserting after the word 'appointment' where it occurs the passage 'or election'."

No. 2. Page 1—After clause 2 insert new clause 3 as follows:

3. *Amendment of principal Act, s. 23—Regulations*.—Section 23 of the principal Act is amended by inserting after paragraph II of subsection (1) the following paragraph:

IIa For—

(a) providing that persons may become subscribers to the art gallery on conditions fixed by the regulations;

(b) fixing annual subscriptions to be paid by subscribers to the art gallery;

(c) prescribing conditions under which a person ceases to be a subscriber to the art gallery;

(d) prescribing rights and privileges to be enjoyed by subscribers to the art gallery; and

(e) providing for the election of members of the board by the subscribers to the art gallery."

Amendment No. 1:

The Hon. J. C. BANNON (Minister of Community Development): I move:

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

This proposal, which has emanated from another place, concerns the constitution of the Board of the Art Gallery. It is an attempt, as shown in amendment No. 1, to reconstitute that board and add two members elected by the subscribers to the Art Gallery. In debate in another place, attention was drawn to the fact that there was an organisation in existence known as the Friends of the Art

Gallery. In fact, I happen to be a member of that organisation myself, and have been for some years. Therefore, I am aware of the activities of that very worthy and active body of people and their assistance to the Art Gallery. However, the amendment is more widely drawn than that, because it does not specifically refer to that organisation, but obviously that would be one of the core groups that would be involved in this election process.

The Government is not prepared to accept the amendment on this occasion, mainly because the Bill deals with a specific and unrelated purpose, that is, it deals with the question of loans to private and commercial organisations. This amendment is an attempt to protect the Art Gallery Board in an activity it already undertakes. It is a limited, single purpose, and a non-controversial issue. The Art Gallery Board is under examination, and we will be introducing legislation on it in due course. The structure of the board and several other matters relating to the gallery will be considered by this House, and that will be the appropriate time for this suggestion to be looked at and dealt with.

The Government is sympathetic to the general thrust of this amendment and we have demonstrated that in relation to some of the other bodies, for example, the State Theatre Company and the State Opera Company (which were mentioned in another place). In this context it is important to note that the Hon. Mr. Hill, in the course of the debate in another place, said that he had not had direct contact with the Friends of the Art Gallery, but he had heard it said around the place that they thought the amendment would be a good idea. The matter needs much more exploration and consideration. I give the assurance that that is actively going on, and the Government will be introducing legislation to deal with the constitution of the Art Gallery Board. That will be the appropriate time to deal with this amendment from members in another place. Therefore, it is inappropriate to deal with it in this context.

Mr. ALLISON: We support this amendment, although admittedly we did not envisage such an amendment when we put this Bill through this Chamber previously. However, the mover of the amendment in another place did point out, as the Minister has also acknowledged, that the amendment lines up the Art Gallery with the South Australian State Opera and the South Australian Theatre Company, both of which make provision for subscriber members to be elected to the board. One point to which the Minister did not refer was that this amendment does not automatically place the position of existing members of the Art Gallery Board in jeopardy. It is simply a provision for changes to be put into effect at some future date. The amendment will allow the Government of the day, and more particularly the Minister of the day, to require the necessary changes to the board. It would be done by proclamation, so, even if this amendment were passed, the Minister would have no compulsion at all to change the composition of the board. It would be dependent upon the Government of the day to make that decision. In theory, if the present Government remained in power for the next few months or even years, if that is possible, it would be up to the Government to make any changes it felt necessary. If the Government were to change, the Minister of the day or the Government of the day would consider this point and make the decision to change if it felt a change was necessary. This amendment provides a legislative possibility, and if it is not passed now the Minister will have to enact it at some future date.

It was also acknowledged in another place that the Government was currently considering making changes to this legislation. Since this legislation is so open and allows the Minister of the day literally to make up his own mind,

it is quite harmless and is not forcing anyone to do anything. We support the legislation as it stands.

Motion carried.

Amendment No. 2:

The Hon. J. C. BANNON: I move:

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

This amendment is consequential on amendment No. 1. In support of the rejection, I simply say again that this is a matter under examination by the Government and is far better dealt with at that time than in this piecemeal fashion. Whilst it is true that the proposed amendment will not come into operation except by proclamation, the fact that we have it in the legislation means that, in a sense, we are pre-empting the options for our consideration of any legislation the Government brings before us. I do not think that is a reasonable situation for the Government to be placed in. We should look at the Act in the context of amendments moved by the Government, and perhaps counter amendments from the Opposition, and not with a provision placed in the Act which seems to limit or proscribe the options that the Government has.

Mr. ALLISON: Whilst accepting the Minister's explanation and realising that to pursue this amendment after the rejection of the first is rather futile, nevertheless I point out that in the other place some criticism was levelled at the Hon. Murray Hill for not having contacted the Friends of the Gallery between the introduction of the Bill in that place, I think in August, and the time when the Bill was debated, in September—a month. The same argument might be levelled against the Minister, in that the Government claimed that it had this matter under review and now, since September, two months has passed and no counter measure is being moved by the Government to resolve the issue.

The Hon. J. C. Bannon: There has been a Ministerial change in that time.

Mr. ALLISON: I realise that, but the investigating committee might well have come out with something, realising that this was before the Parliament. I express some disappointment that the two amendments are being rejected and I affirm my support for the Legislative Council's amendment.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments are not consistent with the purposes of the original Bill.

Later:

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

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL (No. 2)

Adjourned debate on second reading (resumed on motion).

(Continued from page 2238.)

Dr. EASTICK (Light): It becomes quite apparent, with the introduction of this Bill, why a previous Bill of the same name has not yet been proclaimed. Obviously, there are aspects of the previous Bill which did not bring into reality and effectively undermine what the Government has decided is the manner of approach to this matter. There may be some question in the public mind as to whether the action to be taken is warranted. The fact that the detail made available clearly indicates that, on an indexation basis, with the exception of one committee, the position is brought into relativity or parity with current day

activities must give credibility to the procedure being put forward.

The Premier drew attention to the fact that there was a rather larger than 45 per cent improvement in relation to one committee, the Public Accounts Committee. No doubt there will be some question as to whether the committee (and this comment is not meant to be offensive to any member of the committee past or present) has exhibited its ability to bring before this House, in a short time, reports on a number of areas which require serious consideration. I trust that those reports will start to flow, and that the difficulties experienced will be a matter of the past, and not of the future. I do not accept any suggestion which might be said to exist that, by virtue of this carrot before the donkey (to use the vernacular), the result will be spurred on. That would be unkind. The work-load of the committee is potentially far greater than it has been in the past, and I believe that we can justly recognise the proposal made by the Premier in this document.

I note that, from this period on, there will be a method of approach that will not come back to Parliament. I think that is wise because, over a long period of time, we have recognised that the tribunal which sits on these matters should consider all aspects of all fees. Whether there should be fees at all is another matter, but let us accept that there is a fee structure, that it is supported and has been supported over a period of time, and that in future the tribunal will look at that aspect.

One further aspect relates to out-of-pocket expenses associated with participation in a number of these extra-curricular activities that requires serious consideration. Without wanting to single out one member unnecessarily, I mention the member for Chaffey, who, as a member of the Public Works Standing Committee, is grossly out of pocket through travelling from his home to fulfil his commitments out of session. This matter needs some consideration in the long term, and I trust that the Government will give it some attention in due course. The Opposition supports the Bill.

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

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, lines 13 to 15 (clause 2)—Leave out all words in these lines and insert paragraphs as follows:

- (a) examine any building or object;
- (b) after informing the owner or occupier of the land on which he is carrying out the inspection of his intention to do so, photograph any building or object relevant to the inspection;
- (c) require any person to answer any question put to him by the inspector.;

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

That the Legislative Council's amendment be agreed to.

The mover of the amendment in another place said:

I object to an inspector coming on to a property and photographing any object without at least having regard for the owner or occupier of the land. My amendment provides that an inspector may photograph the accommodation after informing the owner or occupier of the land that he wishes to do so. Shearers' accommodation could have unmade beds, and the floor could be unswept, and so on.

I deny that, because I sincerely believe that shearers would keep their place clean and tidy. The mover continued:

If an owner knew an inspector was coming, he could tidy up. I move the amendment on the grounds of decency and fair play.

The Government has no real quarrel with the amendment. I place on record that the present accommodation inspector in the shearing industry is the only one. He was appointed many years ago. He has an arduous and difficult job, and traverses the entire State. To the best of my knowledge, neither the department nor I has ever received a complaint about this man's conduct. It is a difficult job to move on to properties unknown in the outback of South Australia, introduce yourself, and say, "I'm here to inquire and to ensure that your accommodation meets the requirements of the Act." Obviously, there will be disagreements with owners of properties who do not want the inspector to do that job. He has done his job admirably over the years, and I place on record my confidence in him. I see little need for the amendment, as I am sure that this departmental employee would carry out his obligations to the letter and would certainly contact the owners of properties as he went on to them, telling them what he was there for, advising them on the conditions under the Act, and, if necessary, subject to the report, photographing the property.

Mr. EVANS: I support the amendment, which sets out to make it better for the inspector to operate. It gives him a definite set of guidelines. He should obtain permission before taking photographs, and at least inform the owner or occupier of the property that he intends to photograph any building or object. It is taken for granted that shearers in the main look after their quarters, but perhaps the inspector might turn up at a time when they had not had the time to carry out the necessary duties. We should consider not only the existing inspector because, as the Minister said, there might be reason to have more than one inspector, and they could be of different temperaments. It appears that the present inspector acts properly, according to the department's report to the Minister. I see nothing wrong with the amendment. It helps preserve the inspector's position and gives him a better set of guidelines under which to operate.

Mr. RODDA: I, too, support the amendment, and am grateful that the Minister has accepted it. I think that, in most cases, graziers appreciate having the shearers, who are very much a part of the wool industry. We have seen considerable advances in recent times in shearers' accommodation. There were some hard nuts to crack along the line, and people are put to not inconsiderable expense in providing accommodation for shearers. On the other hand, shearers, when not living in my quarters, would probably be living in someone else's quarters.

The Minister cut his teeth in the industry. I have seen him in action, and he was a credit to the tonsorial art. I know that people in my district, with one or two exceptions, appreciate shearing time. The Hon. Mr. Geddes said, in another place, that the amendment was a simple one. People in the wool-production industry appreciate having the expertise the shearers bring at shearing time.

Mr. GUNN: I support the amendment, which greatly improves the legislation. No matter how often the inspector visits, he will always find something faulty with the shearers' accommodation. He has to maintain his job. If he found everything was okay, it would not be long before he had no job at all. Those people who are forced to improve or carry out various structural improvements to their accommodation after having been approached by an inspector, will know the truth of what I am saying. I do not want to criticise any inspector; I am aware of the activities he has to perform. Some people believe he is over-efficient

and inclined to make a lot of minor problems that do not amount to a great deal anyway.

One of the problems is that many people have to make a large investment to provide accommodation which is used for a short time each year. In difficult economic times, it is not always possible for people to provide quarters at a standard that most people would like. I hope that when the Minister's inspector exercises power under the Act, common sense will prevail. The worst thing that can happen to the industry and to relations between the Minister and his inspector, is that the powers be carried out over-zealously. I would not like to see an inspector carry out his duties in a way similar to that in which the Highways Department inspectors fulfil their duties. This would be most unfortunate.

Motion carried.

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 16 to 21 (clause 3)—Leave out all words in subsection (1) after "office" in line 16 and insert "upon the presentation of an address by both Houses of Parliament praying for his removal".

No. 2. Page 2, lines 1 to 11 (clause 3)—Leave out subsections (2) and (3) and insert subsections as follows:—

"(2) The Governor may suspend the Commissioner or the Deputy Commissioner from office on the ground of incompetence or misbehaviour and in that event—

(a) a full statement of the reason for the suspension shall be laid before both Houses of Parliament within three sitting days of the suspension if Parliament is then in session or, if not, within three sitting days of the commencement of the next session of Parliament; and

(b) if within twelve sitting days of the statement being laid before Parliament neither House of Parliament presents an address to the Governor praying for the removal of the Commissioner or Deputy Commissioner from office, he shall be restored to office, but if either House does present such an address, the Governor may remove him from office.

(3) Except as provided by this section, neither the Commissioner nor the Deputy Commissioner shall be removed or suspended from office."

The Hon. J. C. BANNON (Minister of Community Development): I move:

That the Legislative Council's amendments be disagreed to. This matter has been canvassed both here and in another place. The argument can go round and round in circles but we will always come back to the same point, which is that the Royal Commissioner in her report on the dismissal of former Police Commissioner Salisbury made recommendations relating to the way in which a Police Commissioner should be dismissed or suspended. Those recommendations cover points contained in the amendments. The Royal Commissioner rejected the idea of Parliament being involved in such a process, a recommendation which the Government accepts.

Reasons given by the Royal Commissioner stand very firmly on their own merit. There are no grounds for this amendment, which deviates from the suggestions made by the Commissioner.

If we fail to pass this Bill in the form in which it is proposed by the Government, the Police Commissioner will not have the statutory protection which has been recommended by the Royal Commissioner: that would be

a pity. The Government parts company with the Opposition on the basic point that the Commissioner, after examining whether or not Parliament should be involved, said specifically that Parliament should not become involved; the reasons given make a lot of sense. The Government stands by the Bill which provides the protection the Commissioner recommended.

Mr. TONKIN (Leader of the Opposition): The Opposition parted company from the Government a long time before the sad events of January this year. Actions of the Government, particularly the Premier (whether or not he was acting on behalf of Cabinet), made certain that the Opposition has parted company from the Government forever. As the Minister has said, the argument can go round and round in circles. The Minister has made clear that the Government's decision is purely a political one, and nothing else. Whether or not the report of the Commissioner is cited as justification for the Government's attitude, it is clear that the Government has decided, on political grounds, that it will have its own way.

The office of Police Commissioner is similar to that of the Chief Justice, the Auditor-General or any officer significant in public life. These people should be at least subject to debate in this House when there is a difficulty or query about actions being taken. I will not in any way resile from my position of supporting wholeheartedly the right of Parliament, and the right of the people through Parliament, to decide who Government officers will be. This is not a decision to be made by a ruthless executive Government, which sacks a Police Commissioner because he holds views with which the Government does not agree politically.

Mr. WILSON: I support the amendment made by the Legislative Council. In his explanation, the Minister said that these provisions provide protection for the Police Commissioner; however, they do nothing of the kind. They merely confirm the *status quo*. In her report, the Royal Commissioner recommended that the provisions in the original Bill be included so there would be no doubt at law that the Government could dismiss the Police Commissioner. The Commissioner has no more protection under the original Bill than members of various boards and statutory bodies.

The Hon. J. C. Bannon interjecting:

Mr. WILSON: I grant the Minister one thing; the Police Commissioner has the right to sue for damages for wrongful dismissal, but he would have that right anyway. The amendments provide for very real protection, including protection for the Police Commissioner's good name and his honour.

Mr. GOLDSWORTHY: I wholeheartedly support the amendments made by the Legislative Council, because they reflect the point of view of the Opposition when this Bill was previously before the House. Certain people in important positions in the Public Service of South Australia enjoy a degree of immunity from political interference. They are publicly seen as having some protection from dismissal by the Government of the day. The Judiciary has this protection, as well as the Auditor-General and the Ombudsman. Until recently, I understood that the Police Commissioner had this protection, also. If ever there is a public servant who needs to be seen by the public as being independent of political pressure and control, and protected from summary dismissal, it is the Police Commissioner.

I have heard people speak over the years of the independence of the Police Commissioner. We know that that belief was shattered summarily early this year, to the dismay and perturbation of the overwhelming majority of the public in South Australia. All that these amendments

seek to do is give the Commissioner of Police some of the sort of independence or protection from political interference, particularly in the case of his dismissal, that is enjoyed by other senior public servants in South Australia. I would have thought that any Government that believed in reasonable independence for senior people in the most sensitive areas of the Public Service would agree with this point of view. It is with some alarm and concern that I see that that is not to be the case.

We know that the Government has sought, since the unhappy event earlier this year, in a rearguard action, to try to recapture some of the ground it lost as a result of that action. The culmination of it, of course, has been this Bill. What has happened in relation to the highly respected former Police Commissioner, Harold Salisbury, has been a sorry chapter in the history of South Australia.

The CHAIRMAN: The honourable Deputy Leader may not debate what happened to the previous Police Commissioner. He must debate the amendments before the Chair.

Mr. GOLDSWORTHY: I certainly hope that this does not happen to future Police Commissioners. It is our belief that a Police Commissioner should enjoy the same sort of protection and independence from the political machine that other senior people in public office enjoy in South Australia. The amendments of the Legislative Council are eminently reasonable and ensure a degree of independence from the political interference that has occurred this year and could occur in the future.

