HOUSE OF ASSEMBLY

Wednesday 28 February 1979

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

LEVI PARK ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government): The managers for the two Houses conferred together at the conference, but, despite an attractive proposition from this House, regrettably no agreement was reached.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

At 2.3 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council amends its amendment by leaving out the words "protection of the community and the treatment of young offenders" and inserting in lieu thereof the words "welfare of the community"

And that the House of Assembly agrees thereto.

As to Amendments Nos. 8, 17 and 18:

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

As to Amendment No. 22:

That the Legislative Council does not further insist on its disagreement to the amendment thereto.

As to Amendment No. 25:

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

As to Amendment No. 26:

That the Legislative Council does not further insist on its disagreement to the amendment thereto.

As to Amendment No. 27:

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

Clause 49, page 18 , line 17—Leave out the word "first" and insert in lieu thereof the word "fifth"

And that the House of Assembly agrees thereto.

As to Amendments Nos. 29 to 32:

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

As to Amendment No. 37:

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

Clause 91, page 34, line 32—Leave out the words "their lawyers" and insert in lieu thereof the words "the legal practitioners representing those parties"

As to Amendments Nos. 38 to 42:

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

Clause 92, page 35—

After line 4, insert subclause as follows:—

(2a) Where, in any proceedings under Part IV of this Act, the child is convicted of an offence, a brief summary of the circumstances of the offence may be published together with any publication of the result of the proceedings, unless the Court orders otherwise.

Line 7—After "of this section," insert "or any summary under subsection (2a) of this section,"

And that the House of Assembly agrees thereto.

As to Amendment No. 43:

That the Legislative Council amends its amendment by leaving out the word "one" and inserting in lieu thereof the word "five"

And that the House of Assembly agrees 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. R. G. PAYNE (Minister of Community Welfare): I move:

That the recommendations of the conference be agreed to.

In a matter that has just been decided (and I trust that you, Mr. Chairman, will allow me with leave briefly to mention the matter), the Committee agreed to an amendment to the long title of a Bill. Coincidentally, the same matter arose in the conference on this Bill.

On the sheet that has been circulated to members, the compromise achieved on that matter is before the Committee, and I commend it to honourable members' attention. I believe that it would have been the unanimous belief of the managers at the conference that the amendment now before the Committee more properly meets the wishes of both Houses. In referring briefly to the remainder of the sheet, it is incumbent on me to raise the question in respect of the item referring to amendment No. 32. What is before the Committee is that the Legislative Council does not further insist on its amendments. The reason for that recommendation is that I undertook at the conference that the matter concerned in that amendment, which is now not insisted on by the Council, will be handled by way of regulations under the Act when the Bill has been passed. I give that unqualified assurance now. The reference is to the notification proposed in the amendment not now insisted on that the Commissioner of Police be informed when an application is before the Children's Court for the final discharge of a detention order; that is, the notification to the police will be taken care of in the regulations.

As to amendment No. 37, I believe that the compromise arrived at at the conference to substitute for the words "the lawyers" "the legal practitioners representing those parties" meets the spirit of the intended recommendation and the wishes of the Committee, in that it is still a generic term that is less than specific. In the public eye, it can be taken to mean that the original intent caused its insertion in the Bill.

I draw attention to the reference in the circulated sheet to amendments Nos. 38 to 42. I believe I am putting the views of all members in saying that media publication regarding offences and proceedings before the Juvenile Court (which will be the Children's Court should the Bill pass) constitute a special category. The amendments now suggested provide that, in any proceedings under Part IV of this Act, where a child is convicted of the offence, a brief summary of the circumstances of the offence may be published.

It would be fair to say that it was the unanimous view of the conference managers that a brief summary is just that; I hope these words are examined seriously. A brief summary is not a ball-by-ball description of the proceedings or a glorified lurid exposition: it is a brief summary of the circumstances of the offence, which may be published together with the result of the proceedings. The previous requirements regarding the Juvenile Courts Act allowed for the publication of the results subject to

various other requirements. There has been no change except to provide for the insertion of a brief summary of the circumstances of the offence.

The only other matter on which a consensus of the managers was needed was the question of penalties for a breach of the provisions that I have just outlined. The Bill provided for penalties of $10 000, and the amendment provided for a penalty of $1 000. A compromise was achieved at $5 000, which is sufficient for a breach of the provisions of the Bill.

I respect the way in which members of this Chamber who functioned as managers carried out their task in the conference. I am fully aware that members of the Opposition, who were acting as managers representing the view of this House, which had already been subject to a vote, applied themselves to their task, and I congratulate them on their objective view of the matter. The conference began in an air of almost intransigence on both sides and proceeded to a more reasonable approach, where all managers applied themselves to the matter before them rather than considering the personalities and philosophies of the issue. This attitude was conducive to the result brought back before this House, which I commend for approval.

Motion carried.

COMPANIES ACT AMENDMENT BILL

At 2.4 p.m. the following recommendations of the conference were reported to the House:

As to Amendments Nos. 17 and 18:

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

As to Amendments Nos. 19 and 20:

That the Legislative Council do not further insist on these Amendments.

As to Amendments Nos. 37 and 38:

That the House of Assembly do not further insist on its disagreement 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. PETER DUNCAN (Attorney-General): I move:

That the recommendations of the conference be agreed to.

Motion carried.

PETITIONS: MARIJUANA

Petitions signed by 48 residents of South Australia praying that the House would not pass legislation seeking to legalise marijuana, were presented by Messrs. Groom and Mathwin.

Petitions received.

PETITION: DOG CONTROL BILL

A petition signed by 183 residents of South Australia, praying that the House would urge the Government to amend the Dog Control Bill to prevent the restraining of dogs on premises by the use of chain, rope, or any other material was presented by Mr. Becker.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:*

PISTOLS

In reply to **Mr. WHITTEN** (8 February).

The Hon. D. W. SIMMONS: Under the new firearms legislation, regulatory provision has been made so that, in the event of evidence becoming available of the misuse of pistols by club members, the Registrar, with the concurrence of the Firearms Consultative Committee, will be able to impose certain conditions. One of these conditions could be to restrict the possession of the pistol to the licence holder's residence or the premises of a recognised pistol club or while being conveyed to or from such club and the holder's residence. This condition would be endorsed on the member's licence. This kind of restriction appears to conform to the honourable member's suggestion.

During the last 12 months, 817 persons have applied to join pistol clubs in South Australia. Of this number, seven applications were from persons living in the area surrounding Port Adelaide, extending from Osborne to Semaphore. Preceding years show the same pattern in respect of pistol club membership in that area. These figures fail to support the claim that licensing of pistols, ostensibly for pistol club purposes, is being used as a guise to secure ownership of small arms for personal safety reasons. In fact, it is clear that the growth rate of pistol club membership in the Port Adelaide area is significantly lower than some other localities in the metropolitan area. All applicants for pistol licences are closely screened. In the case of persons desiring licences for the purpose of pistol club activities, not only must the applicant himself pass the screening process but also the weapon he wishes to license must be suitable for the type of shooting to be engaged in. If the firearm is unsuitable, a licence is not issued.

WATER TREATMENT

In reply to **Mrs. BYRNE** (15 February).

The Hon. J. D. CORCORAN: Construction of buildings and structures by the Engineering and Water Supply Department is nearing completion and installation of mechanical and electrical equipment is proceeding. It is anticipated that the project will be completed and the plant commissioned early in the 1979-80 financial year.

SALVATION JANE

In reply to **Mr. VENNING** (15 February).

The Hon. J. D. CORCORAN: The release of biological control agents by the C.S.I.R.O. will not eradicate salvation jane. The very nature of biological control makes eradication impossible. The insects will attack the jane plants and a new balance will be achieved. The C.S.I.R.O. first sought the advice of the Australian Agricultural Council in 1978 on the release of these agents. The decision was deferred until further investigations and consultation had taken place. Industry has put its views to the Minister of Agriculture and meetings have been held

between apiarists and graziers. The Department of Agriculture and Fisheries has also undertaken investigations to try to evaluate the costs and benefits of biological control. These estimates have proved very difficult because of the impossibility of accurately predicting the level of control achieved. In spite of this the unanimous decision of Agricultural Council was that the cost of spraying, loss of grazing and stock deaths outweighed the advantages to the honey industry. It is understood that the apiarists intend to challenge the decision of C.S.I.R.O. by High Court action.

SAMCOR

In reply to **Mr. RODDA** (15 February).

The Hon. J. D. CORCORAN: The honourable member was quite right in his assumption that the *Stock Journal* article on 15 February did not accurately report the statements of the Minister of Agriculture. The Government does not intend to extend the Samcor trading area, and the legislation before the House makes that quite plain. The Government did establish a working party under the Chairmanship of John Potter to examine all the ramifications of the Samcor trading restrictions on the South Australian meat industry. Cabinet has now received the Potter Report but Cabinet will not be able to determine a policy until it has received further information on the financial implications. This is currently being undertaken. I would remind the honourable member that it is the Government's policy to disentangle the quite separate issues of meat hygiene and inspection from the issue of Samcor trading. The legislation before the House does this.

ABATTOIRS

In reply to **Mr. GOLDSWORTHY** (15 February).

The Hon. J. D. CORCORAN: The honourable member quite correctly realised that the report in the *Stock Journal* on 15 February 1979 was not an accurate report of the statement made by the Minister of Agriculture. The Government does not intend to extend the area covered by Samcor trading restrictions. This is quite clear in the amendments to the Samcor Act currently before the House.

In response to other points raised by the honourable member, there is no reason why the new legislation should increase unemployment. There are currently 230 people employed in country slaughterhouses. Some of these slaughterhouses will become abattoirs and others outside abattoir areas will remain in operation. The same amount of stock will be required so total employment in the industry should not change. Certainly there is no reason to believe that 20 slaughtermen in the Barossa Valley would become unemployed.

The inclusion of the Barossa Valley as an abattoirs area would only be done in consultation with local government and consumers and industry groups. Beside the added protection provided to consumers by an abattoirs area, the butchers should realise that they have much greater freedom to trade if they operate an abattoir. While meat from an abattoir must be inspected under the proposed legislation, the Minister of Agriculture has assured the meat industry that abattoirs in reasonable proximity will be able to share a Department of Primary Industry inspector.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr. WELLS (Florey): As Chairman, I bring up the 14th report of the Public Accounts Committee referring to the financial management of the Hospitals Department.

Ordered that report be printed.

Mr. TONKIN (Leader of the Opposition): I move:

That Standing and Sessional Orders be so far suspended as will allow me to move a motion without notice, namely, that the notice of motion that the report of the Public Accounts Committee laid on the table of this House on 28 February be noted, take precedence over all Government and other business on Thursday 1 March 1979.

The SPEAKER: I have counted the House and, there being present an absolute majority of the whole number of members of the House, I accept the motion. Is it seconded?

Mr. Dean Brown: Yes.

Mr. TONKIN: If this motion for the suspension of Standing Orders is agreed to, it will mean, in effect, that I will be able to put to the House that the motion for the noting of the report of the Public Accounts Committee be given precedence in debate tomorrow. This action for suspension is necessary because of the timing of the session. If private members' business time was still available, it would not be necessary for me to seek suspension of Standing Orders, since the notice of motion would be dealt with in the usual way. If this session was not due to close tomorrow, it would not be necessary for me to move to suspend Standing Orders, because there would have been time for further debate.

As it is, time is limited, and it is a matter for extreme regret that the report has been delayed for so long.

The SPEAKER: Order! I want the Leader to keep to the motion.

Mr. TONKIN: I am referring to the need today to suspend Standing Orders because of that delay, and I say to the Premier that we have been prepared for the tabling of this report for some time. If this report had not been so long in preparation and of such extreme public importance, it would not have been necessary to seek suspension, because it could have been considered when Parliament next came together, but this is some months off, and public concern is such that, if the Parliamentary recess is not to be the cause of any further delay, then this suspension of Standing Orders must be agreed to.

The Hon. G. T. Virgo interjecting:

The SPEAKER: Order! I do not want to have to call the Minister to order.

Mr. TONKIN: Finally, if the suspension is refused by the Government it will be a clear indication to the community that the Government is most anxious to further delay consideration of the report and, indeed, would like it to be forgotten. It is, if you like, a test of the Government's position in this matter.

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

Mr. TONKIN: I think that a Government so strongly espousing open government, will agree to a suspension of Standing Orders.

The Hon. J. D. CORCORAN (Premier and Treasurer): I oppose the motion moved by the Leader. I say at the outset that I am quite prepared to allow debate on this report to proceed tomorrow until 4 o'clock.

Mr. Millhouse: Hear, hear!

The Hon. J. D. CORCORAN: I am absolutely amazed by the Leader's move on a report which has been tabled and which, ostensibly, has not been seen by the Leader

and he has been told nothing about it. What a joke!

Members interjecting:

The Hon. G. T. Virgo: Don't talk rubbish.

The Hon. J. D. CORCORAN: The honourable Leader of the Opposition must be joking!

The Hon. G. T. Virgo: Gunn's given you his copy.

Mr. GUNN: I rise on a point of order. The Minister of Transport has said that I presented my copy of the Public Accounts Committee report to the Leader of the Opposition. My copy is in the Public Accounts Committee office on the table, and I ask for a retraction.

The SPEAKER: Order! I call the honourable member for Eyre to order. I do not think they were the exact words the honourable Minister said. There is no point of order.

Mr. GUNN: I rise on a further point of order. The Minister of Transport has implied that I have breached my privilege as a member of that committee by his statement. I resent that, and I ask for a retraction.

The SPEAKER: Order! There is no point of order.

The Hon. J. D. CORCORAN: I will go further and say that, as far as I am aware—

Members interjecting:

The SPEAKER: Order! I hope that there will be no more interjections, otherwise I will take action.

The Hon. J. D. CORCORAN: As I said, I will go further and say that, so far as I am aware, this move is unprecedented in this Parliament concerning any report from any committee to this Parliament. I note that the honourable member for Mitcham is nodding his head. It might have behoved the Leader of the Opposition to at least read the report today, overnight, and tomorrow morning, and then, as is normal, if he believed that there was a need to move a vote of no confidence in the Government as a result of that report, he could have taken the normal procedures to do that. If he thought there was a need for an urgency motion, he could have done that. I cannot be blamed for being other than suspicious that some knowledge of this report may have been in the hands of the Leader of the Opposition before it was tabled in this Parliament.

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

Mr. Tonkin: Rubbish!

The SPEAKER: Order! I call the honourable Minister of Transport to order. I also call the Leader of the Opposition to order.

The Hon. J. D. CORCORAN: I would like more reasons from the Leader of the Opposition as to why this unprecedented move has taken place.

Mr. Tonkin: I have given them.

The Hon. J. D. CORCORAN: They were not very convincing.

The SPEAKER: Order! If the honourable Leader of the Opposition continues in this vein, he will get the treatment.

Members interjecting:

The Hon. J. D. CORCORAN: We have come to know that your treatment is very lenient in this place, Mr. Speaker. The Leader of the Opposition did not give me any reasons as to why he could not take the normal course of action as I have outlined to this House. As I have said, having read the report today, tonight, and tomorrow morning, if he felt it was necessary, he could have taken what is not now considered to be a very serious move, because the Opposition do it every second day. The Opposition could have moved a vote of no confidence in the Government on this question.

Mr. Tonkin interjecting:

The SPEAKER: Order! I warn the honourable Leader of the Opposition.

The Hon. J. D. CORCORAN: The Opposition would have been granted that right. It knows that, because I have already indicated, at the outset of my remarks, that I am prepared to let the debate proceed on this report until 4 p.m. tomorrow. That is all the time the Opposition would have been given anyway, and the honourable the Leader knows that. The other course open to the Leader of the Opposition was an urgency motion, but he decided that he was going to do something dramatic today, because he has had a couple of leaks.

The Hon. G. T. Virgo: Grandstanding!

The Hon. J. D. CORCORAN: It is not grandstanding, it is foolishness on the part of the Leader of the Opposition. He has displayed his hand, and I do not have to give any more reasons for opposing the motion.

Mr. TONKIN: By leave, Mr. Speaker. With the assurance that the Premier has given, I seek leave to withdraw my motion.

The Hon. HUGH HUDSON: I rise on a point of order. There is no right of reply. Standing Orders provides for only two speakers.

Mr. Millhouse: He asked for leave; don't be unfair.

The SPEAKER: Order! The Leader of the Opposition is allowed to speak to the debate, and there have been two speakers.

Mr. TONKIN: I seek leave to make a personal explanation.

The SPEAKER: It is normal procedure for a personal explanation to be considered at the end of Question Time. That is the practice I have adhered to. That is what happened when the Minister of Mines and Energy wanted to make a personal explanation.

Mr. TONKIN: On a point of order, Mr. Speaker, I have sought leave of the House, in view of the Premier's assurance that the matter will be debated tomorrow, to withdraw my motion for the suspension of Standing Orders. It is entirely up to you and to the House whether I have leave to do that, but the Premier has assured me that the matter will be debated and, having achieved that, I am satisfied.

The SPEAKER: The honourable Leader must get leave of the House. If the House gives him that leave, he may withdraw. The question is: "That the Leader of the Opposition have leave."

Members: No.

The SPEAKER: Leave is refused. The question now is: "That the suspension of Standing Orders be agreed to."

The House divided on the motion:

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

Noes (26)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran (teller), Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 7 for the Noes.

Motion thus negatived.

QUESTION TIME

PRIVATE SECTOR EMPLOYMENT

Mr. TONKIN: Can the Premier say whether he regards as reliable the employment figures issued by the Bureau of Statistics, or does he regard the bureau as a body that deliberately sets out to "knock" South Australia?

According to bureau statistics, in the past 8½ years more than 100 000 people have been added to South Australia's potential labour force. However, private sector employment in the same period has dropped by 11 000. At the same time, the Public Service has grown by 33 000. In the 8½ years that South Australia lost 11 000 jobs from the private sector, Western Australia created an additional 35 000 and Queensland an additional 15 000. The Labor Government of New South Wales has created as many private sector jobs in the past 10 months as South Australia has lost over the past 8½ years. What explanation has the Premier for this remarkable and alarming drift in private sector employment in this State?

