

## HOUSE OF ASSEMBLY

Thursday 23 November 1978

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

### PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

At 2.1 p.m. the following recommendations of the conference were reported to the House:

*As to Amendment No. 1:*

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

Clause 3, page 1, lines 14 and 15—Leave out paragraph (b) and insert paragraph as follows:

(b) A separately defined piece of land that is delineated on a public map and separately identified by number or letter;

line 20—After “by number” insert “or letter”.

That the Legislative Council make the following consequential amendment to the Bill:

Clause 5, page 2, lines 18 to 22—Leave out paragraph (a) and insert paragraph as follows:

(a) the plan was deposited with the Registrar-General before the first day of March 1979, and the Registrar-General is satisfied by such evidence as he may require—

- (i) that the plan was prepared, or preparation of the plan was substantially commenced, before the nineteenth day of September 1978; or
- (ii) that significant sums were expended before the nineteenth day of September 1978 with a view to subdivision or re-subdivision of the land.

And that the House of Assembly agree thereto.

*As to Amendment No. 2:*

That the Legislative Council amend its amendment—

(a) by striking out from paragraph (a) of proposed new section 62a. the passage “thirty hectares” and inserting the passage “fifty hectares”.

(b) by inserting in new section 62a. the following subsections:

- (2) Where application is made to a council for its approval of a plan of subdivision or re-subdivision under this section, the council shall, at least two months before it decides the application, inform the Director in writing of the fact that it has received the application and shall furnish him with such information in relation to the application as the Director may reasonably require.
- (3) Any representations made to the council by the Director or his nominee within two months of the day on which the Director is informed of the application shall be considered by the council.
- (4) The council may refuse its approval under this section on any ground on which the Director or a council may refuse to approve a plan of subdivision or re-subdivision under any of the foregoing provisions of this Part.

And that the House of Assembly agree thereto.

*Later:*

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

Consideration in Committee of the recommendations of the conference.

The **Hon. HUGH HUDSON (Minister for Planning):** I move:

That the recommendations of the conference be agreed to. The Legislative Council's amendment No. 1 which would have had the effect of allowing automatically all applications received by the Registrar-General since 18 September, was not insisted on by the Legislative Council. Instead, an alternative amendment has been made to add the words “or letter” to the interpretation of an allotment, so that we are dealing with a separately defined piece of land that is delineated on a public map and separately identified by number or letter. Previously, this was done by number only. That is really a clarification amendment and there is no great significance attached to it. The consequential amendments are the relevant ones.

The consequential amendments are the relevant ones. Previously we had applied in the Bill that, if a plan was lodged with the Registrar-General before 1 January 1979 and the Registrar-General was satisfied by such evidence as he may require that the plan was prepared on or before 19 September 1978, then that plan would have been accepted. That did not cover the situation where plans had not been prepared before 19 September but had been substantially commenced, or the situation in which substantial sums had been expended, perhaps in arranging for an auction, but in which no preparation of plans had actually taken place.

The conference agreed that the provisions provided in the original Bill should be amended to allow, first, for the plan to be deposited with the Registrar-General up to the 1 March 1979 and, secondly, that it would be accepted if the plan was prepared, or preparation of the plan was substantially commenced before 19 September, or that significant sums were expended before 19 September. In each case the Registrar-General has to be satisfied by such evidence as he may require as to whether the events I have described have in fact taken place.

As to Amendment No. 2, what was proposed originally by the Legislative Council was that any subdivision or re-subdivision plan that involved creating allotments in excess of 30 hectares required approval of the local council only. The present position with respect to allotments created smaller than 30 ha in size is that both the approval of the council and of the Director of Planning is required. Under the Act as it stands, the grounds of refusal that apply in relation to the council's decision are not the same as the grounds of refusal that apply in relation to the decision of the Director of Planning, so the Legislative Council had one problem because what it was proposing would have limited the grounds under which a refusal of a subdivision could have been given by a council.

What was agreed by way of a compromise was that the present frame of the Act should apply in relation to any allotments up to a minimum size of 50 ha (a bit over 120 acres) and that, with any subdivision or re-subdivision plan where allotments were created in excess of 50 ha, the decision would go purely to the local council. However, the local council would be required, at least two months before it decided the application, to inform the Director of Planning in writing of the fact that it had received the application, and furnish the Director with such information in relation to the application as the Director might reasonably require.

Secondly, any representations that were made to the council by the Director or his nominee within two months

of the day on which the Director was informed of the application shall be considered by the council, so that the council has to take into account any views that the Director puts to it. Thirdly, the council may refuse its approval under this section on any ground on which the Director or a council may refuse to approve a plan of subdivision or resubdivision under any of the foregoing provisions of this Part.

The compromise arrangement amounts to this: whereas there was subdivisional control only up to 30 ha, that is extended to 50 ha. Beyond 50 ha, it is extended to any subdivision or resubdivision throughout the State as a whole except that the decision to approve will lie with the local council. The local council has to consult with the Director of Planning, has to consider any representation made to the council by the Director of Planning, and is allowed to refuse an application for subdivision or resubdivision where the allotments are above 50 ha, not only on the grounds on which councils could normally refuse, but also on any of the grounds on which the Director could normally refuse.

Whether or not this will work out effectively in practice remains to be seen. It will, I think, be suitable as an interim arrangement, at least until the new Act is prepared. It may well provide some interesting evidence about the ability of councils to become involved in this kind of work. For those reasons, and also because it means that the basic purpose of the Bill, which was to bring under control subdivision proposals where allotments were greater than 30 ha, is achieved, we have agreed to the compromise at the conference.

**Mr. EVANS:** I support the motion. I believe it is a compromise. It is not as far as I would have liked to see the amendments go. I do not like too many controls over people's lives and the property that they have. I think that is typical of me and I hope it always stays with me as a characteristic, as I believe individuals should retain as many rights as possible as long as they do not interfere with other people's rights, because they then become a responsibility.

I think it is important in accepting these amendments that the Minister and his department get down to the nitty-gritty of setting out zones in this State and rewriting the Act. As the Minister said, this Bill will be all right as a trial measure during the interim period. I accept that as being a reasonable proposition.

**Dr. EASTICK:** I, too, support the motion. I believe that the first amendments achieve what the Opposition was able to gain in this place from the Minister by way of assurance. The other place has taken the opportunity to put that assurance into words in the Bill. Whilst I do not deny it the right to do that, I was quite happy that the interests of the people involved in this area would have been justly looked after by what the Minister had agreed to do.

The Minister was asked when the Bill was before the House to consider a compromise. He was rather dogged in his attitude and would not concede any ground. I am more than happy with the compromise that the conference has reached. I think that the best interests of the State were achieved. This will spur on the other actions which are now necessary in the planning area to determine the zones within the State and to tidy up a number of aspects of the Planning and Development Act that are currently rather questionable, not so much by design but because of the passage of time and the difficulties that have arisen. The present proposals will achieve a reduction in some areas of grey and an improvement for the State.

**Mr. RUSSACK:** There have been several instances since 19 September, in my district where land has been

auctioned, and in one or two cases the land was not sold as a whole, as a farm of, say, about 600 ha, but divided into two or three allotments and sold to neighbouring property holders. What effect will this legislation have on such a case?

**The Hon. HUGH HUDSON:** They will have to satisfy the Registrar-General that the preparation of the plan was substantially commenced before 19 September 1978 (and the Registrar-General has indicated that he will accept as evidence the surveyor's field notes or a statutory declaration that those provisions were met) or, alternatively, they must satisfy the Registrar-General that significant sums were expended before 19 September 1978 in arranging the auction or whatever. The Registrar-General has again indicated that, if the people concerned will swear a statutory declaration that that is the case, he would find that evidence satisfactory. If the people concerned are not able to meet those criteria they will have to apply for planning approval according to the provisions of the Bill. If the allotments are over 50 hectares in area, application would have to be made to the local council. If any of the allotments were below 50 hectares, application would have to be made to the Director of Planning.

**Mr. GOLDSWORTHY:** I support the amendments, because they certainly improve the situation in relation to the original Bill. During the debate on the Bill I raised with the Minister the matter of what I think I termed the ground rules for subdivisions in the catchment areas. Some resubdivisions are allowed. Landholders are allowed to cut off one block for a son, if the remainder of the property is a viable economical agricultural unit.

**The Hon. Hugh Hudson:** That is done administratively. It is done by applying to the Director of Planning.

**Mr. GOLDSWORTHY:** I reside in an area described as watershed zone 1, where the tightest pollution controls are enforced largely by the Engineering and Water Supply Department. It seems to me that in most cases the State Planning Office leans on the Engineering and Water Supply Department to refuse applications under the terms of its pollution control measures. This is particularly so in watershed zone 1. Most of the cases I have taken up have been for people who have wanted to subdivide their land. Under the terms of Government policy, this has been refused. The latest complaint I have received in the past three or four weeks concerns J. A. & A. J. Black (I believe they are the names) who live in the Paracombe district.

**The Hon. Hugh Hudson:** This has nothing to do with the agreement.

**Mr. GOLDSWORTHY:** I will put it in writing and send it to the Minister.

**The Hon. Hugh Hudson:** I think it should be put in writing.

**Mr. GOLDSWORTHY:** I will do that, but I point out that the ground rules, which have applied without exception to my knowledge in this district, appear to be in danger of being waived in this case. I raise this matter now so I can obtain an assurance from the Minister that these ground rules will be administered without fear or favour and with consistency. When I contacted the State Planning Office, instead of arguing against subdivision it was arguing for it, and that is quite contrary to all the ground rules that I have been arguing about over the years. The person to whom I spoke was an officer of the Minister of Works, I understand. The amendments are sensible, they do not go as far as the Bill went, and they give local councils a bit more say in the matter of subdivision and resubdivision.

**The Hon. HUGH HUDSON:** If the honourable member will give me the details I will look into the matter. I am not

aware of any example where the policy has not been applied consistently. It is my understanding that restrictions are more stringently applied in watershed areas.

**Mr. VENNING:** My query follows the question asked by the member for Goyder, and I cite the situation of a freehold property of 2 000 acres. I do not know whether or not the Minister understands how land is auctioned. Invariably, it is offered as a whole, and if it makes a satisfactory price for the vendor he sells it. If the land does not reach the reserve price it is then put up in part. If any of the land happened to be leased land, that lease is transferred to the successful purchaser after the approval of the Minister. From 19 September, will the auctioneer have to say to people that the sale is subject to the approval of the Director of Planning or the local district council?

**The Hon. HUGH HUDSON:** Yes, it is exactly the same position as would apply with respect to the sale of a property of 25 hectares that is attempted to be sold as a whole and then attempted to be sold in part. Under current circumstances (and the provision has applied for some time) any sale of part of that 25 hectares would be subject to subdivisional approval being obtained. In the case of the 2 000 acre property—

**Mr. Venning:** It is in three different sections.

**The Hon. HUGH HUDSON:** If there are already separate titles, it does not matter, because the land is already divided. This position applies only if there is no separate title.

Motion carried.

#### MOTOR VEHICLES ACT AMENDMENT BILL

At 2.2 p.m. the following recommendations of the conference were reported to the House:

*As to Amendment No. 1:*

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

*As to Amendment No. 2:*

That the Legislative Council insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

*As to Amendment No. 3:*

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

Clause 45, page 13, line 17—Leave out “A” and insert “Subject to subsection (3) of this section, a”.

After line 19—Insert subsection as follows:

(3) The Registrar may, in such circumstances as he thinks fit, issue a licence endorsed with the classification “Class 2” to a person aged seventeen years, and may, pursuant to section 81 of this Act, endorse any conditions upon the licence.

And that the House of Assembly agree thereto.

*As to Amendment No. 4:*

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

Clause 60, page 17, lines 13 and 14—Leave out subclause (2) and insert subclause as follows:

(2) Section 98b of the principal Act is amended by inserting after subsection 15 the following subsections:

(15a) Where a court has made an order under subsection (15) of this section on the

grounds that the disqualification would result in undue hardship the court shall order:

(a) that the Registrar shall endorse upon the licence such conditions as are appropriate in view of the grounds upon which the court allowed the appeal; and

(b) that the appellant deliver his licence to the Registrar for that purpose.

(15b) A condition endorsed upon a licence pursuant to subsection (15a) of this section shall have effect for the period of three months from the time at which the endorsement is made.

(15c) A person who fails to comply with a condition endorsed upon his licence pursuant to subsection (15a) of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(15d) Where a person is convicted of an offence under subsection (15c) of this section, one demerit point shall, subject to this section, be recorded against that person.

And that the House of Assembly agree thereto.

*As to Amendment No. 5:*

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

Clause 63, page 17, lines 37 and 38—Leave out “the Registrar thinks fit” and insert “may be prescribed.”

And that the House of Assembly agree thereto

*As to Amendment No. 6:*

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

*As to Amendment No. 7:*

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

Clause 72, page 21, line 21—Leave out “solicits” and insert “not being the holder of a towtruck certificate who has, in accordance with section 98j of this Act, obtained an authority to remove a vehicle damaged in an accident from the scene of the accident, solicits”

Line 22—Leave out “a vehicle damaged in an accident” and insert “that vehicle.”

And that the House of Assembly agree thereto.

*As to Amendment No. 8:*

That the Legislative Council insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

*As to Amendment No. 9:*

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

Clause 74, page 22, lines 27 and 28—Leave out “forthwith and truthfully.”

And that the House of Assembly agree thereto.

*As to Amendment No. 10:*

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

Clause 74, page 22, lines 39 and 40—Leave out paragraph (g) and insert paragraph as follows:

(g) by inserting in paragraph (b) of subsection (4) after the passage “refuse or fail to answer truthfully” the passage “and as soon as reasonably practicable (but in any event within forty-eight hours)”.

And that the House of Assembly agree thereto.

*As to Amendments Nos. 11 to 14:*

That the Legislative Council do not further insist on its amendments.

*Later:*

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

**The Hon. G. T. VIRGO (Minister of Transport):** I move:

That the recommendations of the conference be agreed to.

At the outset, I should like to place on record my appreciation of the attitude which was abundantly clear at the conference and which assisted us to reach a compromise solution which would retain mainly the interest of the Bill but still meet some of the points raised by the Legislative Council.

Briefly, the first amendment of the Legislative Council was in the description of the term "mass", and the Legislative Council proposed that that term should not include the equipment that is carried on a vehicle intermittently. The Legislative Council was informed that the description as contained in the Bill is identical with the description existing presently in the Act, with one exception, and that was changing the word "weight" to "mass", in accordance with metrication, but the description was the same. After discussion, and taking into account that the existing legislation and regulations exempt primary producers from a great deal of this, the Legislative Council agreed not to proceed any further with that point.

The second amendment was a matter discussed quite extensively in this Chamber relating to the qualifying period a person should serve before being eligible for a class 4 licence. The Bill provided that a person had to have a class 4A licence for a period of two years, or pass a driving test determined by the Registrar. The House of Assembly, in its endeavour to get finality on the Bill, compromised by accepting the 12-month term.

**Mr. Mathwin:** Hear, hear!

**The Hon. G. T. VIRGO:** The honourable member expressed that view here. I have accepted the 12-month term, not because I believe it is good, but in the interests of getting the Bill passed. It is rather ironical that, in South Australia, we are just introducing a qualifying period of 12 months when, in Victoria, Queensland, and Western Australia, the period is two years. At least we could argue that the other enlightened State, New South Wales, has 12 months, so perhaps that would make us right in the eyes of the honourable member. I do not think it is of great moment. Certainly, there was no great point at issue that one should look at that would even suggest the loss of the Bill.

The third amendment was the controversial question of whether a farmer's son aged 17 years was going to be able to drive the farm truck. Stripped of its frills, that is what is boiled down to. We reached a compromise in getting the Legislative Council not to insist upon its amendment; in other words, for the legislation we proposed to remain as we had proposed it, but with the addition set out in the report of the conference. It will mean that, if someone wants a class 2 licence and he is 17 years old, he can make application, and the Registrar may restrict it to a certain area, or carting drains, or whatever conditions he thinks fit. On that score, the matter was resolved.