Mr. GUNN: These amendments have been necessary to give protection to any Police Commissioner. This Bill appeared after one of the most disgraceful pieces of political decision making we have probably ever seen in the history of this State, when the Government set out without any consideration of the facts—

The CHAIRMAN: I draw the honourable member's attention to the amendments before the Chair. He may not debate happenings that occurred before the introduction of this Bill.

Mr. GUNN: I am happy to abide by your ruling, Mr. Chairman. I do not suppose that it is necessary that I say much about this matter because the people of this State are fully aware of the disgraceful involvement of this Government and quite aware of the shameful action—

The CHAIRMAN: Order! I believe the honourable member for Eyre is trying to evade the ruling of the Chair. I point out to the honourable member and other honourable members that in debating the amendment before the Chair they are not to refer to or debate other matters. They can make passing reference, but cannot fully debate past happenings, or what happened to a previous Police Commissioner.

Mr. GUNN: I did not in any way attempt to get around your ruling, Mr. Chairman. I was just continuing along a similar line to that taken by the Deputy Leader.

The CHAIRMAN: Order! The honourable Deputy Leader was called to order in the same way as the honourable member for Eyre has been and in the way that any other honourable member who wishes to transgress will be called to order.

Mr. GUNN: I was interested that the junior Minister glossed over these amendments, because it is obvious to anyone who reads them that they are reasonable and proper and clearly indicate to the people of this State where the Liberal Party stands. If they want to see fair play, justice and the chief law office of this State properly protected against the type of arbitrary decision we had to put up with earlier this year—

The CHAIRMAN: Order! I have drawn the honourable member's attention to this matter on several occasions. I

do not wish to take any stronger action than that. I draw the honourable member's attention to the amendments.

Mr. GUNN: I thought I was keeping strictly to these amendments.

The CHAIRMAN: The honourable member probably thought so but, if he will be guided by the Chair, he should take a different tack.

Mr. Hemmings interjecting:

Mr. GUNN: I am receiving much assistance in this matter and I appreciate it, but on this occasion I need little assistance from the Minister or the member for Napier who would not support this type of protection which the Liberal Party, a democratic Party, wants to see inserted into a piece of legislation that will be put on to the Statute Book, because the member for Napier stood by and saw the Attorney-General sack his clerk.

The CHAIRMAN: Order! I once again draw the honourable member's attention to the amendments. The honourable member has been warned a number of times and I do not wish to take any stronger action. I will do so if compelled to do so.

Mr. Tonkin: It is a question of whether—

The CHAIRMAN: Order! The honourable Leader should not interject.

Mr. GUNN: In conformity with your ruling, Sir, I suggest to the member for Napier that he should examine these amendments, which are quite significant in protecting the reputation and honour of the Police Force of this State. I am surprised at the attitude of the Minister. We know that the junior Minister has spent a year in two sections of the Labour and Industry Department, and no doubt during that time he would have looked closely at protecting the rights of people employed in the community. The Minister of Labour and Industry is always talking about giving people security of office and a fair go. The Premier talks about industrial democracy and what a great innovation that is going to be. But when the Liberal Party sets out to protect Her Majesty's chief constable, the person who is supposed to be completely impartial and not influenced by political decision, the Government arbitrarily rejects that attempt. Where are these so-called democrats? It is clear that the early decision taken was purely political, and that the Government is now smarting under it. The Government set up a Royal Commission, which turned out to be mostly a whitewash.

The CHAIRMAN: Order! I call the honourable member for Eyre to order. The honourable member is continually refusing to accept the direction of the Chair.

Mr. GUNN: Let us look at exactly what the amendments state so that there is no misunderstanding whatever.

The Hon. G. T. Virgo: It's okay, Gunny; Kelton's gone.

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

Mr. GUNN: I suggest for the benefit of the Minister that he ought to read the amendments, then he might not carry on like a schoolboy. We know they are difficult for him to understand, because he did not know what he was doing on the previous occasion. I sincerely hope that the Government and the Minister will closely examine these amendments closely and will not continue to insist on the quite arbitrary decision that the junior Minister has put to the Committee. If the Government fails to support these amendments it will clearly indicate clearly to the people of this State that the Government has no regard for those people who make difficult decisions, often not in keeping with its own political views. These amendments, which are absolutely necessary to protect the community at large, have my strong support.

Mr. RODDA: If we ponder the words in the amendment very carefully and look back at the event that caused this,

we can see how the Government would have been saved a lot of trouble if this amendment had been in the Act, and we would not have had the heartbreak and anguish which were felt by many South Australians but to which I am prevented from referring because of a previous ruling.

The Hon. G. T. Virgo: How much did the Liberal Party collect out of collections up there?

Mr. RODDA: That interjection is an indication that the Government is running scared, and the non-acceptance of this amendment will only strengthen the belief of the people of this State that what went on is a blot on the escutcheon of the Government and a blot on the people of South Australia. If there is anything that the people do not like, it is having a blot on their escutcheon.

Mr. Allison: It takes a long time to clean off.

Mr. RODDA: As the honourable member for Mount Gambier says, it does take a long time to clean off. It is a scar on the Government, and the junior Minister wants to keep it there. I am disappointed that such a young and heralded man has not got the initiative to stand up and tell members of his Party just what he thinks in moving not to accept this very practical amendment. I implore the Minister to have another think about what he is really doing, because an address to both Houses of Parliament can do nothing but help the Government, and it can have a very sobering effect on the people who are aggrieved by such actions as we have seen in recent times.

Mr. TONKIN: When I spoke on these amendments earlier I was under the impression we were considering only the first and not both at the same time. I would therefore like to add to the remarks I made earlier about the need for proper provisions to confirm or review the position of the Police Commissioner in this State. I refer to the method in amendment No. 2 whereby the Government may suspend the Commissioner or Deputy Commissioner from office on the ground of incompetence or misbehaviour and the steps that should be taken inevitably following such suspension. It is impossible to discuss this matter without reference to the fact that an alternative was open to the Government on a previous occasion. I am not going to refer to the details of that event.

The CHAIRMAN: Order! I point out to the honourable Leader that he can make passing reference to what has happened on a previous occasion, but I will not allow him to debate what happened on a previous occasion.

Mr. TONKIN: It is not going to be debated, Mr. Chairman. At that time there was a difference of opinion as to whether the Police Commissioner, Harold Salisbury, could be suspended or not. Indeed, I remember standing in this House and debating that issue when Parliament resumed.

The Hon. R. G. Payne: You lost.

Mr. TONKIN: Yes, of course we lost. It was a matter of numbers, and that is the only language that the Government of this State understands.

The Hon. G. T. Virgo: It was logic.

Mr. TONKIN: It was not logic; it was a disgraceful episode. The fact that the Premier depended on the argument that he was not certain whether or not the Government had the power to suspend the Police Commissioner was no excuse for the action that was taken.

The CHAIRMAN: The honourable Leader is now debating.

Mr. TONKIN: I am debating amendment No. 2.

The CHAIRMAN: Order! The Leader is debating what happened some 10 months ago. I have asked the honourable Leader to direct his comments to the amendment.

Mr. TONKIN: I am debating the reason for the amendments being before us.

The CHAIRMAN: I point out to the honourable Leader that he said the Government had no right to dismiss the Police Commissioner. That is debating what happened on a previous occasion.

Mr. TONKIN: Neither they did.

The CHAIRMAN: Order! That is not a subject for debate tonight.

Mr. TONKIN: The excuse that the Government gave at that time that it did not know whether or not it had the right to suspend Mr. Salisbury was no excuse for what it did, and that is the very reason why this amendment has been moved in another place and why we are considering it now. Justice must be done and must be seen manifestly to be done. If there is any doubt whether or not the Government has the right to suspend the Police Commissioner, for goodness sake let us sort out that problem now. This amendment does that, without any question at all. If the Government wants to leave it open to take the sort of action that it took before, that is up to it, but I for one will not support it in any way at all.

The Committee divided on the motion:

Ayes (23)—Messrs. Abbott, Bannon (teller), Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Corcoran. No—Mr. Becker.

Majority of 5 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments are contrary to the expressed opinion of the Royal Commissioner that Parliament should not be involved in the removal from office of a Commissioner of Police because the possible need to remove the Commissioner or Deputy Commissioner for mental or physical incapacity is not covered, nor is adequate protection provided for a dismissed officer.

Later:

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

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 9 and 10 (clause 4)—Leave out “(either habitually or intermittently)” and insert “habitually”.

No. 2. Page 12, line 24 (clause 40)—Leave out “two years” and insert “one year”.

No. 3. Page 13 (clause 45)—Leave out the clause.

No. 4. Page 17, lines 13 and 14 (clause 60)—Leave out subclause (2).

No. 5. Page 17 (clause 63)—Leave out the clause.

No. 6. Page 19, lines 17 to 19 (clause 68)—Leave out paragraph (a).

No. 7. Page 21, lines 21 to 26 (clause 72)—Leave out all words in these lines.

No. 8. Page 21, lines 33 to 44 (clause 73)—Leave out the clause and insert new clause 73 as follows:

73. Section 98o of the principal Act is amended—

(a) by striking out the passage “to or from the scene” and inserting in lieu thereof the passage “within the area

to the scene”;

(b) by inserting after the present contents, as amended by this section (which are hereby designated subsection (1) thereof) the following subsections:

(2) No person other than—

(a) the driver of the towtruck;

(b) the owner, driver or person in charge of a damaged vehicle that is being towed; and

(c) any person who was a passenger in that damaged vehicle,

shall ride in or upon a towtruck while it is towing a damaged vehicle within the area from the scene of an accident.

Penalty: Two hundred dollars.

(3) Where a person rides in or upon a towtruck in contravention of subsection (1) or subsection (2) of this section, the driver of the towtruck shall also be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) An allegation in any complaint for an offence against this section that a towtruck was being driven, or was towing a vehicle, within the area to or from the scene of an accident shall, in the absence of proof to the contrary, be proof of the facts so stated.

No. 9. Page 22, lines 2 to 29 (clause 74)—Leave out paragraphs (a), (b), (c) and (d) and insert paragraph as follows:

(a) by striking out subsection (3) and inserting in lieu thereof the following subsection:

(3) Subject to subsection (3a) of this section, an

inspector may, on any day and at any hour, with such assistants (if any) as he thinks reasonably necessary, upon the authority of a warrant issued by a justice—

(a) break into any premises;

(b) break into any part of the premises or any vehicle or thing contained in the premises;

(c) enter upon and search any premises or any vehicle or thing contained in those premises;

(d) require the driver of a towtruck to stop his vehicle;

(e) require any person to produce any documents or books that may be relevant to the investigation, and to take copies of those documents or books, or any part thereof; and

(f) require any person to answer truthfully any question that may be relevant to the investigation.

No. 10. Page 22, lines 39 and 40 (clause 74)—Leave out paragraph (g).

No. 11. Page 23, lines 18 to 21 (clause 74)—Leave out subsection (10).

No. 12. Page 28, lines 15 to 17 (clause 88)—Leave out all words in these lines after “presentation,” in line 15 and insert “the Registrar may, by notice in writing served personally or by post upon the person by or on whose behalf the cheque was tendered, avoid the transaction”.

No. 13. Page 28, lines 18 to 28 (clause 88)—Leave out subsections (2) and (3).

No. 14. Page 28, line 29 (clause 88)—Leave out “void by virtue of” and insert “avoided under”.

Consideration in Committee.

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

That the Legislative Council’s amendments be disagreed to.

Mr. MATHWIN: On a point of order, Mr. Chairman, I would like a copy of the amendments. How can we discuss them if they are not before us?

The Hon. G. T. VIRGO: In view of the confusion, perhaps we could report progress so that members can get copies of the amendments, and as soon as they have copies—

Mr. Mathwin: We've got them now.

The CHAIRMAN: Apparently the copies are now available.

Mr. MATHWIN: One would have expected that the Minister would give the Committee time to look at the amendments.

The Hon. G. T. Virgo: I offered to do it, and you didn't need it.

Mr. MATHWIN: You withdrew it, because they were here. The Minister withdrew his offer because the amendments were being distributed at the time. We expected to debate this matter.

The Hon. G. T. Virgo: If you want time I'll give it to you. Don't argue the point.

Mr. MATHWIN: Why did the Minister not explain his reasons for disagreeing to the amendments, as is the usual practice in this place? The Committee is usually given some opportunity to know why the Government is refusing to agree to the amendments. One would have thought that, with his vast experience in this place, the Minister would indicate his reasons for the motion. It is a matter of policy that we know what it is all about.

Mr. CHAPMAN: I look forward to some explanation of why the Minister opposes all the amendments *en bloc*. I think the Committee must realise how short a time we have had to look at the amendments, but my attention is drawn particularly to the Legislative Council's amendment No. 8, which deals with section 98o of the principal Act. We moved this amendment in this place, and the amendment as returned to us is identical with the desire of the Opposition expressed earlier this week. I recall quite clearly that, during the debate on this matter a few days ago, the Minister undertook to consider the amendment further, and, upon agreement with his officers, to inform the other place of that agreement. I understand that, since the second reading debate and the Committee stage of the Bill in this place, agreement has been reached between the Minister and his officers in relation to that amendment in particular. I hope that, before we proceed to hear opposition to the amendments *en bloc*, the Minister might confirm that point and either report progress and give us a few minutes to see the amendments, or extend the Committee the courtesy of some explanation.

The Hon. G. T. VIRGO: A few moments ago, when confusion reigned supreme, I said I would report progress, and I was told, "There's no need, because we now have the amendments." On that basis I proceeded. If the Committee wishes that progress be reported, I make the offer again.

Mr. Chapman: We'll take it.

Progress reported; Committee to sit again.

GLANVILLE TO SEMAPHORE RAILWAY (DISCONTINUANCE) BILL

Returned from the Legislative Council without amendment.

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 878.)

Mr. WILSON (Torrens): This Bill is designed to amend the 1976 Act so as to make it workable. Members will recall that the 1976 Act and a concurrent amendment to the Police Offences Act in that year removed "drunkenness" as a public offence and set up various "sobering up" centres, and removed responsibility from the police for its implementation. The 1976 Act has been found impossible to bring into operation, as only premises specifically established for the purpose could be declared "sobering up" centres.

The Bill, therefore, adds the power for the Governor to declare any premises (including police stations and premises run by voluntary agencies) to be "sobering up" centres. The centres will be subject to the provisions of the Planning and Development Act—an important point that the member for Davenport will make later. A person apprehended by an authorised person or police officer shall be taken to his residence or place approved by the Minister and released from custody or, if that is not practicable, to a "sobering up" centre for admission as a patient or, if once again not practicable, to a police station (this would apply mainly in the country). The maximum times of detention are as follows: a police station, four hours; if the patient is incapable of being discharged, he must be transferred to a "sobering up" centre under the Act; a "sobering up" centre, 18 hours; and, if the patient is incapable of being discharged (and that would have to be on medical certification), the time may be extended to 30 hours, or, by court order, to 120 hours. There has been an amendment to the original Bill in another place that introduced another clause, which gives permission for a relative or a solicitor—

The SPEAKER: Order! I am having difficulty hearing the honourable member.

Mr. WILSON: Thank you, Sir, for that protection. It gives permission for a relative or a solicitor to obtain the release of a person who has been taken to a police station for the purposes of the Act. Although I can understand that that amendment has caused some concern to the police, I believe that it is a protection for civil liberties, and it is most important.

About 23 months ago, the Government introduced this legislation with a great fanfare of trumpets. It was widely reported in the media that the Government intended to remove the crime of "drunkenness" from the Statute Book and that we were going to have an enlightened piece of legislation. In that period the legislation has not been proclaimed, and it has been necessary to introduce this amending Bill. If the legislation was so important why did the Government wait so long? Should it not have thought the matter through more carefully at the time when it could have been realised (I suppose that, in some sense, the Parliament must take some responsibility) that voluntary agencies and police stations could not be declared as "sobering up" centres under the Act? Nevertheless, the Opposition supports the Bill.

Mr. DEAN BROWN (Davenport): I raise the point in relation to the Birralee Repatriation Hospital, Belair, which has been purchased by the Alcohol and Drug Addicts (Treatment) Board. I refer specifically to the debate on this matter in another place, particularly by the Minister involved, the Minister of Health (Hon. D. H. L. Banfield). The matter was raised in another place, when an amendment was proposed by the Hon. Mr. Hill that the designation of any particular centre as a "sobering up" centre must comply with the regulations and obtain the approval of the State Planning Authority. I specifically asked for Mr. Hill to include this matter as an amendment, because the original Bill had no protection to ensure that

the planning regulations of this State were upheld in relation to the granting of a permit for a place to become a "sobering up" centre. I bring to the attention of the House that this matter has now been included.

Fear arose when the board purchased the Birrale Repatriation Hospital, at Belair. Under the planning regulations, it became apparent that the approval of the State Planning Authority was needed before that centre could be used as a hospital. The previous approval had expired, because the hospital had not been used for two years. It then became apparent that the matter had to be referred to the authority for its approval.

The SPEAKER: Order! The honourable member must not refer to a debate in another place.