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

The Hon. J. D. CORCORAN: As a matter of interest, I point out that the Leader used these very figures last Monday evening, I think, when launching his campaign in the seat of Norwood. I asked a research assistant in my department to check the figures, because they seemed to me to be rather alarming, and I have received a report which I ought to release to the House in order to put the record straight. The claim is that, in the eight years since the Labor Government took office in this State, 11 000 jobs in the private sector have been lost. The Leader contrasted that with the situation in Western Australia, where 35 000 additional private sector jobs had been created, and in Queensland, where 15 000 private sector jobs had been created. The Leader also gave an assurance that, if a Liberal Party Government was elected in this State, there would be a substantial pay-roll tax remission.

The Hon. G. T. Virgo: It will be a long time before that happens.

The Hon. J. D. CORCORAN: We will come to that later. Since June 1971, private sector employment has remained the same in South Australia, according to the latest figures to November 1978.

Mr. Dean Brown: That's only seven years.

The Hon. J. D. CORCORAN: Well, that is not a bad spread. The honourable member should be patient and listen. He is the greatest manipulator of figures the House has ever seen, and I am not talking about just numerical figures, either.

Mr. Dean Brown interjecting:

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

The Hon. J. D. CORCORAN: Since June 1971—

Mr. Dean Brown: You go back to—

The SPEAKER: Order! I do not want to have to warn the honourable member, but I will do so the next time.

The Hon. J. D. CORCORAN: I repeat that, since June 1971, private sector employment has remained the same in South Australia, according to the latest figures to November 1978. In New South Wales there has been a loss of 31 300 jobs in the private sector, and in Victoria the loss has been 12 800 jobs. Figures also show that Western Australia has less private enterprise employment than has South Australia. The latest census records State Government and local government employment (local government employment has been included because in many cases interstate local government takes the role taken by the State Government here) as a proporion of the work force. The 1976 census shows the work force employed by State and local governments in Western Australia as 20·1 per cent; in South Australia, 19·3 per cent; and in Queensland 18·8 per cent (which is marginally below South Australia).

Thus, Western Australia has more people employed in the public sector than has South Australia, and South Australia is very little ahead of Queensland in that regard. Despite all this ballyhoo from the Leader of the Opposition about Western Australia and Queensland, the population in those States is still worse off than South Australia's, because our unemployment rate (and this is the real test of development) is lower than that of those two States. If growth causes large in-migration, local unemployment rates will stay high, and this is what has happened in Western Australia and Queensland. As I was interested in the figures, I had a very competent research officer do that work for me, and it gives the lie to the statements made by the Leader of the Opposition. It shows that the Leader of the Opposition, or the person who did his research, was sadly astray.

Mr. Goldsworthy: Selective use.

The Hon. J. D. CORCORAN: The honourable member talks about selective use. I have examined figures from 1971—

Mr. Tonkin: 1971—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: —to 1978, and that covers almost the entire period of office of the Labor Government in this State, and that is relevant to this issue.

Mr. Tonkin interjecting:

The SPEAKER: Order! The next time the honourable Leader interjects I will name him.

Mr. Allison interjecting:

The SPEAKER: The honourable member for Mount Gambier is out of order.

ABORTION

Mr. GOLDSWORTHY: Can the Premier say why the Government has not proclaimed the Act to amend the Criminal Law Consolidation Act which was passed by the House a year ago and which was assented to on 16 March 1978, as this would enable more accurate abortion statistics and information on complications as a result of abortions to be available to the Parliament and the public? A private member's Bill which I introduced and which passed both Houses of Parliament a year ago would enable more accurate information to be available in relation to abortion in South Australia.

The Bill followed the recommendations of the Mallen committee, which had complained for several years in its report to Parliament that the statistics were grossly inaccurate and that the position would be improved if the administrator of a hospital, as well as the doctor concerned, was required to notify abortions and complications. The Parliament agreed to the intent of the Bill although an amendment moved by the Government was carried so that the change could be effected by regulation. It was stated at the time that the abortion debate in South Australia would be far better informed if accurate statistics were available, and that it was senseless to have a committee reporting to Parliament with inaccurate data. Moreover, the committee believes it is important for medical research in the future to have accurate information, particularly in relation to complication rates.

I think it is true to say that the Minister of Health showed some reluctance in relation to this Bill, but nonetheless it passed both Houses. Why then has the Government not proclaimed this legislation and drafted regulations to give effect to the clear decision of this Parliament? Is this reluctance designed to prevent the public from having accurate information on the subject?

The Hon. J. D. CORCORAN: I can only say that I know of no reason at all why the Government has not yet proclaimed this Bill. I will certainly confer with the

Minister of Health to try to find out the reason for the delay. I cannot see any reason myself; in fact, I agree with the statement made by the honourable member that it would be helpful to have the additional information available. I will take up the matter with my colleague to see whether there is any barrier at all to its proclamation. If not, it will be proclaimed.

ROAD SIGNS

Mr. DRURY: Can the Minister of Transport say whether there have been any further developments concerning the removal of roadside signs within areas whose councils are members of the Southern Metropolitan Regional Organisation?

The Hon. G. T. VIRGO: Yes, I had discussions this morning with the Highways Commissioner. I believe there has been much confusion over the whole matter and it has escalated to an unwarranted extent. The three councils concerned (Meadows, Noarlunga and Willunga) met with representatives of the Tourism, Recreation and Sport Department and the Highways Department to determine the location and type of signs and details associated with them. The Highways Commissioner assumes responsibility for the signs erected on roads under his care and control, and the councils assume control and responsibility for signs erected on the roads under their care and control. Agreement was reached by those three bodies on the location, type, size and colour of the signs, and so on, so that there could be uniformity. There is nothing unusual about this because a similar tripartite arrangement has operated successfully in the Barossa Valley, the Clare valley, the Riverland, and other places.

Unfortunately, since agreement was reached something has gone wrong with the arrangements, and the number and location of the signs originally agreed to were not complied with. The Highways Commissioner wrote to the three councils drawing this matter to their attention. It is a shame that the Secretary of the Local Government Association was reported publicly as criticising the Highways Department for not involving local government, when it was involved throughout the negotiations. In fact, the last three letters were written to each of the councils concerned. Again, there has been a foul up in communication.

The Highways Commissioner is now arranging for further discussions to take place in an endeavour to resolve what has been quite clearly a storm in a tea cup. There is no desire on the part of anyone at all to require signs to be pulled down and, indeed, it is not for the Highways Commissioner, who does not have the authority, to order the removal of those signs; it is principally a matter for local government.

Mr. Chapman: What about on the freeways?

The Hon. G. T. VIRGO: There are no signs on the freeways. The honourable member ought to know this, as this area is in his district, and there is not even a freeway in that area. That is how well informed the honourable member is. The Highways Commissioner is about to have discussions with the councils concerned and the Tourism, Recreation and Sport Department to try to cool down what has become a grossly over-heated issue.

It is not a matter of having signs pulled down. However, the proliferation of unnecessary signs is a matter with which the Premier, in his capacity as Minister for the Environment, and, I expect, the shadow Minister for the Environment, would concern themselves. The Highways Commissioner has acted responsibly all the way through, and he will continue to do so. I am sure that, as a result, there will be an amicable conclusion to what, as I said earlier, has been a storm in a tea cup.

PORT RIVER RESERVE

Mr. OLSON: Will the Minister for the Environment investigate the possibility of having the river bank between Strathfield Terrace, Largs North, and the Port River sailing club transformed into a recreational reserve? At present many people, often up to 300 on weekends, use this section of the river for swimming and fishing. The establishment of a barbecue and park area would provide an excellent facility for residents and picnickers as well as beautifying that area.

The Hon. J. D. CORCORAN: I will be happy to have an investigation carried out, as the honourable member has suggested. I will let him know the outcome of that investigation as soon as possible, possibly by letter between sessions.

NO-FAULT COMPENSATION

Mr. CHAPMAN: Will the Minister of Transport say when the Government intends to introduce its no-fault compensation scheme for victims of road accidents, and when the Government will make available a full report detailing that scheme? In a press release last Thursday the Minister outlined proposals for a no-fault insurance scheme but gave no, or few, details. The scheme outlined was broadly similar to that announced as Liberal Party policy as far back as 1977. However, the Minister has not given details of the costs involved in such a scheme, whether accident victims will be entitled to compensation at the level of their previous salary, or whether the compensation has a time limit or could continue for a lifetime. The insurance industry has also reported its concern that no-fault insurance will give the State Government Insurance Commission a legal monopoly in that area of insurance in lieu of the *de facto* monopoly it has at present.

The Hon. G. T. VIRGO: I was interested to hear the honourable member say that the proposal I put out is Liberal Party policy. I hope that when it comes into this House we will not have the opposition from the honourable member and his colleagues that we usually have. I also noted his comment that such a scheme could provide the S.G.I.C. with a monopoly. I think, in view of that, it is necessary to remind the honourable member (although I doubt very much whether it is necessary to remind many other people in South Australia) that the private insurers themselves opted out of third party insurance, leaving it entirely to S.G.I.C. The population at large knows this and appreciates it, but obviously the honourable member does not, because of his opposition to the S.G.I.C. All I can say to him is that if it were not for the S.G.I.C. I do not know where he and others, including me, would have been able to obtain the third party insurance necessary to register our motor vehicles.

Mr. Venning: That's a lot of rubbish.

The Hon. G. T. VIRGO: Of course, the honourable member uses his own name time and time again when he says "a lot of rubbish".

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

The Hon. G. T. VIRGO: The proposition has been, and still is being, circulated to interested persons. If the honourable member is interested enough and would like to have forwarded to him a copy of the information we are

putting out, I would be very pleased to provide him with it. As he knows, I am always pleased to help him in his endeavours to inform—

Mr. Chapman: That's what you say in here—

The SPEAKER: Order! The honourable member for Alexandra is out of order, and I call him to order.

The Hon. G. T. VIRGO: I am always pleased to help the honourable member to be better informed. I will also be very pleased to see any comments that he cares to make, because in putting out this publication we are seeking comment from people concerned. If the honourable member would like to join in that throng, let me assure him that his comments will be received with pleasure.

STIRLING NORTH

Mr. KENEALLY: Will the Minister for Planning investigate the planning and building difficulties being faced by residents of Stirling North, with a view to providing a solution to the predicament in which they now find themselves. Because of flooding, prospective home builders are required by the State Planning Authority to build at least 600 centimetres above ground level. The earth and foundations required, as I understand it, place an additional $1 000 on to the cost of a house. Discussions are being held between the Government and the district councils involved to fund a project to overcome this flooding problem.

It has been suggested that ratepayers be levied $30 per allotment per year for 20 years. The predicament is that people who are proposing to build and who already have firm contracts are faced with paying extra money to build up their foundations to escape the dangers of flooding, and at the same time they may be required to pay a levy to prevent such flooding. Whilst the discussions are proceeding, firm contracts already entered into may be defaulted.

The Hon. HUGH HUDSON: I will take up urgently with my officers the problem raised by the honourable member. Obviously, a matter of equity of treatment is involved, and a decision is required as soon as possible in order to sort out the position of those in the process of building now and paying for extra foundations, as against those who may be building in a couple of years time when that requirement will not be necessary but a levy will be imposed instead. As soon as I can provide that information for the honourable member, I will do so.

HACKNEY REDEVELOPMENT PLAN

Mr. MILLHOUSE: I should like to ask a question of the anticipated Deputy Premier.

The SPEAKER: Order! The Minister of Mines and Energy: the honourable member knows that.

Mr. MILLHOUSE: I ask it of the Minister for Planning by courtesy of the Minister of Labour and Industry. I know the Minister for Planning is beholden to the Minister of Labour and Industry for his anticipated promotion.

The SPEAKER: Order! I hope the honourable member will ask his question, because several other members would like to ask questions.

Mr. MILLHOUSE: What proposals, if any, does the Government have to complete the Hackney redevelopment plan? Not unnaturally, my mind has been turning to the electorate of Norwood over the past few days, and I have spent some time there. This morning, I visited the Adelaide Caravan Park, situated in Bruton Street, which is a little blind street that leads off Richmond Street, which in its turn is off Hackney Road and immediately south of the Torrens River.

Mr. Keneally: And so we say farewell!

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

Mr. MILLHOUSE: Not so: we are just at the beginning, not at the end. I know that this was a matter which was peculiarly within the province of the Hon. Don Dunstan, when he was Premier, but I was told this morning that in fact he had refused an invitation from Mr. Holland, the proprietor of the caravan park, in effect (there is a company, I think), to look at the property. I looked at it, and I was told that, up until about two years ago, there were negotiations between the Government and the caravan park for the exchange of some cottages, so that the caravan park property could be consolidated and further sites, which I am told have about an 80 per cent occupancy all through the year, could be put in. Those negotiations fell through, because the Government was not prepared to allow the extension of the holding of the caravan park right to the bank of the river, even though, on its own property, it goes right to the bank of the river. About two years ago these negotiations fell through, and, despite representations to the former member for the district, who brushed them off, nothing more has happened.

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

Mr. MILLHOUSE: There is one further matter of fact that I desire to mention. There is now a suggestion that the bike track, which has been constructed by the City Council, and, for a short distance, I think, by the St. Peters Council east of the Hackney Road under the bridge, should be extended through the caravan park where it abuts the river bank, which would effectively rob the caravan park of about 18 sites, and so the proprietors cannot consolidate their property. They also have hanging over them the threat of losing part of their property to the bike track.

In the meantime, the Hackney redevelopment plan has not been completed. If one goes there, one sees a number of derelict cottages, vacant allotments with nothing on them, just untidy, and the whole thing really is shabby. This is in the electorate of Norwood, and I make no apologies for my interest in it, particularly at this time, but the people in the area want to know whether the Government is going to forget about the Hackney redevelopment plan and let the place lie as it stands, or whether the Government proposes to get on with it and do something.

The SPEAKER: Order! The honourable member is now arguing the question.

The Hon. HUGH HUDSON: After the honourable member's behaviour to the former Premier, I am surprised that, if he actually went into the Norwood district, he got out alive. Now that he is back in the House this afternoon, without being uncharitable, I think one or two of us on this side of the House and on the Opposition side are puzzled as to how that happened. I am interested to know that the official position of the member for Mitcham, and no doubt of his Party, is in favour of caravans as against bike tracks. I shall be pleased to get a report for the honourable member on the Hackney redevelopment plan.

Mr. Millhouse: You just don't know.

The SPEAKER: Order!

TEACHING APPOINTMENTS

Mr. WHITTEN: Can the Minister of Education inform the House of the number of new permanent appointments of teaching staff made by the Education Department as at

the beginning of the school year, and say whether additional contract appointments will be made during the coming year?

The Hon. D. J. HOPGOOD: There have been 602 new permanent appointments to the teaching staff of the Education Department, and it is expected that in this term there will be 314 contract appointments. It is a little more difficult to be as specific as that about the second and third terms, so the figures I have obtained are rounded. In the second term, which is the term when we have the most contracts, because that is typically when teachers take up options of long service leave, and so on, we would expect about 450 contract appointments to be made, and in the third term we would expect 250. On 2 February, there were 602 new permanent appointments, and we expect 314 contracts this term.

MOUNT GAMBIER SEWAGE

Mr. ALLISON: Can the Minister of Works inform the House whether detailed analyses have been made of the sewage emerging from Finger Point, at Mount Gambier, and also of the adjacent marine waters, and whether those tests were adequate to establish the presence or absence of heavy metals, such as arsenic, zinc, mercury, cadmium, lead, and so on, and other residual poisons on the sea-bed where shell fish feed?

A number of electors have contacted me during the past few weeks expressing fears that heavy metals may be present and that these may be ingested by shell fish and, therefore, subsequently eaten by humans, with serious long-term consequences for both human health and the fishing industry. While I have considerable doubt whether heavy metals may exist in the effluent, arsenical compounds are, unfortunately, being used in the district, and residual poisons are being used in the agricultural and industrial fields. I would appreciate the Minister's informing the House whether there has been any adequate testing to establish or to deny that possibility.

The Hon. J. D. CORCORAN: I recently received an interim report from the Agriculture and Fisheries Department, which is currently examining and is continuing to examine this problem. I am not certain, however, whether the tests it is carrying out involve the identification of heavy metals being discharged. I know, as the honourable member has suggested, of no heavy metals entering the area. I will have the matter checked and will obtain a report for him. The interim report I received indicated, from memory, that there was no particular concern at present in relation to the contamination of shell fish, but I will obtain a considered reply for the honourable member and let him have it.

ENVIRONMENT

The Hon. G. R. BROOMHILL: Has the Minister for the Environment seen recent statements by the Federal Minister for the Environment, and has he been informed of the Fraser Government's apparent abandonment of its environmental policies? My question results from an article in last Thursday's *Financial Review* which I will read, in part, as follows:

> Australian industry yesterday received a strong signal from Environment and Science Minister, Senator Webster, that it need not fear its priorities would be disturbed by new Government environmental moves. In his first major speech as Minister for the Environment, he told the Packaging Council of Australia yesterday that he was sympathetic to the view that Government decisions on environmental questions were often "inappropriate" intervention and that business lost in the bargain. . . . On such regulations as the "user pays" principle, which would require producers to pay for the costs of the pollution they incur, Senator Webster is sceptical.

In the light of those statements, and in view of the apparent conflict with all of the principles of the State Government in relation to the environment, I would appreciate the Minister's comments.

The Hon. J. D. CORCORAN: Neither the Environment Department nor I, as Minister, has received any indication from the Federal Minister that this attitude now obtains. Indeed, I agree with the honourable member that it seems to be a radical departure from policies previously followed by the Federal Government (even the Federal Liberal Government), because my understanding of the situation was that the Federal Government was in concert with the remainder of the States in the attitude that due regard must be given by any development or industry to the environment. That may add certain costs to industry and to the public at large, but that must be considered and weighed up in the light of benefits that would accrue and of the protection that would be given to the environment. I will ascertain from the Federal Minister whether, in the light of his statements, there has been any radical change in the policies followed by his Government, because it would seem from his statements that there has been.

EMISSION CONTROLS

Mr. VENNING: Can the Minister of Transport say whether the Government is still determined, in isolation from the other Australian States, to persist with the implementation of the third stage of vehicle emission control, or will the Minister consider for South Australia the policy being examined by the Transport Minister of Western Australia for a two-car system regarding pollution control, whereby no controls apply to country vehicles? Following questions previously asked of the Minister by the shadow Minister of Transport, the Minister expressed a policy that supports retaining, and in fact favouring, the extension of this control. In view of the forecast liquid fuel restrictions and substantial price rises for liquid fuel products in Australia, will the Minister consider the situation very seriously?