The fourth amendment upset some people and certainly the member for Mitcham. It involves the question of the livelihood of lawyers. We were taking away the second right of appeal that people have, remembering that they have a right of appeal on every occasion on which demerit points are added.

**Mr. Millhouse:** That's quite irrelevant.

**The Hon. G. T. VIRGO:** It is not irrelevant, because that is how they are amassed. When they get over 12, they have a further right of appeal on two grounds; first, that it is in the public interest that they should lose their licence for three months; and secondly, that it would cause undue hardship. We reached the compromise on the basis that the appeal provisions would remain, but that we would attach a requirement, to the reason of undue hardship, that the court shall, if it finds in favour of the appellant on the basis of undue hardship, instruct the Registrar to attach to the licence a restrictive condition appertaining to the reason for its granting the appeal.

Amendment No. 6 was the clause that dealt with the behaviour of tow-truck operators at the scene of an accident. After the matter was further explained to the managers of the Legislative Council, I think that they saw the wisdom of what we were doing and decided not to proceed with their amendment.

Amendment No. 7 was designed to prohibit soliciting at the scene of the accident, soliciting being the harassment of the person concerned. What we have agreed to do is to insert, as a preface to that clause, the words "not being the holder of a tow-truck certificate who has, in accordance with section 98j of this Act, obtained an authority to remove the vehicle". In other words, we are effectively, with that addition to our original proposal, clarifying what we intended, namely, that once a tow-truck authority has been issued, it is unlawful for other tow-truck operators to solicit against the one who has already been signed. However, it was acknowledged that there was never any intention to prevent the authority to tow that had already been given to another holder, and that is what the amendment did.

Regarding amendment No. 8, I think that I indicated, when the Bill was before the House, that we would look at the question of people riding in tow-trucks. The proposal the Legislative Council came up with is completely in line with what we would propose and, accordingly, we are pleased to have that inserted.

Regarding amendment No. 9, I do not think that the Legislative Council had thoroughly read the Bill, because its proposals in relation to the amendment rather collapsed once their attention was drawn to the fact that the inspector could exercise these powers only when the premises were open for business. Obviously, they were reading it on the score that the inspector could break in without a warrant at any time, but that is not intended, and it is not provided under the Act. The Legislative Council withdrew that, but pursued paragraph (f) of its amendment, which deals with the matter of answering questions forthwith. We have found a set of words that we believe will satisfactorily solve the problem and prevent people from deliberately refusing or refraining from providing an answer to delay by adding in subclause (10), which is the operative one, that the person cannot refuse or fail to answer questions truthfully, and must do so as soon as reasonably practicable but, in any case, within 48 hours. So, it is believed that that wording will solve the previous problem where some tow-truck operators have said, "Look, we're not going to refuse to answer the questions, we'll do it later. Come back and see us in six months."

All in all, I believe that the conference was successful to the point that the compromises have retained the major intentions of the Bill. I am grateful for the assistance given not only by the managers of the Upper House but also by the managers of this House.

**Mr. MILLHOUSE:** There are only three matters about which I want to say anything. I appreciated the way in

which the Minister explained the various compromises, and I assume that they were accurate explanations. Experience shows that legislation worked out at conference to effect a compromise often turns out to look idiotic afterwards, and does not work. We hope that that will not happen here, but it can happen simply because of the need to save face and the pressure under which the draftsman works.

Assuming that the assurances given by the Minister are translated into the strict terms of the Bill, there are three matters I will mention. Regarding the question of the licence for 17-year olds in the country, there is no doubt that something had to give on that, because of the rural orientation of the Liberal Party.

**Mr. Venning:** Don't talk a lot of rubbish! It's only common sense!

**Mr. MILLHOUSE:** That merely confirms what I have said all along: they were more preoccupied with that than with anything else. The compromise does not seem a bad one, except that it puts more work on the Registrar, who will have to view every case now. I have no doubt that it will mean one extra clerk down there to deal with all this; if it does not, it means that someone is underworking at the moment. There will be thousands of these applications.

**The Hon. G. T. Virgo:** There are branch offices.

**Mr. MILLHOUSE:** It will mean an increase in staff to deal with it in one place or another. I do not know whether or not that was taken into account. Instead of there being a general rule, individual cases must be assessed once, and then another one comes up. So, it will be a continuing process as kids turn 17.

Another matter concerns points demerits, and I am glad that some appeal has still been left. The Minister's argument was completely beside the point. The appeal, as the points were accumulated, was on the merits of that conviction; it had nothing to do with the points demerit that were incidental to it. The whole idea of that subsection (15) was to allow a safety valve when, either on grounds of public policy or undue hardship, it was undesirable that a person should lose his licence because of the loss of the points demerits.

**The Hon. G. T. Virgo:** He can appeal for a reduction on every application; you ought to know that.

**Mr. MILLHOUSE:** I do know. I did not think a person could appeal on the points demerit, but the real question is whether at that point of time it was right and just that a person should lose his licence because he had accumulated that number of points, not what had happened in the past at any particular conviction.

Certainly, this rider again will not make it any easier to appeal and means more work because, as I understand it, assessments will have to be made and endorsements will have to be made on licences. At least there is provision for some appeal. The Minister may not know it, but few appeals succeed.

**The Hon. G. T. Virgo:** Would you like the figures?

**Mr. MILLHOUSE:** Yes.

**The Hon. G. T. Virgo:** I will give them to you privately; I will not make them public. You will eat your words then.

**Mr. MILLHOUSE:** My understanding was that it was only a small proportion.

**The Hon. G. T. Virgo:** This is a lucrative area for the lawyers to get into; you ought to have a go at it.

**Mr. MILLHOUSE:** I may see what I can do about that.

**The CHAIRMAN:** Order! This friendly discussion is interesting but I think we ought to get back to the subject.

**Mr. MILLHOUSE:** My understanding was that only a small proportion of the appeals succeed. I do not know how many in total. The main thing is that we have

preserved an appeal, and I think that it just. I am bitterly disappointed that so little has come out of the conference in relation to tow-trucks. I regard these provisions for tow-trucks as being amongst the most objectionable that have ever come to this place. I had hoped the Liberals in the Upper House would show a bit of backbone and gumption and do more than they have done. It is too late now, and I understand that the tow-truck people, as soon as they approached the Leader of the Upper House, knew they were not going to get too much out of it because of his attitude. I said much the same thing yesterday when we were going to conference. Even less has come out of the compromise than had been proposed by the Legislative Council. I think these provisions are unfortunate and I think they will be seen to be unfortunate, and to work injustice. I hope in the future the Motor Vehicles Act will be improved.

**Mr. CHAPMAN:** I have been privileged with the job of representing the Opposition during the passage of this Bill and that privilege concluded today when I was given the chance to attend the conference to try to arrive at some reasonable compromise between the Bill and the amendments of the Legislative Council.

While agreeing with what the Minister has said about the compromise schedule of amendments, I am a little disappointed that the Legislative Council's amendment No. 1 was not favourably considered by the conference. It seemed to me that there was a distinct need to recognise that the movable parts carried intermittently on motor vehicles should not form part of the mass for registration purposes. I am disappointed that items such as tarpaulins, stock crates and containers are still to be part of a vehicle when arriving at that vehicle's mass (its gross weight) for the purpose of determining the registration fee.

I am pleased to say that the other amendments represent the intent, if not the detail, of the amendments put forward by the Opposition. Although it has been lengthy and tedious, the debate on this legislation has resulted in the original Bill's being amended as the Opposition had hoped, and as I expected it would be tidied up before it became law.

The provision giving powers to the Registrar to make void a registration or licence on payment by a cheque being dishonoured is perhaps the other most disturbing feature of this Bill. I think the Minister recognises the fact that this Bill in its present form could be harsh on a person who tenders a cheque for payment for registration and then finds himself, technically, illegally driving an unregistered motor vehicle when that cheque is dishonoured for whatever purpose. A cheque might be dishonoured because of an error made when writing it or because the applicant for registration had insufficient funds in his account. We all know that a cheque might be dishonoured for any of many reasons and certainly not in all cases would the error be made deliberately but, as the Bill stands, those persons, having received their registration and having it affixed to the windscreens of their vehicles, will be driving an unregistered vehicle under this Bill. I have some sympathy for them and I hope a way will be found to amend, as soon as possible, the Motor Vehicles Act to cater a little more reasonably for that section of the community.

Amendments Nos. 11 to 14 were not insisted on by the Legislative Council, and they have been dropped. The amendments accepted by the Minister, plus a few more, are in line with what we believe desirable in order to tidy up the Bill.

I believe the situation relating to tow-truck drivers resembles a fire. A fire is fought with fire. The situation regarding tow-trucks was out of order and the law needed

to be tightened up in order to smarten up the practice. I believe this Bill will have that effect. I do not think the amendments before the House as a result of all this debate and conference have in any way eroded the intent of the original Bill which was designed to tidy up the malpractices of the tow-truck industry, to eliminate embarrassment to members of the public and particularly victims of accidents, and to allow the police and the inspectors of the department to carry out their job in a responsible way. I think this has been achieved. It certainly was overdue and desirable. Theoretically, the framework is there to allow that to happen and I hope that as a result of the passage of this Bill in its amended form, the industry will gain the public respect that it requires to continue in a business-like way.

**Mr. RUSSACK:** I support the remarks of the member for Alexandra, and I will not repeat what he has said. The conference was very well conducted. Over the years, I have attended many conferences that have been chaired by the Minister of Transport, and he must have mellowed with experience, because he exercised a lot of restraint this morning. The meeting was chaired very well. The meeting was not conducted with haste; every point was considered and decisions were reached only after careful consideration of the facts. For the benefit of the member for Mitcham, the meeting was not an idiotic experience. Facts were presented from the Minister and other sources that assisted in deciding what was acceptable to both sides. Because of the way the conference was conducted, and because of the consideration and time given to each factor, a true compromise was reached. All members realise that this Bill is necessary, and many amendments were accepted. It was essential that agreement be reached by all parties, and this resulted from rational discussion.

Comments by the member for Mitcham, regarding the clause concerning the age of drivers of some trucks, showed that he has a very strong dislike for the country. I recall reading a report of a special Parliamentary Committee of which he was a member about 15 years ago, regarding industry in the country. The member for Mitcham prepared and issued a minority report disagreeing with the recommendations of the committee. I am disappointed by his attitude in this case and I reaffirm the need for this provision in the country areas. I support the motion.

Motion carried.

#### **PETITION: PORNOGRAPHY**

A petition signed by 554 electors of South Australia praying that the House would pass legislation for Ministerial responsibility to adequately control pornographic material was presented by Mr. Blacker.

Petition received.

#### **PETITION: VIOLENT OFFENCES**

A petition signed by 135 residents of South Australia praying that the House would support proposed amendments to the Criminal Law Consolidation Act to increase penalties for violent offences was presented by Mr. Blacker.

Petition received.

#### **PETITION: TRANSPORT FACILITIES**

A petition signed by 134 residents of South Australia praying that the House would urge the Government to extend public transport facilities from the Newton and

Morialta routes to serve areas east of Stradbroke Road was presented by Mrs. Adamson.

Petition received.

#### **PETITION: MAIN ROAD 323**

A petition signed by 2 014 residents of South Australia and visitors praying that the House would urge the Government to support the upgrading and sealing of Main Road 323 between White Flat and Koppio was presented by Mr. Blacker.

Petition received.

#### **PETITION: ILL-TREATED DOGS**

A petition signed by 31 residents of South Australia praying that the House would urge the Government to establish an authoritative body to have power to impound any ill-treated dogs and to prosecute offenders when necessary was presented by Mr. Becker.

Petition received.

#### **PETITION: PORT LINCOLN HOSPITAL**

A petition signed by 1 960 residents of Port Lincoln, Lower Eyre Peninsula, and visitors praying that the House would urge the Government to initiate immediate action to commence the construction of the proposed new geriatric wing extension and day care centre at the Port Lincoln Hospital was presented by Mr. Blacker.

Petition received.

#### **PETITION: ABORIGINAL CULTURE PRESERVATION**

A petition signed by 191 electors of South Australia praying that the House would urge the Government to provide adequate support to Aboriginal people in effecting their own programmes in the field of cultural resource management and to programmes concerned with the preservation of Aboriginal and historic sites and to amend the Aboriginal and Historic Preservation Act accordingly was presented by Mr. Payne.

Petition received.

#### **QUESTION TIME**

**THE SPEAKER:** I wish to tell honourable members that the Minister of Education will answer questions addressed to the Minister of Community Welfare, and the Minister of Transport will answer questions addressed to the Minister of Labour and Industry.

#### **FROZEN FOOD FACTORY**

**Mr. TONKIN:** Can the Premier say whether the Government intends to transfer the Frozen Food Factory to the South Australian Development Corporation, or another statutory body, in order to avoid embarrassment of further direct scrutiny and criticism of its operations by this Parliament?

Food industry sources have described the Frozen Food Factory as a \$10 000 000 white elephant, and it is well known that, in its first six months of operation, the factory loss, including depreciation and interest on capital, totalled more than \$1 000 000. Evidence has also been presented to this Parliament showing that prices charged by the factory are exorbitant when compared to those

charged by private suppliers. It is also known that some hospitals have refused to accept food processed by the factory. The Premier has refused to release the results of the Auditor-General's inquiry into the factory.

The Public Accounts Committee has looked at the factory as part of a wider inquiry, and the State Government has yet another committee of inquiry examining the operations of the factory. I understand that, late on Monday afternoon, some members of the management committee of the food factory threatened to resign after what was described as a stormy meeting. There seems to be no end to this continuing saga of Government mismanagement and waste.

**The Hon. D. A. DUNSTAN:** The management of the Frozen Food Factory has been transferred to the South Australian Development Corporation. The reason is that it is apparent, upon the investigations that have been undertaken so far, that, on the advice of the consultants who were employed by the Government and who were supposed to be the best people in the industry to give advice, a factory was built that has over-capacity for the supply of the hospitals and the Government area. In these circumstances, considerable interest has been expressed in the private sector for the use of part of that capacity. That would be an advantage to the total operation. It has been transferred to the South Australian Development Corporation to manage. There will be no lack of scrutiny by this Parliament of the activities of the South Australian Development Corporation regarding the management of the Frozen Food Factory. I expect to table in this Parliament in due course the report of the committee investigating into the Frozen Food Factory.

#### TEACHER SUBSIDY

**Mr. WHITTEN:** Can the Minister of Education say whether there is any financial agreement between the State Government and the Federal Government about funding for teachers at schools located near hostels used to accommodate Vietnamese refugees? It has come to my notice that funding for teachers at schools near the Pennington Migrant Hostel has been provided by the Commonwealth Government on the basis of one teacher for every 10 migrant children at the school. I believe that the Commonwealth Government has now welched on that agreement and that the subsidy is now on the basis of one to 20. As this is to the detriment of Vietnamese children attending those schools, and to the detriment of the State's finances, what information can the Minister give me about this matter?

**The Hon. D. J. HOPGOOD:** There is certainly an agreement. I have not had this matter drawn to my attention and I thank the honourable member for doing so. I will certainly take it up with my officers. If that is the case, it would be of a piece with many decisions that have come from the Commonwealth Government in the past 12 months or so, and would certainly have an impact on the State's ability to do the things we think we should be doing in the interests of the children in this State, including those who have had the misfortune to come here as refugees. I will take up the matter with my officers.

#### FROZEN FOOD FACTORY

**Mr. GOLDSWORTHY:** Does the answer that the Premier gave the Leader relating to the future of the Frozen Food Factory mean that part or all of the factory will be leased to private enterprise, or does the factory

intend to go into competition with private enterprise supplying frozen food? What is the arrangement the Premier referred to when he said that part of the Frozen Food Factory will be handed over to private enterprise?

**The Hon. D. A. DUNSTAN:** I did not say that part of the Frozen Food Factory would be handed over to private enterprise. I said that the private sector had expressed interest in using part of the capacity of the factory. The precise form of its use has not yet been determined.