Mr. DEAN BROWN: I am not doing that. I am referring to the Bill, which now refers specifically to the State Planning Authority.

The SPEAKER: As long as the honourable member is not referring to a debate in another place, because that is not allowed.

Mr. DEAN BROWN: When approval for the use of this property was referred to the authority, it came back with the following conditions on its use:

- (1) That the land be used only as a treatment and rehabilitation hospital for persons addicted to alcohol and other drugs in accordance with plans . . .
- (2) That the hospital is not used in any way as an out-patient clinic or centre, or as a clinic or centre for users of "hard drugs" or for the "drying out" of users of alcohol; and
- (3) that the details of the design of minor alterations to the existing layout of the grounds, and of the design and installation of a screen for the off-street car park for staff, service and visitor vehicles, shall be to the satisfaction of the State Planning Authority.

Under the second provision, it is obvious that the Birrale Repatriation Hospital, as now purchased by the Alcohol and Drug Addicts (Treatment) Board, cannot be used as a drying out centre or an out-patient centre; therefore, it cannot be used for the purpose for which these amendments provide. It was necessary to ensure that the amendment was included to protect the decision of the State Planning Authority and also the residential nature of the Belair district. I am grateful that this amendment has now been included in the Bill, and I urge all members of the House to support the section that refers matters to the State Planning Authority.

The Hon. R. G. PAYNE (Minister of Community Welfare): I thank the two honourable members who have spoken on the Bill. The point made by the member for Torrens that the Bill was passed in 1976 and subsequently nothing occurred is, to some degree, justified, but I point out that I think the Parliament was in this case in the same mood as the Government; that is, everybody was anxious to see that justice was done to persons subject to conviction and other forms of handling, regarding offences with which the Bill is concerned. In December 1976, the Bill was assented to. It was apparent then that there were financial constrictions entering the scene in all States and the Commonwealth.

A further examination was undertaken by the Government. I was a contributor to decisions made, and I believe I acted correctly, as did other Ministers. The problem was examined by a working party comprised of members from various departments. This was ultimately to the benefit of persons for whom the Act was designed.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Apprehension of persons under the influence of a drug."

Mr. WILSON: This was the clause to which I alluded in my second reading explanation and I will not repeat what I have said before. I refer to new subsections (8) and (9) (a) and (b). This protective provision has been included so that a person can be detained at a police station, which is not a sobering up centre. A relative or solicitor can obtain the release of that person into their care. A person might be wrongfully detained; this Bill will prevent a mistake being made.

Clause passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).
(Continued from page 2264.)

Mr. EVANS: Mr. Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. G. T. VIRGO: I remind members that I have moved that the amendments of the Legislative Council be disagreed to. There are a number of amendments dealing with various matters. Because the Bill has been so amended by the Legislative Council, its original intention has been seriously eroded. I hope, as a result of a conference, that the intention of the Bill may be restored. I make plain that there is one amendment in particular that the Upper House proposed, with which I have no disagreement. There are other amendments about which, possibly, after discussion between managers of the Upper House and this House some compromise situation can be reached. Clearly, no resolution of the differences between the two Houses can be attained by decisions of this House alone, or the Upper House alone. The processes laid down for a managers' conference are the only way of achieving the result needed. Certainly, that is the only way of saving the Bill. It is a realistic way and I suggest that we should not waste much time now. In moving the disagreement, I do so in the knowledge that a conference can be convened for 9 o'clock in the morning and that, hopefully, something can be salvaged from the Bill.

Mr. MILLHOUSE: I want to say something at this stage because nowadays I am not invited to take part in conferences, so I will not have a chance of influencing the outcome of that event in the morning. I express my disappointment on looking at the amendments from the Legislative Council that it has apparently been so spineless over the question of tow-truck operators. I see that there are some amendments which probably go some way, but only a very little way, towards achieving the object that I had in mind when this matter was debated here. I am bitterly disappointed that the Liberal members in the Legislative Council apparently did not have the gumption to go much further in amending those provisions, if they did not knock them out altogether. I support the amendments about tow-trucks that are here, but they should go far further. It is another case of talking with a forked tongue. That also happened in the case of the thirteenth Minister which they opposed like mad here well knowing that their colleagues upstairs would let it through, and they did without a division. They have done the same thing on the tow-truck matter here.

I did get some support for the amendments I moved to this Bill, and I hoped that the people upstairs would have

some sense of justice and fairness left. It is pretty obvious that they have not any sense of fairness left at all on this subject and that they are content to let one section of the community be victimised by the Government; that is what it comes to. It does not really change my opinion of them, but I nevertheless express my disappointment. Personally, if it were not for the provisions regarding handicapped persons, I would like to see the whole Bill thrown out. I would be disappointed to see those provisions go because they are worth while, so we are all in a dilemma.

Mr. Chapman: A sprat to catch a mackerel.

The ACTING CHAIRMAN (Mr. McRae): Order! The honourable member for Mitcham will resume his seat. The honourable member for Alexandra is out of order. I have allowed considerable tolerance and I trust that the member for Mitcham will constrain his remarks to the amendments of the Legislative Council, and that the honourable member for Alexandra will remain in order.

Mr. MILLHOUSE: All I was going to say is that it was no doubt a ploy of the Minister to put all of these matters together, both desirable and undesirable features, so that he could blackmail another place when it comes to the conference, which is obviously to be held because informally it has already been teed up for 9 o'clock in the morning. I do not think that this is a good way of legislating and, if it is possible in some way to keep the good provisions referring to handicapped persons and chuck out the rest, I hope that will be done.

Mr. MATHWIN: I support the amendments, in particular the ones I dealt with when we were discussing the Bill relating to motor cycle licences.

Mr. Millhouse: Ha, ha!

Mr. MATHWIN: The member for Mitcham can scoff if he likes.

The ACTING CHAIRMAN: I trust that the honourable member for Glenelg will address his remarks to the Chair and not to the honourable member for Mitcham.

Mr. MATHWIN: If you can stop the member for Mitcham yapping at my left ear—

The ACTING CHAIRMAN: Order! The Chair will decide that.

Mr. MATHWIN: I was discussing during the second reading debate the situation relating to motor cycles and what one could term a "provisional licence" for two years to drive a 250 cc machine only before the rider becomes eligible to obtain a licence to drive a larger machine.

The Hon. G. T. Virgo: That's not what the Bill says.

Mr. MATHWIN: It is what the Bill says. The amendment says to leave out "two years" and substitute "one year". I agree with that. That is what I based my argument on when discussing this matter in this place. I explained to the Minister that, if a person cannot be taught to ride a motor cycle within six months proficiently and if he does not have some sort of expertise in 12 months, that person will never be able to drive a motor cycle. The fact that the Minister suggests that the motor cycle should be of 250 cc capacity means that he is suggesting that a 250 cc motor cycle is not as fast as some of the bigger machines, which is entirely incorrect.

The Hon. G. T. Virgo: I didn't say that.

Mr. MATHWIN: That is the implication. Safety was the reason for people being legislated to drive a 250 cc motor cycle only for two years. When we deal with motor cycle accident statistics we see that the majority of accidents occur in the metropolitan area, within a 60 kilometre speed limit, so the size of the machine, or its speed, would not apply. The Minister is now trying to drag a red herring across my path by showing me a copy of the Bill. The Bill states that a class 4A licence will be held by a person to ride a machine 250 cc or smaller for two years.

The Hon. G. T. Virgo: That's not right.

Mr. MATHWIN: Of course it is right, we know what it is all about.

The ACTING CHAIRMAN: Order! There is far too much audible conversation. I want to hear the honourable member for Glenelg put his case in his own way.

Mr. MATHWIN: Thank you, Mr. Acting Chairman, for your protection. If it is a matter of road safety or the size of the machine, a 250 cc machine is a large machine, anyway. If the Minister is fair dinkum about road safety, he should look at the main area of influence, and that is in teaching these people to ride. He should publicise the problems they face in relation to safety on the roads.

In the Minister's explanation of the Bill, he said that a person would have to drive a 250 cc motor cycle for two years before he was eligible to graduate to a larger machine. I support the amendment proposed by another place, because it is plain that if a person is not able to be taught to drive a 250 cc motor cycle within 12 months and is not proficient in that period of time, then he or she will never be proficient. If a person wishes to graduate to a heavier vehicle, for example a family man faced with the deteriorating fuel situation, it is quite wrong for legislation to provide that it will take two years or thereabouts before he can obtain a licence to drive a heavier vehicle. He can sit for a test but, if he comes from the country, where will he take the test? Will he come into the city to do his test? I asked the Minister these questions when we originally debated the Bill, but he did not reply. I have had a letter from the Federation of Australian Motor Cyclists—

The Hon. G. T. Virgo: So has everybody.

Mr. MATHWIN: I have had another one which states that it agrees with the amendment that I tried to move in this House. That was the same amendment as the one now before us from another place, and an amendment that was refused by the Government. The President of the Federation of Australian Motor Cyclists (Mr. Gaston) said in that letter that he believed that I was quite right. He also gave some extra information relating to other problems, but of course I am not allowed to give that to the Committee because we cannot bring in new information when we are dealing with an amendment. I would like to read this letter but I suppose if I did the Chair would call me to order.

The ACTING CHAIRMAN: Most definitely.

Mr. MATHWIN: I thought you might.

Mr. Chapman: It contains what you told the Committee before.

The ACTING CHAIRMAN: Order! The honourable member for Alexandra is out of order. I hope that the honourable member for Glenelg will not stretch the tolerance of the Chair.

Mr. MATHWIN: I would not do that, Mr. Acting Chairman, and neither will I go on with the prompt that came from the member for Alexandra. The letter ratifies all I said in my previous argument on the amendment. It is a wellknown fact that a 250 cc motor cycle is quite capable of doing up to 140 kilometres an hour. If you are going to restrict people to driving machines capable of doing that speed you are not achieving anything. If the Minister is fair dinkum about this great problem of safety he will deal with it by an education programme. I support the amendment.

The Hon. G. T. VIRGO: I feel I must put the honourable member right because I think he has not quite understood what the Bill does.

Mr. Mathwin: I know what it does.

The Hon. G. T. VIRGO: I do not think so, despite the fact that I ringed the provision and took it over to him. I do not think the honourable member understands that a person can have a class 4 licence, which enables him to

drive any motor cycle, only if he has first either had a class 4A licence, which is restricted to two years on a 250 cc motor cycle or less, or has passed an examination set by the Registrar. It is one or the other, and the honourable member obviously does not quite grasp that fact. A motor cyclist will not have to have a 4A licence for two years if he can satisfy the Registrar that he is capable of riding a larger motor cycle. In that situation, he can obtain a class 4 licence without any time qualification at all.

Mr. Chapman interjecting:

The Hon. G. T. VIRGO: The member for Alexandra obviously does not understand it, either. There are two qualifications in obtaining a class 4 licence. One is that a motor cyclist must hold a class 4A licence, that is, ride a 250 cc motor cycle for two years, or pass a test.

Mr. Mathwin: Why 250 cc?

The Hon. G. T. VIRGO: I would suggest the honourable member directs his question to some of his own political colleagues in Queensland, Western Australia and Victoria. They are all anti-Labor Government States and they all have a two-year qualification. This provision has been put forward in the interests of road safety and is endorsed by the Federation of Australian Motor Cyclists, as outlined in the letter received by every member of this place. If the honourable member gets a special letter because he is a dispatch rider or something, I do not want to comment.

Mr. Mathwin: I offered you a ride and you wouldn't take it.

The Hon. G. T. VIRGO: I would certainly not risk my life behind the member for Glenelg on a motor bike, otherwise I might be eligible all too soon for a certain Bill that was passed through this place this afternoon.

The ACTING CHAIRMAN: Order! I do hope the honourable Minister and the honourable member for Glenelg will not stray quite so far in future.

The Hon. G. T. VIRGO: We are straying a long way from the Bill. I simply rose for one purpose. The Upper House amendment indicates that they believe, as the member for Glenelg believes, that for anyone to get a class 4 licence he must first hold a class 4A licence for two years.

Mr. Venning: That's not so.

The Hon. G. T. VIRGO: I am pleased that the member for Rocky River understands, because if the Upper House understands it then the need for the reduction from two years to one year recedes completely.

Mr. CHAPMAN: The amendments that have been returned from another place are substantially parallel with those moved in this House. If we take the first one, which we did not refer to specifically here, it is not terribly meaningful. The first amendment seeks to take from clause 4 of the Bill the word "intermittently". To remind members of what that means, I refer to the Bill now before us and draw members' attention to clause 4 which specifically relates to the ingredients on which a registration fee shall be fixed. One of those ingredients takes the weight of the vehicle into account, or, in the new terms, the mass of the vehicle.

In order to be fair about it when taking that ingredient into account, the Legislative Council believes that items of equipment carried on the vehicle intermittently should not be included in the mass weight. We did not move to amend that clause in this place. I freely admit that I did not pick it up. It seemed a reasonable method of assessing the weight and horsepower of the vehicle for registration. It seemed to be parallel with previous registration practices, and quite acceptable. I commend my colleague who led the debate in the other place on his keen eye in picking up the need to delete the word "intermittently" as it refers to items carried intermittently on the vehicle, and return to a

situation where the vehicle is weighed basically on its ordinary weight, plus those items of equipment or accessories habitually carried on it. The Legislative Council's amendment No. 1 has our full support. I am surprised that the Minister was not prepared to indicate agreement even to the few amendments which obviously are in the interests of all motorists and of the Bill generally, and which do not in any way destroy the objective of the measure introduced in the first instance.

I do not think it is necessary to refer to the Legislative Council's amendment No. 2. The member for Glenelg was in charge of that part of the Bill when it was in this place, and he covered the subject well, and displayed his attitude about the period of time in which a motor cyclist should ride a low horsepower vehicle before qualifying for a vehicle of higher horsepower. With the support of the Government we got the amendment through in this place. Now it has come back and, for some unknown reason, the Legislative Council has played around with the number of years. Although I agree with the Minister in this instance, there is no doubt about the meaning of clause 40 at this stage. It sets out the criteria on which any person may obtain a motor cyclist's licence. Irrespective of all the things a motor cyclist is required to do in the first instance, he may escape all of those requirements, including the two-year probationary period, if he fronts up to the Registrar and performs in a practical test to the satisfaction of the Registrar. If he can do that, he can go out and buy a motor cycle of any size. That escape valve is exactly what we sought to obtain when the subject was before us last week. It is still there, and has not been corrupted in any way by the other place.

The same situation applies with the Legislative Council's amendment No. 3. The other place proposes to leave out the clause. We proposed to leave out the clause. It is irrelevant to the intent of the Act and in no way necessary, and we support the Legislative Council in that respect.

Amendment No. 4 seeks to leave out lines 13 and 14 and proposes to take from section 98b of the principal Act subsections (13), (14), (15), (16), (17), and (18). I think the Minister explained originally the reason for deleting those provisions from that part of the original Bill. They still apply in the Bill before us, and the members of the other place propose to leave out that subclause altogether, which would have the effect of leaving all of those subsections of section 98b and its respective parts in the Act. I think the Minister explained that its deletion from the principal Act would be replaced by appropriate amendments of an up-to-date nature, and we agreed with that. There is some question in my mind about that amendment.

Amendment No. 5 again proposes to delete subclause (2) of clause 63, which refers to the Wireless Telegraphy Act, a Commonwealth Act, and its effect on tow-truck operation. I think we can all recall the debate. The object of the Bill was to prevent tow-truck operators from using the equipment to listen in to police patrol messages, and so on. To enforce the Wireless Telegraphy Act, although it is a Commonwealth Act, the Minister proposed to incorporate all the penalties applicable to that Act as well as, under clause 63, a further \$200 penalty for a breach of any part of the section. This really constitutes a double penalty for a common offence. I have been reminded by members of the legal fraternity in recent days that this is neither proper nor just, nor is it acceptable to have a situation where a person could be penalised twice for the one offence.

The ACTING CHAIRMAN (Mr. McRae): Just before the honourable member turns to the next amendment, I

would briefly indicate that in no way am I preventing him from taking these matters one by one, even though the motion covers the amendments as a whole, but I trust that the honourable member will try to avoid duplicating material that was put in the second reading debate in this House. I have not prevented the honourable member in any way.

Mr. CHAPMAN: I do not think I have referred to anything in any detail whatever, and I have not referred to any notes. I am simply drawing to the attention of the Committee whether or not we agree with the principle of the amendments before us. In each case I have been able to comment on them in the briefest form, because I think it is important to have on record what we agree with and what we do not. Bearing in mind the Minister's indication that this matter is to go before a conference of both Houses tomorrow at 9 a.m., I see little point in going into the Bill. However, having been responsible on this side for the Bill from its introduction, it is important that I place on record an attitude towards each amendment. It will be our last opportunity to do so.