The Hon. G. T. VIRGO: The third stage of A.D.R. 27A has been the subject of very serious consideration for some time, so much so that the Government appointed a Cabinet subcommittee consisting of the Minister for the Environment, the Minister of Mines and Energy and myself. In turn, we appointed senior officers to examine this question thoroughly. As a result of very serious consideration, more than 12 months ago I informed the Australian Transport Advisory Council that South Australian Government policy was that one alteration to the date of the third stage was as far as South Australia was prepared to go. The Government believes that emission controls should be implemented, and it does not accept that the scheme ought to be a political football, kicked around by people who are subjected to pressures by various groups. The Government has stood firm in its position ever since.

In July, at the ATAC meeting, the Federal Minister tried to pressurise the States to vary that date; however, he was unsuccessful in relation to New South Wales and South Australia, which States stood firm. At another meeting last Friday, the Federal Minister sent a telex that would probably have been sufficient to paper an average-

size bedroom, urging that the 1981 third stage date be rejected.

Mr. Venning: Hear, hear!

The Hon. G. T. VIRGO: The honourable member can say "hear, hear"; it is his prerogative to do so. South Australia and New South Wales stood firm because those States believe that the people ought not to be choked and poisoned to death. The environment is of far greater importance and, because of this, the third stage must proceed, unless some compelling evidence is produced to make the Governments of New South Wales and South Australia change their stands. About two days before the ATAC meeting I received a very comprehensive technical report from the Australian Academy in Canberra. The academy recommends that the third stage be deferred until 1985. Obviously, we have had no opportunity to examine this report, and the reason why it was delayed and was not received until two days before that meeting was that it had been sitting on the Prime Minister's desk for three months. What I indicated at the meeting last Friday was completely in line with Government policy. We will require our officers to look at the report and to report to us on it, and, if it is found that there is reason for a variation in the date, the Government will take the appropriate action. At this stage that must not be construed to mean that we are proposing to deviate from our original policy that was determined well over 12 months ago.

Mr. Venning: What about the two cars?

The Hon. G. T. VIRGO: The other question that is linked with A.D.R. 27A is the claim that more fuel is being used to run a vehicle. That is just so much ballyhoo. In fact, the records show that a greater mileage is now being obtained from like vehicles than before the introduction of the first stage of A.D.R. 27A. So much for that part of it.

The Minister of Transport in Western Australia has put forward the proposition of two cars. I do not think the Transport Ministers will make that decision; I think manufacturers will make it. Bearing in mind that G.M.H. has 27 models, the two-car policy would mean that they would have to have 54 models. By the time that was added to the whole range of vehicles, it would become an extremely large range of vehicles. The question of policing those vehicles in city locations is another matter. If such a system existed, would the honourable member be prepared to leave his car at Gawler and hitch a ride into the city? Also, how would the police check whether a driver had the right to enter the city? It would become a difficult task to police. I do not think it has any hope of success, but that does not mean that it is condemned before we start. If someone can suggest a workable proposition, we will be pleased to look at it.

WHYALLA COLLEGE OF FURTHER EDUCATION

Mr. MAX BROWN: Can the Minister of Education say whether an increase in staff has been approved or whether further approval might be given in relation to the necessary staffing requirements at the Whyalla College of Further Education? As a result of a $6 000 000 to $8 000 000 extension to this college, which was brought about solely by the efforts of the State Government, as applies to all new complexes, the staffing requirements increased. With the substantial decrease in Federal funding in this area, the task of adequately providing trained staff has obviously placed a burden on the State Government. I have been informed that four full-time lecturers and 20 ancillary staff are required. What is the Government's current position and the possibility of achieving these requirements?

The Hon. D. J. HOPGOOD: We have to distinguish between the traditional activities of the college and those activities which have emerged as a result of the rebuilding operation. As a result of the general rationalisation that has occurred, the traditional side of the Whyalla college has lost two staff members. I can report, however, that five additional appointments have been made to Whyalla to cater for the new needs that have emerged in the areas utilising the new capital facilities, and they are in hairdressing, home economics, commercial studies, and the art and craft areas. As staff ceilings apply at the moment, these new appointments have been possible only as a result of redeployment of resources from other areas.

It is expected that additional appointments will be made to help the ongoing needs of the college. I believe that at present about 12 additional ancillary staff and four lecturers have been requested. It will not be possible, until the budgetary position for the next financial year is clarified, to tell the college just exactly when and how these appointments will be made.

We are aware of the problem and of the considerable influence on the life of Whyalla which the college has had and will continue to have, and we will give a high priority in staffing projections to Whyalla's needs. Over and above what has already been done in the way of new staff and resources, we can only say that the rest is down to a budgeting exercise.

PERSONAL EXPLANATION: WASTE MANAGEMENT

Dr. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

Dr. EASTICK: Last evening, during the debate on the South Australian Waste Management Commission Bill, the Minister of Transport attributed to me that I had indicated that 90 per cent to 95 per cent of the members of the Opposition supported that Bill. I indicated to the Minister then that I had said that 90 per cent to 95 per cent of the legislation brought before the House is supported by the Opposition, and that debate takes place in relation to certain clauses and some aspects of the legislation. *Hansard* truly records the statement I made and shows that the imputation made against me by the Minister of Transport was incorrect.

PERSONAL EXPLANATIONS: PUBLIC ACCOUNTS COMMITTEE

Mr. TONKIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr. TONKIN: Earlier today, the Premier accused me of having seen or having had prior knowledge of the contents of the report of the Public Accounts Committee which was tabled in this House today. In doing so, he reflected not only on my probity but on that of the member for Eyre and the member for Hanson.

The SPEAKER: Order! This is a personal explanation concerning the Leader. He must not mention other members.

Mr. TONKIN: It is not true—

Members interjecting:

Mr. TONKIN: I realise that some honourable members opposite would like to cloud the issue.

The SPEAKER: Order! The Leader must confine his remarks to his personal explanation; otherwise, I will withdraw leave.

Mr. TONKIN: It is not true that I had seen or had any knowledge of the contents of the report before it was introduced today. Neither did either of the Opposition members of the Public Accounts Committee report to me any such details. The notice of motion and the move I made this afternoon—

The SPEAKER: Order! The Leader is mentioning other people. This is a personal explanation: that means he can refer only to himself.

Mr. TONKIN: Yes, Sir. The notice of motion and the move I made this afternoon were prepared in anticipation of the generally accepted release of the report of the committee before the end of the session, and were to make sure that the Government would allow debate on the report in this session. In that I succeeded.

Mr. BECKER (Hanson): I seek leave to make a personal explanation.

Leave granted.

The SPEAKER: This statement must be of a personal nature. I will refuse leave if the honourable member moves away from his explanation.

Mr. BECKER: I resent most bitterly any allegation that the Leader of the Opposition had prior knowledge of the contents of the Public Accounts Committee report which could have been given to him by me. I was unaware of the tactics the Leader or my Party intended to employ this afternoon, and I did not—

The SPEAKER: Order! The honourable member is now getting away from a personal explanation.

Mr. BECKER: I did not arrive until 11.30 a.m. at our Wednesday Party meeting, which commenced at 10 a.m., because I was attending a film session at Glenelg which was arranged by my committee. The film did not commence until 10.30 a.m.

Mr. Mathwin interjecting:

The SPEAKER: Order! This is the third time I have had to call the member for Glenelg to order.

Mr. BECKER: The Leader was not at the Party meeting when I arrived. I did not inquire of my colleagues what would be the tactics for today, because I considered there were several legislative matters which had to be attended to. I have two Bills to handle on behalf of the Opposition, and I was fully employed in studying them. I resent, and consider it a reflection on me and other members of the committee, any inference that the Leader had prior knowledge of the report. We have always guarded most jealously the confidentiality of our inquiries. It was not until 2.20 p.m. today that I went down to the committee room to collect my copy of the report.

Mr. GUNN (Eyre): I seek leave to make a personal explanation.

Leave granted.

Mr. GUNN: During the course of events early this afternoon the Minister of Transport in particular made allegations that I and another member from this side of the House had improperly disclosed information relating to the Public Accounts Committee Report which was tabled when the House commenced sitting this afternoon. I want to make quite clear to the House and other interested people that during the time I have been on the committee I have been most careful not to remove the documents that the committee has had put before it from the room. I was responsible for suggesting to the committee that the doors be locked and that none of the documents be removed. Further, I believe that the allegations that the Minister has made have cast a slur on the integrity of the whole committee and the staff.

The SPEAKER: Order! The honourable member is making a personal explanation. It should have nothing to do with the staff; it is purely a personal explanation.

Mr. GUNN: My copy of the report is still on the table of the Public Accounts Committee office and it will remain there for most of the afternoon.

The Hon. Hugh Hudson interjecting:

The SPEAKER: Order! I call the honourable Minister of Mines and Energy to order.

Mr. GUNN: When I first became a member of that committee I made a public statement to the effect that I would not be involved in having a hasty or ill-conceived report brought forward. That is one of the reasons the report took so long. The allegation that I have leaked information is totally incorrect, and as long as I am on the committee I will maintain the integrity of the committee. I certainly will not be discussing information given privately to the committee outside of the committee.

Mr. Millhouse: Somebody must have talked. You all knew what was in it.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham and several other members are out of order.

At 3.13 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT 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. J. C. BANNON (Minister of Community Development): I move:

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

Motion carried.

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

DOG CONTROL BILL

Consideration in Committee of the Legislative Council's amendments:

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

No. 2. Page 2, lines 17 and 18 (clause 5)—Leave out all words in these lines.

No. 3. Page 2—After line 23 insert definition as follows:

"district council" means a district council as defined in the Local Government Act, 1934-1978:

No. 4. Page 2 (clause 5)—After line 26 insert definition as follows:—

' "municipal council" means a municipal council as defined in the Local Government Act, 1934-1978:'

No. 5. Page 5, line 3 (clause 11)—Leave out "council shall" and insert "municipal council shall and any district council may".

No. 6. Page 5, lines 16 to 21 (clause 12)—Leave out all words in these lines.

No. 7. Page 5 (clause 13)—Leave out the clause.

No. 8. Pages 5 and 6 (clause 14)—Leave out the clause.

No. 9. Page 6 (clause 15)—Leave out the clause.

No. 10. Pages 6 and 7 (clause 16)—Leave out the clause.

No. 11. Page 7 (clause 17)—Leave out the clause.

No. 12. Page 7 (clause 18)—Leave out the clause.

No. 13. Page 7 (clause 19)—Leave out the clause.

No. 14. Pages 7 and 8 (clause 20)—Leave out the clause.

No. 15. Page 8 (clause 21)—Leave out the clause.

No. 16. Page 8 (clause 22)—Leave out the clause.

No. 17. Page 8 (clause 23)—Leave out the clause.

No. 18. Page 8 (clause 24)—Leave out the clause.

No. 19. Page 9 (clause 25)—Leave out the clause.

No. 20. Page 10 (clause 27)—After line 35 insert:

(4) The fee prescribed for registration of any dog—

(a) that is a working dog; or

(b) in the name of a person who is a pensioner, shall not exceed one-half of the maximum registration fee prescribed under this Act.

(5) In subsection (4) of this section—

"working dog" means a dog that is used principally for the droving or tending of stock:

"pensioner" means a person who is in receipt of a pension under the Social Services Act, 1947, as from time to time amended, of the Commonwealth.

No. 21. Page 11, line 7 (clause 28)—After "Act," insert "at the option of the applicant, either the registrar shall issue to the applicant a registration disc of the prescribed kind or".

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

That the Legislative Council's amendments be disagreed to.

There are four principal matters contained in the amendments. First, the Central Dog Committee is deleted completely, and this, of course, takes the heart out of the legislation—it would be quite useless without it. In fact, we would be far better off going back to the existing Registration of Dogs Act rather than have this Act with the Central Dog Committee deleted. The second matter gives the councils an option regarding operating a pound. It seems to me that perhaps the members of the Legislative Council may not have read the Bill carefully enough because it presently provides that a council can either operate a pound by itself or together with any other council. Clause 11 (2) provides that any council may enter into an arrangement with the body operating any prescribed pound, etc., and that two or more councils may jointly establish a pound. The purpose of giving a district council the option to decide whether it should or should not have a pound seems quite pointless.

The third matter relates to provision within legislation rather than by regulation as presently proposed for the half fee to be charged for working dogs and dogs owned by pensioners. I have made quite plain that this will be included in the regulations. I believe that that is where it ought to be, but I will not be too fussed if it goes into legislation; it will not matter much. It is quite appropriate where it is.

The final matter relates to the tattooing of dogs under clause 28. The Legislative Council proposes that the owner of a dog will have the option of deciding whether it will be tattooed or have a disc. The only criticism I have received about the tattooing proposal is that it will be difficult to have the two in tandem, because the legislation provides for the dog to be tattooed only in the first three months of its life. To continue it for ever and ever would, I am sure, bring much resistance from local government.

For these reasons, I feel that the amendments should be rejected. I have no need to remind honourable members, because two members of the Opposition involved were present, that there were extensive discussions and deliberations by the Select Committee and it is rather disappointing now to find, to put it bluntly, that the guts of the Bill has been carved right out of it.

Mr. EVANS (Fisher): I support the motion. I believe the Bill is a good Bill, and when enacted would operate quite effectively. One has to agree that, with this type of legislation, some minor difficulties would crop up in relation to tattooing. Members of the Select Committee, through the Bill, advocated a phasing-in period. Over a number of years the disc would virtually fade out because young dogs would be tattooed as they became registered, except where the Minister wanted to exclude any particular breeds because of size, and that is acceptable. I hope that members in the other place will see the merit of this Bill and will allow it to become an Act.

Dr. EASTICK (Light): I add my support to the statements already made. It is a disappointment to see the provision in relation to tattooing eliminated from the Bill. As I have said publicly and in this place previously, it is the basis upon which an effective dog registration scheme can be undertaken in the future. I believe we are setting a pattern which will be emulated by other States in the not too distant future, because the use of a disc and collar has been an abject failure. I am not suggesting that the disc and collar not be continued for those persons who think sufficiently of their animal that they place their own name and address on that tag so that there is a more rapid identification and return should the animal stray. I am of the opinion that it is extremely important that the tattooing measure be incorporated.

I appreciate that a number of local government bodies, particularly those in the country, have expressed some concern at the creation of yet another arm of government, or another method of control in the central dog committee. I believe that they have completely misread the intent of such a central committee. Members of my own profession, expressing a point of view on behalf of the Australian Veterinary Association (South Australian Division), quite recently wrote to the Minister indicating the importance of a central dog committee to look into a number of matters. Not the least of these matters was the problem which exists with disease control and the transmission of diseases from animals—in this case, from dogs to man. The letter from the President of the State branch to the Minister states:

> The Australian Veterinary Association holds the opinion that there is an inadequacy of information in this State regarding incidence, etc., of certain diseases of dogs which are of importance to humans: for example, the parasitic diseases caused by toxacara and toxascaris species of round worms, hookworms and hydatid disease. A knowledge of the incidence of these diseases spread by dog faeces would more accurately define the risk to humans and indicate whether or not additional control in dogs may be necessary.

If a situation arose where rabies, which is currently an exotic disease, was introduced into Australia, it would become extremely important to have positive identification of dogs and an indication of their origin. The association goes on to indicate the part which is played in this State by the R.S.P.C.A. It indicates the importance of the R.S.P.C.A. veterinary voucher scheme, which provides assistance for those owners who are in necessitous circumstances to maintain a dog which might be their only source of pleasure and their only companion. It indicates that there is a distinct possibility of assistance in that area to the long-term benefit of the community.

There are many other aspects of this matter which have

been misunderstood by our colleagues in another place, and I certainly support the redirection of this measure so that they may reconsider their position and let us go forward with competent dog registration procedures.

Mr. CHAPMAN (Alexandra): This is the first opportunity I have had to comment about this subject, and I appreciate that the opportunity is now available only in relation to these amendments. I would like to convey to honourable members a message that I received this morning from the District Council of Kingscote, Kangaroo Island, in relation to the subject of dogs generally.

The CHAIRMAN: Although the information the honourable member has received is in relation to dogs generally, he has to be quite specific in relation to the amendment.

Mr. CHAPMAN: Indeed, I will not generalise on this. I will specifically mention that part of the conversation which related to the tattooing of dogs, which is in respect to the legislation and the specific amendment we are now dealing with.

The CHAIRMAN: Which specific amendment?

Mr. CHAPMAN: I cannot remember the number.

The CHAIRMAN: The honourable member should be able to relate his comments to either of the amendments.

Mr. CHAPMAN: I would do that if I had a copy of the amendments on my desk. I believe that the debate was on the amendments made by the other Chamber.

The CHAIRMAN: Order! I cannot accept the reason the honourable member is giving the Chair for not speaking directly to the amendments. The Chair will judge. I am not refusing the honourable member permission to speak, but he must speak to the amendments.

Mr. CHAPMAN: I understand that a schedule of amendments has been returned from the other place for our consideration, and that members on this side have favoured the amendments being returned for further reconsideration. We are reconsidering the amendment which particularly deals with tattooing.

The Hon. G. T. Virgo: Try amendment No. 21.

Mr. CHAPMAN: I thank the Minister. As a result of a phone call this morning, I had a discussion with the District Clerk of the District Council of Kingscote. He said that the council was against the requirement for tattooing of dogs in that community. On the council's behalf, I simply say that it is concerned about the expense that every dog owner in that community will incur by having to send the dog to the mainland for tattooing, and back again.

The Hon. G. T. Virgo: No.

Mr. CHAPMAN: If I can be corrected on this, I will certainly inform the council promptly, because it is of the opinion that it is a job for a veterinary surgeon.

The Hon. G. T. Virgo: You haven't studied it very well.

Mr. CHAPMAN: No, perhaps I have not. If that is the case, however, they would be embarrassed. For that reason, I draw the concern held by that council to be attention of honourable members. I told the Clerk that this Bill had been around for a fair time. I said, "I am surprised that, as a council, you have not received it from the Government and had plenty of time to go before the Select Committee". The District Clerk replied, "We received it recently from the Government, and it is the first opportunity we have had to have a look at it". That is upsetting, because it has been around for a long time and has been before a Select Committee.

The CHAIRMAN: Order! I think the honourable member is wandering away from the amendments somewhat. The time when the council on Kangaroo Island received the report is not a matter for discussion under the amendments.

Mr. CHAPMAN: It is the reason for their belated concern. I make no apologies for not being abreast of this subject. I recognise that my colleagues have done an incredible amount of work. However, I place on record the concern of the council for the registration proposals applying under the Bill and the amendments we are discussing. On their behalf, I convey their concern about the undue expense that they believe they will be caused, not only in relation to the tattooing but also in respect of the appointment of a warden, and so on, to carry out the duties outlined in the Bill.