**Mr. Tonkin:** It's not going into—

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

**The Hon. D. A. DUNSTAN:** If in fact it were providing frozen food to the private sector, the private sector would be doing the marketing of that frozen food. But, of course, it would be providing frozen food to a private sector competitive market in the same way as other ventures in which the Government is jointly involved with the private sector.

#### CORPORAL PUNISHMENT

**Mr. HARRISON:** Can the Minister of Education advise the House whether corporal punishment is carried out in South Australian public schools and, if so, by whom and in what form?

**The Hon. D. J. HOPGOOD:** Yes, corporal punishment can be administered in the schools. It is fortunately a fairly rare part of the disciplinary scene in our schools these days. Regulations under the Education Act make clear that this is a responsibility of the school principal. That responsibility can be delegated, but it cannot be delegated, say, at the beginning of a particular year; it has to be delegated in each particular instance, and there has to be a book kept in which all cases of corporal punishment in the school are fully recorded.

All of this is set out in a regulation of the Act that I can make available to the honourable member, or to the House if other members are interested. By and large, there will always be debates about this matter. I think people will probably say that corporal punishment is something to be avoided and to be seen as something of a last resort. That tends to be the attitude that teachers take towards it. I would not, basically, see that it would be necessary for administrators to take strong action in this matter. I prefer to see corporal punishment as something that over a period of time will wither on the vine.

#### PAROLE

**Mr. MATHWIN:** My question is directed to the Chief Secretary, and is supplementary to a Question on Notice I asked on Tuesday about the possible early release of a Mr. C. C. Bartholomew. Can the Minister say whether it is general that a revision of shocking cases of the magnitude of the Bartholomew murders are reviewed in periods of less than six months, with what could be an obvious intent to allow an early release of this type of prisoner? Was that review requested by the Minister as per section 42g of the Prisons Act? In a written reply the Minister stated that the Parole Board had reviewed Bartholomew's case on Monday 20 November, and it was decided to defer the matter until April for further reconsideration. Explaining the Act, the reply states:

The board shall whenever so required by the Minister and in any case at least once in any year furnish the Minister with a written report on every prisoner serving a sentence of life imprisonment or indeterminate duration.

I remind the Minister that the Bartholomew case particularly shocked Australia in 1971. It resulted in 10 deaths—two women and eight children. The death sentence imposed on Bartholomew was commuted to life imprisonment in 1971. There is a great concern about the matter within the community generally, certainly in the Police Association and the unions concerned whose members work within the institution. Can the Minister say whether this review was at his request?

**The Hon. D. W. SIMMONS:** The brief answer to that question is "No", but I think it is desirable, in view of the statements that have been made by the honourable member, for me to give an outline of what happens in these cases. As was stated in my reply on Tuesday, the Parole Board is required under existing legislation to present a report to me each year on each prisoner serving a life or indeterminate sentence. Acting under that direction, the Parole Board did in fact examine the case of this prisoner early this week. That is a very sensible provision in existing legislation because, if someone is put away for life or for an indeterminate sentence, it is highly desirable that an independent and impartial body should look at the condition of that prisoner and present a report to the Minister at least once a year, and that is exactly what took place on this occasion. At no stage did I ask the Parole Board to make an inquiry into this case.

It is unfortunate that the annual revision of the case of the prisoner Bartholomew happened to take place when a great deal of emotion was being stirred up in the community as a result of something that happened in another jurisdiction and another State.

*Mr. Mathwin interjecting:*

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

**The Hon. D. W. SIMMONS:** The trial judge in the case of this prisoner was none other than Her Honour Justice Mitchell who is also the Chairman of the Parole Board. I make the point that in every case the Parole Board acts on the basis of reports of the trial and so on, so that it is fully appraised of all the facts relating to particular prisoners, but in this case there is the added protection that the very judge who sentenced the prisoner and who knows the full details of that offence is the Chairman of the Parole Board. I have no doubt whatsoever that the Parole Board will act responsibly and in the best interests of the people of South Australia and of the prisoner.

**Mr. Mathwin:** Is he a model prisoner?

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

**The Hon. D. W. SIMMONS:** I understand that the prisoner is indeed a model prisoner.

#### CITRUS INDUSTRY

**Mr. ARNOLD:** Can the Premier say whether the Government intends to accept the recommendations contained in the report of the Committee of Inquiry into Citrus Marketing in South Australia, and will the Government introduce the necessary legislation to give effect to those recommendations? The report is generally regarded in the community as being an excellent assessment of the citrus industry at this time, and widespread support has been indicated by many sections of the citrus industry for the recommendations contained in it. In view of the need to reappoint (or otherwise) the C.O.C. early next year, the Government's intention in relation to the report and the future of the citrus industry is a matter of great importance and considerable urgency. The industry is waiting eagerly to know the Government's

intention.

**The Hon. D. A. DUNSTAN:** The Government has not decided on a specific policy following the report. Recommendations for the implementation of any part of the recommendations in the report will have to go to Cabinet in due season. I believe that there should be at any rate some brief period for public comment on the report before a final decision is taken by the Government.

#### ROYAL COMMISSION ON HUMAN RELATIONSHIPS

**Mr. RUSSACK:** Can the Premier say whether he has replied to the Prime Minister's letter sent to all Premiers and dated 1 March 1978, seeking an attitude on the report of the Royal Commission on Human Relationships; if so, what was the substance of the reply; and, if no reply has been forwarded, does he intend to forward one?

**The Hon. D. A. DUNSTAN:** I know that provisions for the making of some submission have been referred to officers in my department. I do not recollect any detailed reply to the Prime Minister, but I will have to get a report for the honourable member.

#### PORT PIRIE LAND

**Mr. VENNING:** Will the Premier report to the House on any progress on the use of land on the northern side of the Port Pirie River, serviced at this stage by the bridge? Over some time, I believe Government officers have gone to Port Pirie to confer with the corporation on this area. Can the Premier say whether any progress has been made in deciding what the area can be used for? Whilst it has been said that it could be used for industry in the future, it must be remembered that the bridge has only a single traffic lane. If industry were established there, some other area would have to be developed for entering and leaving the area.

**The Hon. D. A. DUNSTAN:** I cannot tell the honourable member of any final arrangements made. I know that one small industrial proposal in relation to the area was being investigated at one stage, but I have not had any information that it has been brought to finality. A small boat facility was being discussed. However, I have been visited by the Port Pirie City Council, and members of the delegation expressed considerable annoyance at the kinds of accusation made at the Government in relation to this bridge. They made clear that they wished to dissociate themselves from any criticism in this matter, acting on behalf of the corporation and citizens of Port Pirie. Negotiations for the bridge proceeded over a considerable period. It was sought by the corporation. A submission was made for RED scheme money in support of it, and money was provided for use by the unemployed in Port Pirie to provide this connection to an area which the council saw as one for future industrial development of a small-scale industrial estate.

I believe that the citizens of Port Pirie were glad both of the work and the facility that have come from that work in Port Pirie. At this stage I cannot tell the honourable member that there has been any conclusion about a specific use for small industry of the land over there, but I will obtain a report for him.

#### LITTER FINES

**Mr. ABBOTT:** Can the Minister of Local Government provide any information or figures with regard to the

number of on-the-spot litter fines by local government authorities throughout the State?

**The Hon. G. T. VIRGO:** I do not have the figures available at the moment, but I will certainly seek the information the honourable member desires and let him know, in writing, the result.

### REDCLIFF PROJECT

**Mr. BLACKER:** Can the Minister of Mines and Energy say whether there has been any change to the original planning of port facilities for the Redcliff petro-chemical plant and, if there has been, what capacity shipping it is envisaged will use these facilities? About five years ago, when the project was first mooted, it was stated by the Government that facilities to accommodate 100 000-tonne vessels would be built. Since then, amended assessments have been made as to the capacity of the proposed facilities. In view of the likelihood of this project's proceeding, fishermen are concerned that any dredging could have some detrimental impact on fish hatching and nursery grounds.

**The Hon. HUGH HUDSON:** My understanding of the situation is that the wharf facility at Redcliff would go out far enough in the gulf to get to a depth of 50ft. of water. I do not think that there has been any reassessment of that or of the size of the shipping that would use the facility. However, I will check out that aspect of the matter for the honourable member and ensure that he gets a reply—by letter, I think, will be the case.

### FINGER POINT

**Mr. ALLISON:** In the absence of the Minister of Works, can the Minister of Mines and Energy say whether land is being considered for purchase, or has it indeed been purchased, by the Engineering and Water Supply Department adjacent to Finger Point, which is the site of the present effluent outfall from Mount Gambier into the sea near Port MacDonnell and, if it is, is it for the purpose of excluding the public from that section of the coast on the basis of health grounds, or to enable the department to plan for the construction of a filtration plant for the removal of solids and cleaning of the effluent liquid?

**The Hon. HUGH HUDSON:** I think that it is for the first purpose mentioned by the honourable member. I am speaking off the cuff on the matter, and I think it would be better in the circumstances to get a detailed report and ensure that it is made available to the honourable member.

### STATE'S ECONOMY

**Dr. EASTICK:** Can the Premier identify to the House specific positive signs that led to his assertion last week that "there was every reason to believe South Australia could enjoy a strong business future"? Would he also identify any signs that might prevent achievement of what every South Australian would want, namely, an improving and viable industrial economy for the State.

**The Hon. D. A. DUNSTAN:** I think that the easiest thing for me to do is to let the honourable member have the full text of my speech, because the specific instances and figures on which I relied were detailed in that speech.

*Mr. Dean Brown interjecting:*

**The SPEAKER:** Order! The honourable member will have an opportunity to ask a question.

**The Hon. D. A. DUNSTAN:** The honourable member has just given an example of the matter to which I should refer in answering the second part of the question. The best way to ensure that South Australia does not enjoy a satisfactory industrial future is to be as treacherous to the State as some members have seen fit to be in running down the State, misquoting figures about it, and saying that the State's future is disastrous, when it is not.

### LOTTERIES

**Mr. WILSON:** Can the Premier say what would be the cost of revenue if fees charged against major charities conducting lotteries were remitted to those charities? Will the Premier consider such an action? I have received a letter from the Diabetic Association of South Australia, one paragraph of which reads:

On one hand we receive a subsidy of \$1 000 from the State while last year we paid \$1 400 in fees to conduct lotteries in order to exist.

**The Hon. D. A. DUNSTAN:** I cannot give the honourable member a figure, but I will examine the matter. The fees charged in this area are designed to cover costs of administration, and I presume the association also wants to cover its costs of administration. It is necessary for us in the lotteries area to cover administration costs. If the association paid \$1 400 in fees it must have conducted a great many lotteries.

### FIREARMS

**The Hon. G. R. BROOMHILL:** Can the Chief Secretary give the current position in this State in relation to the control of firearms? A Letter to the Editor in the *Advertiser* this morning referred to the recent legislation controlling replicas of firearms and criticised the Government for controlling the sale of replicas of firearms and not doing anything in relation to the control of real guns. As I know this is not the position, I think the situation ought to be explained to the House fully.

**The Hon. D. W. SIMMONS:** The matter has been aired in this House before but obviously members of the public are not aware of the position. A new Firearms Act was assented to in, I think, May last year and that provides for much more stringent controls on the issue of licences for the acquisition and possession of firearms. Unfortunately, because of the extensive controls that will be imposed on these things it is necessary to deal with about 150 000 applications a year, and that is a large operation clerically. Also, because of the desire of the police to ensure that licences are not given to people whose records indicate they should not have a licence, it is a complicated operation.

For this reason it was decided both because of the need to relate criminal records with the applications and because of the volume of applications, it could best be handled by a computerised system. The Police Department drew up the specifications for such a system and called for tenders. This is necessarily a fairly lengthy process, and in late August this year the contract was let to P.R.C., an American firm, to do the preliminary design of the computerised system.

The contract was let for about \$59 000 and that stage of the operation was due to be finished early in December. I was assured last week by the main consultant involved that he expected to have his draft report finished on 1 December, so that operation is working completely to time (it was supposed to be done within 14 weeks). On the

approval of that preliminary design it is necessary to call tenders for a second more detailed contract, which is estimated to cost another \$200 000 and to take six months to complete. I regret as much as anyone else that it takes such a long time, but I can assure members from my previous experience that in order to design an effective and workable computer system of this magnitude this time is indeed appropriate.

Early in the new year, the consultants will be asked to proceed with the second stage, which is not expected to be completed before the end of next June. The regulations involved have been the subject of extensive consultation with many bodies in society that are involved and interested in this matter. The final draft of those regulations has now been prepared. Because, as a result of submissions from the public, there have been some alterations to the draft that was initially sent out for comment, I propose to make the final draft available again to members of the public to ensure that some of the changes that have been introduced are not obnoxious to them. For this reason, I expect that the regulations will not be finally approved until at least the end of this year or the beginning of next year; that allows about four weeks for public comment. However, those regulations should be finalised at the beginning of the new year, so that the final design of the computer system can go ahead in the knowledge that the legal work has been completed.

After the computer design has been completed, it will be necessary to give effect to the design by setting up the necessary hardware and converting the very expensive body of information that is currently available about the registration of firearms. It is therefore expected that the system will not begin to operate until the beginning of November next year, as I have already informed the House. The delay is certainly extensive but it is necessary to provide the strict control over firearms that was called for by the Firearms Act, the subject of the honourable member's question.

#### SALVATION JANE

**Mr. RODDA:** Can the Minister of Mines and Energy, representing the Minister of Agriculture, say whether the Government intends to solve the problem of biological control of salvation jane? The Minister will know that the State is divided on the matter of weed control regarding salvation jane. It is fair to acknowledge that the northern areas have had good results in relation to this weed; however, in the higher rainfall areas, it is a pest and is making inroads into pasture lands. There may be a grey area in the cut-off points, but there has been much debate amongst grower organisations and within the Agriculture Department about what should be done. In the interests of agriculture in the higher rainfall areas, the difficulty should be resolved. Salvation jane is the subject of very grave concern amongst local government and landholders, who have taken some fairly strong measures to bring about its control.

**The Hon. HUGH HUDSON:** I will take up the matter with my colleague, and bring back a reply.

#### DAY LABOUR

**Mr. DEAN BROWN:** Does the Premier intend to answer Questions on Notice Nos. 646 and 648 regarding the number of day-labour and casual employees employed by each State Government department and statutory authority? I first asked a Question on Notice regarding

State Government employees—

**The SPEAKER:** Order! Is this question on the Notice Paper?

**Mr. DEAN BROWN:** I am asking whether the Premier intends to answer a question on the Notice Paper; it is not a repeat of a question on the Notice Paper. I am simply asking whether it will ever be answered.

**The SPEAKER:** The honourable member is asking a question that is on the Notice Paper.

**Mr. DEAN BROWN:** No, I am asking whether a question on the Notice Paper will be answered. It has been on the Notice Paper in one form or another since August this year, and the Premier has still not given an answer. I would like now to explain my question, with your leave, Mr. Speaker, and that of the House.

**The SPEAKER:** Order! The honourable Premier.

**Mr. DEAN BROWN:** Mr. Speaker, have I had my leave withdrawn?

**The SPEAKER:** I ruled the question out of order.

**Mr. DEAN BROWN:** I take a point of order, Mr. Speaker. Surely I am allowed to ask a question as to whether the Premier intends to answer my Question on Notice that has been on the Notice Paper. That is quite separate from the question on the Notice Paper, and I ask you to reconsider your ruling.

**The SPEAKER:** The honourable member can ask, "Will the Premier . . .", but he cannot then ask leave of the House. That is a straight out question.

**Mr. DEAN BROWN:** I will rephrase the question. Will the Premier now answer Questions on Notice Nos. 646 and 648, which have been on the Notice Paper in one form or another since August? If he will not, why will he not answer those questions? With your concurrence and that of the House I seek leave to explain my question.

**The SPEAKER:** Order! There is no reason at all for that because the question is explanatory in its own right on the Notice Paper. The honourable Premier.