Turning now to amendment No. 7, our colleagues propose to leave out the words incorporated in lines 21 to 26. I have no explanation for their move in this direction. I would have thought that incorporating in clause 72 (a) (ac) the words "six hours" really provided an escape valve for the tow-truck operators and protection for the public, particularly for those persons who may be involved as owners or occupiers of vehicles damaged in accidents. I have not had a chance to study it carefully, but I shall be looking forward to the explanation of the Hon. John Burdett when the time comes tomorrow morning to discuss the matter in more detail.

Amendment No. 8 is identical to an amendment moved in this place last week, and it has our full support. Amendment No. 9 refers to the powers of an inspector, a matter which took up a great deal of time in this Chamber last week, particularly as the Bill now leaves the powers of the inspector without a warrant.

What the Councillors have done here is delete the effect of the inspectorial clause, which gives them powers to enter, seize, copy, question, etc., the occupants of premises or vehicles. They have taken away those powers from the inspector. Under the amendment, an inspector requires a warrant from a justice before he can go ahead with that work; otherwise, the object of clause 74 is preserved. I do not think that the Minister should become upset about that. It deletes any suggestion that a person may be harassed by an inspector. The amendment has the effect of deleting the "forthwith" element of the clause, and it removes the opportunity of an inspector from entering premises without a warrant and seizing articles, books, documents, or any other objects from the premises. I think that, generally speaking, amendments Nos. 9, 10, and 11 collectively do not destroy section 74 but tend to tidy up some of the unpleasant parts of it.

Amendments Nos. 12, 13, and 14 all relate to the matter of dishonoured cheques. They all come back to the theme of the amendment the Opposition sought to have passed in the House last week. We were setting out at that time to protect the person who may tender a cheque to the Registrar for some purpose, and the cheque bounces. We believed and still believe that such an incident should not automatically declare his or her registration void. The registration should remain valid at least until after the Registrar has made some genuine attempt in person or in writing to inform the sender of the cheque of the error or whatever. If cheques which are tendered bounce continually, obviously the Registrar would have to take some action to refuse payment by cheque thereafter and

demand some other bank order or cash.

For the odd incident that may occur where the Registrar receives an undated cheque, where there is some omission from it, where the words are not consistent with the figures, or something of that nature, it seems unreasonable to us that, after the receipt of the registration disc, any person should be embarrassed because his registration becomes automatically void. That person may be unaware for days that his cheque has been dishonoured, in which case, through a technicality, he would have been illegally driving an unregistered vehicle in the meantime (and we all know the consequences if an accident should occur in the meantime).

Not only do those three and most of the other amendments before us appear to be consistent with our expressed view when the Bill was before us for its second reading, but even those other few of the 14 that have been submitted to us for consideration do not destroy the Bill or its original objective. The Bill, if it is passed in its modified form, has our support, and it will have the effect of tidying up the tow-truck industry and of controlling the harassment and general unbusinesslike practices that have been going on in and around the metropolitan area for far too long. It will give greater control to the police and the inspectors at the site of an accident, and will avoid the disturbance and distress of many victims of accidents that they have obviously experienced for too long. If the Minister will only be reasonable about this situation, he will go along to the conference tomorrow morning, with the member for Goyder and me, not be unreasonable, and agree to the amendments.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the legislation.

Later:

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

Consideration in Committee.

The Hon. G. T. VIRGO (Minister of Transport) 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. Chapman, Hemmings, Keneally, 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 9 a.m. on 23 November.

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

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 2 to 9 (clause 6)—Leave out paragraph (a) and insert paragraph as follows:

(a) by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) Subject to this section, the Board shall consist of seven governors of whom—

- (a) three shall be persons appointed by the Governor;
- (b) one shall be the artistic director;
- (c) two shall be subscribers elected, in accordance with this Act, by the subscribers; and
- (d) one shall be an employee of the Company elected, in accordance with this Act, by the employees of the Company.

No. 2. Page 2, lines 10 to 19 (clause 6)—Leave out all words in paragraph (b) after "subsections (4) and (5)" in line 10.

The Hon. J. C. BANNON (Minister of Community Development): I move:

That the Legislative Council's amendments be disagreed to.

The two amendments, which are related, are aimed at achieving the addition of one member to the board of the South Australian Theatre Company, that member to be the Artistic Director. I am afraid that the Government cannot accept the amendments. As in other similar Bills involving institutions before the Upper House, it appears that the Opposition spokesman in these matters in another place is insistent on structuring boards of the various companies and bodies in a uniform way that meets some sort of overall policy he seems to have in mind. That is just not acceptable to the Government. In attempting to set up a pattern for these boards in the way the Council is doing, no action is being taken of the particular needs and organisations of the bodies concerned. The South Australian Theatre Company has a very workable and effective board. It has persons appointed by the Governor, persons elected by the subscribers, and an employee representative.

The original Bill sought to expand the electorate for those company employees. Now, we are being asked to add the Artistic Director to the board. In the case of the theatre company, this idea was discussed in 1972, at its inception. It was fully debated not only within the company itself but at the board level, and within the Government, and it was rejected, because the position of Artistic Director of the company is not analogous in any way, we contend, with the Managing Director, Chief Executive type of position one finds in a number of other bodies.

It was felt that, because of the creative artistic position of the Theatre Company, the Artistic Director would be placed in a fairly invidious position because he would be on the board with a vested interest in voting on artistic proposals put by him to the board. The current Artistic Director and his predecessor express no interest; quite the contrary. They both rejected the idea of being full members of the board. The Artistic Director has total access to the board. He can take part in deliberations and he does not have to vote. There may be some occasions when the board wishes to discuss matters in camera or in his absence, particularly matters of an artistic nature. There is a feeling of great confidence and trust between the Artistic Director and the board. For those reasons, I reject the amendment.

Mr. ALLISON: The Opposition supports the amendments. It is a little unfair of the Minister to accuse the Council of setting a pattern. There is obviously no pattern for the establishment of the different boards. Each matter was brought back to the House for a specific reason. In this case, it was felt that the Artistic Director would have a considerable amount to offer to the board, and there were no ulterior motives in wishing to expand the board by creating an additional position, any more than in the

previous matter. The Opposition is not setting out any pattern regarding artistic boards in South Australia. There is no apparent pattern in this case. Each case must be dealt with on its merits.

The Minister said that the Artistic Director, and previous Directors, have shown no inclination to being placed on the board. That is not a relevant comment. Many people never consider being placed on a board, but obviously one who is closely and intimately involved with the theatre, because he is in a central position, would have a considerable amount to contribute if appointed to the board.

Mr. Bannon: He contributes as it is, without having to be a member.

Mr. ALLISON: I suppose he would, but that would apply equally to members of the company, yet one of those has been elected to the board.

Mr. Bannon: Not at all. They do not sit in at board meetings.

The SPEAKER: Order! I would like to hear some of the discussion that is going on. The honourable member and the Minister should address themselves to the Chair.

Mr. ALLISON: Thank you, Mr. Speaker. I will address myself to the Chair. How one decides whom to appoint to boards is probably irrelevant in the long run. People have to be appointed to boards, and in this case the Opposition considers that the Artistic Director is a person closely involved in the running of the theatre and would be in a good position to advise and be a part of the board. His claims to membership are probably just as good as those of three persons appointed by the Governor or one person appointed by the employees of the company. His appointment would give additional strength to employee representation, since he is an employee of the company. I support the Legislative Council's amendment.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments are beyond the scope of the original Bill and do not take account of the structure and method of operation of the State Theatre of South Australia.

PRICES ACT AMENDMENT BILL (No. 3)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2—After clause 3 insert new clause 3a. as follows:

3a. Section 18a of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) The Commissioner shall not institute, defend or assume the conduct of any proceedings relating to any dealing with an interest in land.

No. 2. Page 2—After clause 4 insert new clause 4a. as follows:

4a. Section 49a of the principal Act is amended:

(a) by striking out the passage 'The Commissioner' and inserting in lieu thereof the passage 'Subject to subsection (2) of this section, the Commissioner'; and

(b) by inserting after the present contents thereof as amended by this section (which is hereby designated subsection (1) thereof) the following subsection:—

(2) This section does not apply in relation to—
 (a) any advice given by, or with the authority of, the Commissioner; or
 (b) the exercise of any function under section 18a of this Act.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General): I move:

That the Legislative Council's amendment No. 1 be amended by striking out "relating to any dealing with an interest in land" and inserting "in which the consumer is a party or a prospective party in his capacity as a purchaser or prospective purchaser of land".

Mr. GOLDSWORTHY: The Attorney has had some informal discussions with members of another place, and they have reached some measure of agreement, thereby avoiding a conference. At a cursory glance, it seems that a fairly reasonable compromise has been reached. The Legislative Council amendment sought to keep the Prices Commissioner out of any legal proceedings relating to dealings with land. The purport of the Attorney's amendment is that the Prices Commissioner shall keep out of the matter if the person concerned is not the purchaser. Is that right?

The Hon. Peter Duncan: Yes.

Mr. GOLDSWORTHY: In the circumstances, the amendment to the amendment is acceptable, and the Opposition supports it.

Motion carried.

Amendment No. 2:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 2 be amended by striking out paragraphs (a) and (b) of the proposed subsection (2) and inserting the following paragraphs:

- (a) the giving of advice to consumers on the provisions of this Act or any other law relating to or affecting the interests of consumers; or
- (b) the exercise of any power conferred by subsection (2) of section 18a of this Act.

I reiterate what the Deputy Leader of the Opposition said. I understand that this amendment, like amendment No. 1, will be acceptable to members in another place, so the need for a conference on this Bill will be avoided. The proposed amendments are a good example of useful compromise between the two Houses. That is an indication of reason prevailing, and I commend the motion to honourable members.

Mr. GOLDSWORTHY: The original amendment introduced in the amending Bill is a new matter. The matters have been canvassed previously in the House, but in the principal Act, the Commissioner and his officers were given immunity from responsibility regarding advice given to consumers. I know of one occasion on which one of the legal advisers of the Commissioner gave advice to a consumer which was legally bad, and the consumer had to pay about \$300 as a result. The legal officer was protected under the terms of the Act. That immunity is not enjoyed by the legal profession.

If a legal practitioner gives faulty advice then he is liable. That immunity is not available to legal practitioners in general practice. It seems to me that this immunity could lead to carelessness and slipshod work being done by people employed by the Commissioner. It seemed reasonable to me, and to the Opposition, that the Commissioner or his officers should be responsible for any legal advice that they give to consumers in their dealings with those consumers. That is what the amendment of the Upper House sought to do. It sought to remove that immunity from the Commissioner and his officers. All this amendment to the amendment does is make the amendment a little narrower, and it talks about legal advice in general.

The Hon. Peter Duncan: And appearing in court.

Mr. GOLDSWORTHY: Yes. It was the subject of

another Bill before the House, but it is new material introduced into this Bill as a result of the amendment proposed by the Upper House. I congratulate the Attorney-General on accepting what is a reasonable amendment and material that was the subject of another Bill which came before this House by way of a private member's Bill introduced in the first instance in the Legislative Council. I accept the amendment proposed by the Attorney-General.

Motion carried.

Later:

The Legislative Council intimated that it had agreed to the House of Assembly's amendments to the Legislative Council's amendments.

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1955.)

Mr. WILSON (Torrens): This is one of the shortest Bills to come before the House. Nevertheless, it is an important Bill and the Opposition will ensure its speedy progress. The Bill contains only one amendment of any substance, and all that amendment does is remove the word "rubbish" from the original section of the Act. The section of the original Act covering the clean air regulation controlling the burning at tips refers to regulating, controlling or prohibiting the burning of rubbish in private, public or municipal incinerators and tips. This amendment alters that section by removing the word "rubbish" from it, so that it will refer to regulating, controlling or prohibiting burning in private, public or municipal incinerators and tips.

Why was that amendment necessary? As the Minister said in his second reading explanation, the clean air regulations were declared *ultra vires* by the High Court. The Minister did not go into detail, but it is probably interesting to the House to know what happened to cause the disallowance of the clean air regulations.

I refer to the case of *Paull v. Lewis*. Paull was the proprietor of a tip at Wingfield, and Lewis the Town Clerk of Enfield who represented the city of Enfield. Mr. Lewis is a distinguished servant of local government. The by-laws of the city of Enfield were found not to apply because it was held that the tip operator was not burning rubbish. An appeal was made to the Supreme Court and heard by Mr. Justice Hogarth whose judgment is reported in S.A.S.R., Volume 3, page 232. I must say that His Honour is one of my most distinguished constituents and it gives me great pleasure to put him on record. His Honour canvassed the proposition of a load of rubbish being delivered to the Wingfield tip and cited the example of a load of rubbish from the Electricity Trust that was burned at that tip. His Honour held that while the rubbish was being burnt it was not in fact rubbish. The rubbish was collected from the Electricity Trust and delivered to the Wingfield tip and, as far as the Electricity Trust and the contractor who removed it were concerned, it was rubbish. His Honour held that, when it got to the tip and the operator burnt it, it was not rubbish. His Honour said in his judgment, when referring to the tip owner:

He had no intention of treating it as debris, and in fact he did not treat it as such. Beauty is said to lie in the eye of the beholder; and perhaps similar considerations might apply in determining the characterisation of material as rubbish or otherwise.

The character of the material is to be determined as at the time it was deposited on the land. On the facts before me, as

amplified at the hearing of the appeal, at that time all the main component parts of the material had their designed purpose: wood for fuel; metal for sale; and "hard filling" for use as such. The ash, which the appellant did treat later as rubbish, had not come into existence at that time. The appellant, as the owner for the time being, was clearly not treating the material merely as rubbish; and I think that this is decisive in the characterisation of the material at the crucial time.

In other words, what he was saying was that although the material was rubbish as far as the Electricity Trust and the contractor were concerned, when the tip operator received the so-called rubbish he burnt it and then sold off the residue for profit. In that case, it was not rubbish because it was income earning. Therefore, of course, he was not burning rubbish at that time, but burning income-producing material.

There was a subsequent appeal to the Full Court comprised of the Chief Justice, and Wells and Zelling J.J.'s. They found in favour of Mr. Justice Hogarth's judgment. There was a subsequent appeal to the High Court, which also found against the appellant. That means that it is necessary to remove the word "rubbish" from the present Act so that when a tip operator is burning rubbish he is just burning, and therefore the clean air regulations will apply. I support the Bill.

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

SITTINGS AND BUSINESS

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

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

Motion carried.

WORKING PARTY ON CONTAINING, CONTROL AND REGISTRATION OF DOGS

Consideration of report of the Select Committee.
(Continued from 24 August. Page 732.)

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

That the report be noted.

This report was laid on the table and printed on 24 August. Because of the time that has passed since then, I assume that members have had the opportunity to read that report. Certainly those who are concerned with it have read it with interest. The committee conducted a fairly exhaustive examination of the problem and was considerably assisted by two members of Parliament in their professional capacity, and I pay tribute to them both. The member for Light in this place and the Hon. Mr. Cornwall in another place provided the committee with quite invaluable information in their professional capacity as veterinarians. As a result of the deliberations of the committee, and the evidence placed before it, we were able to come back with quite a number of alterations to the original report, alterations in the interests of people as a whole and dog lovers in particular. I do not want to spend any time going through the report paragraph by paragraph because I believe everyone has had the opportunity to read it.

The final recommendation of the committee is that a Bill along the lines recommended by that committee be

introduced into Parliament. The House is aware that this afternoon I gave notice of my intention to seek leave to introduce a Bill tomorrow. A Bill has been prepared and, subject to this motion being finalised tonight, I will introduce a Bill tomorrow. I have already given advice to the annual meeting of the Local Government Association, the organisation particularly concerned with the problem of dogs, that I would not proceed with the Bill until the House resumed. Following the presentation of the Bill into Parliament tomorrow, I intend to invite local government representatives to study the clauses and terms of the Bill and make any comments to me that they wish, so that when the House resumes in February any views expressed by local government can be taken into account in the resumed debate on this Bill. The proposals contained in the Bill were unanimously supported by members of the Select Committee, and I believe that what we are doing is in the interests of dog lovers and the population at large. Again, I extend my appreciation to all members of the Select Committee for the support they showed to me as Chairman.

Mr. EVANS (Fisher): I support the motion. I also agree with the Minister in his comments in relation to the Hon. Mr. Cornwall in another place and Dr. Eastick in this House, who gave advice to the committee. I would also like to express my thanks to the officers of Parliament who helped us and also to the officer from the Minister's department who helped in the initial taking of evidence and advising us on how conclusions were arrived at in the original working party report. I say quite confidently that the Chairman and the whole committee worked together well to achieve this report. I believe we achieved more than I thought we might achieve in an agreed form. I thought there might have been a lot of areas for disagreement, but that was not the case and I believe common sense prevailed.

I wish to go through some of the paragraphs although the final report is not the end result of what may be the law, even after Parliament debates the Bill, because there may be some minor changes. I accept the comment made by the Minister that, once the Bill is lodged before the House tomorrow, local government will be able to make representations. Other bodies, such as dog clubs, the Association of Non-dog Owners and private citizens may have opinions, if members of Parliament do their job and take the Bill back to their electorates. This will raise points of view and we will then possibly have some other amendments to consider, although I do not believe there will be a lot of them.