Mr. MATHWIN (Glenelg): I oppose the amendments, particularly those relating to the identification of dogs, and tattooing. That the identification is best done by means of a tattoo was evident from the witnesses who appeared before the Select Committee and who supported such a method of identification. The member for Alexandra would be aware of the situation in relation to the tattooing of greyhounds: a marker is employed to do the job. Tattooing can be done by anyone after about half an hour's instruction.

It would be expected that the councils would perform the service now carried out by the markers employed by the greyhound organisation for tattooing the young dogs. One would imagine that it would be done at times stipulated by the councils, and at their offices. If the member for Alexandra is concerned about his overseas constituents no doubt places will be made available in larger townships on the island for these identifications to be carried out.

The Hon. G. T. Virgo: You could advise him and his Clerk on the Bill.

Mr. MATHWIN: I thank the Minister for suggesting that. I would make myself available to be my colleague's chief adviser on the tattooing of dogs. The practice will be gradually phased in. The tattooing will be carried out when the dogs are young, at which time they will be taken to the council premises for tattooing by the officer concerned. It is rare for me to clash with my colleague, but I am sure that, if he wishes, I can give him support and help, and I would be glad to be his adviser for Kangaroo Island and areas thereof.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments was adopted:

Because the amendments adversely affect the Bill.

Later:

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

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

That disagreement to the Legislative Council's amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Eastick, Evans, Harrison, Hemmings, and Virgo.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10.30 a.m. on Thursday 1 March.

NORTH HAVEN TRUST BILL

The Hon. J. C. BANNON (Minister of Community Development) brought up the report of the Select Committee, together with minutes of proceedings and

evidence.

Report received.

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

That the report be noted.

The SPEAKER: Does the Minister wish to speak to the motion?

The Hon. J. C. BANNON: No, Sir.

Mr. CHAPMAN (Alexandra): I am disappointed that the Minister has chosen—

The SPEAKER: Order! The Minister does not have to speak.

Mr. CHAPMAN: I realise that.

The SPEAKER: Does the honourable member want to speak to the motion?

Mr. CHAPMAN: Yes, and I wish to say that I am disappointed that the Minister has refrained from explaining what occurred during the Select Committee. It is all damn fine to take hours of members' time to act on Select Committees during a heavy session of the Parliament, late at night and early in the morning over the last several mornings, in an effort to determine what is desirable in relation to supporting the Bill or otherwise, and then to come into this place—

The SPEAKER: Order! Can the honourable member relate this to the motion?

Mr. CHAPMAN: Too right I can.

The SPEAKER: I hope the honourable member will.

Mr. CHAPMAN: For the Minister to present the report of the committee, its findings after meeting witnesses from the A.M.P., the Marine and Harbors Department, (indeed the Minister for Planning was there with him), and private witnesses, 13 in all, and then to refrain from reporting in this House is somewhat surprising. Had I known that he would refrain, I would have prepared myself in the interim period to give a detailed report of the activities of the committee.

The Hon. J. C. Bannon: The report is available.

Mr. CHAPMAN: Let us be fair about it. The Minister says—

The SPEAKER: Order! I hope the honourable member will get back to the motion before the Chair.

Mr. CHAPMAN: The motion is the acceptance or otherwise of the report of the Select Committee, and it is to that subject that I direct my remarks. The Minister has indicated that the report has been made available this afternoon, within the last hour, to members of the House. I do not know what time members would have had during Question Time to peruse the report, bearing in mind that another one will be coming up in a few minutes, and we have had reports from other places to deal with, apart from the business of this House. It is absolutely ludicrous to expect—

The SPEAKER: Order! I will not allow the honourable member to continue in that vein. I hope he will speak to the motion before the Chair. Whether or not the Minister speaks is not in the motion.

Mr. CHAPMAN: I am speaking to the motion, in my view, and expressing concern that the Minister and the Government expect the motion to be supported without comment from the Minister.

The SPEAKER: There is nothing to stop the honourable member from speaking, but he must speak on the report.

Mr. CHAPMAN: Indeed I will, in a moment.

The SPEAKER: Order! I hope the honourable member will do that or I will refuse leave.

Mr. CHAPMAN: The Select Committee, the report of which has been tabled, has met over the past several days to discuss a property and a development scheme in the North Haven area, on LeFevre Peninsula, which is to be vested in a trust. The functions and activities proposed for that trust could lead this State into considerable expense. Indeed, it is expected that the trust will run at a deficit for a number of years, and a part of the content of the Bill (and reference is made to that in the report) is that the Government would be required to prop up the trust for at least five years, after which it is hoped that the trust's functions may be viable, and that it will no longer be a drag on the State.

It is anticipated that the Treasury will underwrite the activities of that trust indefinitely. I think that, on that note alone, it is an extremely important subject. It was a great surprise to me that the Minister refrained from reporting to the House in detail. He was knocked back the opportunity and, therefore, it will not be available to him to draw to the attention of the House the details of the report.

Several matters concerned the witnesses before the committee, not the least of whom was an alderman of the Port Adelaide council, who believed that the trust was having vested in it powers that were too wide for the safety of the community at large. He complained that the inclusion of the opportunity of the trust to dispose of its land was an area that required amendment and further consideration, and that matter alone constituted a fair amount of debate in and time of the committee. It was noted, in the presence of the Mayor and other councillors before the committee at that time, that there was a division of opinion at that point within the council itself. However, on the matter of whether or not the trust should have the opportunity of disposing of its land, it was finally concluded by the committee that, without such power, the trust would be bound only to lease its land in the distant future and that, if and when it was required to sell land for road or other public access purposes, it would be denied the opportunity to do so, that is, without the lengthy and painful process of acquisition. For that reason alone, the argument to support the retention of the opportunity to dispose of the land was kept within the Bill.

The other point that I think is worth noting in relation to that provision of the Bill (and this was the specific area of concern put forward by the councillor) was that, if the trust exercised its power to dispose of the land in the future, it may for commercial or immediate financial reasons sell land from which an income might be derived, and, therefore, deny the trust in later years of being able to finance its activities. In other words, the councillor was seeking to remove any opportunity of the trust, by its own doing in the future, eroding its viability or its potential viability. That point was discussed at some length. Again, I would have thought that the Minister—

The SPEAKER: Order! I ask the honourable member to refrain from saying what he thinks the Minister should have done.

Mr. CHAPMAN: I do not want to upset the Minister, but I want to put the facts before the House. The Minister was our Chairman. The Chairman, who has had the opportunity to be closer to the scene than has any other committee member, is part and parcel of the overall motion before the Chair.

The SPEAKER: Order! The honourable member did it again a few moments ago, and I did not pull him up, but he must stick to the motion.

Mr. CHAPMAN: What you are doing is gagging me from continuing.

The SPEAKER: Order! The honourable member is reflecting of the Chair, and I hope that he will withdraw.

Mr. CHAPMAN: I will withdraw any reflection. I am speaking only of the facts, and I am not allowed to speak about the subject before the Chair. Therefore, I will have

to rely on the member for Glenelg, who was also a member of the committee, to put the facts on the line.

The SPEAKER: Order! I assure the honourable member that at no stage have I stopped him from speaking to the motion. We are debating the noting of the report, and there is nothing in the report about what the Minister did or did not do.

Mr. CHAPMAN: The report happens to be signed by the Chairman of the committee, who also happens to be the Minister to whom I am directing criticisms for failing in his duty.

The SPEAKER: Order! The honourable member must debate the contents of the report.

Mr. CHAPMAN: Mr. Speaker, forget it! Do not worry about it! I couldn't care a damn! If you are going to carry on like that and prevent—

The SPEAKER: Order! I call the honourable member to order. If he continues, I will warn and name him.

Mr. CHAPMAN: I will not continue. I have said all that I want to say on that subject.

Mr. MATHWIN (Glenelg): I, too, was a member of the Select Committee, which took evidence from 13 witnesses from all walks of life and representing many different areas connected with the Bill. The report states:

> In the course of its inquiry, your committee held four meetings and took evidence from the witnesses listed in Appendix A. . .Your committee, after taking evidence in the matter, is of the opinion that this legislation is necessary to enable the North Haven development to be completed. The committee also feels that the trust, which will be established under the Bill, will be able to manage the North Haven development in a satisfactory manner.

Mr. Whitten: I am sure all your members can read as well as you can.

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

Mr. MATHWIN: Of course they can. The member for Price is also straining at the lead to get his chop at the Bill, but he has not put his name down to speak.

The SPEAKER: Order! There is nothing in the motion concerning whether the honourable member has put his name down to speak.

Mr. MATHWIN: Thank you, Mr. Speaker. I was naughty for saying such a thing. One of the problems with the erection of this scheme in general (and I speak mainly of the breakwater) is causing upset and concern in the area. A problem brought out by the witnesses today relates to the seaweed collection on the southern side of the arm that is causing colossal troubles to the local residents, particulary to the Taperoo Surf Lifesaving Club, which was represented this morning by three witnesses, namely, Mr. D. A. Henderson, President (I know him, because at one stage in my life I was State President of the State Lifesaving Association); Mrs. E. Farmer, Honorary Secretary; and Mr. D. Seymour, Honorary Treasurer.

They were allowed by the Minister to give evidence. I give the Minister credit for accepting them and allowing them the opportunity of giving evidence to the committee. At one stage, the Minister was in doubt whether they ought to give evidence, and I congratulate him on allowing them to appear. The Minister accepted my representations to him and allowed these good people to give evidence. The full development of this arm has caused a considerable problem to the club itself.

The beach that the club used to patrol is now contaminated as the seaweed increases. As the seaweed alternates between dry and wet, it creates a stench. It attracts numerous mosquitoes, which breed within the seaweed. The Taperoo Life Saving Club can no longer use that beach for patrols. Boats, surf skis and rescue craft cannot be launched at all, in the event of any mishap in that area. I directed questions to Mr. Henderson, the President of that club, as follows:

> Do you mean that it has ruined the beach because no children are using it so your job as a surf lifesaving club is ineffective?

His answer to that question was:

> Yes, we have at a cost of $17 500, into which we put $10 000.

That surf lifesaving club has a small membership but it caters for the youth of the district; children aged from five are catered for. Mr. Henderson said that his club put in $10 000 and the rest came from the State Government, with a loan at 7½ per cent interest. His answer continues:

> We do not know what will happen to that. We are about 250 metres from the edge of seaweed at high tide. Our nearest access to the beach is Largs which is two miles away. There is the pollution, the mosquitoes and the cesspool when it rains and we have virtually no beach. We have 64 members, 48 seniors and 16 nipper members from the age of seven upwards. We are a reasonably large club so far as membership goes within the Port Adelaide area. We are starting to lose members because our members are not enthusiastic about what is going on. What is going to happen to us? There is not the potential for two clubs in the area.

This club has a problem; it has a clubroom, which has been built already, but because of the erection of this development, it has become non-functional because members find it difficult to carry out their duty of patrolling from Largs Bay to Semaphore. With the build-up because of the arm, which is termed in the plan "a breakwater" (that is arguable, as it looks damn like a groyne and is acting like one), the beach on the southern side is being scoured and a heavy beach is resulting to the north. That area of heavy beach is in front of an area to be developed by the Housing Trust, and it will be used by present and future residents. In the interests of public safety it is imperative that the surf lifesaving club is supplied with new premises in that area.

Consideration must be given by the trust, when operating, to the Taperoo surf lifesavers and to the moving of the clubrooms to the area in which they are needed. Surf lifesaving clubs do an excellent job in South Australia. Questions were asked of the President of this club at the meeting this morning by Mr. Whitten and myself, and I am sure the member for Price would support me in this. One question stated:

> What would you term a safe beach?

The answer given was:

> There are none, there is always the potential for danger. We pulled a lady out a few years ago from six inches of water. She had fallen over and hit her head. There is no such thing as a safe beach. . .

Mr. Henderson stated this morning that three children were rescued in the area referred to in the plan as a safe area. Such incidents prove the need for this club. It must be incumberent on the trust to do something about the situation that now prevails. The following questions and answers appear in the transcript of this morning's evidence before the committee;

> On the plan there is an area marked for a lifesaving club, up by the caravan park. Have you had any talks with anyone about who will be responsible for building and maintaining that club? No, but we have written some letters about it. The area of North Haven will be one of the best areas of the lot, but who will build the club I do not know. These days a clubhouse will cost about $30 000.
>
> You do not think you could raise that money? No.
>
> You could sell your present building? No, it does not

belong to us; it belongs to the Port Adelaide council and the Marine and Harbors Board can claim it.

The situation is of great concern to the club and the Surf Lifesaving Association of South Australia, and must be considered by the trust.

This morning someone said that advice was sought some time ago from an expert from a South Australian university, who said that in no way would the erection of this so-called breakwater (which I call a groyne) create a problem in relation to seaweed. So much for an expert! This proves my theory that an expert is one who knows more and more about less and less. It is obvious to anyone who has examined problems relating to beaches and man-made piers, jetties, breakwaters and groynes that once these structures are erected they cause further problems.

Mr. Whitten: They have always been a problem down there.

Mr. MATHWIN: Yes, seaweed is collecting, and sand is being scoured from the south side of the beach. This problem might not be caused directly by the breakwater, but nevertheless sand is drifting from wide areas and is scouring the southern side of the beach, until it reaches the next groyne (whose establishment was also a mistake by the Government of the day) at Glenelg. That groyne has caused problems ever since its erection. It is obvious that groynes do not work. The professor or whatever who suggested that groynes would cause no problems with sand or seaweed must have flipped his lid, or been off his rocker. Anyone with any common sense would know that erections such as these cause problems.

I say no more than that the Select Committee did a good job. The members concerned were enthusiastic and certainly dealt reasonably with the matters placed before them. I must say that, although I may have shared with the member for Alexandra, when we sat in committee, his criticism of what might happen when the report was brought before the House. I believe the Minister was most responsive to witnesses, and I am thankful that he saw fit at the late hour this morning to see witnesses from the Taperoo Surf Lifesaving Club.

Mr. EVANS (Fisher): I do not want to reflect on members of the committee, because I am not sure how far their inquiry went, but I am surprised to see that no satisfactory explanation has been given for the move to set up a trust at North Haven. No such explanation was given in the Minister's second reading explanation. I sat on the original Select Committee. When he introduced the Bill to start the North Haven development on 14 November 1972, the then Premier said (page 2997 of *Hansard*):

> The indenture effectuates the desire of the Government to make available to the average income earner land in a pleasant environment and conveniently situated in relation to the Port Adelaide industrial area. For its part, the Government is making available to the society land at somewhat below market value though without loss to itself, and the society for its part is required to subdivide the land and to provide some major and quite expensive works, the most important of which are an enclosed boat harbor and launching ramp for trailer boats. In addition, other recreational facilities including a golf course will be provided by the society.
>
> Honourable members will be aware that the eastern shore of St. Vincent Gulf provides few sheltered anchorages for yachts and, in addition, launching facilities for trailer boats at the northern end of the Outer Harbor wharf are badly needed. It is envisaged that the development undertaken by the society in this area will supply these facilities at no great cost to the public purse. The development, which is described in detail in the indenture, includes a considerable amount of open space, new picnic beaches inside the harbor, and considerable recreation areas. In addition, the project itself lies very close to a natural beach that is already in existence. In the interests of conservation of the natural flora and fauna of the area, as large a part as possible will also be left in its natural state.
>
> In general, the society will be obliged to comply with most of the obligations usually placed on a subdivider, although in some areas, which will be explained in detail when I deal with the specific clauses of the Bill, these obligations are somewhat modified. It is appreciated that all developments of this nature to a greater or lesser extent disturb the existing environment and it follows that some modification of the environment cannot be avoided here. Nevertheless, it is clear that the environmental background of North Haven will be enhanced by the development. There is, however, a steady demand for land and houses in the general vicinity of Port Adelaide and, if access to reasonably low cost land is not provided, we may expect a steady increase in the price of land in this area. The Government is of the opinion that the provision of this kind of development will, to some extent at least, contain these price rises.

I am not here to reflect on the A.M.P. Society. However, we entered into an indenture and set up a Select Committee of this Parliament to inquire into the project, and my belief was that the total project would be developed with blocks of land being made available for house building, and other facilities would be developed by the A.M.P. through the opportunity being given to it by the Government to develop this land. It appears to me that that has not occurred. We have not been told why by the Government; no reason is given in this report of the committee. I believe the Minister has a responsibility to give the House the reason.

As I have not had time to read all the evidence given to the present Select Committee, I have asked a member of that committee for some of the details. I am told that some houses and some commercial facilities, such as shops, will be built and that these properties would be available on leasehold land, in other words, for rental. In 1972, I asked Mr. Klingberg whether all the houses would be built for ownership, and he replied, "That is right." That was the belief of the people sitting on the original Select Committee and that evidence was submitted to Parliament. I now find that under this trust, if it is established, that might not be the case. That may not be a major issue, but a promise, by way of evidence, was given to Parliament that houses would not be available for rental.

The Hon. Hugh Hudson: The houses have nothing to do with this Bill.

Mr. EVANS: I am saying that residential accommodation is being provided. I have not had time to look at all the evidence, but from what I have been told by a member of that committee it seems as though residential accommodation is to be developed under the plan by the trust, if established. On 17 November 1972, Mrs. Iris Eliza Stevens, Assistant Crown Solicitor in the Crown Law Department, when giving evidence before the committee, was asked:

> I think that in the course of negotiations the Government insisted on providing safeguards in case anything should go wrong in the carrying out of the provisions of the indenture.

She replied:

> Yes, certain sanctions are written into the various clauses of the indenture.

I think Parliament needs an explanation. There must be a reason why the A.M.P. did not go on with that project as originally planned. It might have been because shortly after the indenture a highly inflationary trend occurred which prevented the project from becoming a viable

proposition. The society had not foreseen that it would be facing inflationary trends of up to 20 per cent, and in the initial period that destroyed the viability of the project. We should be told honestly why we are considering the establishment of a trust at this stage. I believe that if we went right through the evidence we would find evidence of similar guarantees being given. The Premier said in his second reading explanation that we would protect the environment and that, although we would infringe on it a bit, the beautiful area of the beach would be made available to the public.