**The Hon. D. A. DUNSTAN:** The honourable member will get a letter concerning this matter.

**Mr. Dean Brown:** Too embarrassing to answer?

**The SPEAKER:** Order! I call the honourable member for Davenport to order; he knows better.

#### MOUNT BRECKAN ESTATE

**Mr. CHAPMAN:** Will the Premier consider the Government's purchase of the property known as Mount Breckan estate for the benefit of the people of South Australia? Mount Breckan estate is on land that was originally owned by the first Governor of South Australia, Sir John Hindmarsh. In fact, it was part of the proposed city of Alexandra. It is currently owned by the Adelaide Bible Society.

**Mr. Millhouse:** Bible Institute, not Bible Society.

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

**Mr. CHAPMAN:** I take the point that it is the Adelaide Bible Institute. The site is at Victor Harbor and has sweeping views from Port Elliot to the Bluff. The property, which is currently for sale by the owner I have mentioned, involves two sections, one of 6 hectares, for which it is believed a subdivision has been approved, and the second portion involves an area of 3 hectares on which the original homestead stands.

It has been submitted by the interested people of Victor Harbor community that this site should be purchased for the benefit of the people of South Australia and that the facilities may well be tidied up to provide a conference and

convention centre, which is desperately needed in that community, a regional museum and, hopefully, first-class dining facilities.

The Victor Harbor community has, over a number of years, been saturated with mentally and physically handicapped people from various State and private rehabilitation institutions. While those handicapped people enjoy the hospitality which is always extended by the folk on the south coast, the community is concerned that this premise, while it may lend itself to such purposes, may in fact be sold to yet another institution for the purposes of rehabilitating handicapped people. They do not wish the community to become a dumping ground altogether in that sense and, indeed, it is hoped that the Government will seriously consider the question of purchasing this property for the purposes I have mentioned and, also, to avoid the other problems of the community being quite overloaded with more unfortunate handicapped people I have mentioned. I hope that, in view of the urgency of the matter, the Premier will give it his urgent attention.

**The Hon. D. A. DUNSTAN:** The proposition has not been put to me previously, but I will have the matter investigated to see whether there is some very strong social reason why the Government should be investing in this property.

#### MILLIPEDES

**Mr. EVANS:** Will the Premier arrange for Government advertisements to be placed in the daily press asking people to inform Mr. Peter Burkes, of the Agriculture Department, of any areas of infestation of millipedes in South Australia and the methods that those property owners use to attempt to control the yukky little beasts and the success rates the owners have had with such measures? The Federal Government offered some money for a research programme through C.S.I.R.O., and the State Minister in South Australia found that he was not in a position to match that money, as was suggested by the Federal authorities and the Federal Minister. Subsequently, the Minister asked that it go before the entomology committee from the Agriculture Departments within Australia. They recommended that the matter go to the meeting of State Ministers of Agriculture, which will be held next February, and it is planned that that will be done. The South Australian Minister of Agriculture has given the task to Mr. Peter Burkes of the Agriculture Department to gain all the evidence he can of methods of control that have been attempted to be used in trying to assess the success rate and the areas of infestation.

It was recently brought to my notice that millipedes have infested areas of Wattle Park, Burnside, the upper reaches of the Murray River, Tea Tree Gully, Norwood, Eden Hills, Klemzig, all of the Stirling District Council area, Strathalbyn, Willunga, the bottom end of Eyre Peninsula (where this problem has existed for some time), and St. Peters, and other small infestations have occurred within the metropolitan area and West Beach. One of my colleagues also points out they are in Glenelg. They are a terrible nuisance to mental health. Those people who have never experienced them would not understand how serious the position is until they get them into their home. Will the Premier have advertisements placed in the two daily papers asking people to come forward and notify Peter Burkes where they have infestations and what methods they have used in an attempt to control the pest?

**The Hon. D. A. DUNSTAN:** That sounds like a good idea, and I will take it up with my colleague.

#### AIR FARES

**Mr. MILLHOUSE:** I am encouraged by that answer by the Premier, and I hope I will get as good an answer.

**The SPEAKER:** Order! Will the honourable member ask his question?

**Mr. MILLHOUSE:** For the purpose of improving the tourist trade, can the Premier say what action, if any, the Government proposes to take to get fairness in air fares for the people of South Australia leaving this State for overseas, or those people coming from overseas to this State, compared with the air fares charged to people in other States? This question is partly supplementary to answers the Premier has given me to Questions on Notice regarding the use of Adelaide Airport as an international airport (as I understand it, he has said that the policy of the Government was against that) and of his hopes still for an international hotel in Victoria Square. I understand that the Premier has again made some optimistic statements in the last few hours about such a hotel.

With regard to Adelaide Airport, I refer him to the way in which Mr. Peter Nixon (the friend of the Minister of Transport) and the Federal Minister brushed off last Tuesday Mr. Ian Wilson, the member for Sturt, making it quite clear, in answer to a question, that a new international airport somewhere else in South Australia is quite unlikely. This morning, I discussed with a member of the Australian Federation of Travel Agents the problem that has arisen. The problem, as I understand it from him, is that, up to 1972, a person leaving South Australia for overseas, or a person coming from overseas to South Australia, paid the same fare, whether he came from Adelaide, Melbourne, Sydney, or any other State. With the introduction of concession fares, that is no longer the position, and the position of South Australians or people coming to South Australia has worsened.

He gave me the following examples. In the fare from Adelaide to London now, the distance from Adelaide to Melbourne is 4 per cent of the total journey, but the fare component is 19 per cent. From Adelaide to the West Coast of the United States of America, the distance from Adelaide to Sydney is 9.5 per cent of the journey, but the fare component is 38 per cent. From Adelaide to New Zealand, the distance to Melbourne is 24 per cent of the journey but 48 per cent of the fare. He gave me statistics for the September quarter, 1977, showing that of overseas visitors arriving in this country only 3 per cent came to South Australia, and of Australian residents departing, only 6 per cent came from South Australia. Obviously, South Australia is suffering very greatly because of our travel disabilities. Most of these travellers go by air, although the figures combine ship travellers as well. Already, the Adelaide Airport is used for international flights. I think the *News Antarctic* flight leaves from there.

**Mr. Becker:** The Government has been using it for quite a while.

**Mr. MILLHOUSE:** That may be. In emergencies, big aeroplanes land here when Sydney or Melbourne is closed. To add insult to injury, I heard this morning that even Hobart is to be used as an international airport for flights to Christchurch, I think. It would be far more sensible if that flight originated in Adelaide, called at Hobart, and then went to Christchurch.

**Mr. Becker:** Particularly if they wanted to fly right over your house.

**Mr. MILLHOUSE:** I know that the member for Hanson is small-minded about this matter, and does not give a damn about the State as long as his own personal convenience is not upset, but I take a rather wider view.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G. R. Broomhill:** What about the rest of the community?

**The SPEAKER:** Order! The honourable member for Henley Beach is out of order.

**Mr. MILLHOUSE:** The member for Henley Beach is not much better, apparently.

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

**Mr. MILLHOUSE:** I have finished the explanation. It is about time something was done about this—

*The Hon. G. R. Broomhill interjecting:*

**The SPEAKER:** Order! I call the honourable member for Henley Beach to order.

**Mr. MILLHOUSE:**—instead of talking airily about improving the tourist trade in South Australia and building international hotels when there is no way of people getting here.

**The Hon. D. A. DUNSTAN:** This matter has been the subject of representations by this Government to the Federal Government over a period of years. The question of pro-rating of fares of international travellers has been brought constantly to the attention of the Federal Government, and there were communications by this Government with the Federal Government only in the past three weeks about this matter. The Government believes that the proper course is that the same attitude should be taken concerning fares from South Australia as is presently taken in relation to freights by the international shipping consortium, where in fact the consignment rate from South Australia, whilst it necessarily includes rail transport to a container terminal in Victoria, nevertheless is at the same rate as if the goods were consigned from Victoria. Pro-rating of fares is a feature of fares in European countries, and so—

**Mr. Evans:** They do it here with the P. & O. liners.

**The Hon. D. A. DUNSTAN:** I thank the honourable member for that information; I was not aware of it. Pro-rating is a feature of air fares in European countries, yet we have been unable to get any movement at all from the Federal Government in relation to the singularly unfortunate situation that we are faced with in South Australia in relation to international flights.

We are in the extraordinary position that people from Adelaide have to fly to Melbourne and then over-fly South Australia to be able to go overseas, and they are required to pay additional fares to those who fly from Melbourne. I entirely agree that it is inhibiting of tourist trade, but I believe that the remedy lies in the hands of the Federal Government. I assure the honourable member that we will continue to make representations about it. I am quite happy to have representations by Federal members, and I was pleased to see that the member for Sturt had actually done something in this matter.

**Mr. Millhouse:** He was singularly unsuccessful, though.

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

**The Hon. D. A. DUNSTAN:** I know that he has been unsuccessful and, frankly, so far has this Government, which has been at the matter for much longer, but we will keep pegging away and, if other honourable members will join us, we might eventually get somewhere.

#### DRUG SQUAD

**Mr. HEMMINGS:** Can the Chief Secretary say whether the South Australian Police Drug Squad is to be increased in its number of detectives soon? Members will be well aware of the recent large discoveries of marijuana made in

the northern districts of Adelaide by the Police Drug Squad. I understand that, as a result of these discoveries, it was necessary during the investigations to second police officers from other sources.

**The Hon. D. W. SIMMONS:** The strength of the Drug Squad, as I was informed only last week, I think, is 19 officers.

**Mr. Becker:** Given in a reply last Tuesday.

**The Hon. D. W. SIMMONS:** That is so. Every member knows that the Drug Squad has been active and successful recently in picking up the illicit growth of marijuana and, generally speaking, in the drug area. Obviously, there is a growing problem and, if the Commissioner of Police tells me that he needs more officers to carry out the sort of work he is doing, I shall be only too glad to give them to him. This is a serious problem, and the resources of the police should be strengthened to enable them to deal with the problem effectively. I would do this readily, because I am impressed by the steps the Commissioner has been taking for some time now to ensure that the greatest possible value is obtained from the forces at his disposal. He is actively examining all operations within the Police Force to ensure that they are carried out as effectively and efficiently as possible. If he tells me that he needs more officers in order to combat the growing problem of drugs, I am sure that the Government would be pleased to accommodate him. I do not know the exact number likely to be added to the squad. I have had no request put before me recently for an increase in that number but, when it comes along, I assure the House that I will give it sympathetic consideration.

In June, I think it was, the Minister of Health (as Acting Chief Secretary) attended a conference interstate on the question of drug control. A suggestion was made by the Commonwealth Minister that the Commonwealth Government could help in the training of dogs to assist the drug squads in their particular work. Some discussion took place on the most effective type of dog to do this work. I think the police will be glad to take up that offer, because the use of dogs in the detection of drugs has already been well established, and they have been of great value in sniffing out marijuana. At a prison I visited recently I was told that the use of dogs in detecting drugs in prisons had been of tremendous benefit to correctional authorities.

I have asked for further information about the use of dogs in detecting heroin. Of course, the quantities involved with heroin are much smaller than they are with marijuana, and it is more difficult to pick them up. If dogs can be used effectively in combating this scourge, the police will be given every facility to acquire them.

#### BOAT HAVEN

**Mr. BECKER:** Can the Minister of Mines and Energy, representing the Minister of Works, state what progress has been made by the Coast Protection Board in removing the sand bar at the entry of the Patawalonga boat haven? On page 94 of today's *News* the following article appears:

Sand pump vetoed at boat haven.

Baxter's long-famous merry-go-round at Glenelg has nothing on the saga of the boat haven and the dangerous sand bar at its mouth.

As the Minister previously represented Glenelg he will appreciate the punch line about Baxter's merry-go-round and the problems of the sand bar. The article continues:

On 17 September, Environment Minister, Mr. Corcoran, said the State Government would act immediately to overcome the notorious Glenelg sand bar . . . The member for Morphett, Mr. Terry Groom, said that, subject to

exploratory coring in the tidal and sub-tidal zone, tenders would be called for excavation of the channel. He said this would improve access and safety for small craft . . . "The Coast Protection has approved the scheme and work would start immediately." Mr. Groom said.

The article contained a copy of a letter sent to a seaside council (I will give two guesses as to which council it would be) signed by Mr. C. K. Toohey, Secretary of the Coast Protection Board, which reads as follows:

Recent press reports have indicated that the State Government, through the Coast Protection Board, is about to install a mechanical sand bypass at the Patawalonga outlet. These reports are exaggerated. The Coast Protection division is seeking ways to alleviate the persistent shoaling problems at the entrance, but no firm design is yet complete.

I think that the Minister and members will know that for many years we have looked at many schemes to overcome the problem at the Patawalonga entrance. All members as well as the Minister for the Environment and officers of the Coast Protection Board are aware of the dangers that this sand bar causes, and they have been looking for the perfect answer to the problem once and for all. In view of the comments of the member for Morphett, who is jumping in at the end of all the efforts—

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

**Mr. BECKER:** I am sorry, Mr. Speaker. I believe credit should be given to the efforts of the previous member and more so the Coast Protection Board and the local council for their attempts to overcome this problem. I would like to know exactly what is happening so that boat owners in my district and the districts of Henley Beach and Brighton as well as my own will not be at risk when using the boat haven this summer.

**The Hon. HUGH HUDSON:** My understanding of the position is that the *News* once again has reported inaccurately on this matter and that the statements attributed to the Minister and the member for Morphett are not an accurate reflection on what was said either in today's story or any other stories that have appeared.

**Mr. Becker:** They have not been corrected.

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

**The Hon. HUGH HUDSON:** Many times matters which are sought to be corrected in the press have not been corrected, because they have ceased to be news. I dealt with a matter yesterday that illustrated that point when I said that a report in the *News* was either an inaccurate reflection of what Mr. Curtis said or was grossly wrong. A detailed statement was made in the House yesterday, but that has not been published.

**Mr. Millhouse:** It is unlikely to be published, too.

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

**The Hon. HUGH HUDSON:** The fact that a correction does not appear does not mean that corrections have not been issued by the people who have been misreported or inaccurately reported. That is not something new. I can only assume that, if no corrections were issued on reports that were inaccurate in the press, that would be evidence, if the paper concerned had a record of accurate reporting in all circumstances, but the honourable member knows full well that that record does not apply. They are concerned—

*Mr. Mathwin interjecting:*

**The SPEAKER:** Order! I have spoken now to the member for Glenelg three times. I call him to order.

**The Hon. HUGH HUDSON:** Complaints have been made to the *News* about the alleged statements that have been made that caused Mr. Toohey, Secretary of the

Coast Protection Board, to write the letter. I think all one can say at this stage is that the letter by Mr. Toohey is, I think, an accurate account, but the material in the *News* preceding that letter is not. I hope we will see some correction printed tomorrow, but it will not surprise me if we do not. I do not think it will surprise the honourable member either. I do not think it would surprise the honourable member for Glenelg, if he gets around to reading the paper.

*At 3.7 p.m., the bells having been rung:*

**The SPEAKER:** Call on the business of the day.

### DOG CONTROL BILL

**The Hon. G. T. VIRGO (Minister of Local Government)** obtained leave and introduced a Bill for an Act to provide for the registration of dogs; to provide for the control and to regulate the keeping of dogs; to repeal the Registration of Dogs Act, 1924-1975; to amend the Alsatian Dogs Act, 1934-1965; and for other purposes. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill gives effect to the recommendations of the Select Committee of the House of Assembly on the Report of the Working Party on Containing, Control and Registration of Dogs.

The Bill provides for the repeal of the Registration of Dogs Act, 1924-1975. That Act primarily provided for the registration of dogs by councils. This Bill provides for registration of dogs by councils, but, in addition, imposes obligations on councils designed to ensure that more effort is devoted to the problems associated with wandering and abandoned dogs and nuisances caused by dogs. The Bill also creates a number of new offences relating to the control of dogs by persons liable for their control and provides more effective remedies for those persons adversely affected by the actions of dogs.

The Bill requires the annual registration of any dog with the local council or, in the case of the north of the State, with the nearest police station. The fee for registration is to be fixed by regulation, but it is intended that it will be ten dollars for the first registration of a dog by any person and five dollars thereafter, with a half fee for working dogs and dogs owned by pensioners. It is proposed that a registered dog will be required to be identified by a registration disc attached to a collar or by tattooing of the ear of the dog. The latter requirement will apply only to dogs that are not fully grown and it is considered that it can be effected for little expense and without causing undue pain to such dogs.