No doubt some people will not be satisfied with the final draft, and I am sure some people will argue with the final points in the Bill because the Minister, as he must, has tried to draw it in conformity with the committee's report. However, I do not believe that any group that came along to give evidence, or any individual, believed that the law should not be changed; everybody agreed that the present law was not satisfactory. Starting from that base, the committee knew that there had to be some changes. There were some people who had extreme points of view on both sides of the fence, but there were very few of them.

Dog owners' clubs and associations were quite responsible groups in the main and were looking for what they thought was a fair deal and for some extra protection from that section of society that has a hatred for dogs, not just because they are a nuisance but because of a personal hate. At the same time, the non-dog owners group was formed and I give it credit, because before the introduction of the working party report it had no need to be formed into an association. There may have been a

need for that association but there was nothing to motivate those people into forming a group.

They formed themselves into an association, and their report was a level-headed one, without any strong attack on any section of the dog owners. They put their point of view rationally, and members who have read the evidence that made up the details to finalise the report must agree that the report was equally as rational as most of those coming from dog clubs or associations. On the basis that we needed new laws, the committee could work with confidence.

We considered the present law in relation to Alsatian dogs, which provide for a higher registration fee for dogs which, in the past, have been considered dangerous. The committee decided not to repeal the Act, but to recommend that the fees and fines in the Alsatian Dogs Act be identical to those prevailing for other breeds. The fees for registration were higher, but the fines for offences were lower, and so it was recommended that they be brought into conformity with those for other species.

There was a recommendation for a central advisory committee, but the Select Committee could see little reason to include the word "advisory", because the committee had greater functions, so the recommendation was that there be a central dog committee. It was suggested that the committee members should be appointed for a five-year term. I am sure the Minister supports the idea that the term should not exceed five years so that the Minister is able to stagger the terms of office of people on the committee, with not too many members retiring at the one time, or too many reappointments.

Considerable evidence was given, particularly from dog owners, and from the non-dog owners, that money collected for registration fees, fines, and expiation fees should be spent in policing the Act to control the dog community within each council area. The overwhelming evidence from witnesses was that the money should go into a separate account for each local government body, and that is what the committee has recommended. With audited statements coming in, it would be possible to assess whether the fees were sufficient to pay for all the work and administration required to give effect to the Act. If the fee was too high, the position could be reconsidered; if it proved too low, Parliament would have to look at it again. Councils will have the responsibility of using the money only for the purpose of implementing the Act within their own council areas.

The committee was concerned about how to identify dogs. For some time now the member for Light, as a veterinary surgeon, has been advocating the use of a tattoo system, as used for dogs racing on the track. Each dog is identified by a tattoo, and there is no chance of racing a dog that is not registered. Some evidence was given about the difficulty of carrying out this practice with the number of dogs to be registered, but after looking seriously at the matter committee members were satisfied that it was possible to get a coding of tattoos that would not be overburdensome for the administration of the Act.

In the case of an older dog, not just a puppy, which has been registered and which has a collar and disc, that type of identification and registration would be allowed to continue if the owner wished. The committee did not settle for the collar and disc registration, because it is easy for someone dumping the dog to take off the collar, making identification of the offender difficult. Tattooing is also of assistance to veterinary surgeons in cases where dogs have been injured, giving the surgeon a chance to contact the owner to get permission to treat the animal.

The Working Party Report made recommendations and

the Select Committee considered the objections of many people regarding limiting the size of kennels and the number of dogs kept. The committee thought that this was a local government matter and that local councils should be able to decide how many dogs would be kept on any property, and what size and type of kennel should be constructed so that the animals were properly cared for and neighbours were not disadvantaged.

The Working Party Report recommended that, before a complaint could be investigated by an inspector, three neighbours should lodge complaints from at least two separate homes. The non-dog owners, as well as some private witnesses, thought this was quite unfair. They said that with other legislation, such as noise pollution and control measures, only one complaint was necessary. Under the Health Act, only one complaint is needed for an inspector to carry out an investigation. If an offence had been committed, some action would be taken to have the matter rectified. Some cases might warrant only a word of advice or direction. The committee wisely accepted that, where only one person complained of a problem with a neighbour's dogs, that complaint should be investigated and its seriousness or otherwise should be adjudged on the evidence.

One of the areas of contention was the suggestion of a \$15 registration fee for all dogs. People have become accustomed to a registration fee of \$1.25 for some years, prior to which the fee was about 5s. for many years. Perhaps the \$1.25 was not a true reflection of what the registration fee should have been in the late 1960's. Perhaps it should have been higher, but the committee saw some justice in giving people an opportunity to prove their point, to see whether a lesser fee was sufficient. It recommended that the fee be \$10 for the first year of registration of a new dog in the owner's name, and \$5 for each subsequent year. I think that was a reasonable compromise.

The committee considered the case of working dogs on properties not in townships, and recommended half registration fee, which is not unreasonable. Witnesses who gave evidence on behalf of the primary sector were not opposed to a reduced fee for working dogs.

The committee saw the benefit of not charging full fees for a dog registered with the South Australian Dog Racing Control Board. Those dogs are tattooed and are strictly controlled by the board. The only area in which the committee thought they should receive some benefit was in the registration fee. We have recommended that the registration fee for greyhounds registered with the board be \$2, but that all the provisions of the new Act should bind the greyhound owner or controller.

It is only in the case of the registration fee that they are exempt. They already pay a high registration to their own board, which has strict control over their operations. There is a half fee for pensioners. We gave a concession to those who own packs of dogs for hunting, and to breeders, so that they would benefit.

Another area in which there was some concern was in the expiation fees. The committee considered that in some areas the working party had allowed some offenders to avoid being taken to court by payment of an expiation fee. The committee recommended that, in three areas, they be excluded from the expiation fee recommendations. The first of the three areas was where a person abandons a dog. He should not be able to pay an expiation fee, thereby avoiding prosecution. He has committed a serious offence, in the committee's opinion, and should be subject to heavy penalties. Any attack by a dog, animal or bird should not be expiated by the payment of a small fee of \$20, because that is a serious offence, and the responsible person should

be prosecuted. Setting on or urging an attack should not be capable of being expiated by the payment of a small fee. Likewise, the penalties were haphazard from the working party's report, and the committee attempted to bring them into some uniformity.

The one area that was amazing to me was that, where a dog injured a bird or animal, or was harassing a bird or animal, the penalty was higher than in the case of a dog attacking a person. I could not see that we should consider that the offence of a dog attacking a person was not as serious an offence as attacking an animal or bird belonging to a neighbour. The committee chose to try to balance out the penalties, setting a minimum penalty and maximum penalties. As much as I dislike minimum penalties, I find that, in some forms of legislation, they are important. In this type of legislation in which we have expiation fees, it is important that we attempt to set minimum penalties which, in the main, are higher than the expiation fees.

The Central Dog Committee has the role of advising the Minister and the important role of carrying out education programmes. Some persons who gave evidence before the committee represented large organisations. They said that they were not averse to making money available and would co-operate to help produce material to be used in education programmes. I believe that we need to make use of that kind of resource. The other role of the central committee was in the administration and costs for services rendered by the Local Government Association of South Australia as it shall be agreed by the committee and the association. If there is a disagreement, the Minister will arbitrate on the situation.

The committee also considered the cost of applying money towards pounds, and providing money that could be fixed by regulation to be paid to the Royal Society for the Prevention of Cruelty to Animals for the maintenance of its veterinary voucher system. The committee has an important role in the overall operation. The education programme is a major one.

Requests were made by many groups for a representative, and we have stated that clearly in our report. We decided to include the Canine Association to have a representative on the panel. The report states that the Minister will take the responsibility to consider other groups. That can be the case only when the present Minister is in office. In debating the Bill, we need to make the point that we, as a Parliament, expect that any future Minister will consider other groups that want to be recognised; in particular, some of the primary producer groups thought that they should be represented but, more particularly, I think there was a justifiable argument that the non-dog owners should be represented. They admitted in evidence that there was no guarantee that their form of association would continue in the long term, because, if the new legislation, when implemented, works, there will be no need for non-dog owners to exist. In other words, if we control the dog problem, eradicate the irresponsible dog owner from the community, and get dog owners to be responsible, the non-dog owners association would have no complaint.

I suppose that the major complaints from the non-dog owners association were noise, pollution of property and the footpaths near properties, pollution of public places, such as beaches and parks, and the general nuisance of dogs roaming free in parks, beaches and shopping centres, noise from barking and occasional stench from dogs kept in unhygienic conditions. Sometimes, dogs savage and dart at people, and sometimes they chase motor vehicles and motor cyclists. Dog owners themselves have complaints about people who wilfully kick or hurt dogs that are not offending, or who poison dogs. That sort of irresponsible

action is just as bad as the action of those who keep dogs in unsatisfactory conditions.

I believe that the committee worked well. I believe that it was necessary for the evidence to be taken, and I know that, during the next couple of months, people will be able to examine the Bill, which will be introduced tomorrow, and make recommendations. I hope that, early next year, we will have an Act that will be the first stage towards eliminating one of the major problems in the metropolitan area, in particular, that causes much neighbour conflict and, I suppose, falling out with neighbours to the degree that it makes it unpleasant for them to live next door to one another. If we get that, we will have done much to improve the quality of life in our society. I support the motion.

Mr. HEMMINGS (Napier): I, too, support the motion. This was the first Select Committee on which I had sat. It was an important one, and I learnt much from it. I thank the officers of the Parliament for the advice and assistance they gave me. I also thank the Chairman and members of the committee for the friendly and constructive attitude taken to the work before us.

I will speak only about two points of the report. In many of the submissions, both written and oral, the claim was made that local government had abdicated its responsibility regarding the existing Dog Act. Many witnesses claimed that if the Select Committee recommended, and Parliament adopted, a registration fee of \$15, this money would be used wholly and solely to swell local government coffers. I refute that claim, and I am sure that all members will do likewise. The Committee recommended that all accounts should be audited by the Minister. However, Local governments lose quite heavily in policing the existing Dog Act. The Committee found that an annual fee of \$1.25 was not sufficient, but decided that \$15 was too large a fee to recommend. The costs to local government in policing the Dog Act are substantial. The Elizabeth and Munno Para district councils have two by-laws, one providing for the number of dogs allowed in residences and another concerning dogs running loose on footpaths and reserves.

Regarding the Elizabeth council, the actual cost in 1977-78 to police the Dog Act and by-laws 27 and 28 was \$26 212, and the income was \$10 150. This shows an excess of expenditure over income of \$15 000. The estimated expenditure for 1978-79 is \$27 114, with an estimated income of \$10 550. For the Munno Para council, the situation is worse. In 1977-78 the actual expenditure was \$26 614, with an income of \$5 734. The estimate for 1978-79 is an expenditure of \$27 450, with an income of \$6 800.

It is obvious that local government, even if a \$5 fee is introduced, will not be making money from an increase in registration fees. For many years local government bodies have tried to police their dog problem in a responsible way and have had to bear all costs. The recommendation from the committee that the increase be from \$1.25 to \$5 is to be commended. I urge that members support the recommendation of the Select Committee. The Bill which will eventually come before Parliament will benefit all members of society, whether or not they own dogs. Local government should have more teeth to police the dog problem.

Mr. MATHWIN (Glenelg): I support the motion. I congratulate members on the Select Committee and also the Minister, even though it is not often that I cast bouquets to the Minister of Local Government or indeed to the Minister of Community Welfare. The Minister of

Local Government chaired the committee in a very responsible and flexible manner. Many witnesses gave evidence, either verbally or by letter, which is proof that the community is most concerned about the situation regarding the dog problem. The report of the committee is exceptionally good, and the introduction of legislation along the lines recommended will benefit dog lovers and dog haters. Those involved in local government will have an opportunity to examine the report over the recess of Parliament.

As stated by two of my colleagues, the \$15 registration fee was probably the biggest factor in the stimulation of interest that occurred so quickly. It brought public comment from people in all walks of life and stimulated interest in the Bill. I am pleased that the committee, after considering the evidence, decided that \$15 was too large a sum. A great deal of responsibility has been placed on dog owners; they will be responsible for keeping their dogs off the street. The ball is in their court, and the dog owners who look after their dogs will now benefit from this legislation. However, those dog owners who, in the past, have shown no interest at all in their animals, will now be held responsible and will have to pay a fine under the provisions of the Act. I support the report as submitted to Parliament, and I look forward to the presentation of the legislation and to the debate on the Bill after the recess.

Dr. EASTICK (Light): I want to make a brief contribution, not as a member who served on the committee but by virtue of having some knowledge of the problem. I do that not professionally but by virtue of the fact that for some considerable time I have been Deputy Chairman of the R.S.P.C.A. in this State. I am aware of the major difficulty which exists throughout the State, particularly in urban areas, because of the number of dogs which are allowed to stray and which cause difficulty by harassing people and killing pets (be they cats, rabbits or birds), and on the wider scene by the large number of dogs from urban areas or country towns and the outer metropolitan area that are causing untold damage to stock—more particularly sheep.

I can show members headlines, photographs and editorial material about a position that prevailed at Gawler in the not so far distant past when over a period of six and a half to seven months nearly \$5 000 worth of sheep were lost because of the activities of one dog which led other dogs into a game in which they did not savage the sheep but rushed them over the edge of a river bank and drowned them. For a period of time it was not uncommon for dead sheep to be taken out of the North Para River daily because of the activities of this one dog and the other dogs it would take out with it on a nightly basis. The problem became a community orientated one, with a large number of people being called in to act as monitors or spotters. It was generally known from which direction the dog came, but no-one could actually pin it to a particular property.

Over a period of time it was found that the dog was living underneath a tree in the middle of a paddock some 200 yards from the nearest home. By arrangement between a large number of people in the farming community who were involved, it was finally determined that at 6 a.m. on a certain day a concentrated attack would be made and that all of the townspeople near at hand, more particularly the children, would be asked to remain inside. In that way the ravages of the dog could be brought to an end.

Notwithstanding the dog was living underneath a bush at a distance from the homes, on the occasion when the dog was finally destroyed, almost on the spot where it had

been camped for some time, it was found that he had had his last supper. In fact, one of the locals who had acted as a spotter and helped had felt a degree of compassion for the dog and presented it with some meat of high quality on the night before its eventual end.

I point out that there is, inevitably, an emotional aspect in a number of these problems and the emotional aspect comes through even though the owners of other dogs, and neighbours, recognise that the dog is transgressing. I appreciate that a large number of people conveniently do not know who owns a particular dog, even though it can be easily described or has some unique features to make it quite positively identifiable, when it lives in a community and there is knowledge that it has been in that community for some months or years.

Again, we have a difficulty that people, being people, feel emotionally for the dog and give it the benefit of a doubt until their pet cat, cockatoo or rabbit is caught by the marauding animal. One has only to see the damage that can be done to livestock or other living animals by marauding dogs and any emotion that they might have would very quickly fade into oblivion.

The most outrageous damage I think that I have ever witnessed is the effect of a large Labrador dog on the heads of small lambs. One would swear that they had been put into a vice. They are causing major problems to people, and there are those in our community who love dogs but forget how to handle them properly, thus helping to create the problem we are now discussing.

I have described in this House what I call the "big brown eyed puppy dog syndrome". In fact, I used that expression on one occasion, not to cause any difficulty, when we were discussing the problem of overseas orphans, more particularly Vietnamese orphans, because I fear (and I know the Minister has this view) that when the animal is small, or the baby is small, one can be emotionally attracted to it without realising the difficulties it is going to lead one into. The small pup has the habit of growing up and becoming a big dog, and the problem goes on.

I have made these comments because I believe that the committee that dealt with this matter should be congratulated because it had the courage, on the advice available to it, to enter into what is completely new ground on a community basis, that is, to write into the legislation a requirement that all dogs after a given date must be tattooed. It is quite impossible in any project of the nature which the Bill will eventually outline, and to which the members of the committee have directed their attention, for any of the pluses of that scheme to become realities unless one can positively identify an animal. The use of a disc and collar, which was originally envisaged as being the only form of identification, was fraught with major dangers and was, in fact, going to be the Achilles heel of the whole operation. It would have been quite impossible to fulfil the requirements proposed by the Bill without this positive identification.

It may be said that I have rambled to a degree about these aspects of the proposition to which we will be addressing ourselves after the Bill is brought down, but I believe that they are significant comments in relation to the very real problem that exists. I am aware that not all people in the community who are deeply involved with dogs are necessarily totally happy with the legislation that we might expect to see tomorrow. Some of the questions which are being raised are being raised because of a lack of understanding of the legislation or of the documents which have been made available.

I fully appreciate that the South Australian greyhound industry (and I say "greyhound industry" because I appreciate that it is not only track racing but also the

coursing) is already a well-organised and well administered organisation where dogs are identified and where there is a fee attached, and as a result of that fee a large number of the members of that organisation are of the belief that they should not be involved in any other way with the proposed legislation.