The beach was to be preserved so that more people had the opportunity of using it. We find that with the sort of structure that has protruded out into the sea we have interfered with the currents and destroyed one of the best parts of the beach. Now it is a mass of putrid, stinking seaweed breeding insects and bugs and emitting odours that annoy the local people. Parliament was given a guarantee that those things would not occur. We were told by the Crown Law Department officer that there were sanctions in the Bill that could be used to prevent those things from occurring, but they have occurred.

I cannot say for sure why the project has failed. The Minister should give us more information. He said nothing of significance about this matter in his second reading explanation. The former Premier may have left the Parliament, but his guarantees should still mean something. Parliament should be given an explanation, and I ask the Minister to say why we are now considering setting up a trust to take over the latter part of the development of the area, when we thought that the original indenture meant that all of that would be done at little cost to the State.

By using the method in the Bill, we may avoid any great cost to the State in the long term, but nobody can foresee what will happen. Although the original indenture was supposed to protect the Government from any likelihood of a heavy financial burden, I do not believe it has done so.

I would like to hear a sincere and honest explanation. I do not care how rough it is on individuals and companies. It is acknowledged generally that unfortunate circumstances can affect anyone, and that we all make mistakes. I would like the Minister at least to tell Parliament where the error was made. As I sat on the original Select Committee I must be partly to blame, because I accepted a guarantee. For my personal satisfaction I would like to know where we went wrong. Unfortunately, the report before the House tells us little about why the Bill is before us.

The Hon. J. C. BANNON (Minister of Community Development): The member for Fisher asked what were the reasons for the establishment of the trust. He is not satisfied with the explanation given in the second reading explanation or the subsequent report of the Select Committee. He referred to the time when the 1972 Act was passed and development got under way. That is seven years ago. During the intervening period there has been a sharp downturn in interest rates, some economic downturn and general economic problems in Australia as a whole of which South Australia has not been free.

I imagine, that, for all the sorts of economic reasons that have occurred since 1972, we find ourselves in a position now where the most efficient and reasonable way of managing this development, particularly so far as the marina area is concerned, is through the establishment of a trust. It is for that reason that this Bill has come before us. It is not that the development is in any jeopardy or that it is not being successful; it is simply that in the light of experience, as the development has proceeded, the need has been found, for good management reasons, to establish a trust which can efficiently manage the area and advance its development.

The marina, of course, is a central feature of the whole development. It is a public facility and plans have not changed in any major way since the report and announcements in 1972. All that has happened is that in looking at the financial implications in the present day and age it has been decided that, for reasons of efficient management and to ensure that the development does not falter, that the trust is to be established. In the long term the predictions are that the financial implications of 1972 will be met and that it will not cost money out of the public purse, but in the next four or five years it would appear that there is no real likelihood of the marina making money. It is an expensive operation.

This was alluded to in evidence before the Select Committee, and for that reason the trust, which has an independent borrowing power, is therefore able to advance this development in a way that no other administrative measure would be able to do. I think that should be sufficient information for the member for Fisher.

Mr. Evans: The A.M.P. is unable to go on with it as a financial venture?

The Hon. J. C. BANNON: The A.M.P. is as fully involved as it was from the beginning, but for that specific area outlined in the Bill the trust is deemed to be the best way of managing it. There is still to be commercial development that the A.M.P. will be involved in. The Bill specifically refers to an indenture that the A.M.P. has. It has first option in any leasing arrangements, and so on. The A.M.P. is as fully involved as it was, but instead of dealing with a Minister or a series of Ministers, or Government departments, it is now able to deal with a trust, which is efficient and makes economic and financial sense.

I turn to the remarks made by the member for Alexandra and the member for Glenelg about this matter. I was chided for not speaking to the introduction of the report. I felt that the Minister's second reading explanation outlined sufficiently the matters that the Bill dealt with, and that the report, which is only two pages long and which is easily understood, could be read in a short time, and was self-explanatory. I could have rehearsed the evidence before us and read copious passages from it. I could have read submissions made, but I thought that in the dying stages of the session that it would be an undue waste of parliamentary time. The report was unanimous and as it stood, expressed the committee's views and could therefore stand on its own. I do not accept the strictures of the member for Alexandra who, having made his remarks to me, did not indicate a great interest in the further course of the debate by almost immediately leaving the Chamber and returning and finding other things to do while in it.

The member for Glenelg proved my point by exploring at some length matters not really relevant to the Bill. While I think that it is important that access should have been given to the Taperoo Surf Lifesaving Club to put its point of view, and I was pleased as Chairman to support the committee's desire that it do so, I thought that that was a matter that could be taken up by the trust when established, and should not have taken up the time of Parliament.

That having been said, I confess that perhaps I should, in courtesy, at least make some remarks about the way in which the Committee operated, which I much appreciated. The members put themselves out to attend early morning sessions on two occasions after a late night sitting.

At all times they were prepared to work on the examination of witnesses and the preparation of the report. I omitted to say that in introducing the report. If in fact that is part of the burden of the member for Alexandra's complaint then I accept it. I realise that his feelings are not so sensitive and tender that it would upset him greatly if those tributes were omitted, but I did omit them and I now put them on record.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

Page 1—

After line 15 insert definition as follows: "the Indenture" means the Indenture referred to in the North Haven Development Act, 1972-1979:

Lines 17-19—Leave out definition of "the prescribed area" and insert definition as follows:

"the prescribed area" means—

(a) the area generally delineated in the first schedule to this Act, and more particularly described in the second schedule to this Act; and

(b) any contiguous land that was, immediately before the commencement of this Act, vested in the Minister of Marine and is declared by regulation to constitute part of the prescribed area:

Amendment carried; clause as amended passed.

Clauses 5 to 12 passed.

Clause 13—"Investing of prescribed area in the trust."

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

Page 5—After line 4 insert subclause as follows:

(1a) Subsection (1) of this section does not derogate from any of the duties or obligations of the Trust under the Indenture.

This provision covers a matter raised by A.M.P. Society, as the report describes.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 25) and first, second and third schedules, and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN GAS COMPANY'S ACT AMENDMENT BILL

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

Report received.

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

That the report be noted.

The position of the committee on this matter was unanimous. In the course if its inquiry, the committee held four meetings in all. It received evidence from the Chairman and General Manager of the South Australian Gas Company, and also from the Gas Company's solicitor; from the Investment Manager of the Australian Mutual Provident Society, Mr. T. G. B. White; from the Manager and the Investment Manager of the National Mutual Group of Companies; and from Mr. Tummel, the Chairman of the Stock Exchange of Adelaide, It had discussions with the Parliamentary Counsel, and it also received evidence from Mr. Millhouse, the member for Mitcham.

Advertisements were inserted in the *News* and *Advertiser*, inviting interested persons to give evidence to the committee. Industrial Equity Limited was contacted by the Secretary of the committee and invited to make a submission. Mr. Brierley, of Industrial Equity Limited, was not able to come to Adelaide at a time when the committee was in session.

Mr. Millhouse: You didn't give him much opportunity, did you?

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

The Hon. HUGH HUDSON: The Secretary of the committee was in touch with Industrial Equity Limited last Friday—

Mr. Millhouse: Today is Tuesday.

The Hon. HUGH HUDSON: Today is Wednesday. I was able to have a discussion with Mr. Brierley at 12 o'clock today, but that was after the report of the committee had been completed. There was no response to the advertisements inserted in the newspapers.

The member for Mitcham attempted to give evidence to the committee relating to the circumstances of a lady who had been injured in an explosion. Evidence relating to that matter was ruled out of order, within the committee proceedings, on the grounds that it did not relate to the matters contained within the Bill. The committee's charter related only to reporting on the Bill itself. The member for Mitcham then made what he felt were relevant points with respect to one or two of the subclauses of the Bill. Those comments were heard and discussion took place on them.

Mr. Millhouse: You were very scathing about my helpful suggestions, too.

The Hon. HUGH HUDSON: Yes, and if the member for Mitcham wants to bring them up in the Committee stages and raise the same points, I shall be happy to be scathing about them then, too. I did not flatter the member for Mitcham—

Mr. Millhouse: It was only that you didn't understand—

The SPEAKER: Order! The honourable member for Mitcham is out of order. He will have a chance to speak on the Bill.

The Hon. HUGH HUDSON: In view of the honourable member's statement and no doubt his participation in the debate, may I say that, after we heard from the member for Mitcham, we had discussions with the Parliamentary Counsel on the points that the member for Mitcham had made, and the Parliamentary Counsel satisfied us that there was no basis to the points that the honourable member had attempted to make, and that his interpretation of the Bill was wrong. The Parliamentary Counsel had very little difficulty in satisfying us on that point.

The Bill is recommended to the House with a number of amendments. The committee accepts the view expressed by witnesses representing the South Australia Gas Company that the company is a public utility, in effect, and that therefore any attempt by an individual or small group to gain control by the purchase of shares may not be in the best interests of the company or of South Australia.

The witnesses considered that the Bill was a reasonable attempt to rectify the situation, but suggested that an amended scale of voting should be included to relate voting power more closely to equity. The original proposition in the Bill would have restricted the number of votes to five, and under the scale of voting that applied in the existing legislation, one would have reached five votes at a shareholding of 125. Therefore, the committee proposed a scale of voting which results in five votes being achieved at a shareholding of 2 000. That is slightly more generous than the scale recommended by the Gas Company. Those amendments are contained in amendment 5.

We have proposed a new subsection (4) *(a)*, which

makes it clear that the aggregate shareholding of a group of associated shareholders determines the voting rights of the group. If a group of associated shareholders has been declared, the aggregate number of votes held by that group is compared with the voting scale to determine the number of votes that shall apply.

Amendment No. 9 deals with the repeal of the existing voting scales. The 1861 scale, which was the original scale in the Act, still is in the Act and has never been repealed. That limits the number of votes exercised by any one shareholder to seven. The changed 1874 scale is a different one, with no upper limitation on the number of votes, but a greater weighting is given to the smaller shareholdings, and both provisions in the existing Act have to be repealed.

The witnesses from the Gas Company also suggested an amendment to provide an additional basis for declaring two or more shareholders to be a group of associated shareholders, and that proposal was accepted by the committee. The Bill as originally framed provided in new clause 5a (2) *(c)* that, where two or more shareholders are, in the opinion of the directors, likely to act in concert with a view to taking control of the company, those shareholders constitute a group of associated shareholders, and the committee proposes an amendment so that, in effect, if two or more shareholders are, in the opinion of the directors, likely to act in concert with a view to taking control of the company or otherwise acting against the public interest, those shareholders constitute a group of associated shareholders. That amendment was agreed to unanimously by the committee; it is amendment No. 4.

Witnesses who appeared from the two largest shareholders, apart from the interests associated with Industrial Equity, namely, the A.M.P. Society and the National Mutual Group of Companies in South Australia—

Mr. Millhouse: Tell us what their shareholding is.

The Hon. HUGH HUDSON: I am prepared to say that. At present, both the National Mutual and the A.M.P. have slightly less than 5 per cent of the shares.

Mr. Millhouse: Each?

The Hon. HUGH HUDSON: Each. The precise figure, I think, is 97 000 for the A.M.P. Society and 94 500 for the National Mutual, both slightly less than 5 per cent.

Mr. Millhouse: What is Mr. Brierley's interest shareholding?

The Hon. HUGH HUDSON: I shall come to that in a moment. The witnesses from the A.M.P. and National Mutual both expressed concern at the limitations placed on their rights as shareholders, but recognised that the Bill was necessary in the special circumstances that applied. They also favoured a voting scale more in keeping with the size of shareholdings, and were in effect saying to the committee that any voting scale that is more in relationship and more equitable in relationship to the size of the shareholdings than the one in the Bill would have their support. They are saying in effect, "We will appreciate your going as far as possible in that direction." On the scale of voting, a change has been recommended.

The witness from the Stock Exchange of Adelaide (the Chairman, Mr. Tummel) supported the Bill in the light of the current situation, but also favoured a voting scale more consistent with ownership. He thought that the recommendation we were making to amend the voting scale was appropriate. He stated that the committee of the Stock Exchange had considered the Bill and had decided that its terms would not affect the standing of the Gas Company in the listing of its shares. That decision of the committee of the Stock Exchange of Adelaide was communicated to the Select Committee.

It was suggested to the committee that a provision in the Bill under which the limitation on shareholding could be varied upwards from 5 per cent by regulation would give greater flexibility in the event of a return of circumstances in which the proposed limitation may no longer be necessary, and amendments are suggested for the Bill to meet with that suggestion, although clearly the Government's intention would be to limit the shareholding, certainly in the initial phase, to the size of 5 per cent. There is provision proposed in the Bill to permit the prescription of a higher percentage through the Government's bringing down a regulation should that be considered desirable at a later stage. Other amendments relate purely to drafting errors.

A further change is proposed to the Bill in relation to new section 5a (9). At present, the provision states:

> Where it appears to the Minister that a shareholder, or a group of associated shareholders, holds more shares than the maximum number permissible under this section, he may, by notice in writing served personally or by post upon that shareholder, or any member of the group, require him to sell or dispose of such number of his shares as may be specified in the notice.

The amendment is designed to cut out the situation being determined by what appears to the Minister to be the situation, and the new subsection would then read as follows:

> Where a shareholder, or a group of associated shareholders, holds more shares than the maximum number permissible under this section, the Minister may, by notice in writing . . .

The purpose is to provide a purely objective basis for that determination so that, if it were challenged in the court, the court would not be concerned with the issue of what appeared to the Minister to be the case or not the case. The opinion of the Minister on the matter would not be relevant. The court would be concerned purely with the actual situation as to whether the individual or the group of associated shareholders held more than the maximum permissible number of shares.

The committee was unanimous in its support for the Bill and the amendments recommended. I want now to add one or two things about my meeting this morning with Mr. Brierley, of Industrial Equity. I do not propose to state in public things that Mr. Brierley said to me which he did not authorise me to publicise, because I do not recall at any stage during our conversation its being on the basis that anything he said to me or anything I said to him was necessarily a public matter. It is sufficient to say that Industrial Equity's holding in the Gas Company exceeds 5 per cent, and that it would be affected adversely by the provisions on the Bill. Obviously, Industrial Equity would prefer that situation not to apply.

The Bill is designed, once it becomes law, to require divestment of shares that are held in excess of 5 per cent. I am prepared to state publicly that I told Mr. Brierley that certainly a notice would not be given immediately the Bill was assented to, but that no doubt he could expect a notice to be issued at some stage and that, after that notice was issued, he would have six months to make the divestment. In relation to today's situation, he has some time in excess of six months (perhaps eight months or nine months) during which he can make the divestment of shares. It should be possible for the necessary divestment to take place at the ruling market price without any significant disturbance to the market and, therefore, without a situation arising where Mr. Brierley and Industrial Equity would be put in a position of quitting themselves of shares very quickly. I also informed Mr. Brierley that we were firm in our attitude and that this was no particular skin off

his nose.

Mr. Millhouse: Come on!

The Hon. HUGH HUDSON: The honourable member will have his turn to say what he wants to say.

Mr. Millhouse: You mentioned it in the first paragraph of your second reading explanation.

The Hon. HUGH HUDSON: Will the honourable member permit me to finish what I was going to say? The point I was about to make was that the Government of the day in South Australia has to be assured that the people in control of the Gas Company will act in the public interest in running and administering that public utility. Without knowledge of Mr. Brierley, we cannot be in the position of being satisfied in that respect. It may well be that Mr. Brierley, in years to come, will become renowned in Adelaide as a highly respected citizen. He may even come to live in Adelaide and become a member of the local Establishment; I do not know.

Mr. Goldsworthy: You wouldn't accept him, because he would then be an Establishment figure.

Mr. Millhouse: You're of the Establishment yourself. Don't you realise that?

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

The Hon. HUGH HUDSON: The current board of the Gas Company has much more claim in that respect than I could ever claim. Be that as it may, whatever is the Government of the day, it must be satisfied with respect to the way in which the Gas Company is controlled. Naturally, someone who is not a citizen of this country—

Mr. Millhouse: This country! He's a Western Australian.

The SPEAKER: Order! I call the honourable member to order. He will have an opportunity to speak.

The Hon. HUGH HUDSON: I may be doing Mr. Brierley an injustice, and if I am wrong I will correct it. However, my information is that he hails from New Zealand and is resident mainly in Sydney. In those circumstances, what we are dealing with is the control of a company which supplies gas in South Australia, which has an exclusive franchise so to do, and which, in effect, is required by the community to act as a public utility and in the overall interests of the State. It may be that many people who come from elsewhere other than South Australia are capable of acting in that kind of way but, whoever those people may be, the community and the representatives of the community (namely, the Government) have to be satisfied that that is the case. Inevitably in that situation an automatic prejudice, doubt or suspicion applies to anyone who is not well known within the local community. That is the truth of the matter, and it is perfectly obvious once one thinks about it. I would expect that Mr. Brierley himself would understand the whys and wherefores of that situation. Imagine, whatever the reputation and opinion that is held of the member for Mitcham here, if we were ever unlucky enough to lose him to Victoria, he would not be accepted as well there as he is accepted here.

The SPEAKER: Order! I hope that the honourable Minister will return to the motion before the Chair.

The Hon. HUGH HUDSON: Yes, I shall, Mr. Speaker. It could be said that he would improve the quality in both States by leaving.

The SPEAKER: Order! The honourable Minister is moving back to the same line. I hope that he does not continue in that vein.

Mr. Millhouse: He has a bit of an obsession about me.

The SPEAKER: Order! I call the honourable member and the honourable Minister to order.

The Hon. HUGH HUDSON: The position the Government has taken on this matter is one that would be taken, I believe, in relation to any company, group of individuals, or an individual who decided, without consultation with the community or with the Government, that the Gas Company was a desirable project in which to gain an influence. Industrial Equity, where control of a description is held in Wellington, Christchurch, Napier, and Hastings, in New Zealand, where control or an influence is attempted to be gained at present in Newcastle, and where a change has taken place in Hobart, is simply not something that could be expected to be taken without a murmur or without opposition that the South Australian Gas Company should be allowed to be influenced in a way that at this stage is certainly not acceptable either to the community or to the Government.

I recommend the Bill to the House, together with the amendments that have been moved by the Select Committee. I publicly thank the Secretary of the Select Committee for the work he did in relation to it and for the efficient way in which he carried out his duties, and I also thank the other members of the committee for the effective co-operation given in pursuing the committee's deliberations.

Mr. MILLHOUSE (Mitcham): I became interested in the Bill, as members know, through what I said in the second reading debate, because of the tragic experience that had occurred to Mrs. Anna Kotarski.