The Bill proposes that each council be required to individually or jointly with another council establish a pound and appoint an officer who is to be engaged in the enforcement of the Act upon a full-time basis. The Bill provides that a council may, instead of establishing a pound, enter into an arrangement with the Animal Welfare League or the Dogs' Rescue Home for the use of their pounds.

The Bill includes provisions that are designed to ensure that councils apply the revenue earned from the

administration of the Act only for that purpose.

To this end, the Bill provides for the establishment of a body to be known as the "Central Dog Committee" whose function it will be to receive and distribute a percentage of registration fees received by councils and any surplus of the income of councils over their expenditure. These moneys are to be distributed by the committee to the Royal Society for the Prevention of Cruelty to Animals and towards the cost of establishing, operating and maintaining dog pounds. The committee is also to conduct a continuing public education programme in relation to the proper control and keeping of dogs.

As already stated, the Bill creates a number of new offences in relation to the control of dogs. These include permitting a dog to be in a shop or the yard of a school, abandoning a dog, permitting a dog to attack a lawful entrant to premises, failing to remove any faeces dropped by a dog in a public place, permitting a dog to cause a nuisance to neighbours and failing to properly treat an infected or diseased dog. The Bill provides for the expiation of the penalties for a number of these offences in the same way as applies in the case of parking offences. The Bill also provides for the licensing by councils of kennels within their areas.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the Bill. Clause 4 provides for the repeal of the Registration of Dogs Act and section 5 of the Alsatian Dogs Act which fixes the fee for registration of Alsatian dogs at four dollars. Clause 5 sets out the definitions of terms used in the Bill.

Clause 6 provides that each council is to enforce the measure within its area and that the measure is to be enforced in the north of the State by the police. Clause 7 required each council to appoint a dog control warden or to do so jointly with another council. The clause requires the dog control warden to be engaged in the enforcement of the measure on a full-time basis. Under this clause a council is also empowered to appoint other authorised persons who may exercise enforcement powers under the measure. Clause 8 provides that an authorised person appointed by a council may exercise the powers of an authorised person in the area of the council, while police officers may enforce the measure anywhere within the State. Clause 9 protects authorised persons from personal liability for the exercise of their powers in good faith.

Clause 10 requires each council to appoint a registrar of dogs. Clause 11 requires each council to individually or jointly establish a dog pound or to enter into an arrangement with the Dog's Rescue Home, the Animal Welfare League or other body prescribed by regulation for the use of private pounds. Clause 12 requires each council to keep separate accounts of its receipts and payments in relation to the administration of the measure. Under the clause each council is required to pay a percentage of its dog registration fees to the Central Dog Committee and any surplus of its receipts over its payments. Clause 13 provides for the establishment of the Central Dog Committee which is to be a body corporate. Clause 14 provides that the committee is to be constituted of eight members, three of whom shall be nominees of the Minister and the remaining members being nominees of the South Australian Canine Association, the Local Government Association, the R.S.P.C.A., the Institute of Municipal Administration and the Australian Veterinary Association, respectively. Clause 15 provides for the term of office of members of the committee. Clause 16 provides for the remuneration of members of the committee. Clause 17 regulates the procedure at meetings of the committee.

Clause 18 provides for the validity of acts of the committee and protection from personal liability for its members. Clause 19 provides for the due execution of documents by the committee. Clause 20 provides that the functions of the committee are to be to receive and apply moneys in accordance with clauses 21 and 22 to advise the Minister and to promote and disseminate information as to the proper keeping and control of dogs. Clause 21 provides for the moneys of the committee. Clause 22 empowers the committee to invest any surplus moneys in a manner approved by the Treasurer. Clause 23 provides that the committee's moneys are to be applied towards its administrative costs, then in payment of a prescribed percentage to the R.S.P.C.A. and lastly in payment towards the operation costs of dog pounds. Clause 24 provides that an arrangement may be entered into with the Local Government Association under which that body would provide the committee with the administrative facilities that it requires. Clause 25 provides for the keeping and audit of the accounts of the committee. Clause 26 provides that any person liable for the control of a dog shall be guilty of an offence if the dog is unregistered. This provision does not apply in relation to dogs under three months of age or dogs kept by certain bodies or classes of persons. Clause 27 provides for the registration of dogs by councils, or, in the case of dogs to be kept in any part of the State not within the area of a council, by the police.

Clause 28 provides for the issue of registration discs upon the registration of dogs already registered at the commencement of the measure or dogs of a class prescribed by regulation. Any other dogs are required by this clause to be tattooed in a prescribed manner upon their registration. Clause 29 provides that registration shall expire on the thirtieth day of June in any year. Clause 30 provides for the maintenance and public inspection of registers. Clause 31 provides for the replacement of lost registration discs. Clause 32 requires notification of any change of ownership of a registered dog. Clause 33 requires dogs other than tattooed dogs or dogs engaged in any work or training or sporting exercise to have a collar on and a registration disc attached to the collar. Clause 34 sets out the persons who are liable for the control of a dog both for the purposes of offences against the measure and civil proceeding in relation to any damage or nuisance caused by the dog. Clause 35 provides that where a dog is found wandering at large the person liable for the control of the dog shall be guilty of an offence. Clause 36 provides that a dog found wandering at large may be seized and either returned to the owner or detained at a pound. The clause requires that public notice must be given of the seizure and detention of a dog and that, if a dog is not claimed or is diseased or infected, it may be destroyed.

Clause 37 empowers authorised persons to enter premises either with the consent of the owner or occupier or under a warrant issued by a Justice of the Peace. Clause 38 empowers an authorised person to require a person to give his name and address. Clause 39 provides that the person liable for the control of a dog shall be guilty of an offence if the dog is in any shop or the grounds of any educational institution without the permission of the principal. Clause 40 provides that the person liable for the control of a dog shall be guilty of an offence if the dog is in any premises used for the preparation or consumption of food. Clause 41 provides that the person liable for the control of a dog shall be guilty of an offence if the dog chases any vehicle.

Clause 42 provides that any person who abandons a dog shall be guilty of an offence. Clause 43 provides that any person having the control of a dog who fails to remove any

faeces dropped by the dog in a public place shall be guilty of an offence. Clause 44 provides that the person liable for the control of a dog shall be guilty of an offence if the dog attacks any person or other animal. Any person who sets a dog on another person or animal owned by another person is also, under this clause, guilty of an offence. Clause 45 provides that the person liable for the control of a dog shall be guilty of an offence if the dog attacks a lawful entrant to the premises in which the dog is being kept.

Clause 46 provides for the destruction of dogs attacking any person's animal or worrying any livestock. The clause also provides for the laying of poisoned baits. Clause 47 imposes a duty upon any person liable for the control of a dog to take reasonable precautions against the dog becoming infected or diseased and to cause the dog if it becomes infected or diseased to be examined by a veterinary surgeon or stock inspector. Under this clause a veterinary surgeon or stock inspector may direct the destruction of any infected or diseased dog. Clause 48 requires that greyhounds be muzzled if in any public place unless they are being trained for or participating in any race, trial or show.

Clause 49 provides that it shall be an offence for a person to suffer or permit a dog to cause a nuisance to a neighbour. Proceedings for this offence are to be commenced only by the local council and following a complaint that the council believes to be justified.

Clause 50 empowers a court to order the destruction of a dog that it finds to be unduly mischievous or dangerous.

Clause 51 regulates the effect of the measure on other Acts and civil remedies.

Clause 52 provides that for the purposes of any civil action in respect of damage caused by a dog it shall not be necessary to prove that the dog had a previous mischievous propensity.

Clause 53 protects persons from any liability for measures taken for the destruction of a dog in accordance with the provisions of this measure.

Clause 54 empowers the blind to be lawfully accompanied by a guide dog in public places and vehicles.

Clause 55 provides that it shall be an offence to hinder or obstruct an authorised person.

Clause 56 provides that it shall be an offence to provide certain false information.

Clause 57 empowers councils to make by-laws limiting the number of dogs, or dogs of a specified breed, that may be kept on any premises in any specified area. Subclause (2) provides for exemptions from the requirements of such by-laws.

Clause 58 provides for the grant of licences to keep kennels.

Clause 59 provides that it shall be an offence to unlawfully kill or injure a dog or to cause unnecessary pain or suffering to a dog.

Clause 60 provides a general defence in respect of offences against the measure.

Clause 61 provides for certain evidentiary matters.

Clause 62 provides for the summary disposition of proceedings for offences against the measure.

Clause 63 provides that penalties for offences prosecuted by or on behalf of a council be paid to the council.

Clause 64 provides for the expiation of certain offences against the measure.

Clause 65 provides for continuing offences.

Clause 66 empowers the making of regulations.

Mr. MATHWIN secured the adjournment of the debate.

## SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the South Australian Institute of Technology Act, 1972. Read a first time.

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

*That this Bill be now read a second time.*

This Bill amends the South Australian Institute of Technology Act upon a number of separate subjects. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Remainder of Bill

This Bill amends the South Australian Institute of Technology Act upon a number of separate subjects. First, the Bill increases student representation on the council from two members to three members. A related amendment empowers the institute to make statutes allowing for staggered terms of office for the members of the council elected by the students and the staff. This will permit greater continuity of experience amongst the council members elected in these categories. Secondly, the Bill empowers the council to grant leases of Crown land placed under the care, control and management of the council. This amendment should resolve the doubts upon this matter expressed by the Honourable Mr. Justice Wells in the case of the *S.A. Institute of Technology v. Corporation of Salisbury*. Thirdly, the Bill enacts evidentiary provisions relating to offences involving motor vehicles and provides for the expiation of such offences. The Bill also deals with a number of other minor matters.

Clauses 1 and 2 are formal.

Clause 3 provides that the institute is to hold its property on behalf of the Crown. This amendment brings the principal Act into consistency with other Acts relating to colleges of advanced education.

Clause 4 provides for the election of an additional student member of the council and prevents a student from being elected as a student member if he is also a member of the staff of the institute.

Clause 5 permits staggering of the terms of office of student members, and members elected by the academic staff.

Clause 6 increases the quorum of the council from eleven to twelve.

Clause 7 empowers the institute to lease Crown land that has been placed under its care, control and management.

Clause 8 enacts evidentiary provisions relating to offences against by-laws that involve motor vehicles and permits the expiation of such offences.

Clause 9 inserts a financial provision that conforms with similar provisions in other legislation relating to colleges of advanced education.

Mr. ALLISON secured the adjournment of the debate.

### EDUCATION ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Education Act, 1972-1976. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

#### Explanation of Bill

This Bill amends the Education Act on a number of miscellaneous subjects. First, the Bill deals with those provisions of the principal Act relating to long service leave. The amendments are designed to give teachers the same rights to long service leave as are presently enjoyed by public servants. That is to say, it provides for the accrual of 15 days long service leave per year after 15 years service. As in the case of the Public Service Act, the notion of "effective service" is substituted for "continuous service". This concept permits greater flexibility in dealing with prior service in other occupations, periods of leave without pay, and all the various permutations and combinations of circumstances that have to be dealt with in assessing entitlement to long service leave. The amendments relating to long service leave are to be retrospective to the first day of January 1978.

Secondly, the Bill proposes an important change in the definition of "non-Government school". It is proposed that only such schools as are approved by the Minister should qualify as "non-Government schools". At present it is possible for private individuals to establish sub-standard *quasi* educational operations. Where these meet the fairly loose criteria relating to "non-Government schools" there is no power to enforce attendance of the children enrolled at these spurious "schools" at more adequate educational establishments. It is felt, therefore, that the introduction of a Ministerial power of approval is justified. It is intended that the Minister will exercise his powers on the basis of recommendations of the Advisory Committee on State Aid to Non-Government Schools.

The Bill also empowers the Minister to enter the field of pre-school education. It expands the disciplinary powers available against officers of the teaching service under the principal Act. It deals with the commencement of awards of the Teachers Salaries Board. It provides for a single Advisory Curriculum Board instead of separate boards for primary and secondary education and it makes the provisions of the Act dealing with borrowings by school councils more flexible.

Clauses 1, 2 and 3 are formal. Clause 4 amends section 5 of the principal Act by inserting a definition of "effective service" in relation to officers of the teaching service. The Minister is empowered to determine whether certain periods should or should not be regarded as periods of effective service. Clause 5 repeals section 18 of the principal Act in consequence of the new definition of "effective service". Clauses 6, 7 and 8 contain the new provisions relating to long service leave. *Pro rata* leave which was available after five years service in certain circumstances is gradually to be phased out and will in future be available after seven years irrespective of the reason for cessation of the officer's service. Clause 9 amends section 5 of the principal Act. A new definition of "Government school" is inserted to reflect the possible provision of pre-school education at Government schools by the Minister. The definition of "non-Government school" is amended to provide that only such schools as are approved by the Minister will constitute non-Government schools for the purposes of the Act. A definition of "pre-school education" is inserted. Clause 10 amends section 9 of the principal Act which deals with the general powers of the Minister. The amendment empowers the Minister to provide pre-school education at

Government schools. Clause 11 is a consequential amendment.

Clause 12 deals with the probation of officers of the teaching service. The amendment provides that the probation may be for a period not exceeding two years of effective service. Clause 13 deals with disciplinary powers that may be exercised against an officer of the teaching service. The amendment provides for a reprimand, the imposition of a fine not exceeding one week's salary, reduction in classification, suspension from duty, or placing the officer on probation. Clause 14 deals with the date on which an award of the Teachers' Salary Board shall come into operation. Clause 15 amends an obsolete reference in the principal Act. Clause 16 is a consequential amendment providing that only registered teachers may be employed in Government schools in positions relating to the provision of pre-school education. Clause 17 deals with the appointment of an Advisory Curriculum Board. Clause 18 establishes a flexible basis for regulating the borrowing of moneys by school councils.

Mr. ALLISON secured the adjournment of the debate.

#### FURTHER EDUCATION ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Further Education Act, 1975. Read a first time.

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

*That this Bill be now read a second time.*

This Bill amends the Further Education Act in relation to the rights to long service leave of teachers appointed under that Act. The amendments are in precisely the same terms as corresponding amendments proposed to the Education Act. A further amendment is designed to make it clear that theological colleges cannot be brought within the provisions of the Act.

Mr. ALLISON secured the adjournment of the debate.

#### TERTIARY EDUCATION AUTHORITY OF SOUTH AUSTRALIA BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to promote, develop and co-ordinate post-secondary education in South Australia; to establish the Tertiary Education Authority of South Australia; to repeal the South Australian Board of Advanced Education Act, 1972; to amend the Colleges of Advanced Education Act, 1972, the Roseworthy Agricultural College Act, 1973, and the South Australian Institute of Technology Act, 1972; and for other purposes. Read a first time.

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

*That this Bill be now read a second time.*

I indicate that this Bill completes, at least for the present, the legislative scheme that flows from the Anderson Committee of Inquiry. I would like to place on record my indebtedness first to Dr. Anderson and the members of the inquiry for the amount of work that has gone into the investigation, and secondly to Dr. John Sando, the Chairman of the Board of Advanced Education, and Mr. Doug Shaw, the Chief Executive Officer of the board, for the advice they have given to me. I would also like to place on record my indebtedness to Mr. Kevin Gilding, my Ministerial adviser on these matters. I am in debt to all of these people for the great deal of work they have done in bringing us to this point. I seek leave to have the second

reading explanation inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Bill

The introduction of this Bill marks another stage in the implementation of the recommendations of the report of the Committee of Enquiry into Post-Secondary Education in South Australia. Perhaps the most far-reaching recommendation in that report is the proposal that the Government should establish a statutory co-ordinating authority in this State to be named the Tertiary Education Authority of South Australia. It will be known that already the South Australian Board of Advanced Education acts to co-ordinate, rationalise and produce a balanced system of tertiary education within the advanced education sector; it does not, however, concern itself directly with universities or further education. The board Act will of course be repealed as a result of this legislation which is intended to create a co-ordinating authority with wider functions and powers.