The same attitude is being expressed by many people who are members of the Canine Association and who have registered dogs. It is not possible for the Canine Association owners to retain and therefore maintain all of the animals they breed. Some of them are forgetting the fact that they do not always have total control of the animals once they have been bred. Therefore, there must be an involvement of that organisation in the overall scheme. I am quite confident that when the legislation is eventually brought to the House common sense will prevail. If any of these organisations can demonstrate a real difficulty with the legislation, action necessary to put it into a proper form should be taken.

As a Parliament, we owe it to the people of this State to ensure that the danger that currently exists from straying dogs and the unnecessary breeding of dogs is given very close attention and that the requirements of those people in the community who are not dog owners, and who do not desire to be dog owners, are given due consideration. Indeed, the health of the people of the State should be given due regard so that zoonotic diseases, which are diseases transmissible from animal to man, are kept in check in the best possible way that we can achieve. If we are going to do that, we need to be able to identify these diseased animals. One very interesting side effect that will be an advantageous aspect of the legislation we are looking at will be that any outbreak of zoonotic disease or any outbreak of exotic diseases (which come in from overseas) will be better understood and better controlled as a result of the moves we are making.

I thank the Minister and the honourable members who commented about the advice that I was able to proffer. That was advice that I, and I know the Hon. Dr. Cornwall in another place, were pleased to give.

The Hon. G. T. Virgo: It was free, too.

Dr. EASTICK: Yes, that is what we are here for. Often those things that are free are not really worth while, but I believe the committee has shown that it believed the advice to be worth while. I support the motion, looking forward with pleasure to the subsequent debate that will ensue in relation to the legislation the Minister will introduce tomorrow.

Mr. GUNN (Eyre): During the past few months I have had several approaches from constituents of mine in relation to the operation of this proposed legislation. They have also outlined certain problems they have faced in relation to existing legislation. The Minister would be well aware of the great deal of concern that has been expressed by people in the Flinders Range regarding Alsatian dogs. These people are worried that the present legislation which prohibits Alsatian dogs coming into that area will remain on the Statute book. As a matter of fact, dogs are forbidden in all national parks. For example, there is a real problem when people arrive at Wilpena Pound from interstate and are told that they cannot take their dog in to the Pound. It would not be a bad idea if the South Australian Government Tourist Bureau and other tourist bureaux were made aware of this situation.

The Hon. G. T. Virgo: They are aware.

Mr. GUNN: The graziers in the Quorn and Wilpena areas would like to see signs put up on the roads leading to that area informing the public that Alsatian dogs are not permitted in that area.

Another problem at the other end of my electorate arose when a constituent of mine at Cook decided that he wanted to have an Alsatian dog for his family, but under legislation he was not permitted to have one in that area. He was informed by the local constabulary that he would have to remove it. A great deal of discussion ensued, and I appreciate my constituent's concern because there are no sheep in that area within at least 130 kilometres. However I also appreciate the fact that there is a possibility of the dog cross breeding with dingoes and that could cause a real problem. I hope that the legislation to be introduced tomorrow will give protection to my constituents in the Flinders Range, and that administrative action can be taken by the Highways Department to put up signs in that area. I also hope that action can be taken by the Tourist Bureau to make sure they let travel agents around Australia know that the very popular tourist resort of Wilpena Pound does not permit the entry of dogs.

Motion carried.

FILM CLASSIFICATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

DANGEROUS SUBSTANCES BILL

Adjourned debate on second reading.
(Continued from 9 November. Page 1881.)

Mr. WILSON (Torrens): This Bill repeals the Liquefied Petroleum Gas Act and the Inflammable Liquids Act, and is designed to bring under its umbrella all substances included in those two Acts and other dangerous substances, such as acids, ammonia, chlorine, and so on, which are at present not controlled. It does not apply to substances covered under other Acts, such as the Food and Drugs Act and the Explosives Act. The Bill will have our co-operation, but the Opposition is disturbed about some of the provisions of the legislation, which is all-encompassing. It sets up an inspectorate with wide powers, including power to stop vehicles, to inspect, examine, and/or confiscate. It sets up a dual licensing system which requires not only a licence to store a dangerous substance but also to convey one.

Dangerous substances will be declared under the Bill by proclamation, not by regulation. No exemptions are contained within the Bill, as was the case in the Acts to be repealed. Without regulations to the contrary, such things as caravans carrying gas bottles would need a licence, as would a primary producer or a garage operator carrying a spare battery or a bottle of gas in the back of a truck. Where a corporate body is guilty of an offence, every member and manager of that governing body is liable. The legislation is all-embracing indeed, and I should like to

deal in more detail with three or four of its provisions.

First, the Bill sets up an inspectorate. In the principal Acts which the Bill sets out to repeal, one of which was the Inflammable Liquids Act, there are reasonable powers of inspection, but the powers of inspectors in this Bill are considerably wider. The Minister has given no indication, in his second reading explanation, of the cost of setting up an inspectorate, nor has he given any reason why these wide powers should be given to inspectors who would be able to act, in the matter of confiscation and storage, without warrant.

The second point relates to the dual licensing system. Under the parent Acts, the Inflammable Liquids Act and the Liquefied Petroleum Gas Act, licences are required for premises where inflammable liquids or liquefied gas are to be stored. Under the Bill, there is a dual licensing system, where a licence will be required not only to store a dangerous substance but also to convey it. This will add costs for people whose activities come under the ambit of the legislation, because fees will be payable from both sets of licences. Once again, the effect will be that people engaged in the metropolitan motor industry and other industries of that nature, and certainly primary producers, will face increased costs.

The third point is that the dangerous substances will be declared by proclamation, and not by regulation. The Opposition realises that, as the legislation is to cover not only inflammable liquids or liquefied petroleum gas, but includes corrosive substances, poisons, toxic substances, and things of that nature, it is extremely difficult for the Government to write into the Bill the exemptions which obviously it would have to write in because, taking the matter to a ridiculous extreme, a person carrying a butane gas lighter in his pocket would come under the ambit of the legislation unless regulations were passed to the contrary.

Part III gives the Governor power by proclamation to declare a dangerous substance. The Opposition realises that it is probably impossible, with all the additional substances that will have to be declared, to write exemptions into the Bill. No doubt the Government intends to exempt petrol carried in petrol tanks in cars, otherwise the situation would be ridiculous, unless the Government intended that every motorist should have a licence to carry petrol. The same could apply to a battery, which contains sulphuric acid; that, no doubt, would be proclaimed a dangerous substance under legislation.

The Opposition is of the opinion that these substances should be prescribed by regulation, and not by proclamation, because, when a so-called dangerous substance is brought under the umbrella of the Act, many people will be affected. We believe that these people should be given the right to express their opinion as to the hardships they would endure under the legislation if the substance so described was being proclaimed or prescribed. If it was by regulation, representations could be made to the Government and regulations could be disallowed in Parliament, although, as the Minister well knows, it is unlikely that that would happen. However, it would give time for representations to be made, and the Government could consider those representations and take appropriate action.

I have said that the Opposition is worried about the powers of the inspectorate set up by the Bill. We have to trust in the good faith of the Minister. We realise that these substances are extremely dangerous and are not controlled by law at the moment. We have only to remember the dreadful accidents that have occurred with chemicals which at the moment are not controlled, in other countries and in Australia, to realise that control is

necessary, and the Opposition accepts that proposition. I will not delay the House any longer, but I merely point out to the Minister that we are concerned about the cost of the inspectorate. We hope that perhaps he can set our minds at rest on that question. We are concerned about the powers of inspection. Without more ado, I support the Bill.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): The honourable member raised the matter of inspectors, and I think he referred to "alarmingly wide powers". I do not agree with that statement. I do not think that, under this Bill, inspectors have any wider powers of entry and inspection than are given in any other legislation of like kind. Where the variation in this legislation does occur is that the inspector has the power to destroy chemicals. I think the honourable member will agree with the Government and with me that, if the safety of persons or property was in jeopardy, the inspector should have that power.

Mr. Wilson: He can stop and search as well.

The Hon. J. D. WRIGHT: Of course, and he can do that under other legislation, too. I think that is the only variation in this legislation, where the inspector does have wider powers, but we are dealing with substances which can be very dangerous. In that area, I believe the inspector requires that power.

The second matter relates to amendments on file, and I think it would be better to deal with them in Committee rather than to comment on them at this stage.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

Mr. WILSON: I seek your guidance, Mr. Acting Chairman. I have an amendment to this clause, together with other amendments consequential on my amendment to the clause. I ask your permission to discuss the amendments *en bloc* under this clause in order to expedite the work of the Committee.

The ACTING CHAIRMAN (Mr. McRae): The honourable member has my permission to do that.

Mr. WILSON: I move:

Page 2, lines 9 to 11—Leave out all words in these lines and insert

"dangerous substance" means any substance, whether solid, liquid or gaseous, that is toxic, corrosive, inflammable or otherwise dangerous and declared by regulation to be a dangerous substance for the purposes of this Act:

The purpose of my amendments is to substitute for "proclamation" the word "regulation", and that applies to a later clause in the Bill. This power of proclamation allows the Government to widen the provisions of the Bill by a mere administrative fiat. It may be done in consultation with people likely to be concerned. If, for instance, as seems likely, a corrosive substance such as sulphuric acid were proclaimed within the Act, it would have a significant effect on many sections of the community. Regulations would no doubt be brought in under another section of the legislation to provide certain exemptions from the provisions of the Bill.

If the Government accepted my amendments any substance that the Government wished to bring under the umbrella of this Act would have to stand the scrutiny of the Parliament. The Minister knows regulations can be gazetted immediately and can be implemented, even though subject to a motion for disallowance. By allowing dangerous substances to be prescribed by regulation, the Government will lose nothing, but it will allow the people

in the community affected by these provisions to be informed of the Government's intentions, and thus put their case to the members of this Parliament.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I thank the honourable member for putting his amendments on file early, thus giving the Government the opportunity of examining what he was about. I have decided to accept the amendments. There was no intention by the Government merely to take control of the situation by proclamation. Some Bills are done this way, and some by regulation, and it was a matter of deciding which way this should be done.

The important factor about this Bill is that it is a new Bill. There will be areas in which we will probably make mistakes, and I would not like to make those mistakes, on the Government's behalf, by proclamation. In those circumstances, I think that the honourable member's argument stands up. It is best in the initial stages of the Bill to control by regulation, rather than by proclamation, and in those areas to give the Parliament the opportunity to view whatever changes we desire to make as we go along. I accept the amendment.

Mr. WILSON: I thank the Minister for his understanding and honesty. It is to his credit that he has said what has just been said. I place on record my appreciation of his action in accepting the amendment.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Non-derogation."

Mr. WILSON: The clause provides that substances covered under other Acts do not come under the umbrella of this legislation. I seek information from the Minister regarding agricultural chemicals, such as sheep dips and sprays. I understand that the Agricultural Chemicals Act does not give the power to control the conveyance of agricultural chemicals. Is that so, and does that mean that agricultural chemicals come under the ambit of this Act?

The Hon. J. D. WRIGHT: I would guess not, but this is the first time the matter has been raised with me. I will obtain the necessary information for the honourable member as soon as I possibly can.

Clause passed.

Clauses 8 to 12 passed.

Clause 13 negatived.

Clause 14 passed.

Clause 15—" 'Prescribed dangerous substance' for the purposes of this Division."

Mr. WILSON moved:

Page 5—

Lines 23 and 24—Leave out "proclamation under this section" and insert "regulation".

Lines 25 to 28—Leave out all words in these lines.

Amendments carried; clause as amended passed.

Clauses 16 to 18 passed.

Clause 19—" 'Prescribed dangerous substance' for the purposes of this provision."

Mr. WILSON moved:

Page 6—

Lines 30 and 31—Leave out "proclamation under this section" and insert "regulation".

Lines 32 to 35—Leave out all words in these lines.

Amendments carried; clause as amended passed.

Clauses 20 to 31 passed.

Clause 32—"Regulations."

Mr. WILSON: I seek information from the Minister about clause 32 (1), which contains power to regulate to prohibit the handling or conveying of any dangerous substance by a person who has not received the prescribed training. Does this apply to people transferring fuel from a petrol pump? I know this is probably a ridiculous

situation, but is a person serving himself at a self-service station prohibited because he has not had prescribed training?

The Hon. J. D. WRIGHT: Of course it would. I have to agree with the honourable member that the analogy is ridiculous. I am sure that it is not intended to go that far. The Government is trying to ensure that people who have a responsibility in this way have adequate training. The provision cannot be extended as far as the honourable member has suggested.

Clause passed.

Title passed.

Bill read a third time and passed.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 2078.)

Mr. MATHWIN (Glenelg): I support the second reading of this Bill because of the amendments on file, which I hope will be accepted. The Bill is short but it has very large consequences for the general public. It could cause problems to people who will no longer have the protection of section 89 of the Act if they purchase through the Housing Trust or what are called in the Bill "other prescribed bodies". In his explanation, the Minister said that section 9 of the principal Act prohibits such sales, and the view has been taken by the Crown Solicitor that the prohibition probably extends to such sales made by the Housing Trust.

This Bill proposes that it will be provided in section 89 that the section does not apply, and will be deemed never to have applied to sales by the Housing Trust. It is also proposed that other bodies prescribed by regulation be exempted, the bodies envisaged being confined to Governmental or charitable bodies. That is the only explanation the Attorney gave about this Bill. I would like him to give some indication of what the Government believes are the other bodies envisaged. It is obvious what those bodies will be, and that in itself is sufficient for me to question the Government on this matter. If people buy through the Housing Trust or, as stated in the Bill, "other prescribed bodies", and if they wish to have extra protection, they must pay the extra cost involved.

Likewise, in the private sector, in cases such as this people would first have to register the mortgage. That, of course, involves finance. They will have to pay registration fees, stamp duty and land broker's or solicitor's fees on the prescribed mortgage. When they eventually pay the full amount of the mortgage they will have to pay other fees and duties in relation to the release of the mortgage. Under a term contract, people will not have to pay these types of expenses. I remind the House (if it needs reminding) that private industry (and this is what it is all about) cannot get cheap money. The Housing Trust (and, one would presume, these other "prescribed bodies") gets subsidised finance. If the transfer title is over 10 per cent, the industry would have to have a money lender's licence.

If a person conducts a private business lending money, he has to have a moneylender's licence, so the private sector is always behind. The public sector (that is, the Government) has an unfair advantage over the private sector in relation to costs. When one considers the Attorney-General's explanation of the Bill, one can guess what these "prescribed bodies" will be. One would imagine that we are talking about the State Land Commission, which would have an added advantage; the

State Bank; the Savings Bank; and I suppose one could continue further to the State Government Insurance Commission. It appears from this Bill that the Government intends to move into the real estate business. That appears to me to be the intent of the Bill. Section 89 of the Act, which the main clause in this Bill alters, provides:

(1) A contract for the sale of any land or business that provides for the payment of any part of the purchase price of the land or business (except a deposit) before the date of settlement is void.

(2) Any moneys paid under a contract that is void by reason of subsection (1) of this section may be recovered by action in any court of competent jurisdiction.

(3) In this section—

“deposit” means an amount paid by a purchaser in a lump sum, or in not more than two instalments, towards the purchase price of land or a business before the date of settlement.

(4) This section does not apply in respect of a contract made before the commencement of this Act.

In short, that means that the deeds are in the purchaser's name. That, of course, is the important matter. One must read that section in conjunction with the Bill, because the Bill will add to that Act a further subsection (5), which states:

This section—

(a) does not apply and shall be deemed never to have applied in respect of a contract for the sale of land by the South Australian Housing Trust; and

(b) does not apply in respect of a contract for the sale of land by a prescribed body.

As I said earlier, one would imagine that that would cover, eventually, the State Bank, the Savings Bank, the State Government Insurance Commission, and, certainly, the Land Commission. That means that those organisations will hold the deeds, which would not be in the purchaser's name, so the purchaser would certainly be at a disadvantage. That could cause problems for those people in the future. That provision disadvantages the person who does not have the security of owning his land. It takes away a person's right of tenure of the land. I believe that when a person pays a deposit he should have a right, which is taken away by this Bill, of protection. When the Attorney replies to my remarks, although he has named only the South Australian Housing Trust in the Bill, will he say whether it is intended that the “other prescribed bodies” will be the Land Commission, State Bank, Savings Bank, and S.G.I.C.? As I said when I first spoke in this debate, I support the second reading in the hope that the Attorney-General will support the amendments that I will move in the Committee stage.

Mr. EVANS (Fisher): I will support the Bill through the second reading, but I will not support it after that point if it is not amended. In 1973, when we disposed of the Business Agents Act and the Land Agents Act, the then Attorney-General, who is now the Hon. Mr. Justice King, said:

Clause 89, in effect, provides for the abolition of instalment purchase contracts, except that an amount by way of deposit may be paid in a lump sum or in not more than two instalments towards the purchase price before the day of settlement. There has, unfortunately, been a number of instances where instalment contracts (that is, where the purchaser does not obtain title until he has paid the full price in a considerable number of instalments over a period of years) have been entered into very much to the detriment of the purchaser.