The SPEAKER: Order! I do not intend to allow the honourable member to continue in that vein. There is nothing in the Bill concerning compensation. The Bill concerns shareholdings.

Mr. MILLHOUSE: The whole idea of the Bill, as I understood the second reading explanation of the Minister, is to ensure that control of the Gas Company did not pass out of the hands of the present board of directors into those of Mr. Brierley. I queried on Thursday, as a result of my experience in trying to get some payment for Mrs. Kotarski—

The SPEAKER: Order! If the honourable member continues in this vein, I will warn him.

Mr. MILLHOUSE:—whether or not the present board of directors should be protected in the way in which the Bill seeks to protect them. We are being asked to bail them out of an awkward situation. We must be satisfied that they are decent people who take a fair view of things, but I am far from satisfied with that. As members will see from the report, I gave evidence to the Select Committee this morning. The only way members will know that is because my name appears, at the bottom, as one of the witnesses who attended before the committee. It was a new experience for me. I do not think that I have ever attended before a Select Committee previously. I was most deferential, and spoke with respect to the Chairman, but he eventually told me that I was wasting their time. My object in going to the committee was to offer to its members a look at the photographs of this unfortunate woman.

The Hon. HUGH HUDSON: Mr. Speaker—

The SPEAKER: Order! I have already spoken to the honourable Minister twice. I now warn him. If he continues, I will name him.

Mr. Millhouse: You said "the Minister".

The SPEAKER: Order! I will correct myself. I am speaking to the honourable member for Mitcham. If he continues in that vein, I will name him.

Mr. MILLHOUSE: Sir, I am only recounting what happened to me when I went to the committe, the report of which we are debating. Surely I cannot be out of order for doing that.

The SPEAKER: Order! Anything concerning the lady in question has nothing to do with the matter before the Chair.

Mr. MILLHOUSE: I was met with an absolute lack of sympathy this morning when I appeared before the committee. I could not get anywhere, and the Chairman would not allow me to show the photographs or to do anything at all. I thought that it was a pretty poor show. I thought that at least—

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. It ought to be possible, if one sticks to Standing Orders in committee and rules out of order evidence that is completely immaterial to the committee, to be able to have the same ruling applied in the House without being subjected to abuse by the honourable member on the basis that he did not like my ruling. I ask the Speaker to rule out of order the comments that have just been made by the honourable member.

Mr. MILLHOUSE: If I may suggest—

The SPEAKER: Order! The honourable member knows that I do uphold the point of order and the honourable member will have his opportunity now. Does he wish to take a point of order?

Mr. MILLHOUSE: No. I was going to point out with the utmost respect to you, Mr. Speaker, that I was allowed to canvass these matters in the second reading debate on Tuesday because I satisfied your deputy that these things were relevant to the Bill, that we are trying to bail out the present directors and we have to have some idea whether or not they are worth bailing out. Your Deputy allowed me to canvass these matters, on those grounds.

The SPEAKER: Order! I assure the honourable member that, irrespective of what my deputy did on that occasion, I am now in the Chair and I will make the rulings as to Standing Orders and as to the contents of the Bill.

Mr. MILLHOUSE: With great respect, Sir, I must say that I am surprised that there is no consistency between you and your deputy regarding rulings on this matter. Anyway, I tried to take this opportunity because it is the only way, I believe, that this lady is likely to get any recognition at all.

The Hon. HUGH HUDSON: Mr. Speaker, the honourable member is continuing to flout the ruling of the Chair and is trying to push you as far as possible.

The SPEAKER: I assure the honourable member that I have treated him very well on several occasions. The next time this matter is mentioned I will name him, and I will not move away from what I am saying.

Mr. MILLHOUSE: I am sorry about that, because I suggest, with very great respect, that what I have tried to do, and what I have tried to raise, is, in fact, relevant to this Bill, for the reasons I have given. Having become interested in the matter because of Mrs. Kotarski—

The SPEAKER: Order! I name the honourable member for Mitcham for persisting in wilfully refusing to conform to the Standing Orders of this House.

Mr. MILLHOUSE: Oh, come on! That was the beginning of the sentence. I was going on to say that, having become interested in the matter—

The SPEAKER: Order! The honourable member will resume his seat. The honourable member has the right to be heard in—

Mr. MILLHOUSE: I was going on to say (and that was the first part of a sentence) that, having become interested in this Bill because of Mrs. Kotarski's case, I then examined it a little more closely, and there are a number of things I wanted to say about the Bill quite apart from that lady's case. You did not even let me get that sentence out.

The SPEAKER: Order! The honourable member can speak now only in explanation or apology, but he is continuing in another vein, completely ignoring the ruling of the Chair.

Mr. MILLHOUSE: I am giving an explanation as to what I was about to say. I have finished with her altogether now, because I show deference to the Chair.

The SPEAKER: Order! The honourable member had plenty of opportunities.

Mr. MILLHOUSE: May I say a few things about what is in the report, having dealt with what is not in the report.

The SPEAKER: Order! The honourable member has an opportunity to apologise and not continue in that vein. The honourable member has been named.

Mr. MILLHOUSE: I have already said that I do not propose to continue in that vein and I was giving an explanation about what I was going on to say.

The SPEAKER: Order! The honourable member has an opportunity to apologise.

Mr. MILLHOUSE: Are you asking me to apologise to you for what I said?

The SPEAKER: The honourable member can apologise for persistently and wilfully refusing to have regard to the authority of the Chair.

Mr. MILLHOUSE: Mr. Speaker, I did not flout the authority of the Chair in any way. I had finished with that subject altogether.

The SPEAKER: Order! The honourable member has an opportunity to apologise.

Mr. MILLHOUSE: I believe that under the Standing Orders what I had to do was to give an explanation as to what I had said, and I have given the explanation that I had finished with that subject altogether. I do not think there is anything to do with an apology here.

The SPEAKER: Order! Has the honourable member finished his explanation or apology?

Mr. MILLHOUSE: I have finished my explanation. My explanation is that I had completely finished with the subject of Mrs. Kotarski, but unfortunately you were not listening closely enough. You heard me say the beginning of a sentence and apparently you thought I was going on it that vein, but I was not. I had not even finished the sentence. I was about to turn to the subjects canvassed in the report. I had said that I became interested in the Bill because of this, and I was ruled out of order, but I wanted to say something about the Bill.

The SPEAKER: Order! The honourable member, at no stage since he rose to speak, has offered any apology at all.

Mr. MILLHOUSE: As I understand, all I have to do is give an explanation, which I have given, and that is, I am afraid, as far as I can go, because I do not believe I owe you, Mr. Speaker, when you make a mistake an apology. I have given an explanation.

The SPEAKER: Order! I ask the honourable member to leave the Chamber.

Mr. MILLHOUSE: I hope you will give me a chance to withdraw with dignity and to take my things with me, but I do protest most bitterly about this. When I try to get justice for some poor woman, this is what happens.

The SPEAKER: Order! The honourable member is still wilfully flouting the authority of the Chair. I will not say any more.

Mr. MILLHOUSE: That is what comes of sticking up for people's rights.

The SPEAKER: Order! I have asked the honourable member to leave the Chamber.

Mr. TONKIN (Leader of the Opposition): I rise on a point of order, Mr. Speaker. I do not believe, from what I have heard, that the member for Mitcham fully understood what has been required, that is, that he should make an explanation and apology. Could it be made clear

to him that that is what is required under Standing Orders?

The SPEAKER: The honourable member had a chance to apologise and explain, and it is up to the Chair to make the decision.

Mr. Millhouse: Somebody can move if they want to; obviously no-one wants to move.

The SPEAKER: Order! The honourable member must leave the Chamber.

Mr. MILLHOUSE: Well, Mr. Speaker, I regret that—

The SPEAKER: Order! The honourable member must leave the Chamber without making any speeches.

Mr. MILLHOUSE: I was going to wish you all the best for the recess. I am now the father of the Parliament, and I felt that I should at least do that before I left.

The SPEAKER: Order! Whatever the honourable member may be, he is still flouting the Chair, and I ask him to leave the Chamber.

The honourable member for Mitcham having withdrawn from the Chamber:

The Hon. J. D. CORCORAN (Premier and Treasurer): I move:

> That the honourable member for Mitcham be suspended from the service of the House.

I do so, even though I entered the matter at a rather late stage, but I understand that he continually flouted the authority of the Chair. He refused to apologise, as I understand, when you requested that he do so, and he continued constantly to flout the authority of the Chair. For those reasons, I have moved the motion.

Motion carried.

Mr. GOLDSWORTHY (Kavel): I support the motion to note the report. This Bill caused me great concern because it appeared that it was breaking new ground and that the measures proposed were severe. It appeared to me, first, that the Bill was interfering unduly with the normal business activity associated with a public company. As a result of the clear evidence put to the committee by the Chairman and the Managing Director of the Gas Company, the two largest share-holders identified (apart from Mr. Brierley), namely, the A.M.P. Society and the National Mutual Life group of companies, and the Chairman of the Stock Exchange, there appears to be no other way of solving the problem that was developing wherein control of the Gas Company could fall into the hands in such a way that it could be operated in a manner not in the best interests of the public.

I think it has to be realised by the House that the Gas Company is not an ordinary business venture whose main and legitimate aim is to make a profit. Certainly, on this side of the House we do not quibble with the legitimate aims of a business to make a profit, because if it does not make a profit it must cease to exist, but the Gas Company is a public utility. It is not structured in the same way as is the Electricity Trust, which is a semi-government authority, or the Engineering and Water Supply Department, which is a Government department, even though in some countries of the world these activities are controlled by completely private companies.

The Gas Company is a public utility and has a function over and above that of most business houses in this State, since it is obliged to provide services even though in doing so it incurs a loss. I believe that the supply of gas to Whyalla is made at a loss to the Gas Company, and I think that is probably true in the case of Mount Gambier and in the extension of the supply of gas to some of the industries in the Barossa Valley. Nonetheless, it is certainly in the best interests of South Australia as a whole that these places be supplied with gas.

Another feature of the Gas Company's operation is that the rate of dividend on the share capital is fixed. The Gas Company has thousands of small shareholders, with only three shareholders holding more than 4 500 shares, namely the A.M.P. Society, the National Mutual Life group of companies, and now Mr. Brierley, who has more shares than both of the others put together. In judging whether this move is in the best interests of the Gas Company and the public of South Australia, we have to look at the track record of an individual who seems to be intent on gaining a commanding interest in the shareholding of the Gas Company.

I was concerned to see that the desired end was achieved with the minimum of control. I think all members of the Select Committee including the Minister, admit that the controls in the Bill are severe. The Bill contains three significant controls. First, the number of shares which any individual or group of associated persons can hold is limited at 5 per cent, which is a percentage greater than any shareholder held until the recent past. The second stricture is in relation to voting rights, and the third is in giving the board some measure of control to see that, in effect, groupings do not occur with a like interest; in other words, that any individual can through nominee companies have a controlling interest in the company. It has been one of my purposes as an individual member of the Select Committee to see that those three controls were necessary.

I hope I am not doing the Chairman of the Stock Exchange a disservice but, if my memory serves me correctly, at first he was critical of the legislation. When it was first introduced the proposed legislation was certainly criticised by some sections of the business community. When the Chairman of the Stock Exchange appeared before the committee, I asked him a question in relation to the powers of the board, as follows:

> Have you any comment on the powers that the Bill confers on the board of the Gas Company?

Mr. Tummel replied:

> The only one I was going to mention is the question of acting in concert, which is difficult. We referred to it in our listing requirements, and it is difficult to interpret. People can say, "We're not acting in concert," whereas in a week they can be. I wonder whether the words "acting in concert" might not be more clearly defined in the Bill and the regulations. Persons acting in concert include individuals or corporations that co-operate to obtain a common objective. It will be the Directors of the Gas Company who may seek a statutory declaration, and it is for them to define who is acting in concert; this would be an area of concern to the company. I have taken those words from our listing requirements, which are approved by the four States that are members of the Interstate Corporate Affairs Commission.

The committee acknowledged the difficulty which is placed in the hands of the board, and the board no doubt acknowledges the difficulty, but Mr. Tummel is agreeing with the principle that to come to grips with what the Bill seeks to do it is necessary for a declaration to be made when people are acting as a group and acting in concert. I also asked Mr. Tummel:

> You believe it necessary to control the shareholding and the voting rights to come to grips with the current situation?

He replied, "Yes." Some suggestions were made, to which I was not unsympathetic, that it might be necessary only to curb voting rights. We could come to grips with the situation developing if we could put a limit on the number of votes that any one shareholder could have. It was believed that it would be easier to contain a situation if, in seeking to gain control, it was necessary to get a larger number of groups acting in concert to achieve that aim.

It was certainly felt to be advantageous to keep

shareholding down to a reasonable level so that more groups would be necessary if the aim was to take control of the company and it was thus necessary to get a group to act in concert. I then asked this blunt question:

> You believe it necessary to control the shareholding and the voting rights to come to grips with the current situation?

Mr. Tummel's answer was "Yes". I then asked:

> One without the other?

Mr. Tummel answered:

> You have little alternative. My original thoughts were that voting was the important aspect, because most companies and Executor Trustee have managed their own articles of association by referring to percentage of ownership and voting. In those circumstances, it is the only way of tackling the problem.

Mr. Venning, who was also on the committee representing the Opposition, then asked:

> Why do you not believe in control by the voting power?

Mr. Tummel answered:

> You get back to the people, associated groups, with their proxies. You can build up a reasonable vote by virtue of proxies and by virtue of associates. It has occurred in the past.

The Chairman then asked:

> You think it would be difficult sometimes for the board to determine who were associates?

Mr. Tummel answered:

> It is; people and associates acting in concert is difficult to define. People can clearly say that they are not acting in concert or associated but, seven days later, by agreement they become associated. The ultimate take-over legislation will make the intent clear.

I then asked:

> The function of the limited shareholding is to make it more difficult for them to act in concert?

Mr. Tummel answered:

> Very much so.

I read those questions and answers into the debate because I want to make quite clear that some of the queries that have been raised were certainly to the fore in my mind. I wanted to be perfectly clear from the relevant leaders (in this case the Chairman of the Stock Exchange is surely the leader in that area) that the Bill was reasonable in present circumstances. I do not think that it is unfair or unjust to say that it was not simply Mr. Tummel's personal opinion; it was the opinion of his committee.

The witnesses from the A.M.P. and the National Mutual Life had some queries relating to voting. Naturally enough, as major shareholders, they wanted to see the major share of voting retained, if possible. I think it fair to say that they realised some stricture was necessary in relation to voting. It was put to them that maybe some elongation of the scale to give some more weighting at the top of the scale might be possible, and they agree with that suggestion. That is the reason for one of the amendments the Minister has foreshadowed.

The question whether 5 per cent is a reasonable figure to fix for shareholding is, of course, a matter of judgment. The question is: "What is a reasonable shareholding if one wishes to make sure the situation is contained?" I believe that the figure the Bill has fixed on is reasonable; it is a figure that has been mentioned publicly. I make no apology for saying that the Opposition has not in the past been in the habit of supporting retrospective legislation, but this is not retrospective legislation in my judgment in the sense that a lot of other legislation we have seen come into the House that has been retrospective. In such cases, there was some known penalty applying to somebody who had been acting within the law before it was changed and made retrospective. The position here is that whoever has more than a 5 per cent shareholding will be required, in a period of six months, to divest themselves of that excess shareholding. That will no doubt be subject to the normal fluctuations of the stock market. It could well be (although it is probably not likely) that whoever has to divest themselves of shares may make a profit. That is the luck of the game that one encounters in the normal practices of the share market.

If there was some fixed penalty, as happened with some retrospective licensing legislation where, for instance, a licensee had been acting within the law and then was up for a fixed penalty of many thousands of dollars, it would be a different matter. In this case, whoever is required to divest themselves of their shareholding may make money out of the deal in this case. That depends on the vagaries of the stock market. The figure of 5 per cent was mentioned publicly before shareholdings were increased by the person under consideration.

I believe it true to say that the Select Committee approached this task with a degree of application that the serious nature of the matter being considered warranted. It is not my intention to depart from the recommendations of the Select Committee. I was a signatory to those recommendations. I put in the best part of two days considering these matters, and members of the Select Committee were in a good position to consider in detail the evidence put before them. I intend to abide by the recommendations of the Select Committee when the Bill proceeds through its further stages.

Mr. DEAN BROWN (Davenport): I support the principle and overall objective that a public utility, or a semi-public utility such as the Gas Company, should be preserved for the sake of the public service it supplies. I am not against the principle that this legislation attempts to achieve. I object to the way in which the legislation has come back from the Select Committee. I will outline the two main reasons for my objection. First, I believe that this is retrospective legislation. I believe that now, at the end of February, Parliament has brought in legislation which says, in effect, to somebody who acted quite legally in January that we consider that action is quite improper despite the fact that it was not breaching a law at the time. We are now going to act retrospectively to disinvest that person of assets purchased legally at that time That is the situation that Mr. Brierley, and anyone else who bought Gas Company shares in January, is in. I understand that Mr. Brierley is the main person that the Minister of Mines and Energy is out to get. Such persons purchased shares quite legally on the stock exchange.

Several days after heavy buying of these shares the Minister issued a warning. Let us look at the tone of that warning. It was not a warning in the terms, "Do not buy more than 5 per cent of the shares"; the warning was, "Do not attempt to take over the Gas Company because then we will try to stop you through legislation in Parliament."

The Hon. Hugh Hudson: Another statement was made a few days later.

Mr. DEAN BROWN: I refer to the statement (it is the only statement the library could find specifying conditions) made by the Minister on 29 Jan 1979.

The Hon. Hugh Hudson: Read the paper of the following Friday.

Mr. DEAN BROWN: I will read to the House that statement. Even if the matter was further discussed the following Friday, Mr. Brierley would have obviously purchased a large number (we do not know how many) of his shares prior to the statement by the Minister.

The Hon. Hugh Hudson: A number of shares were purchased only a few days ago.

Mr. DEAN BROWN: The Minister has had his chance to speak to this Bill and no doubt he will have a chance to reply. He should at least have the courtesy to allow me to make the points I wish to make. On 29 January 1979 the following report appeared in the *Advertiser.*

> In a short statement last night Mr. Hudson said: "Any attempt by any interests whatsoever to take over the South Australian Gas Company will be opposed by the South Australian Government and special legislation will be passed through Parliament in order to prevent it." Any takeover attempt would be defeated, he said.