All States are moving to bring all post-secondary education into a single system in which each sector retains its identity and in which the State and Federal agencies have complementary roles. In Western Australia a Commission encompassing the three sectors has been created, in New South Wales a similar authority is being considered, while Victoria has recently established the Victorian Post-Secondary Education Commission with terms of reference similar to those proposed in this Bill.

There are two main arguments for bringing post-secondary education into a co-ordinated system. The first concerns the need for regulatory arrangements to ensure that all post-secondary institutions operate according to agreed general purposes and that the unnecessary overlaps, which occur in the absence of an arbiter, are avoided. The second is the need for a planning agency which can anticipate needs in the system and can recommend the required resources. In addition to providing for regulation and planning at State level, the emergence of a Federal co-ordinating body for all tertiary sectors makes it desirable that the State should have a complementary instrumentality. Such a State body, being closer to the constituent institutions, will be in a better position to reach informed decisions which otherwise might be made at Federal level without appropriate advice.

The Tertiary Education Authority of South Australia will thus have functions and powers encompassing those of the Board of Advanced Education but extending beyond them to the Department of Further Education on the one hand and to the universities on the other. With reference to the advanced education sector there are practical reasons for specific powers of co-ordination since both the Commonwealth and the State expect such co-ordination to be performed through a State authority. In addition, it is this sector which will, in the immediate future, be the most affected by the over-supply of qualified teachers and therefore most turbulent. The extension of this control to a number of courses offered by the Department of Further Education will avoid possible overlaps at the interface between further and advanced education since the Authority's advice will be in the context of proposals for both sectors.

In giving such advice the Authority will of course be mindful that its procedures should not delay the capability of the department to move rapidly in response to new needs. Course accreditation is maintained for the advanced education sector and extended, with certain

exceptions described later, to further education. Control over the universities is not as extensive but the powers of the co-ordinating body nevertheless provide for these institutions to inform the authority of representations they propose to make to the Tertiary Education Commission relating to finance, courses of instruction, and other matters concerned with the administration of post-secondary education. The Authority may in turn give advice to the Minister and the Commonwealth Commission in the context of total tertiary needs. Universities are not therefore constrained in ways at variance with their present mode of operation but are brought within the ambit of a State view. This overview is expected to benefit both universities and the other institutions given the almost static position of university and advanced education enrolments and the need to consolidate course offerings.

In all such co-ordination it is important that the State and Commonwealth authorities should co-operate. In relation to this it is worth emphasising that the wish on the part of the State for greater co-ordination is matched by the Tertiary Education Commission's development of criteria for course approvals which are likely to become more sophisticated and effective in the near future. In addition, the Tertiary Education Commission favours the creation of State bodies and gives them its support.

There is a wide range of matters about which the Authority will initiate discussion and which are important to the rational, efficient and economic provision of education—transfer of credit, needs of country students, likely fluctuations in future demands, and others. It is, however, concerned not merely with the tertiary sectors but with post-secondary education generally. Thus, it will be noted that a concern with informal post-secondary education is explicitly mentioned among its functions.

Clauses 1 to 3 are formal while clause 4 refers to the repeal of Board of Advanced Education Act and amendments to various College Acts consequent upon this Act being approved; schedules 1 and 2 refer. Clause 5 is definitional. I draw attention to the definition of a 'prescribed post-secondary institution' which, by way of schedule 3, refers to those institutions in the advanced and further education sectors over which the Authority has closely defined powers of co-ordination. Another point to note is the categorisation of the Department of Further Education as a prescribed post-secondary institution, not the individual colleges of further education. Such a categorisation takes account of the present organisation and administration of the colleges and also allows the Authority to be flexible in its dealings with the department. Subclause (2) of clause 5 allows the Governor, by proclamation, to declare any institution to be a post-secondary institution with the concurrence of that institution and any post-secondary institution to be a prescribed institution.

Clause 6 incorporates the Authority as a statutory body in the normal way. Under clause 7 the Chairman is to be appointed by the Governor, and will be a full-time member and principal executive officer of the Authority. Of the other four members one may be full-time while the others are part-time members. If there are two full-time members, the second will become the deputy chairman; if not, a part-time member will occupy that position. Clause 8 refers to the conditions of office of full-time members and in particular to a term of office not exceeding five years. This conforms with the current practice in the States and the Commonwealth in relation to this type of appointment. Clause 9 refers similarly to part-time members where the term of office does not exceed three years. The wording, it will be noted, allows for staggered

appointments in both instances. There are the usual kinds of provision covering the creation of casual vacancies and the appointment of acting members. There are the normal clauses governing the calling and conduct of meetings, including in clause 11 the constitution of a quorum as three members of whom one at least must be either the Chairman or Deputy Chairman.

Within the provision of the Bill, the Authority will be free to determine the conduct of its own business. Clause 12 refers to the power of delegation including the power to delegate to post-secondary institutions. This will allow, for example, the Authority to delegate the process of accreditation to a prescribed institution should this appear appropriate. Clause 13 refers to the usual saving provisions. Clause 14 sets out the broad functions of the Authority in relation to the planning, organisation, co-ordination and administration of post-secondary education in this State. In so doing it will consult with the institutions themselves and the Tertiary Education Commission about rationalisation of resources, whether or not certain courses should be offered at particular institutions, the establishment, amalgamation or closure of institutions, and the extent of financial support required. In all these matters prescribed institutions are subject to stricter controls although each such institution will have internal autonomy. For them the situation remains much the same as now as it does also in relation to the Authority's function of accreditation. The same clause indicates that formal review and control are not the only means by which co-ordination will occur: subclause (g) refers to the encouragement of co-operation as one of the functions of the Authority. Nor is tertiary education the only aspect of post-secondary education to be reviewed: as already indicated, the provision of informal post-secondary education is specifically mentioned in subclause (h). In (i) the Authority is charged with the responsibility of undertaking and commissioning research into matters relevant to its functions.

Clause 15 stresses that the Authority will be required to consult with the post-secondary institutions and may consult with such other bodies as necessary. In clause 16 emphasis is placed on the duty of an institution to inform the Authority of any representation to the Tertiary Education Commission about finance, the introduction of and significant changes to courses, their discontinuance, and any other relevant matters.

Clause 14, as mentioned previously, establishes the accreditation of courses as one of the functions of the Authority and clause 17 creates an 'Accreditation Standing Committee' which is chaired by either the Chairman or Deputy Chairman of the Authority. Its membership of eight other persons allows for at least two employees of the colleges of Advanced Education and two officers of the Department of Further Education. The functions of the committee are detailed in clause 18 and comprise the examination of and recommendations on the academic standard of courses submitted by appropriate persons and bodies. Thus the Authority, like the present Board of Advanced Education, is an agent and an integral part of the operations of the Australian Council on Awards in Advanced Education. One difference is that the clause allows all post-secondary institutions to submit courses; universities, however, will do so only at their own initiative. A further significant difference between the accreditation powers of the Authority and those of the board is the extension of the powers of the former to the majority of courses offered by the Department of Further Education. These powers are closely defined in Clause 19.

Subclause (1) of this clause does not permit a prescribed post-secondary institution to offer a course not pro-

visionally approved, while subclause (2) states that awards will be conferred only on people who have completed an accredited course. The implication of these two is that accreditation must take place before the first students graduate. Subclause (3) provides for the continued approval or accreditation of any courses previously approved or accredited by the Board of Advanced Education, the South Australian Technicians Certificate Board or the Director-General of Further Education. It should be noted that clause 26 excludes courses offered under the auspices of the Apprentices Act from the provisions of clause 19, since they are already more appropriately covered.

Clause 20 permits the Authority to establish committees to assist in the performance of its duties. In addition to accreditation, there will obviously be a need to establish committees in the areas of co-ordination and forward planning. Expenses and allowances (if any) involved in these committees are subject to Ministerial approval. It will be in the committee area of the Authority's activities that the post-secondary institutions will have a direct voice. Subclause (2) of clause 20 enables the Authority to appoint knowledgeable people to assist in specific areas. Clause 21 empowers the Authority, subject to Ministerial approval, to appoint the necessary staff. Subclause (2) of clause 21 permits the Authority to employ staff on such terms and conditions as the Minister may approve, and subclauses (5) and (6) alternatively to employ staff under the Public Service Act; but (4) confers on the staff of the Authority the right to participate in the South Australian Superannuation Fund whatever the nature of their appointment. Clause 22 enables the Authority, with Ministerial approval, to use the services of officers of the Public Service and of the teaching service of both the South Australian Education Department and Department of Further Education. Clauses 23 to 25 and clause 27 relate to the auditing of accounts, the annual report, financial provision and the power to make regulations. They represent the normal provisions for legislation of this type. Clause 26 refers to the Apprentices Act and has already been mentioned.

The Bill represents a significant new departure in post-secondary education in this State. As such, it merits the close attention of educationists and the public in general. Accordingly, it was my judgment that it be introduced this week but not further proceeded with so that the Christmas recess would give people the opportunity, if they so wished, to place further representations before me as to its nature and content. I commend the Bill to the consideration of honourable members.

Mr. ALLISON secured the adjournment of the debate.

#### EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

The Hon. J. C. Bannon, for the Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Employees Registry Offices Act, 1915-1973. Read a first time.

The Hon. J. C. BANNON: 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

From time to time honourable members have given consideration to the principles adopted as Conventions

and recommendations of the International Labour Organisation. As a foundation member of the I.L.O., Australia has long recognised the importance and desirability of establishing international standards in the labour sphere and its recent additional financial contribution to the operations of that organisation gives an indication of Australia's continuing commitment to its work.

International Labour Convention No. 96—Fee-Charging Employment Agencies (Revised), 1949, provides for either the progressive abolition or the regulation of such employment agencies. Employment agencies have existed as part of the Australian industrial scene for a long time and it cannot be denied that they have an important role to play in assisting people to become settled into satisfactory employment. Hence it is considered desirable that any ratification of the Convention by Australia is only possible in respect of the regulation of employment agencies, and not their abolition.

The main purpose of this Bill is to ensure that the regulation of private employment agencies conforms with that Convention, the whole spirit of which is that workers should have the right to obtain employment without being unnecessarily disadvantaged.

Article 10 of the Convention provides that if fee-charging employment agencies are not to be abolished by the competent authority, they:

- (a) shall be subject to the supervision of the competent authority;
- (b) shall be required to be in possession of an annual licence renewable at the discretion of the competent authority;
- (c) shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority; and
- (d) shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

At present, all of the 37 employment agencies in South Australia are required by the Employees Registry Offices Act, to be licensed by the Permanent Head of the Department of Labour and Industry, thereby ensuring compliance with the first two provisions of Article 10. However, with respect to the last two requirements of the Article, the Act allows fees to be fixed by the individual agencies and requires the scale of fees charged by the agency to be exhibited on the premises of that agency.

In the last two years, both Western Australia and New South Wales have enacted legislation enabling the spirit of the I.L.O. Convention to be honoured. Western Australia has opted for the approval of fees while the New South Wales Act which came into operation on 1 January 1978, provides for the fixing of fees by regulation. In acknowledging the contribution made by employment agencies the Government is anxious not to "over-control" the industry by fee regulation but at the same time is anxious to ensure there are no unscrupulous operators in this area. Hence, this Bill provides for the approval by the Minister of Labour and Industry of fee schedules submitted by employment agencies. This proposal has been discussed with appropriate representatives of the industry in South Australia and I have assured those involved that the Government will continue its policy of full consultation with interested parties when establishing the guidelines relating to the approval of fees.

The Government has given detailed consideration to the phasing out of the practice of employment agencies charging fees to applicants. At present, the Employees Registry Offices Act merely provides that employees be

charged no more than employers.

There has been some criticism, mainly in other States, that some agencies, while levying a charge on applicants, have not provided any guarantee as to the intensity of the efforts made on the applicants' behalf, nor, of course, have they given any guarantee that the applicant will, in fact, be placed in employment as a result of that fee payment. The Government cannot condone that practice and considers it more equitable to charge the employer for the service given to him by the agency in advertising, interviewing and selecting staff and prohibiting any charge being made to the employee. In order to give sufficient notice to those few employment agencies in South Australia which still make charges to employees, the Bill provides for the phasing out of this practice over a period of twelve months.

Consequential to the Government's decision above is the provision in the Bill to delete section 2a of the Act. At present, section 2a enables both the Nurses Board and the Medical Board to exempt from the provisions of the Act persons who find employment respectively for nurses and medical officers. Thus, because of the special circumstances existing in the medical profession in the past, such agencies (and there are currently two agencies dealing specifically with employment for nurses, but none dealing with medical officers) have not had to comply with the provisions of the Act. Should that exemption be perpetuated it would enable agencies to continue to charge nurses for finding them employment.

The Government firmly believes that the removal of the advantageous position in which employment agencies for nurses currently find themselves is in line with the spirit of the I.L.O. Convention and in keeping with contemporary trends towards non-discrimination in all walks of life. Its intention to delete section 2a from the Act has been supported by the Nurses Board of South Australia which, in any event, has not granted many certificates of exemption in the past as it is empowered to do under the section.

However, the employment of nurses for home nursing purposes is not regarded by the Government as the usual relationship between employer and employee but rather as a contract between the patient and the nurse for the rendering of professional services, in a home environment. Nursing in private homes is not covered by an award, and each contractual arrangement is a private matter between the nurse and the patient (or someone acting on behalf of the patient) whether or not the recommended fee of any particular agency concerned is used as a basis for negotiations. In addition, it would be extremely difficult to say that the necessary degree of control exists to establish an employee-employer relationship which in the past has been the basic test used by Courts to determine cases based on a so-called contractual relationship. Accordingly, it is appropriate for the home nursing section to be excluded from the provisions of the Act. The Bill provides for exemptions by way of regulation.

Many submissions, both for and against the Government's proposals, have been made by interested sections of the community. The Government is convinced that the bulk of evidence suggests that there are sound social and economic reasons for continuing the practice of exempting home nursing. In particular, should the exemption be removed in this area and the paying of an agency's service become the sole responsibility of a patient and/or his family, it would place an unnecessary economic burden upon those financially responsible, which could easily operate to the detriment of the patient. The Government is not willing to let those in need of home nursing care and those whose responsibility it is to meet the costs involved

from a modest weekly wage, suffer through the imposition of an additional cost for nursing services.

As mentioned above, discussions have been held with appropriate representatives of the industry and I have been encouraged by the full and frank manner in which those representatives have discussed the Government's intentions with me. I have been informed that although the home care market is only a small segment of the total market, costs will increase significantly should the exemption in respect of home nursing not continue. Thus, the action proposed by the Government in the Bill will enable a community need to be fulfilled without the imposition of an additional burden upon any particular section of that community.

I now turn to some of the other matters proposed in the Bill. There is at present no provision in the Employees Registry Offices Act relating to the placement or recruitment of workers abroad. An opinion from the Solicitor-General as to South Australia's legislative competence in this regard indicates that, while the Commonwealth Migration Act provides for a kind of licensing of immigration agents and the fixing of maximum charges for certain services by those agents, the actual recruitment of workers in other countries for employment in South Australia (as distinct from any arrangements for their entry into the country as immigrants) and the recruitment of workers in South Australia for employment overseas are matters upon which South Australia can validly legislate. Accordingly, the Bill provides that regulations can be made to cover these matters and will enable South Australia to advise the Commonwealth that our legislation is not a barrier to the convention being ratified in Australia.

The opportunity has also been taken to amend some machinery provisions in the Act in order to improve its administration. At present, on each occasion the fees relating to applications under the Act need to be altered, an amendment to the Act is required. Clause 17 of the Bill provides that such fees may be prescribed by regulation.

In addition, the Act provides that an applicant for a licence issued under the Act must supply a certificate from a Justice of the Peace and six ratepayers who are personally known to the applicant. This provision has proved difficult on occasions, particularly where the relevant applicant is from interstate or overseas. The Bill seeks to amend the Act to require an applicant to supply two character and two business references with his application, which will provide the necessary flexibility while maintaining the desired safeguards.