The then Attorney-General's intention was to dispose of the type of contract that might be termed an agreement for

sale or purchase where the title is transferred to the new owner at the completion, or very close to the completion, of all payments being made. Before that time, the housing contracts being entered into by the Housing Trust were quite legal. In 1973 this Parliament agreed to a law suggested by the then Attorney-General which made it illegal for private citizens or any other body, including the Crown (because in essence it did not exempt the Crown in that Act), to enter into this type of term contract.

I can understand the concern of the Housing Trust and the Minister that those contracts entered into from 1973 until such time as this Bill becomes law should be made legal, for the sake of the trust and purchasers. I have no argument about that. However, I do have argument about the next stage of the Bill, which provides that section 89 shall not apply and shall be deemed never to have applied in respect of a contract for sale of land by the South Australian Housing Trust. Surely, we are not going to allow the Housing Trust to have an advantage over private enterprise again. Therefore, we should not allow that part of the Bill.

The Housing Trust should still be able to sell houses on its rental purchase agreements, which really are only agreements for sale and purchase. However, the trust or other body holding the mortgage should not retain the title until the debt is paid. The second part of the amendment provides that it does not apply in respect of a contract for the sale of land by a prescribed body. The first two bodies that could be prescribed would be the Land Commission or the Teacher Housing Authority. I cannot see a need for those groups to be covered.

The housing sales by the Housing Trust can be equated to some degree with what Hollandia Homes were doing. It is only recently that the Housing Trust has started advertising its homes for sale, and this is being done because it has overbuilt. In its advertisements it is saying that it has homes at Hackham West from \$33 500, and at Craigmore from \$32 000. I have had it put to me by persons who have looked at these homes that they were similar in size and quality to homes that have been sold by private enterprise in other estates and that the Housing Trust homes were up to \$3 500 dearer than homes of equivalent size built by private enterprise. Because the Housing Trust has within its power certain low interest money that it can use and certain people are obliged, because of their economic conditions, to go to the trust to buy a home, I believe the trust is adding several thousand dollars to the initial price of its homes.

The advertisement by the the Housing Trust says that the land price and transfer cost is included in the price. In its sale and purchase agreements the title is not transferred until the property is finally paid for. If there is a 40-year agreement it is possible that in that time the house has escalated in price and is worth double the original price. However, if stamp duty still exists at that time (and I suppose it will to some degree) home buyers will pay stamp duty not on the contracted purchase price but will pay on the value of the home at the expiration of that 40-year agreement. Therefore, the stamp duty will be much higher, so the home buyer will be disadvantaged. A three-bedroom home at Hackham West priced at \$33 500 cannot be sold by the trust to the public as a straight sale. Because the person who bought it could not immediately put the house on the market and recoup his money, he would be in a “catch 22” situation, the same as the Hollandia home people. The price paid for the home would be much higher than the market value at the moment.

The Hon. Hugh Hudson: Will you please seek leave to continue?

Mr. EVANS: The Minister would like me to seek leave

to continue, but it is a long time until February, so I would like to have continued. However, seeing that the Minister is nearly as tired as I am, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 14 and 15 (clause 3)—Leave out paragraph (b) and insert paragraph as follows:

(b) a separately defined piece of land that is delineated on a public map, or a plan accepted for filing in the Lands Titles Registration Office by the Registrar-General, and separately identified by number or letter;

No. 2. Page 2—After clause 5 insert new clause 6 as follows:

6. The following section is enacted and inserted in the principal Act after section 62:

62a. Notwithstanding the foregoing provisions of this Part, where—

(a) a plan of subdivision, or resubdivision does not provide for the creation of an allotment of less than thirty hectares in area

(b) the plan has been approved by the Council of the area within which the land to which the plan relates is situated,

the Registrar-General shall accept the plan for deposit in the Lands Titles Registration Office.

Consideration in Committee.

The Hon. HUGH HUDSON (Minister for Planning): I move:

That the Legislative Council's amendments be disagreed to.

The trouble we have with the first amendment is that it is hard to make any sense of it. It seems to involve surplusage because, after the passage of this legislation, the only plans that would be accepted for filing would be those approved by the local council and by the Director of Planning. We are unable to see—and we are therefore suspicious of at this stage—the reason for the addition of these extra words. At this stage, amendment No. 1 should be disagreed to for that reason.

Amendment No. 2 proposes, in effect, that for land over 30 hectares it is necessary only to get the approval of the local council. Members need to recognise that, under the Planning and Development Act as it stands, the approval of both the local council and the Director of Planning is required. If the Director of Planning is proposing to refuse a subdivision he must consult with the local council, but only the Director of Planning can refuse a subdivision on the grounds that the proposed subdivision is in conflict with the development plan. The council cannot refuse a subdivision on that ground, and it is simply inadequate, therefore, to propose that, for allotment sizes over 30 hectares, we should tolerate a situation in which only the council had to approve, because that is limiting the ground on which approval can be refused. Furthermore, it is possible, in view of the division of local government in this State, that neighbouring councils could adopt differing policies. You might get, for example, the District Council of Barossa adopting a different policy from the neighbouring council of, I think, Angaston.

Dr. Eastick: Angaston in one direction, Tanunda in another, and Gumeracha and Gawler.

The Hon. HUGH HUDSON: There are four councils in close proximity in that area. If you were getting one council accepting subdivisions quite readily, being subject

to pressure to accept them and agreeing to subdivisions where 30 hectare allotments have been created, and neighbouring councils following a different policy, the whole thing would come unstuck all over again.

Mr. Mathwin: They would know what was good for their area, wouldn't they?

The Hon. HUGH HUDSON: The honourable member would know that, in a local government area, it is a question quite often of saying, "If we get a lot of these extra subdivisions and convert agricultural land into rural living-type situations, we will get more in rates", and someone stands to make a packet of money out of it, and they come under pressure to approve.

The honourable member for Glenelg can nod his head as much as he likes. Local government is put under pressure to approve development proposals or subdivision arrangements where the developers concerned stand to gain a lot of money out of it. If he thinks that is not the fact, then he is not cognizant of the fact that councils that have a lot of vacant land where further development can take place are different kettles of fish from councils which are largely developed and already fully built up. This proposition is not satisfactory, and it is not appropriate to say that, for areas smaller than 30 ha, one system applies, and for areas larger than 30 ha another system applies.

Mr. EVANS: There is not much benefit in our talking about the matter here. We may disagree with the Minister's viewpoint, but I am sure there will be discussions with a few people in another place, and I hope that that will resolve the problem.

Dr. EASTICK: I express the same views as those of the member for Fisher. I believe that the Minister, in suggesting that the other place does not know what it is doing—and that was the inference to be taken more particularly in respect of amendment No. 1—

The Hon. Hugh Hudson: We don't understand it.

Dr. EASTICK: That does not necessarily mean that they do not know what they are doing. I would hope that, in the remarks he made about councils attempting to make money out of subdivisions, the Minister would dissociate the one council that he mentioned by name tonight, because I sincerely believe that the District Council of Barossa—

The Hon. Hugh Hudson: I mentioned four or five councils.

Dr. EASTICK: After the individual names had been given to the Minister by way of interjection. The only council the Minister mentioned—

The Hon. Hugh Hudson: Check the record. I said Angaston straight after Barossa, and you said Tanunda.

Dr. EASTICK: The Minister looked on Angaston on the basis of its being a neighbour of Barossa, and Barossa was the only council picked out. The District Council of Barossa has shown a tremendous amount of nous in its dealing with the major problem of subdivision and, as a result of its activities, it has been able to obtain from the subdividers, where subdivision has been permitted to proceed, all of those advantages which a council should obtain for its ratepayers. I have pointed out previously that only 7 per cent of the council's total ratable properties will be affected by this legislation, because the Act, as it exists, effectively controls all properties up to 59.99 ha. Some 93 per cent of the council district is already controlled by the provisions of the Act. I totally agree that, with all due haste, we should arrange for a conference of managers on this matter, so that the Minister's difficulties can be confirmed or denied by members of another place.

The Hon. HUGH HUDSON: Just to get the record straight, and so that I do not have the member for Light

going around saying things that are not correct, I mentioned more than one council, and I certainly was not fastening on Barossa or any other one. All I wanted was an example where, in a similar type of area, there were neighbouring councils and where, if there was not a consistency of policy, there would be automatic trouble. That is the point I was making.

Dr. EASTICK: Regrettably, other activity that was raised by the member for Glenelg came into the discussion immediately afterwards, and by inference—

The Hon. HUGH HUDSON: I ask the member for Light to show me a certain amount of courtesy on this matter, and not to take the inference. He is wrong.

Dr. EASTICK: Regrettably, when people read simple words in *Hansard* they cannot be party to the totality of the discussion which took place in this Chamber where innuendoes and other comments quite frequently give an entirely different content.

The Hon. Hugh Hudson: With any luck, *Hansard* will leave the whole of the debate out, and that will solve the problem—a total increase in the sum of human happiness.

Dr. EASTICK: I have too great a regard for *Hansard* to believe that the pearls of wisdom the Minister has injected into this debate could possibly be left out without its being against the best interests of history.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the Bill.

Later:

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

Consideration in Committee.

The Hon. HUGH HUDSON (Minister for Planning) 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 Mrs. Adamson, Messrs. Drury, Hudson, Olson, 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 9 a.m. on 23 November.

The Hon. HUGH HUDSON (Minister for Planning) 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.

MURRAY PARK COLLEGE OF ADVANCED EDUCATION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—In the title—Leave out "Murray Park", first occurring, and insert "Magill".

No. 2. Page 1, line 3 (clause 1)—Leave out "Murray Park" and insert "Magill".

No. 3. Page 1, line 12 (clause 3)—Leave out "Murray Park" and insert "Magill".

No. 4. Page 2, line 27 (clause 4)—Leave out "Murray Park" and insert "Magill".

No. 5. Page 7 (clause 13)—After line 17 insert new

subclause (4) as follows:

(4) The Council shall not implement any policy, or make any statute, relating specifically to the de Lissa Institute of Early Childhood Studies, unless the Head of that Institute concurs in the proposed policy or statute.

No. 6. Page 14 (clause 29)—Leave out the clause.

Consideration in Committee.

Amendments Nos. 1 to 4:

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

That the Legislative Council's amendments Nos. 1 to 4 be disagreed to.

The effect of these amendments is to leave out the name "Murray Park" from the Bill and insert the name "Magill". They are similar in intent to the amendments moved by the Opposition in this House. I opposed them on that occasion, for the reasons given. I see no reason for going through that again. I urge the Committee to reject the Legislative Council's amendments.

Mr. WILSON: I am disappointed that the Minister will not accept the amendments. The Minister said yesterday, "How much more does Murray Park want?" The merger must be seen to be a merger, as well as to be a merger in fact. There has been ample precedent for a new name when two colleges have merged. Why should Kingston, of all the colleges that are being merged in this series of Bills, be disadvantaged?

Mr. Mathwin: The Minister of Mines and Energy fought hard for Kingston.

Mr. WILSON: Yes. When Western Teachers College merged with the South Australian School of Art it was given the name Torrens. When the Adelaide College of Advanced Education merges with the Torrens College of Advanced Education, it will have the new name Adelaide College of the Arts and Education. Why should an exception be made in this case, especially as the recommendation of the Anderson Committee on which the Bill is based specifically stated that there be a new name? If that is the case, why will the Government not agree? The joint interim committee has never recommended the name "Murray Park". The case is explicit. The people of Kingston should be protected and given a fair go. I support the amendments.

Mrs. ADAMSON: I support the amendments. It is about time that the Minister showed some intestinal fortitude and stood up for the people he is supposed to be representing. He has buckled under to the power behind the throne. Fresh evidence will be brought into the debate to show that the name "Murray Park" should be removed from the Bill and the name "Magill" inserted in its place. The present Deputy Director of Murray Park put in writing to the joint interim committee his support from the name "Magill". Why is the Minister still resisting? We know that the Murray Park people find the name "Magill" acceptable. I represent the electorate in which the college is located, and the local people who have strong links with the Murray Park Community Centre, which is based on the college, find the name "Magill" acceptable. They would identify with it, and find it a logical change of name.

The Anderson Committee recommended that there be a change of name. The people at Kingston should be protected by not having the college subsumed; the amalgamation should be on an equal basis.

If the Minister refuses to accept the amendment, he will be betraying the trust placed in him as Minister in charge of the Bill that will affect these people. There have been massive representations from all over the State, so the Minister must be aware of the strong feeling in the community. Those people are fighting for a principle. The new college should have a new name. Is the power behind

the throne manipulating the Minister in some way? I urge the Committee to accept the amendments.

The Committee divided on the motion:

Ayes—(23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood (teller), Hudson, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Corcoran. No—Mr. Gunn.

Majority of 5 for the Ayes.

Motion thus carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be disagreed to.

The effect of this amendment is to give an individual the right of veto on any decision affecting the institute within the college. This is an extraordinary provision, that one individual should be given the right of veto. I do not think I have to go any further regarding this matter. I urge the Committee to reject the amendment, which is absurd.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be disagreed to.

The Council argues that clause 29 refers to a Bill which has not yet been seen in that place. When the measure passed through this House, the same could have been said, but was not. This obviously did not bother the members of the House, and should create no problem now. I have given notice that the second reading explanation will be delivered to this House tomorrow.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the Bill.

Later:

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

[Midnight]

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2279.)

Mr. EVANS (Fisher): I drew a comparison earlier between the prices that the South Australian Housing Trust is charging for homes similar in size to those sold by private enterprise. I quoted two prices of houses in the areas of Hackham West and Craigmore, that were advertised by the Housing Trust in the *Sunday Mail* of 19 November this year. In a similar residential area, according to the *Sunday Mail*, a private enterprise group was selling homes of similar size and with similar facilities for \$28 500. The only thing that the trust had in its favour was that homes built by the trust were fenced. However, if one looks at the type of fencing used in Housing Trust homes, particularly in Taylors Road, Happy Valley, it will be seen that the fences have more bends than a dog's hind leg and are not fixed in the ground with any degree of stability.

The trust has jacked up its prices and has proved to be

inefficient in its operation. The trust adds an additional price to homes to cover itself for future events. Regarding an area like Christie Downs, where there are acres and acres of homes like dog boxes, a person buying a home in that area would find it impossible to sell a house and recoup the money originally paid.

The Minister said earlier that the trust will buy the houses back if they cannot be sold privately. That is true, and in fact the obligation is on the buyer to sell the house to the Housing Trust within the first seven years, in the case of rental purchase homes. However, if a private buyer can be found, a bigger profit should be made. Christie Downs is a typical example and there are similar homes in the Salisbury area. The disadvantaged are being further disadvantaged by the method of sale and increasing prices. The disadvantaged will continue to be disadvantaged if the present circumstances continue. The social consequences should be considered. If the trust wants to be excluded from section 89 of the Act, and that is the proposal in the Bill, it should be trying to get a better social mix than it has at the moment.

The trust wants this Parliament to agree to give it the power to sell under sale and purchase agreements but at the same time it does not accept the responsibility, I believe, of having a good social mix in the type of houses it is building. It tends to put all those in the low-income group in one area, and I think that decreases the total value of all properties in that area. The trust could establish a central area where middle-income people could live, and people in the lower-income group could live in houses around that area. At Flagstaff Hill, private developers initially built for the higher-income and middle-income groups and then, after that, the lower-income groups moved in, and this provided a better social mix over the whole area.

The Christie Downs area is one that we should not be proud of, and the trust should be conscious of what it is doing to those people, because if they are transferred interstate they will be in as bad a situation as some of the Hollandia home people: they will not be able to recoup their money and they will be selling at a loss if they sell on the open market.

I am not just talking about rental-purchase homes when I say that, because the trust does sell homes to buyers outside the rental purchase area. It is worth remembering that the money received under the Commonwealth-State Housing Agreement and moneys received generally from the Federal Government are given to the States to provide welfare housing. I believe that the South Australian Housing Trust is going outside that field; it is not sticking to welfare housing. It is setting out deliberately to compete with private enterprise. I know that is the policy of this Government but it is contrary to the purpose for which money is made available by the Federal Government as agreed to by the State Ministers.

Paragraph (b) of clause 89 states that this clause "does not apply in respect of a contract for sale of land by a prescribed body". Parliament has no chance of stopping the prescribing: the Minister, through Cabinet, will just prescribe a particular body that will be exempt from an Act of Parliament which a Labor Party Attorney-General said was important to have to stop this type of term agreement. Whom is this going to exclude? I believe it is the South Australian Land Commission. The main purpose of that exclusion is this when the Labor Government was in power federally it made moneys available to the State for the Land Commission to acquire property around the metropolitan area of Adelaide for future subdivision. A condition of that money being made available was that the Land Commission would not lend

money.