The Minister did not make any mention in that statement that he intended to limit shareholding to 5 per cent. Therefore, this is undoubtedly retrospective legislation. It is legislation making the purchase of shares, which were purchased quite legally and quite validly at the end of January, invalid and illegal.

I wonder what the Minister of Mines and Energy has against Mr. Brierley. I understand that Mr. Brierley's companies have been involved in stripping the assets of some companies. I do not support that practice, and I would not like it to be interpreted, just because I am defending a practice here, that I support the practice of stripping companies; I certainly do not. Any corporate structure which does that is simply a pack of scavengers. However, I defend any action taken quite legally and validly by a person in purchasing an asset through the Stock Exchange, under the rules of the Stock Exchange, and then finding legislation passed through Parliament with no warning whatsoever.

Mr. Goldsworthy: He had a warning.

Mr. DEAN BROWN: I read the warning issued by the Minister on 29 January, and that warning did not mention the 5 per cent.

The Hon. Hugh Hudson: The next warning did.

Mr. DEAN BROWN: Your next warning may have, but the initial warning on 29 January did not. If you wish to make it retrospective, do so only to the time when you issued that warning regarding 5 per cent, and for shares purchased after that date.

The Hon. Hugh Hudson: There is not necessarily a penalty at all.

Mr. Goldsworthy: No penalty.

Mr. DEAN BROWN: Of course there could be a very severe financial penalty, and I will come to that in a moment.

Mr. Goldsworthy: There could be a gain.

Mr. DEAN BROWN: Both of these members had a chance to speak before, Mr. Speaker. If they did not make their points then, that is their bad luck. At least allow me to make my points.

The DEPUTY SPEAKER: Order! I do uphold the problems that the member for Davenport is having in making his comments. Interjections are out of order and the honourable member should be allowed to make the points he wishes to make, without interruption.

Mr. DEAN BROWN: The Minister apparently made some statement some time in February, certainly not in January. Until then I believe Mr. Brierley, in purchasing shares, was acting in good faith and within the law of this State. The Minister is quite paranoiac about Mr. Brierley and his activities. Frankly, the Minister acts more like a schoolboy who has lost his lolly than a Minister of State acting in a responsible manner.

I fail to see why we should introduce such severe legislation to stop a situation which could be dealt with without the lack of principles contained in retrospective legislation. I understand that Mr. Brierley now controls about 10 per cent of the shares of the Gas Company; that is far from a controlling interest. Legislation could have been introduced making it an offence to purchase any additional shares over and above shares currently owned by any shareholder who owned more than 5 per cent of the shares. Secondly, I support the principle that voting power, irrespective of the size of a shareholding over 5 per cent, will be restricted to five votes. I do not oppose that principle as laid down in the Bill, and in the report from the Select Committee.

I certainly do not approve of the technique applied in the Bill, whereby the Minister can simply inform a person who owns more than 5 per cent of the shares that he must disinvest himself of that extra percentage within six months, otherwise the Minister has the power to purchase the shares through the Registrar of Companies. He can then simply flog them off at any price on what will obviously be a falling market, and then simply reimburse the shareholder concerned. The member for Kavel said that Mr. Brierley may not necessarily lose money out of this. I point out that, if he is to sell 5 per cent of his shareholding on the market over a six-month period, and the public know that these shares are coming on to the market, obviously the share price will fall. Anyone who suggests anything other than that would be a fool. Of course the price will fall. Everyone appreciates that it will fall for the next six months or so while shares are being disinvested, if this Bill goes through.

I challenge the Minister of Mines and Energy to tell us why he is so paranoiac about the activities of Mr. Brierley. We cannot judge the motives of a person who purchases shares simply on a hypothetical basis. The Government should act only if Mr. Brierley acts to threaten the supply of gas to the metropolitan area or if he threatens to break up the activities of a semi-public utility.

Mr. Venning: What do you think would happen to South Australia, if he did?

Mr. DEAN BROWN: I am suggesting that the Government can act as soon as that occurs.

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

Mr. DEAN BROWN: I am sure the member for Rocky River will have a chance to speak, and I look forward to his opinion on this matter. However, I believe the Government should act only if for some reason Mr. Brierley or anyone else acts to sell up the assets of the Gas Company and, in so doing, stops supplying the metropolitan area. I point out to the Minister, the member for Kavel, and the member for Rocky River that apparently Mr. Brierley, along with his associates, holds only 10 per cent of the shares at present. If we introduce legislation now to prevent him from purchasing more shares, it is possible that we will stop him from even selling the assets. If we limit Mr. Brierley's shareholding to the existing 10 per cent and only give him voting powers of five votes, there is no chance in the world of Mr. Brierley's flogging off the assets, which is the sort of emotive term the Minister has been using. Anyone would have thought that Mr. Brierley, with 10 per cent of the shares, already had complete control of the Gas Company; that is not so.

The other area of the Bill that concerns me is the power given to the directors under clause 2 which inserts new section 5a and which provides that no shareholder and no group of associated shareholders of the company is entitled to hold more than 5 per cent of the shares of the company. New subsection (2) *(c)* provides:

> Where two or more shareholders are, in the opinion of the directors, likely to act in concert with a view to taking control of the company, those shareholders constitute a group of associated shareholders.

The power we are giving to the directors in that section is unique and would be very difficult to police. It gives

incredible powers to the directors of that company to protect themselves, not necessarily to protect just the Gas Company, but to protect their own positions. Whilst I have the highest regard for the Chairman and other directors of the Gas Company at present, I do not like that sort of provision being written into legislation for the future.

Some people might say that we might have a sympathetic Government in the future and, if we allow Mr. Brierley to hold 10 per cent at present, the Government might amend the Act in future, but that is a ridiculous argument. If the Government of the day is sympathetic to that sort of viewpoint, it could amend this Act and still allow Mr. Brierley or anyone else suddenly to purchase more than 10 per cent of the shares. To argue about hypothetical cases and future Governments has no validity at all. That is the sort of argument some people have tried to put forward in defending this piece of legislation and the report of the Select Committee.

I reiterate that I support the principle contained in the legislation, the principle that we are trying to protect a public utility. I can see the need for that, especially as that public utility holds a 51 per cent shareholding in South Australian Oil and Gas, and as the South Australian Government invests $5 000 000 a year for exploration purposes through South Australian Oil and Gas. I say that this Parliament has an obligation to protect that investment and that expenditure on exploration. I would not like to see any action taken that might threaten either the way in which that $5 000 000 was expended or the assets of South Australian Oil and Gas, but I do not believe it needs or requires the type of legislation presented to the House. I oppose the report, and I oppose the Bill as presented; I hope to amend it.

The Hon. HUGH HUDSON (Minister of Mines and Energy): First, I shall deal with the matters raised by the member for Davenport. In all normal circumstances, the share price of Gas Company shares is a function of the interest rate. The dividend cannot be changed from its 10 per cent figure without the approval of the Treasurer. No share issues can take place without the approval of the Treasurer, and the dividend of 10 per cent has been steady for some time.

When you buy these shares—and I think they are 50c shares—it is broadly equivalent to buying a dividend of 5c per annum. The price you are prepared to pay for that in normal circumstances is dependent on the price of Government bonds and the interest rate on Government bonds. If interest rates fall, the price of Government bonds goes up and the price of Gas Company shares goes up. I point out to the member for Davenport that, should notice have to be given to Mr. Brierley to divest himself of excess shares over 5 per cent, he would have six months in which to do it. If during that time the interest rate on Government bonds fell, the yield on Gas Company shares would fall and the price would rise. That would be a normal situation.

The only reason why the price of Gas Company shares rose at all was the buying that took place; otherwise, the Gas Company shares would have maintained their normal steady relationship to the price of very long-term Government bonds. The honourable member says that I did not give the public warning of this. The first warning was given on 29 January.

Mr. Dean Brown: In which you didn't mention a percentage.

The Hon. HUGH HUDSON: In which I did not mention a percentage. Despite the fact that we had already legislated previously in relation to Executor Trustee Company, which was a matter of lesser concern to the Parliament than is the South Australian Gas Company, the purchasing of shares did not stop, so I issued a further statement, which was reported in the *Advertiser* on 2 February. The story, written by Brian Hale, states:

> The South Australian Government last night adopted a tough new stance to stop the South Australian Gas Company share buying spree within hours of a rapid collapse in the price of the shares. The Minister of Mines and Energy (Mr. Hudson) revealed that special legislation which the South Australian Government will consider putting to Parliament this month may contain a provision requiring any person or company holding more than, say, 5 per cent of South Australian Gas Company shares to divest the excess holding.

That statement was made in the *Advertiser* on 2 February, three-and-a-half weeks ago.

Mr. Dean Brown: A very indefinite statement.

The Hon. HUGH HUDSON: It was a public statement, commented on immediately by the Stock Exchange, commented on immediately to me by the Gas Company, by Mr. Macklin and Mr. Burnside, as to its appropriateness. Since that time, and since 29 January, when I indicated interest in this matter, Mr. Brierley or any representative of Industrial Equity would have been able to get in touch with me to talk to us about the matter. Nothing of that sort was attempted, and the first time, to my knowledge, that a representative of the Government has had discussions with Industrial Equity on this matter was at 12 o'clock today, when finally contact was made by Mr. Brierley.

If you take action to speculate in shares or to attempt to purchase large quantities of shares in what is a public utility and what you know to be a public utility, you can expect Government action. For three and a half weeks at least Mr. Brierley would have been aware that there was a risk of a potential restriction to 5 per cent. However, some 20 000 or 30 000 shares in the Gas Company were traded on Monday and Tuesday of last week, despite those warnings. That second warning—

Mr. Dean Brown: Can you prove who bought them?

The Hon. HUGH HUDSON: Not for sure, but I know that they were purchased by the same stockbroker, through the same stockbroker, who was involved in the purchase of the previous shares.

Mr. Dean Brown: You're intelligent enough to realise—

The DEPUTY SPEAKER: Order! The honourable member for Davenport sought the protection of the Chair when he was speaking. Similar protection should be extended to the Minister.

The Hon. HUGH HUDSON: I am happy to cope with the member for Davenport. I have it on the most reliable information that I am prepared to accept that it was the same sharebroker. I think it is involved on an interstate basis, and there is little doubt with the people concerned as to the source of the purchases.

Quite apart from that, let me point out to the honourable member a piece of the evidence which was very relevant, I think, in affecting the committee's attitude. Mr. Burnside gave evidence as to the position in Newcastle. His evidence states:

> The Newcastle Gas Utility, and I mention if first because the person buying our shares was actively concerned there, has a limit on both the holding and voting capacity. It has one vote for the first 100 shares and three votes for 101 to 200 shares. Between 201 shares and upwards, one vote for every 100 with a maximum voting power of 21 votes. It has a limit on the holding of its shares of 2 per cent.

In Newcastle, a number of people associated with Mr. Brierley have been buying 2 per cent of the shares, despite the fact that there is a limit on the voting power of 21 votes

for any one shareholder, and despite the fact that the Australian Gas Light Company, which is the senior gas company in Sydney and which controls and owns the North Shore Gas Company, has a position with respect to Newcastle that gives it a larger than usual shareholding and a vote not in line with the votes of the other shareholders.

What has occurred there, according to the information given me by the Select Committee, is that, despite the controls on share ownership and on share voting, the interests associated with Industrial Equity have proceeded to build up a share position in the Newcastle company and have been suggesting strongly that the articles of association, in Newcastle, should be altered so that there is equity of treatment as to those associated with Industrial Equity as against the position of A.G.L.

The information from Newcastle, I suggest, makes it clear that Mr. Brierley will not necessarily cease purchasing just as a consequence of limitations on voting and on shareholdings. That comes to the question of clause 2. The member for Davenport chooses to ignore altogether the evidence given before the Select Committee in relation to clause 2. He chooses to ignore the facts of the situation in Newcastle, where it is conceivable that, if you keep on buying separate 2 per cents through separate people and acting in concert (if you are allowed to act in concert, and can get away with it), you can still exercise control of the company, even though the voting power on each 2 per cent of the shares is limited to 21 votes. Sooner or later you will get control. The provisions in clause 2 are essential, but they are subject to testing in the courts. Subsection (3) of new section 5a provides that, while the directors may determine that a number of shareholders are acting as a group, their voting power is limited is as if they were one shareholder; the question of whether or not they are a group is subject to testing before the courts.

Subsections (2) and (3) of new section 5a are absolutely essential parts of the Bill. If you limit shareholding alone and voting alone, that will not do the trick against someone prepared to organise through a number of separate individuals. I am not saying that Mr. Brierley would necessarily do that in relation to the Gas Company but, once one is put in a position of determining legislation, one is forced to consider future eventualities. We do not really want to be in the position of plugging a gap now and waiting for more gaps to appear, and for us to have more Select Committees and more legislation going through Parliament. It is better to consider the possible outcomes and try to cater for those from the word "Go". I ask members to ignore the intervention of the member for Davenport which, I think, is a spontaneous reaction to the Bill, without the consideration given members of the Select Committee. I commend the report.

Motion carried.

In Committee.

Clause 1—"Short titles."

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

Page 1, line 5—Leave out "1952" and insert "1964".

This is purely a drafting amendment.

Amendment carried; clause as amended passed.

Clause 2—"Limitation of the size of shareholdings that may be held by individual shareholders or groups of associated shareholders".

The Hon. HUGH HUDSON: I move:

Page 1, line 12—After "five per centum" insert "or such greater percentage as may be prescribed".

My amendment has the effect that, when the Bill is assented to (and it comes into force immediately it is assented to; it does not have to be proclaimed), the maximum shareholding would be 5 per cent, but it would be possible to prescribe by regulation a percentage greater than 5 per cent at some later date. It would mean that a potential shareholder who wanted to exceed 5 per cent would obviously have to involve himself or herself in discussions with the Gas Company and with the Government in order to succeed in getting the appropriate change by means of regulation. This provision enables, I think, some effective control to be exercised so far as the future is concerned.

Amendment carried.

Mr. DEAN BROWN: There has been a problem in the drafting of my proposed amendment. The amendment that has been handed out is incorrect. Will the Minister report progress for five or 10 minutes while the amendment is correctly drafted? The intent of my amendment is that, if a person owns more than 5 per cent of the shares, he will not be allowed to purchase any more shares after today. If he purchases any more shares after today, he will face a $10 000 fine for purchasing shares over and above today's shareholding if it is greater than 5 per cent.

The Hon. HUGH HUDSON: I suggest that we go through the amendments recommended by the Select Committee, agree to the proposed new clause, and I will agree to move for reconsideration of the relevant clause so that the honourable member may move his amendment. With a little luck, he should be able to do it before 6 o'clock or, if not, we will get it adjourned until after 6.

The CHAIRMAN: That has my approval, if it has the Committee's approval.

The Hon. HUGH HUDSON: I think that I can guarantee the votes.

The CHAIRMAN: I will put the various amendments as they are now before me.

The Hon. HUGH HUDSON: I move:

Page 1, line 27—After "the company," insert "or otherwise against the public interest,"

It was pointed out by the Gas Company in its submissions that it could be held that there were circumstances where a group of shareholders were not necessarily involved in trying to take control of the company, but were concerned to do something contrary to the public interest, for example, to ensure that the company stopped supplying gas to Whyalla, because that involved a loss; where that decision would be a matter involving the public interest, and where the current directors would believe that it would be inappropriate to stop the supply, even though a loss was being made. It is that aspect of the situation with respect to that supply which makes the Gas Company a public utility. It seemed to the committee that that suggestion was reasonable, and after due deliberation members of the committee decided to support it.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 2, lines 11 to 14—Leave out subsection (4) and insert subsections as follows:

(4) Notwithstanding any other provision of this Act or any other Act, but subject to subsection (4a) of this section, at a meeting of shareholders of the Company a shareholder shall be entitled to cast votes upon any question arising for decision by the shareholders according to the following scale:

(a) if he holds less than 50 shares, he shall not have any vote;

(b) if he holds 50 or more shares but less than 200 shares, he shall have one vote;

(c) if he holds 200 or more shares but less than 500 shares, he shall have two votes;

(d) if he holds 500 or more shares but less than 1000 shares, he shall have three votes;

(e) if he holds 1000 or more shares but less than 2000 shares, he shall have four votes; and

(f) if he holds 2000 or more shares he shall have five votes.

(4a) A group of associated shareholders shall be regarded as a single shareholder for the purpose of subsection (4) of this section.

The effect of the amendment is to provide a somewhat more extended scale of voting than the Bill currently provides. Under the Bill as it stands, there can be five votes for 125 shares. The scale of voting has been changed so that, for 2 000 shares, five votes are allowed. New subsection (4a) provides that a group of associated shareholders shall be regarded as a single shareholder for the purposes of new subsection (4). If a group of associated shareholders is declared, the votes that group gets would be as if the group were an individual shareholder.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 2, lines 19 and 20—Leave out "than five per centum of the shares of the Company" and insert "shares of the Company than the maximum number permissible under this section".

The effect of this amendment will be to make new subsection (5) read:

The directors or the secretary of the Company may, before a transfer of shares in the company is registered, require the transferee to make a statutory declaration, to the effect that if the transfer were registered, neither he nor any group of associated shareholders of which he is, or would become, a member, would hold more shares of the Company than the maximum number permissible under this section.

When the maximum number of shares was altered to 5 per cent or such other greater amount that may be prescribed, a subsequent alteration was needed to this subsection.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 2—

Line 35—Leave out "it appears to the Minister that"

Line 37—Leave out "he" and insert "the Minister"

The consequence of these amendments is to ensure that the notice is given, as a consequence not of what appears to the Minister to be the situation but of what is the objective situation. That means that in any subsequent tests before the court, the objective situation would determine whether the notice was given validly, and the question of the Minister's opinion as to what the situation was would not enter into the court's determination. This seems to be a more satisfactory arrangement.

Amendment carried.

The Hon. HUGH HUDSON: I move:

Page 3, after line 4—Insert subsection as follows:

(13)The Governor may, by regulation, fix a percentage for the purposes of subsection (1) of this section.

This is a regulation-making power designed to enable the Governor to determine a greater percentage than 5 per cent, should that be appropriate.

Amendment carried; clause as amended passed.

New clause 3—"Amendment of South Australian Gas Company's Act."

The Hon. HUGH HUDSON: I move:

Page 3, after clause 2—Insert new clause as follows:

3. (1) Section 18 of the South Australian Gas Company's Act, 1861, is repealed.

(2) Section 4 of the South Australian Gas Company' Amendment Act, 1874, is repealed.

Those repealed provisions relate to the previous voting scales, which are now irrelevant.