Provision has also been made for the Act to require employment agencies to reveal their business or trading name and address in any job advertisement. Such an amendment is considered necessary in the light of complaints received by my Department that only telephone numbers have been included in such advertisements. In such circumstances, difficulties and misunderstandings can easily arise on the part of the persons seeking employment. The Government considers that the requirement expressed in proposed new section 13 would do much to overcome this undesirable practice and would greatly assist the Department in verifying that all employment agencies are registered in accordance with the Act.

Clause 1 is formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation. Clause 3 amends the interpretation section of the principal Act by replacing the definition of "Secretary of Labour and Industry" with a definition of "the Director" and by providing a definition of "transaction".

Clause 4 repeals section 2a and 2b of the principal Act,

which provide for exemptions from the provisions of the Act. Exemptions will in future be made by regulation.

Clause 5 repeals section 4 of the principal Act and enacts new section 4, which provides for the issue of licences. Applicants for licences will be required to provide references as to their character and business experience. Where the applicant is a corporation, the references must relate to the nominated manager.

Clause 6 amends section 4a of the principal Act by deleting references to the form of application and form of certificate, both of which are set out in the schedules to the Act, but will not be relevant under the proposed system. The schedules are to be repealed.

Clause 7 repeals section 4b of the principal Act and enacts a new section 4b. The requirements as to the eligibility of a person to be manager of a corporation remain the same. The new section also provides that if the business of a corporation is carried on for more than twenty-eight days without an approved manager, the licence of the corporation is suspended.

Clause 8 effects formal and consequential amendments to section 5 of the principal Act.

Clause 9 effects consequential amendments to section 6 of the principal Act.

Clause 10 repeals sections 6a and 6b of the principal Act (the substance of which sections is included in proposed new section 4b) and section 7, the provisions of which are included in proposed new section 4.

Clause 11 effects consequential amendments to section 8 of the principal Act.

Clause 12 effects consequential amendments to section 9 of the principal Act.

Clause 13 effects consequential amendments to section 10 of the principal Act.

Clause 14 repeals sections 13 and 13a of the principal Act and enacts a new section 13 which prohibits the publication of any advertisement relating to the hiring of employees, unless the business name and address of the licensee are included. The matters dealt with by the repealed sections are covered substantially by proposed section 14c, 14d and 14e.

Clause 15 repeals sections 14 and 14a of the principal Act and enacts new sections 14a and 14f, which deal with the same matters, as well as other matters. Proposed section 14 makes it an offence for a person to demand fees not chargeable under the Act. Proposed section 14a provides that a contract which contemplates the payment of excessive fees is voidable at the option of the employer or employee concerned and that the excess payment is recoverable from the licensee. Section 14b will prohibit the charging of fees to a person who becomes the licensee's employee. Section 14c provides for the phasing out of fees to employees and regulates the charging of fees in the meantime. Section 14d regulates charging of fees to employers. Section 14e requires Ministerial approval for any licensee's scale of fees and specifies information which must be included in the scale. Section 14f provides for the return to an employer or employee of any fee paid in advance, if employment is not arranged.

Clause 16 effects a consequential amendment to section 16a of the principal Act.

Clause 17 amends section 17 of the principal Act, which relates to the power of the Governor to make regulations. The amendment provides specifically for exemptions from provisions of the Act, for the prescribing of fees, penalties for offences against the regulations, and the conditions under which licencees may recruit persons within the State for employment outside Australia, or recruit persons from outside Australia for employment within the State.

Clause 18 amends section 22 of the principal Act by

increasing the maximum penalty for offences against the Act from one hundred dollars to five hundred dollars.

Clause 19 repeals the first, second and third schedules to the principal Act, which provide for forms required by the Act. Under the new system, forms will be prescribed by regulation.

**Mr. DEAN BROWN** secured the adjournment of the debate.

### NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendment:

Page 2, line 10 (clause 6)—After "the Governor" insert—"of whom—

- (a) at least one must be a person with wide knowledge of, and experience in, biology;
- (b) at least one must be a person with wide knowledge of, and experience in, land management, and
- (c) at least one must be a person with wide knowledge of, and experience in, the management of reserves."

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

That the Legislative Council's amendment be disagreed to. This amendment repeats identically an amendment that was moved in this House. It seeks to restrict the Minister's power regarding the categories of persons which would comprise his new committee. As stated previously, the committee is to be a small, integrated, skilled, scientifically-based committee. That has been clearly stated by the Minister and the intention of having such committee can be clearly discerned from the legislation. To do as the amendment seeks, which is to prescribe that three members of the committee must have special skills or background, goes against, and unreasonably restricts, the Minister's power in this matter.

In another place, it was said that the amendment indicated to the Government what people should be involved on the committee. It is proper to have such an indication; that has been discerned in debate, stressed and commented on. I think the Minister has received the message fairly clearly, but in no way will I, on his behalf, accept an amendment that puts such an unreasonable restriction on him. The assurances given about the nature of the committee, the expertise and talents that will be called on, should suffice. Prescribing specifications is too limiting.

**Mr. WOTTON:** I am extremely disappointed that the Minister, acting on behalf of the Minister for the Environment, has disagreed to the amendment. I do not intend debating the matter in detail because a great deal of time has already been spent considering this amendment. This amendment is in no way restrictive.

I take the point that the Minister of Community Development made, that the second reading speech and the debate that came out of the introduction of this legislation has made it clear to the Minister that it is important to have the right people serving on this advisory committee. I suggest that nowhere in the Bill is the criteria, or the type of person who should be involved in this way, suggested. It is not just a matter of the present Minister—we need to make certain that future Ministers use the right personnel and are being advised properly. The Minister has made it clear on a number of occasions in this place that he is looking to his new Division of Co-

ordination and Policy to advise him. I believe that this committee gives the public the opportunity to participate in an advisory nature.

It is important that proper scientific advice is given to the Minister, and that is why we have suggested that one person should have wide knowledge of and experience in biology, because the reserves involve botany and zoology and, as I understand it, biology covers both of those areas. The Opposition has made the point on a number of occasions that it is vitally important that proper land management of these reserves be implemented, and that is why we believe it is important to have somebody with wide knowledge of land management, and it is only sense that the third person of the five should have some experience in the management of reserves. I suggest that the amendment is in no way restrictive, and I am extremely disappointed that the Government has decided not to support this amendment.

**Mr. ARNOLD:** I wholeheartedly support the remarks made by the member for Murray. This amendment is in no way restrictive. In fact, it gives the Minister considerable flexibility when selecting the person he appoints to the council. An undertaking given by the Minister in this place is not binding in law and is not binding on any future Minister, so it is not really worth anything. The only thing in which courts are interested is what is written in the Act. Obviously the Minister is well aware of that.

It is quite unreal of him to try to claim that an undertaking given by him on behalf of the Minister for the Environment is of any consequence whatever. It depends to what degree the Minister is really seeking outside advice. It could be said that, in bringing the committee down to this small size and leaving it completely in the Minister's hands to appoint that committee, the Minister will finish up with a committee, if he wants one, that will be there in name only and will not be in a position to offer constructive advice. For all we know, that is precisely what the Minister is looking for.

**Mr. Wotton:** We don't want another situation of jobs for the boys.

**The CHAIRMAN:** Order! We do not want any further interjections.

**Mr. ARNOLD:** We know that the Minister for the Environment is a strong-willed person who does not enjoy taking advice from anyone. It appears to me that the rejection of this amendment clearly indicates that the Minister does not really want a committee that is going to give him any substantial advice. I shall be disappointed if this is the case, but knowing the Minister's strong-willed approach to most things, I know that he will be looking for a committee that will not be putting forward too many recommendations. I strongly support the Legislative Council's amendment.

The Committee divided on the motion:

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

Noes (15)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Russack, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. Corcoran, Payne, and Wright. Noes—Messrs. Chapman, Dean Brown, and Tonkin.

Majority of 7 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendment is unreasonably restrictive.

Later:

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

Later:

**The Hon. J. C. BANNON (Minister of Community Development)** moved:

That disagreement to the Legislative Council's amendment 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. Bannon, Broomhill, Drury, Eastick, and Wotton.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 5.15 p.m.

**The Hon. J. C. BANNON (Minister of Community Development)** moved:

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference.

Motion carried.

At 5.54 p.m. the following recommendation of the conference was reported to the House:

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

Later:

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

Consideration in Committee of the recommendations of the conference.

**The Hon. J. C. BANNON (Minister of Community Development)** moved:

That the recommendation of the conference be agreed to.

**Dr. EASTICK:** At the conference it was clearly understood that, whilst the Legislative Council would not insist on the amendments, it looked to the Minister to exercise discretion along the lines of the amendments. Indeed, there is a clear understanding that there will be, in the election of persons to the council, those who have a wide degree of expertise and who will best be able to serve the State in the sphere encompassed by the Bill.

Motion carried.

#### METROPOLITAN TAXI-CAB ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendment:

Page 1—After line 9 insert clause 2a as follows:

2a. Section 4 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage commencing 'Until the appointed day' and ending 'appointed as follows:—' and inserting in lieu thereof the passage 'The Board shall consist of nine members who shall be elected or appointed as follows:—';
- (b) by inserting after paragraph (I) of subsection (2) the following paragraph:
  - (IA) One member elected in the prescribed manner by the registered owners of taxi-cabs:
- (c) by inserting in paragraph (a) of subsection (4) after the passage 'paragraph I' the passage 'and paragraph IA'; and
- (d) by striking out subsection (6).

**The Hon. G. T. VIRGO (Minister of Transport):** I move: That the Legislative Council's amendment be disagreed to.

The Government introduced a Bill, which was passed by this Parliament without lengthy debate, to amend the Taxi-Cab Act to enable registration of fleets to be taken on a common date. The Legislative Council has taken the opportunity, the Act having been opened, to introduce a new matter, namely, the constitution of the Taxi-Cab Board. This has been done as a result of representations that have been made to all members of Parliament from the Taxi Owners and Drivers Association (T.O.A.D.A.). This organisation, as far as I am aware, has sprung up recently.

The associations letter to me states that there are about 600 owners and about 1 500 drivers who, with the present constitution of the Taxi-Cab Board, do not have adequate representation. The association claims that the two representatives from the Taxi-Cab Operators Association, which is a section of the South Australian Employers Federation, on the Taxi-Cab Board, do not adequately cater for taxi-cab owners and drivers because that organisation represents the companies rather than the people.

I do not want to go too deeply into who represents whom in this industry, but there are two forms of representation, one of employer and one of employee. In fact, the Taxi-Cab Board has not only the representatives from the taxi-Cab Owners Association but also representation from the taxi owners and drivers section of the Transport Workers Union. It seems to me that there is adequate representation there for them at the moment, regardless of whether they are employer or employee.

Over a period of time, numerous organisations have sprung up. About 18 months ago there was a very active organisation known as the Taxi Industry Association (T.I.A.) and it was claiming it had about 800 members. To the best of my knowledge, it does not now exist. However, at present there are other organisations in the taxi industry, such as the white plate operators organisation and the independent operators association. Therefore, if we grant representation to one of these groups, we must extend it to all.

I consider that the existing representation is reasonable. I do not say it could never be improved: it probably could be at some time if circumstances demanded it. However, at present I am not persuaded by the case that has been put forward to me that there should be any alteration. I realise that the Metropolitan Taxi-Cab Board (which now consists of eight members, not 12 as it previously did) probably is one of the most efficient and effective bodies operating in South Australia. It has an exceptionally good Chairman in Mr. Walter Bridgland, the former Lord Mayor of Adelaide.

**Mr. Mathwin:** One of my constituents.

**The Hon. G. T. VIRGO:** The honourable member is fortunate in having the privilege of representing Mr. Bridgland and his good wife in this Parliament and I hope he does that properly at all times. The members of the board are dedicated people who work in the interests of the people of South Australia and the taxi industry and achieve that blend in the administrative area. The staff, a small one, is headed by an extremely effective and efficient person in Max Marker, who is Secretary and Licensing Officer. I consider the Taxi-Cab Board to be an extremely efficient and effective organisation. Certainly, no case for disturbing it has been made out, and I ask the committee to reject the amendment.

**Mr. BECKER:** I support the amendment in principle. It

tries to ensure that there is on the board representation of the whole industry. The Minister has pointed out quite correctly that a representative of the owner-driver section of the Transport Workers Union is on the board. That section of the union has not a big membership. I understand that there are only about 20 members. If the drivers want representation, it is fair and honest to say that they have the opportunity through the union. However, I do not go along with an owner-driver having to be a member of the union, because there must be a conflict in that situation.

It is unfortunate that this other organisation has cropped up in the taxi industry again, because there are problems where there are independent owner-drivers who have no representation on the board. Representation comes from United Yellow Cabs and Suburban Taxis, and Glenelg Taxis is not represented. The point of the amendment is to try to have representation on the board as wide as possible. However, it is also recognised that there have been problems and infighting, and I hope that will be resolved in the next week.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment introduced in this matter is extraneous to the Bill.

Later:

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

#### MURRAY PARK COLLEGE OF ADVANCED EDUCATION BILL

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

**The Hon. D. J. HOPGOOD (Minister of Education):** I move:

That disagreement to the amendments of the Legislative Council be insisted upon.

**Mr. MILLHOUSE:** I am not quite sure what this is all about.

**Mr. Allison:** They have changed their mind—

**Mr. MILLHOUSE:** I know all that, and I know that the Government is going to give way eventually. This is to set up a conference. I understand. What precisely are we disagreeing to at the moment? Could we have some explanation of what this is about? I think we should have some regard for the formalities and procedures of the House.

**The Hon. D. J. HOPGOOD:** I do not know what sort of memory the honourable member has. We have been through all this yesterday. The Legislative Council sent down six amendments, four of which dealt with the name of the college. One dealt with what would have been in effect the right of veto conferred on the Head of the de Lissa Institute of Early Childhood Studies, and the last dealt with the final clause of the Bill, which has the effect of making the new college subject to the Tertiary Education Authority of South Australia, which would be set up, assuming that legislation which I introduced about half an hour ago was agreed to by Parliament.

The House at that time insisted on its form of the Bill; it rejected the amendments. This has gone back to the other place, which has insisted on its amendments. It has now come back to us, and we can either give way or further insist on our form of the Bill. The latter course would give us the right to request a conference.

**Mr. MILLHOUSE:** If we are going to give way on the name eventually, why cannot we give way now?

**The Hon. D. J. HOPGOOD:** It does not follow that the managers of the conference will agree upon the name "Magill".

**Mr. Millhouse:** Are you going to give it another name?

**The Hon. D. J. HOPGOOD:** We would certainly want to reiterate our opposition to amendments Nos. 5 and 6. 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, and Messrs. Abbott, Hopgood, Klunder, and Wilson.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 4.30 p.m.

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

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference. Motion carried.

At 5.53 p.m. the following recommendations of the conference were reported to the House:

*As to amendments Nos. 1 to 4:*

That the Legislative Council amend its amendments by striking out from each of them the word 'Magill' and inserting in lieu thereof in each case, the word 'Hartley'.

And that the House of Assembly agree thereto.

*As to amendment No. 5:*

That the Legislative Council do not further insist on this amendment.

*As to amendment No. 6:*

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

Clause 3, page 1, lines 10 and 11—Leave out all words in these lines and insert definition as follows:

'the Board' means the South Australian Board of Advanced Education;

Clause 6, page 3—

line 30—Leave out 'Authority' and insert 'Board'.

line 31—Leave out 'Authority' and insert 'Board'.

Clause 10, page 6—

line 6—After 'the members' insert 'first'.

Clause 14, page 7—

line 20—Leave out 'Authority' and insert 'Board'.

Clause 29, page 14, line 25—Leave out 'Tertiary Education Authority of South Australia Act, 1979' and insert 'South Australian Board of Advanced Education Act, 1972'.

And that the House of Assembly agree thereto.

Later:

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

Consideration in Committee of the recommendations of the conference.