I know that there have been some wise minds working on this matter and maybe some of those minds belong to people who were originally in the Federal Department of Urban Affairs and who have come up with a way around this. If the Land Commission can now sell, on agreement of sale and purchase, term contracts that is another way of lending the money, but it cannot be interpreted legally as lending. We can argue that we are selling a block of land to a young couple, giving them seven years to pay it off, and that the title will not be transferred to them until they finish paying for it. So, really, it has them tied: the Land Commission holds the title, and, at the end of the period of the contract, it will transfer the title to them. All that means is that the Land Commission can get around the agreement originally made that it would not lend money.

Let us look at that organisation and see whether it is as successful as the Government claims it is. We find, if we look at advertisements of the Land Commission, which I believe will be one of the prescribed bodies, that it has mini-size blocks at Lonsdale Road priced from \$7 700 to \$8 800. We recall that the Government was saying that it would be able to sell blocks for \$5 000 or \$6 000 and that it would be able to get them on the market and help people. Well, blocks are \$8 000, nearly \$9 000 in that area. At Happy Valley, 20km from the city, the commission has blocks from \$8 250; at Reynella it has blocks from a minimum price of \$7 900; at Chandler Hill it has blocks from \$8 350. So the Government has not kept prices as low as it said it would.

In the *Advertiser* of 18 November, we see blocks at Craigmore from \$6 950 to \$9 600, and at Hillbank from \$6 800 to \$9 400. In other words, the Land Commission, one of the bodies that is going to be prescribed under this exemption, has land already at the \$10 000 mark in real terms. In the *Sunday Mail* of 19 November a private developer had blocks of land at Hackham for sale at \$6 200 to \$7 400, which is cheaper than anything the Land Commission has on the market. Yet we are told that private enterprise cannot compete with the Land Commission, which was going to get cheaper land on to the market for the average person. That has already proved to be hogwash.

At Seaford, on the popular South Coast, there are blocks from \$7 000 to \$10 000, which is equal to anything the Land Commission has, but they are larger allotments on average. What have we done? We have set up a monster that is having trouble quitting all of its blocks. It is becoming a monopoly on all development in this State to the point where it is now holding at least 4 000 fully developed allotments that are unsold. Private developers are holding about 3 300 blocks, so that the Land Commission, of all the developers, already holds the most developed allotments.

In addition, it holds a vast amount of undeveloped land, yet we are trying under this Bill to give the Land Commission another advantage. It already has a major advantage in relation to land tax. A private developer has to pay land tax on the aggregated value of all the land he holds. The Land Commission does not pay any land tax, yet, if it paid land tax on all the property it holds at the same rate as private developers have to pay, it would have to pay about \$1 500 000 a year to the Treasury. So that amount is not going to the Treasury. Even though the Land Commission has that advantage, it still cannot sell its blocks of land as cheaply as can private enterprise.

The other advantage it has is that it can buy its vehicles, etc., exempt from sales tax. It also has the advantage of being able to go to Government departments and get certain priority on approvals and services. The proposal by

the Attorney-General does not enthuse me, and I believe that proposal to give the Housing Trust exemption so it can continue its policy of disadvantaging the disadvantaged is wrong.

I believe that if the Housing Trust wants to sell properties it can do so through the normal mortgage system by putting the intending purchaser's name on the title if it so wishes. By that method, the trust and the individual setting out to buy the property will not be disadvantaged. The trust can still have the same provisions for resale back to it if the person cannot go on with the contract as the Land Commission does in real terms when it says that people must build within a period of years.

The trust also does this under its purchase programme. If you phone the Housing Trust and ask what the minimum deposit price of their homes is, at the moment, because it is struggling to sell, it will tell you that it is \$2 000 and that the payments are about \$55 to \$64 a week, depending on your financial circumstances and other commitments you may have. That also depends on whether you are getting your loan through the State Bank on the low interest money or whether you are getting it through the Savings Bank with the Housing Trust holding the second mortgage. The pamphlets recently given to members by the Housing Trust state that the minimum deposit is \$4 000. Those pamphlets are issued by the trust to people intending to buy homes. The Housing Trust has got into so much difficulty through over-building, as the Land Commission has through over-development, that it has had to go against its own pamphlet regarding minimum deposit charges.

The Hon. Hugh Hudson: You are just making this up. It is a pamphlet on rental purchase?

Mr. EVANS: I am not talking about that; I am talking about the minimum deposit it will take. When I inquired at the Housing Trust today about its minimum deposit I was told it was \$2 000, so there is a difference of \$2 000 between the price quoted over the phone and the price quoted in the pamphlet.

The Attorney-General can force the Bill through the House because he has the numbers. He can argue that the Housing Trust is a public authority and was never intended to be included by the then Attorney-General, Mr. King. I personally have a bit more respect for Mr. King's ability and capacity to know what he was doing than I have for the present Attorney-General's ability to assess what he thought Mr. King was doing. I believe the Hon. Mr. Justice King, as he now is, intended that the Housing Trust be bound by the same provisions as is the private sector. I do not believe Mr. Justice King, when he was Attorney-General, ever intended to prescribe for some other body to be excluded from the provisions of the Act that the private enterprise sector had to be bound by.

I hope that the House will accept any amendments that improve the Bill and that we stop directing lower income groups to the outer fringes of the city into areas where there are very few bus facilities and other facilities that make life easier. Most of these people are young and have young families and do not have the money to move into the city where they can enjoy the things enjoyed by most people. We should try to achieve a better social mix in the community. I support the Bill through its second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Abolition of instalment contracts."

Mr. MATHWIN: I move:

Page 1, lines 12 to 14—Leave out all words in these lines and insert "shall be deemed not to have applied in respect of any contract for the sale of land by the South Australian

Housing Trust made before the commencement of the Land and Business Agents Act Amendment Act, 1978".

I was disappointed that the Attorney-General did not give any explanation of what he intended in this Bill, or answer the questions that my colleague and I had asked him. For that reason I do not know whether the Attorney will accept this amendment. I propose the amendment because I believe this Bill will cause problems to people who will no longer have protection. Those are the people who will buy their homes through the trust and the other prescribed bodies about which we are still awaiting an explanation. We have legislated to legalise the past, but we believe that in the future the Housing Trust and other bodies or organisations should be on a similar line to the rest of the industry and that no persons should lose the protection they now have under the Act.

The Hon. PETER DUNCAN (Attorney-General): The Government does not accept the amendment. It is quite amazing that the honourable member has moved such an amendment when one considers the thousands of people in the community who have benefited enormously through these rental purchase agreements. Apparently the Opposition is now seeking to do away with them and change what has been the policy of Governments of South Australia for many years. That policy was originally introduced by Liberal Governments and has been continued by this Government. This policy has led to thousands of people in this community being able to get houses that they would not otherwise have been able to purchase before.

The effect of this amendment would be to deny such people the opportunity in the future of obtaining housing through these types of schemes. That would be quite contrary to the interest of the people of this State, and particularly to the poorer people of this State who would not otherwise be able to obtain housing. The Government has no intention of accepting this amendment, and I believe we would be failing in our duty to the people of South Australia if we accepted it. It is very strange to hear members opposite feigning some sort of interest in protecting consumers in these matters. Anybody who follows the history of the passage of the Land and Business Agents Act through this Parliament would well know the sort of rearguard action that was fought by members opposite in an endeavour to stop that legislation from getting through Parliament. It certainly is extraordinary to see the feigned change of heart they have had over the matter and have expressed tonight in promoting this amendment.

Mr. EVANS: No-one has suggested that the trust cannot continue a scheme similar to the rental purchase scheme. There is nothing wrong with having contracts that operate on a similar basis, where the potential owner's name appears on the title, where there is a transfer of title to that potential owner, and where the potential owner has mortgages endorsed upon the titles which are held by the lenders, whether the trust or the bank.

The Hon. Hugh Hudson: Who pays the stamp duty?

Mr. EVANS: I am glad the Minister raised the matter. The attitude of our Party to stamp duty, in particular for people buying their first house, is clear. It would be a simple process for the Government to say that it wants to help the low income earners and that it will abolish stamp duty on the first house anyone buys. The people who are supposed to be helped, the disadvantaged, the struggling, are the people the Government wants to bleed for buying their own house. We know who is doing it, and there is no reason to oppose this amendment. The Government does not want to give the low income group a chance to buy a house at the lowest possible price, and it wants to charge

them a tax for wanting to own a house.

There is nothing wrong with the amendment. The Attorney-General does not have to stop rental purchase agreements. Instead of endorsing the title at the end of 40 years with the intending purchaser's name, the title is transferred on signing the agreement and on starting to pay off the debt, and the purchasers are exempted. Surely the Government can see the benefit of saying to these people, "We are prepared to exempt you from land tax. We do not believe you should be bled for wanting to buy your own house." However, the Government will not agree. Members opposite hide behind this sham that the Attorney-General uses that they want to protect those on low incomes. It is not true. The example was given tonight when the Minister in charge of housing wanted to know who would pay the stamp duty. It should not even apply. I support the amendment.

The Committee divided on the amendment:

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

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Rodda. **No**—Mr. Corcoran.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. MATHWIN: I move:

Lines 15 to 17—Leave out all words in these lines.

I had hoped that, when the Minister replied to the debate, he would have given some indication of what he had in mind. I asked many times, as did the member for Fisher, what he intended in respect of "prescribed bodies". The bodies envisaged, as he said in his report, were confined to Governmental or charitable bodies, but that is not sufficient. In the absence of any further explanation of the Government's intent, we say that it must be the Land Commission, the S.G.I.C., the State Bank, and the Savings Bank. Will the Attorney-General say what the Government intends, and will he support the amendment?

The Hon. PETER DUNCAN: I hate to disappoint the honourable member, but I do not intend to support the amendment. In drawing up this subclause, no particular Government instrumentality or department was in mind. We believe that there is nothing inherently wrong with these rental purchase agreements. It is the way in which they are put into effect that can give cause to serious and, sometimes, justified complaint. I do not believe that any Government instrumentality would want to undertake the sorts of malpractices previously associated with these types of arrangement. Regarding charitable bodies, I am thinking of the possibility of some organisations providing housing for groups in the community that are disadvantaged, such as, possible types of arrangements that might be undertaken by organisations of the elderly citizens homes type to take advantage of this exemption. As it is important that the provision be included, I oppose the amendment.

Mr. EVANS: I am disappointed in the Attorney-General, because I thought he would give a clear indication of whether he wanted to include the Land Commission. I believe that the main purpose of the provision is to include the commission. The Government should be frank and open, as it says it is. By having the Land Commission excluded from the Act, the commission could lend money under a type of term agreement for the purchase of allotments. I support the amendment in the

strongest terms because, if any part of the Bill should be defeated, it is this provision, which should never have been included. If any Minister in the future wishes to exclude certain organisations, they will be excluded. We cannot go on giving the Government power to exempt anyone from the provisions of an Act, especially legislation allegedly designed to protect the consumer.

Mr. MATHWIN: I am disappointed that the Attorney-General will not accept my amendment. Because of that, there is a colossal financial advantage for some organisations. Whilst I have little argument regarding charitable organisations, this does not apply to governmental bodies, and this is one area in which it would be expected that the Government would introduce regulations. Although the Attorney boxed around it fairly well with a neat bit of shadow boxing, it is obvious to the Opposition that the Land Commission will be exempted. This exemption will no doubt flow to the State Bank, the Savings Bank, and the S.G.I.C.

The Committee divided on the amendment

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

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Payne, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Allison. No—Mr. Corcoran.

Majority of 5 for the Noes.

Amendment thus negated; clause passed.

Title passed.

Bill read a third time and passed.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

POLICE OFFENCES ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with an amendment.

TRADE STANDARDS BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 1097.)

Mr. GOLDSWORTHY (Kavel): I complain from time to time that the explanations of Bills brought before the House are too brief. However, that complaint cannot be levelled at this Bill because the second reading explanation is quite an essay; in fact, I found it repetitive. Usually, members have to seek additional information about Bills but the person who wrote this explanation waxed lyrical.

I have made some inquiries of those I thought would be concerned with this Bill. The result indicates that there is no particular problem with it, except that a fair bit of it is left to regulation. I understand that the Acts which this Bill supplants (the Sale of Furniture Act; the Goods (Trade Descriptions) Act; the Textile Products Description Act; the Packages Act; the Footwear Regulation Act; etc.) do prescribe standards to a large degree by regulation. The Bill is claimed to be industry protectionist in its compass. That statement is repeated two or three times. It is, of course, largely consumer protectionist. This is an important Bill, and we have no argument with it. This is one of the few occasions on which the Attorney consulted the people concerned. The Chamber of Commerce was consulted and suggested some amendments to him, which were accepted. That is an unusual course of action for the Attorney-General. It is a strangely constructive and co-operative action.

The Bill seeks to recognise the fact that you cannot serve the interests of the consumer by ignoring the interests of industry. That is an interesting observation, which I think largely escaped the Government in other consumer legislation it has introduced to the House. The Attorney has always pointed out that the interests of the consumer are paramount. There has never before been mention of the need to protect or balance the interests of industry. One can see that that is essential when dealing with the sort of matters encompassed in the Bill.

I draw attention of members to an article by the Hon. I. M. Macphree, Minister for Productivity in the Fraser Liberal Government, that appeared in the *Advertising Review* under the heading, "Quality is a highly saleable commodity", as follows:

A disturbing fact of economic life is that a "Made in Australia" label on a locally manufactured article does not always guarantee the product's good quality. On several occasions recently I have quoted a survey by the Australian Organisation for Quality Control which revealed that poor quality goods and services are costing Australia about \$700 000 000—or more than one per cent of the gross domestic product—every year.

That is a fairly disturbing fact when we are making an effort in Australia to publicise the fact that we should be buying goods made in our own country. The article continues

I doubt if any aspect of our service or manufacturing industries does more to lower overall productivity than sub-standard quality and poor quality control with resulting waste of valuable resources, damaging trails of disgruntled customers, lost domestic and overseas markets and lost opportunities for economic growth.

That has been my experience when I have bought a product with the circular motif on it, with the boomerang, and a "Made in Australia" label, and it has developed a fault. I bought a car pump with this symbol on it, and before long a spring had broken and it was not working. If this happens, one tends to lose faith in the product that is made in Australia. The sort of feelings expressed in this article can be easily understood. The report continues:

Every frustrated, disappointed consumer who has ever had cause to return a product or complain about a service which did not meet the consumer's expectations, can testify to the damage poor quality does to Australia's reputation at home and overseas. While admitting that individual firms in some industries and service areas demand good quality standards, in too many quality-control is sadly neglected. Management and employees not only do not know how to organise and achieve quality control, some fail entirely to acknowledge its importance.

Quality is a highly saleable commodity and I believe the

advertising industry could take a particularly valuable stance in promoting national productivity improvement by emphasising the importance of upgrading Australian goods and services. Account executives and creative departments can generally exercise more influence at grass roots level over their clients' attitudes to quality than can Government departments or Federal Ministers. Politicians and bureaucrats may pontificate in general terms on the virtues of quality control—

I felt the second reading explanation could be described in those terms—

but advertising agencies through their advisory function and close and constant personal contact with their clients are in the best position to push the importance of quality and quality-control.

Agencies can convince clients to build into advertising and public relations campaigns, the concept that—whether producer, manufacturer or service provider—ignoring the demands of domestic consumers and exporters for quality is too great a risk.

The Department of Productivity recently began discussions with organisations concerned with quality assurance and control to develop a national integrated quality service to help industry boost quality performance based on similar services in Europe, West Germany and Japan.

The participants include Federal and State Government bodies, the Australian Organisation for Quality Control, the Industrial Design Council of Australia, the Institute of Quality Assurance, the National Association of Testing Authorities, and the Standards Association of Australia.

I point out that the Standards Association was one of the groups that I contacted in relation to this Bill. The article continues:

Japan is one of the leaders in this field of productivity and quality improvement. Industrial "quality circles" are composed of employees who recommend to their employers

ways of improving quality, then co-operate with management to achieve quality excellence. I believe if similar groups existed in this country they could provide the advertising industry with valuable and compelling "copy" based on the excellence of clients' products and services.

An advertising agency which can honestly promote the quality aspects of its clients' ware can make a valuable contribution to ensuring that "Made in Australia", or better still "Designed and Made in Australia" is universally recognised as describing a product of quality, reliability and value.

This Bill seeks to go some way along the road to achieving the very desirable ends described in the article by the Federal Minister. I had anticipated speaking at some length on this Bill, but I will not do that at 1 a.m. However, I would point out to the House that the area of the Bill which breaks new ground is in relation to safety. All the other aspects of the Bill, packaging, standards, quality standards, quality information, and so on, are covered fairly adequately in existing legislation. It is the intention that these be preserved and that no major changes be made. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PETROLEUM ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 1.7 a.m. the House adjourned until Thursday 23 November at 2 p.m.