**The Hon. D. J. HOPGOOD (Minister of Education)** I move:

That the recommendations of the conference be agreed to. The effect of the recommendations of the managers is, first, that the name of the new college be Hartley, and, secondly, that reference to the Tertiary Education Authority of South Australia be taken out and the Board of Advanced Education of South Australia be substituted. The Legislative Council no longer insists on its amendment that would give the head of the de Lissa school the right of veto on matters relating to that school. Also, a drafting amendment has been made to provide for

the proper election of members to the council of the college.

Motion carried.

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

Returned from the Legislative Council without amendment.

#### SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

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

#### SITTINGS AND BUSINESS

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

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

Motion carried.

#### STATUTES AMENDMENT (AGRICULTURE) BILL

Adjourned debate on second reading.  
(Continued from 23 August. Page 715.)

**Mr. RODDA (Victoria):** This short Bill consolidates a number of Bills. The Opposition has looked at what it does, and supports it.

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

#### TRAVELLING STOCK RESERVES

Consideration of the following resolution received from the Legislative Council:

That portions of the travelling stock reserves adjoining Sections 216 and 219 in the hundred of Copley, sections 14 and 15 in the hundred of Gillen, section 1 in the hundred of Handyside and Pastoral Block 1146 north out of hundreds as shown on the plan laid before Parliament on 5 April 1977, be resumed in terms of section 136 of the Pastoral Act, 1936-1976, for railway purposes.

(Continued from 22 August. Page 664.)

**The Hon. J. C. BANNON (Minister of Community Development)** moved:

That the resolution of the Legislative Council be agreed to.  
Motion carried.

#### SEEDS BILL

Adjourned debate on second reading.  
(Continued from 26 September. Page 1152.)

**Mr. RODDA (Victoria):** This Bill is designed to ensure that transactions involving the sale of seed take place on a fair and informed basis. The Bill was thoroughly examined in another place, and amendments were made to it.

**Mr. Mathwin:** Is it a good Bill?

**Mr. RODDA:** Yes, it is. However, there are some

questions that I have, and I will seek to amend it further. Some assurances are sought from the Minister about the Bill's application. The drafting of clause 8 has caused comment from some people in the industry about what is meant by this clause. Clause 8 provides:

It shall be a defence to a charge of an offence against this Act involving the sale of seeds for the defendant to prove—

- (a) that the circumstances of the sale were such that the defendant could not reasonably have expected that the seeds would be used for the germination or propagation of plants;
- (b) that the seeds were sold on the understanding that they would be treated or cleaned by the purchaser;
- (c) that—
  - (i) the seeds were seeds of wheat, barley, oats, cereal rye, field peas or of a prescribed species;

People are concerned because the word "or" should be inserted between the paragraphs. The word "or" would make the specific defences stand on their own rather than being taken collectively, and that is the result of a High Court ruling.

I will seek information from people in the industry on that High Court ruling. Furthermore, I would like the Minister to explain what is meant by "prescribed information" in clause 7, which provides:

- (e) any treatment to which the seeds have been subjected; and
- (f) other prescribed information.

That clause has also caused some concern. Generally, we agree with the Bill, but we do not look favourably on clause 8 (iv), which provides:

- the sale—
- (A) was concluded between parties who carry on the business of primary production at places situated within 30 kilometres of each other.

This would seem to be an inherent anomaly with regard to farmer-to-farmer sales. I would be excluded from purchasing seed from my colleague the member for Mallee, who lives 90 kilometres from me, although I know that he produces high-quality seeds that could be used to advantage on my property. I wonder why that restriction has been placed in the Bill. Another matter that concerns me is clause 9 (1), which provides:

- An authorised officer may—
- (a) enter any place in which seeds are kept for sale; and
  - (b) on tender of the ordinary market price take a sample of seeds for analysis.

Clause 9 (2) provides:

- Where an authorised officer takes a sample of seeds for analysis, he shall—
- (a) thoroughly mix the sample and divide it into three approximately equal parts;
  - (b) place each part in a separate package and seal or fasten each package;
  - (c) write on each package the address of the premises at which the sample is taken, and the time of taking the sample;
  - (d) deliver a package containing one part of the sample to the person in charge, or apparently in charge, of the premises at which the sample is taken;

The authorised officer may do all those things anywhere at any time, but he must comply only with paragraph (d). Who knows what he may have done in those other three actions? We will seek to amend the Bill to tie all three together. For a long time, the industry has sought to have this type of legislation introduced: so, it is overdue. Notwithstanding that, it has had a thorough investigation and rewrite in another place. We on this side of the House

and those in the industry are concerned about the matters I have raised. I support the Bill.

**Mr. NANKIVELL (Mallee):** I, too, support the Bill and the major issues of concern that have been set out by the member for Victoria. The seed industry has always had a problem with quality of seed, and one of the difficulties has been in ensuring that seed that came into this State from other States was properly checked and analysed and was a sample of seed that could be sown safely without any fear of spreading noxious weeds.

From experience I know it was possible to buy seed that was produced in other States, and for that matter this State, that had been certified, meaning that it was true to type. If it was a particular strain of clover, the paddock from which that seed was collected was perhaps 99.9 per cent pure, but it did not matter whether the paddock was filled with noxious weeds because there was no requirement to do other than certify that it was a sample of a particular strain of seed.

This Bill will ensure that all seed sold commercially will have attached to it a label stating what type of seed it is, what strain of seed it might be of that particular variety, indicating the number of seeds according to a required mass. It will also set out a germination test indicating the possibility of that seed for propagation. If it has only 60 per cent germination test, it could not be expected that more than half of it would come through the ground, and, if it is a fine seed such as clover, it could have as many as 45 000 seeds a kilogram. This will all be set out on the label.

In relation to inspectors, the member for Victoria referred to the question of taking samples. Although the clauses are taken straight out of the principal Act, if this Bill is to be policed as I think it will be policed, it is believed that if any sample was bought and taken on to premises it ought to be sampled in front of the person in charge of those premises so that he could be certain that the sample he had in his possession was his sample of the sample taken by the authorised agent, and that it was a sample of the seed taken from his place and not some other place. That could happen if the seed was bought and the authorised agent took it away and carried out the separation, as he has to, into three packages and sent one back to the man from whom he bought the seed by mail. It might not be the exact sample of the seed bought. We sought to tidy this up with an amendment. Clause 8 (b) causes considerable concern to people in the industry. It provides:

It shall be a defence to a charge of an offence against this Act involving the sale of seeds for the defendant to prove—

(b) that the seeds were sold on the understanding that they would be treated or cleaned by the purchaser;

It has been pointed out to me that as a seed producer I could sell seed to a local seed merchant on the understanding it would be cleaned and treated. In the South-East, that local seed merchant might receive a phone call from a seed merchant in Victoria asking for a certain quantity of that type of seed. That merchant could resell that seed to the person over the border without its being cleaned or treated on the understanding that it was going to be treated and cleaned. Once it crosses the border the situation changes, and that man over the border could advertise that he has a certain quantity of this seed available for sale at a given price. A person wishing to buy it could contact the man in Victoria, where the sale would be negotiated, who would send this seed to him, and it may be an unclean, untreated sample of the seed which originally came from South Australia. The proposed

amendment, which adds a new clause, will be moved at the appropriate time, and will tighten this up so that circumvention of the Bill will not be possible. The other matters I was going to raise have been dealt with adequately by my colleague and, in the hope that the amendments we will propose will be accepted, I support the second reading.

**Mr. VENNING (Rocky River):** I support the Bill which I believe has much merit. It could be said that the present situation is reasonably adequate but I believe that, if a situation can be improved, as I think this Bill does, it is a good thing. When certification of small seeds takes place, an officer will inspect the growing crop at a certain stage and say that that paddock is suitable for classification or it is not suitable. A seed that has been certified commands a higher price than an uncertified seed.

The comments made by the member for Mallee, regarding the movement of seed interstate, are important. Certain types of weeds which grow in the South East of the State are not a problem to farmers in the northern areas. In some of the northern areas Salvation Jane is no problem, and it has probably saved stock in drought years. However, in the South East, where they do not have problems with dry years and starving stock, they regard Salvation Jane as a nuisance.

Generally speaking, I think the Bill has merit. With regard to the establishment of inspectors, I think a Bill such as this must have teeth in it and I think it is proper and right that an authorised officer should be able to inspect seeds and take seeds. Much money is involved in the small seed industry and some people are perhaps not aware of the mixtures of foreign weeds that are in some of these small seed samples. Clause 8 (c) (iv) provides:

the sale—

(A) was concluded between parties who carry on the business of primary production at places situated within 30 kilometres of each other;

That applies also to small seeds. Approval can be given for the sale of grain from those areas. In the past, seed grain from Queensland of a special variety has been purchased. A lot of oat varieties come from Western Australia. Provision is made to cover grain brought into South Australia under approval of the Minister or an authorised officer. There is no hassle regarding this. I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

#### TRADES STANDARDS BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 2285.)

**Mr. GOLDSWORTHY (Kavel):** At about 1.30 last night, I regaled the House with a wealth of information about the necessity for ensuring quality, safety and reasonable standards of packaging, relating to goods produced in South Australia. I made the point that the Act re-enacts several pieces of legislation that are being repealed. The Sale of Furniture Act, the Footwear Act, the Textiles Products Description Act, and the Packaging Act are incorporated in this Bill. If I have anything to complain about in the Act, it is that much is still to be done by regulation. Complaints have been received that too much is left to regulation. One likes to see spelt out in legislation what the Government has in mind. In some

cases, that is not possible. There are many matters relating to safety and standards of furniture manufacture that would have to be described by regulation.

The Bill seeks to upgrade the standards in relation to furniture. The original Bill referred only to furniture made of wood. In this modern day and age, a great deal of furniture is made of plastic, glass and other synthetic materials and is not covered by the Sale of Furniture Act. Therefore, the Act needs to be upgraded. The second reading explanation is almost lyrical. In the explanation, there is no shortage of information; it goes on and on.

That is most uncharacteristic of the Attorney-General, it was one of those few occasions when he has seen fit to contact the people concerned to ascertain their views and, indeed, to be sympathetic to the amendments that they have suggested. I believe necessity for quality standards is well founded. I refer to the fact that if we intend to make anything of goods made in Australia, and if the campaign to popularise goods made in Australia is to succeed, then those goods must be of good quality. I have been disappointed when on occasions goods I have purchased that have displayed the typical "Made in Australia" stamp on them have not lasted well. Nothing mitigates customer satisfaction or successful long-term sales more than poor quality. The section of the legislation which is new is that relating to safety and child safety comes in for a particular mention. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

That the sitting of the House be extended beyond 6 p.m.  
Motion carried.

*[Sitting suspended from 5.27 to 5.53 p.m.]*

#### HARBORS ACT AMENDMENT BILL

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

#### REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 19 (clause 2)—Leave out "or refuses to execute."

No. 2. Page 2 (clause 2)—After line 6 insert new subsection (2a) as follows:

(2a) Any moneys received by the Treasurer under subsection (2) of this section shall be held by him upon trust for the mortgagee or other person entitled thereto.

No. 3. Page 2, lines 11 and 12 (clause 2)—Leave out "a personal covenant to make payment under the mortgage" and insert "the personal covenants of the mortgage".  
Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.  
Motion carried.

#### ADELAIDE COLLEGE OF THE ARTS AND EDUCATION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 10 and 11 (clause 3)—Leave out all words in these lines and insert definition as follows:

"the Board" means the South Australian Board of Advanced Education;

No. 2. Page 3, line 25 (clause 6)—Leave out "Authority" and insert "Board".

No. 3. Page 3, line 26 (clause 6)—Leave out "Authority" and insert "Board".

No. 4. Page 6, line 6 (clause 10)—After "the members" insert "first".

No. 5. Page 7, line 19 (clause 14)—Leave out "Authority" and insert "board".

No. 6. Page 14, line 10 (clause 29)—Leave out "Tertiary Education Authority of South Australia Act, 1979" and insert "South Australian Board of Advanced Education Act, 1972".

Consideration in Committee.

**The Hon. D. J. HOPGOOD (Minister of Education):** I move:

That the Legislative Council's amendments be agreed to. The amendments are necessary in order to bring this Bill into conformity with the amendments we have just accepted to what was originally known as the Murray Park College of Advanced Education Bill.

Motion carried.

#### ADJOURNMENT

**The Hon. HUGH HUDSON** moved:

That the House at its rising adjourn until Tuesday 6 February 1979.

Motion carried.

**The Hon. D. A. DUNSTAN (Premier and Treasurer):** By leave, I propose to address a few remarks to the House on the subject of the coming break in the session and the approach of the festive season. At this time of the year we always tender, properly, our thanks to you, Sir, and to all members of the staff of Parliament House who give great assistance and service to members of the House: the Clerks; messengers and attendants in the Chamber; *Hansard* staff; library staff; entertainment, catering and housekeeping staff; cleaners—

**Mr. Tonkin:** The Opposition!

**The Hon. D. A. DUNSTAN:** I was coming to them. We are grateful for the tremendous work done for all members and the service that is given to us and the public of South Australia. We are grateful, also, in the Ministry, to all members of the staff of the Public Service and Ministers' officers who serve us in this place and prepare material for us as they do. This, of course, necessarily includes the work of the Parliamentary Counsel and his officers. On behalf of the Government I wish all of them well for the festive season. I hope they are able to have a break and return refreshed in the new year for the remainder of the session, which looks as though it is going to be as busy as we forecast this session would be, given the amount of legislation which is now introduced into the House.

I hope that members of the Opposition have a splendid break and, although I cannot wish them all that they would wish themselves, nevertheless I hope they have a happy time during the festive season and that they return refreshed and invigorated to engage in the public service of this State and in Opposition during the next part of the session. Indeed, I wish all members a happy time at Christmas. Of course, I am able to wish Government members everything that they would wish themselves.

**Mr. Keneally:** Is the reason you wouldn't do that for the Opposition, Don, because they've got the death wish?

**The Hon. D. A. DUNSTAN:** No, that would be unkind.

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

**The Hon. D. A. DUNSTAN:** This is a time of sweetness, light and kindness, and I wish it to remain that way.

*Members interjecting:*

**The Hon. D. A. DUNSTAN:** I was having a little trouble with the cross-bench, but I will remain charitable. With those words, I wish everyone a happy Christmas and a good break.

**Mr. TONKIN (Leader of the Opposition):** By leave, I reciprocate the good wishes that the Premier has extended on the Government's behalf to Opposition members and even to members on the cross-bench. I note that, although not in his seat, one of the members of the cross-bench is within the Chamber, and we are also able to extend our good wishes to him.

**Mr. Goldsworthy:** He's not a bad fellow, actually.

**Mr. TONKIN:** As the Premier said, this is a season of some charity, and one must extend that charity to everyone. I echo the thanks that the Premier has already expressed to all officers of the Parliament, whom I do not intend to list again. I am sure that the Premier has covered most of them quite well. However, I do mention the members of the maintenance staff and caretakers, whom the Premier inadvertently forgot to mention. I should also like to refer to two other people who are often forgotten: the ladies whom we know as Marg and Claudette, who are on the switchboard. They have a tremendous amount to

put up with, and they serve members extremely well indeed.

I also thank members of the electorate office staff, our own secretaries, and everyone in the place who has helped to make our duties as pleasant as they can be and who certainly have helped the place to run smoothly. I trust that every member and you, Sir, will have a happy Christmas and that the new year will bring everything that everyone desires.

**The SPEAKER:** On behalf of the staff of Parliament House, I thank the honourable Premier and honourable Leader of the Opposition. There is no doubt that each and every member knows of the wonderful work that is done and how loyal the staff is to the members of this place. Members of the staff are called on many times to go out of their way to help members, and they always do this well. Naturally, as Speaker, I must many times call on the officers of this House, and I am sure honourable members would know of the wonderful work that they do during the course of the session.

I know they are looking forward to a break, but the fact is the work has to be done. On behalf of the staff and myself I wish each and every member a happy Christmas, a healthful new year and may you all come back full of vim and vigour, for I am sure we will be very busy during the next session. I wish you all well and hope to see your faces once again.

At 6.25 p.m. the House adjourned until Tuesday 6 February 1979 at 2 p.m.