New clause inserted.

Clause 2—"Limitation of the size of shareholdings that may be held by individual shareholders or groups of associated shareholders"—reconsidered.

Mr. DEAN BROWN: I move:

Page 1, after line 28—Insert subsection as follows:

(2a) If a person acquires shares in the Company, and he, or a group of associated shareholders of which he is or becomes, a member, will as a result of the acquisition hold more than the maximum number of shares permissible under this section, he shall be guilty of an offence and liable, upon summary conviction, to a penalty not exceeding ten thousand dollars.

If the amendment is carried, I intend to move as follows:

Page 2, lines 35 to 47—Leave out subsections (9), (10) and (11).

Page 3, lines 1 to 4—Leave out subsection (12).

The effect of these amendments is that anyone who has purchased shares greater than 5 per cent in the period before this Bill is enacted may, on the enactment of the Bill, hold that share even though it is greater than 5 per cent. Despite the fact that that person holds more than 5 per cent of the shares, he will not be allowed to exercise more than five votes. Over and above that, a person who holds more than 5 per cent up to the date of enactment of the Bill is liable to a criminal offence and a fine of up to $10 000, if he purchases more shares. Mr. Brierley, who bought up to 10 per cent of Gas Company shares in good faith, would not be able to exercise more than 5 per cent of his voting power overall. In effect, these amendments supplement what the Bill contains. Secondly, Mr. Brierley cannot buy any more shares over and above what he currently holds.

The possibility for Mr. Brierley to take over the Gas Company is therefore removed because his shareholding is frozen at the present level. He will not be able to exercise his voting power in full accord with the number of shares that he holds: he will be able to do so only up to five votes. However, the shares will not be stripped from him and sold on a falling market, and he will not be financially disadvantaged because he acted in good faith. This amendment is fair and just. It protects the Gas Company in its public service. It effects what the Bill should achieve, and it removes the abhorrent provision of this Bill, which is of a retrospective nature. I am sorry I do not have the newspaper cutting of early February from which the Minister quoted and in which he gave a vague warning. I went to the library to get the cuttings and apparently missed that one. It was a very vague warning. The Minister did not say that from that date people purchasing more than 5 per cent of the shares were likely to lose them or have them disinvested.

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

Mr. DEAN BROWN: I stress the fact that this amendment gives Mr. Brierley no additional power whatever. The amendment does ensure that the additional shares he owns in excess of 5 per cent will not be disinvested from him. In other words, Mr. Brierley will not suffer unnecessary financial loss through this particular move, but he has no additional power. More importantly, this amendment prevents Mr. Brierley buying any additional shares above what he currently holds. Therefore, there is no possibility, if this amendment is adopted, of Mr. Brierley's taking control of the Gas Company. Hence the fear put forward by the Minister and other members this afternoon is clearly covered; there is no chance whatever of the assets being stripped from the South Australian Gas Company.

Mr. GOLDSWORTHY: I respect the motives of the member for Davenport and believe that he has put forward a good argument. I have some difficulty with it, however, because it does give Mr. Brierley a distinct advantage in relation to the holding that he has. A stricture of 5 per cent is placed on any other shareholders including the two largest until recent days, National Mutual and A.M.P. The evidence given by the National Mutual representatives is that they are interested in gaining a larger shareholding, but they will be precluded from that eventuality. I will read briefly from the evidence given by the representatives of National Mutual about this matter. I asked them what their view was about the 5 per cent limitation. I asked:

> Would the limitation of 5 per cent on your shareholding have any effect on your future investment plans?

Mr. Brennen, the Investment Manager for National Mutual, replied:

> We are just about there now.

The Chairman then asked:

> Perhaps if you finish your comments before we go on, Mr. Frost?

Mr. Frost replied:

> The other main point was the ownership of a number of shares. A 5 per cent limit is all right now but no good for the future, so far as we are concerned. We are bursting the 5 per cent limit on a lot of South Australian companies now.

Then there is detail of other investments. Mr. Frost continued later:

> As we go on each year we are investing more in shares. Issued capital is growing and we have to chase the percentage. We still think that we would have more money than the growth of capital so our percentages would be growing. That would be a problem so far as we are concerned. We would not want a limitation of 5 per cent if we can avoid it.

National Mutual would be frozen and locked in at 5 per cent (as a result of further conversation and evidence they agreed that is necessary), but the effect of the amendment would be to lock National Mutual in at a 5 per cent holding, yet allow a recent shareholder to hold more than double that amount of shares. So it provides a special category for this one shareholder, who the Bill is really all about. That is unfair, in my judgment, to National Mutual, which is interested in increasing its shareholding. To my mind, a fairer provision is a holding of 10 per cent for all or 5 per cent for all. I do not want to canvass the arguments again. We went through them exhaustively in the Select Committee and again this afternoon during the debate on the motion that the report be noted, so although I thoroughly respect the motives of the member for Davenport I believe that his amendment mitigates against National Mutual and makes a special category for Mr. Brierley. For those reasons I am having some difficulty with the amendment.

The Hon. HUGH HUDSON: I, too, oppose the amendment, I agree with the remarks of the Deputy Leader. I would add to them that it is unfair to A.M.P. as well as to National Mutual.

Mr. Goldsworthy: I mentioned National Mutual because it gave evidence on that point.

The Hon. HUGH HUDSON: A.M.P. has just below a 5 per cent holding and it is simply not proper to put A.M.P. and National Mutual in a position where they cannot go above 5 per cent while Mr. Brierley, who has caused the whole kerfuffle, despite two clear warnings given in the press on 29 January and 2 February, can do so. Those warnings caused some adverse comment among certain business interests in Adelaide, so there was no basis for Mr. Brierley saying that he knew nothing about them. It may also be the case that Industrial Equity offered to buy the shareholding of the National Mutual and the A.M.P. If it had succeeded (and no doubt an attractive offer would have been made), Mr. Brierley might well be sitting on 20 per cent of the shareholding today. We would have a much more serious problem if the A.M.P. or National Mutual had sold out to him. There is no doubt that a significant capital gain would have been made by the policyholders of A.M.P. and National Mutual if that had taken place. In those circumstances, it would be grossly improper for this Parliament to treat Mr. Brierley differently from the A.M.P. or National Mutual. That is the substantial reason for not accepting the proposition.

Secondly, for Mr. Brierley and Industrial Equity to act in a way that said to the Government and the people of South Australia, "We are moving in on the Gas Company; we will not talk to anyone associated with the Government; we will not worry about the community as a whole; just assume we are not going to do anything," is either a tactical and calculated risk taken in the first place or extreme naivety on Mr. Brierley's part. I just do not believe for one moment that it is the latter. I think he is a subtle and capable businessman. In those circumstances, any conceivable loss that Industrial Equity makes through having to divest itself of shares is a risk that it must have known about when it started buying.

Mr. Dean Brown: Rubbish!

The Hon. HUGH HUDSON: The honourable member says that it is rubbish, but I believe that Mr. Brierley knew that he took a calculated risk, and I have reasonable evidence for that statement.

Mr. Dean Brown: What is it?

The Hon. HUGH HUDSON: I am not prepared to say.

Mr. Dean Brown: You don't expect us to accept that sort of bold statement with no evidence?

The Hon. HUGH HUDSON: I do expect decent members of the Opposition to accept that statement. I expect members of the Select Committee to accept that statement. I am prepared to tell the Opposition members of the Select Committee the basis of that statement and how it came about.

Mr. Dean Brown: Tell us.

The Hon. HUGH HUDSON: I am not prepared to say it here in a way that can be publicised. The honourable member can do what he likes about it. I do not think that the amendment is acceptable. I think that if anybody from interstate or overseas believes that he can move in on what is a public utility in South Australia without effective consultation with anybody and start a takeover move he is running the risk of the consequences.

What are the consequences? First, the worst thing that can happen is that Mr. Brierley may have to sell the shares he bought at 70c to 75c for 60c. That is the appropriate price of Gas Company shares at the current interest rate on Government bonds. However, if the interest rate on Government bonds falls at any time over the next six months or more, the price at which Mr. Brierley will be able to sell Gas Company shares will be a bit higher than 60c. The rate of interest has only to go down ½ per cent on Government bonds for a ½ per cent lower yield on Gas Company shares to be appropriate. That ½ per cent alteration would increase the price of a share by 4c or 5c. In effect, a ½ per cent reduction in the long-term bond rate, at any time over the next six months after we have given Mr. Brierley notice, would enable him to sell at 65c instead of 60c. He might conceivably be making a loss on his excess shares of between 5c and 15c a share. If he had to dispose of 100 000 shares maximum at a loss of 15c a share, he would be up for a loss of $15 000. There are probably people around that might suggest that Mr.

Brierley's speculation in South Australia has given him considerable gains in excess of that amount. There are other moves against other companies designed to do the same thing. It is not necessarily the case at all that he is up, in his terms, for a substantial loss. He knew he was taking a calculated risk.

Mr. NANKIVELL: I have listened with interest to the Minister's statement. How does the Minister establish what Mr. Brierley's interest is? Is there any objection to a beneficial interest being held in shares such as those of the Gas Company, as they have been referred to as belonging to Mr. Brierley? Does Mr. Brierley have to divest himself of a beneficial interest? How will the Minister establish how many shares Mr. Brierley controls?

The Hon. HUGH HUDSON: That could be established quite simply by asking him, because I think he would be willing to tell you.

Mr. Nankivell: Where in the legislation does it prevent the holding of a beneficial interest?

The Hon. HUGH HUDSON: It depends on what the directors determine to be an associated group. If they are determined to be an associated group and they are people under Mr. Brierley's control, the holdings of the group would be the size of the shares to be considered by me as Minister. I point out two provisions to the honourable member. One provision relates to divestment, as follows:

> Where a shareholder or a group of associated shareholders holds more shares than the maximum number permissible under this section.

That refers to, more than 5 per cent. If Mr. Brierley's shareholding in the Gas Company is distributerd in a number of ways so that no one person or company has more than 5 per cent, no action can be taken by the Minister, unless the directors, under subsection (2) of this section, determine that a number of these shareholders constitute a group of associated shareholders, or, alternatively under subsection (2), unless they are regarded as associates under the Companies Act. I suggest that the honourable member look very carefully at subsection (2).

If such a declaration is made by the directors, I as Minister can then issue the notice. Mr. Brierley may then challenge that in court, but he runs the risk, if he loses the court action, of making a loss on his shares and also having to pay the legal costs. The member for Mallee knows Mr. Brierley so I suggest that he give Mr. Brierley some sound advice. He is going to lose.

Mr. Nankivell: No way.

The Hon. HUGH HUDSON: I assure the honourable member that, if this does not work and if Mr. Brierley wants to take on the Government of this State in a complete fight with respect to the Gas Company, there will be enough support from the Liberal Opposition in this place and in another place to ensure that he loses on this issue. If the member for Mallee has not done his homework on the numbers, I suggest that he does and when he does I suggest that he advise Mr. Brierley to save his money and back off, because he is going to lose.

Mr. NANKIVELL: I would like to explain a few home truths that the Minister does not understand. I have had considerable experience in dealing with this situation through other avenues. I advise the Minister that he jumped to conclusions this afternoon when he told the member for Davenport that he presumed that certain shares had been acquired by the person mentioned, because they had been bought through the same sharebroker. When a sharebroker buys in a nominee capacity, how is the Minister empowered to ask the sharebroker for whom he buys the shares?

The Hon. HUGH HUDSON: I have no information from a sharebroker on this matter, but I have reputable information that I am prepared to give the honourable member in confidence as to what Mr. Brierley's holdings are. I assure the honourable member that one way or another Mr. Brierley's shareholding is well in excess of 5 per cent.

Mr. Nankivell: I know.

The Hon. HUGH HUDSON: You know because he told you.

Mr. Nankivell: Right.

The Hon. HUGH HUDSON: I assure the honourable member that the provisions of this Bill will be used in order to secure a divestment. If, because of some legal point these provisions do not work, we will return to Parliament and ensure that they do work. The Government and the community cannot tolerate a situation where we have a public utility that is a monopoly with an exclusive franchise and any Tom, Dick or Harry, no matter how respectable they might be, can come into this State, play around with the Gas Company shares and have a bit of fun. That is not on, and there are members of the honourable member's Party who also accept that it is not on. Will the honourable member advise Mr. Brierley, on Friday when he sees him next—

Mr. Nankivell interjecting:

The Hon. HUGH HUDSON: If he sees him tomorrow, advise him tomorrow as well and also repeat the advice on Friday. The Government's intention is absolutely firm and despite whatever the honourable member may be able to do, the rotten, lousy Minister has the numbers on him and advises Mr. Brierley to divest.

Mr. DEAN BROWN: Four arguments have been used by the various speakers against this amendment. It is not an amendment to support the stand taken by Mr. Brierley. In no way does it increase the power of Mr. Brierley, but simply makes sure that he is not unfairly disadvantaged if this Parliament passes retrospective legislation.

The first argument used against the amendment was that National Mutual and A.M.P. would find themselves disadvantaged as compared with the I.E.L., because they could not buy more than 5 per cent. That is the fault of the A.M.P. and National Mutual. At the time this legislation was introduced, they had decided not to buy more than 5 per cent. They were quite free to do so, but they elected not to, and therefore they will not have a chance to purchase more than 5 per cent. I see nothing wrong with that, and I discard that immediately as a justifiable argument against the amendment.

The second case put forwarded by the Minister was that he had adequately warned I.E.L. that such action would be taken. I.E.L. had already started to purchase the shares and the prices had risen substantially, even by 27 January. He made his first generalised statement, not talking about any restrictions on shareholdings, on 29 January, well after Mr. Brierley had apparently started to purchase his shares. I believe we can dismiss that argument as well.

The third argument was that Mr. Brierley fully understood the risk that he was taking in buying these shares, even as far back as mid-January. In making that bald statement, the Minister was not prepared to tender one skerrick of evidence to this Parliament. We have had statements, guarantees, and undertakings from the Minister in the past, and we have not been able to accept them.

Members interjecting:

Mr. DEAN BROWN: Look at some of the statements and the promises the Minister made on Monarto. They have not been accepted. We are not going to accept the bald, bland statement, with no evidence from the Minister, that Mr. Brierley appreciated fully the risk he

was taking.

The fourth argument used against the amendment was the one of the threat. I do not think it is becoming, and certainly not in a democratic Parliament, for any Minister of the Crown to make such a threat when he knows that this Bill or any other needs to pass another House before it becomes law.

The key issue is that no democratic Parliament has a right to pass retrospective legislation. The purpose of my amendment is to take out the disadvantages of the retrospective nature of the Bill. I am simply preventing Mr. Brierley from facing the financial disadvantage with which he would be faced if this Bill operates, whilst at the same time supporting the principle of the Bill and ensuring that the control of Mr. Brierley over the Gas Company is limited to five voting shares. I urge all members to support the amendment.

I take up the point raised by the Minister that it is up to the board of directors to determine whether there is an association or group of directors of companies purchasing shares in collusion. At no time do I believe that the power of the interpretation of the law in this State should be in the hands of the board of directors of a company. It should be in the hands of the court; it should be up to the court and the Parliament to decide the rules and the laws, not the board of directors of a company. That is what this Government is trying to give to a company in clause 2 of the Bill.

Dr. EASTICK: Clearly, the existing position is a difficult one for every member who believes that the community should have access to the necessities of life. I put gas in that category, together with water and electricity, although I recognise that there is an alternative as between gas and electricity, many homes being connected with one and not the other for heating, cooking, and in some cases refrigeration requirements.

Notwithstanding the situation that there should be such a protection for the community, I believe that the comments of the member for Davenport are completely consistent with the attitude adopted by members on this side of the Chamber over a long period: there should be no ability of Government to make retrospective legislation that will disadvantage a person who has been carrying on legitimate business. No-one can convince me that the activities involved in this matter so far have been illegitimate.

The provision exists for a person to trade on the Stock Exchange and to purchase shares in precisely the manner in which Mr. Brierley has purchased them. I suggest that we can cite a parallel, perpetrated by the Labor Party. I accept that this is no longer the Dunstan Government, and the incident to which I refer involved the Dunstan Government. It was an abhorrent piece of legislation argued in this Chamber over a long period, and eventually thrown out, deservedly so, by our colleagues in another place; it was the legislation which sought to make retrospective activities associated with the Queenstown project. The Government sought to bring down legislation which would take away from the Myer group a benefit which it had legitimately acquired in relation to Queenstown.

Another piece of legislation introduced not long ago was referred to as the Warming legislation. Members in this Chamber clearly indicated that, whilst they did not accept the activities of Mr. Brian Warming in relation to discounting liquor and the effect of getting out before the end of the licence period on his licence fees, they recognised that there was a legitimacy of operation to the point of time when the Government introduced the legislation. Indeed, it was the final decision of the Parliament that he be granted the right to retain the benefits he had obtained up to that time.

Not long ago a series of similar situations arose in the Federal sphere in relation to tax dodges, and actions were taken which were retrospective in that they went back to a given date that was publicly announced. One series of actions taken by the Federal Government related to the commencement of the 1978-79 financial year; it might have been 1977-78.

Mr. Harrison: It was 1977-78.

Dr. EASTICK: I thank the member for Albert Park. The decision and the effect that the measure would have were based over the whole of the financial year and not only over a short time. Whilst there was much public controversy, eventually it was agreed publicly that the person should not be disadvantaged for a period longer than there had been a public announcement, or that the legislation should not go back to disadvantage a person who had been trading or, as in this case, submitting returns for taxation legitimately. I believe that the argument of the member for Davenport could be based on exactly the same premise. I believe it is not unreasonable that the situation in the Bill should encompass the amendment. I know that it will not satisfy everyone in the community, because Mr. Brierley has been at work. At worst, I suggest that the Minister should accept the amendment backdated to the date of his own personal announcement of the action the Government would take. I would not argue about the Minister's seeking the concurrence of the Committee and the agreement of the member for Davenport to go back to, I believe, 28 January.

Mr. Dean Brown: No; 2 Feburary.

Dr. EASTICK: Well, an announcement appeared in the press on 29 January which would relate to a statement made on 28 January. If it was not a positive statement on 28 January, and 2 February is the more responsible date, that is the date from which the action should advance. I believe that it is asking too much of Parliament to accept total support for retrospective legislation of this nature. I prevail on the Minister to rethink the position and to give serious consideration to an acceptance of the position as at 28 January or, if it is more practical or reasonable, 2 February. That would be consistent with action taken federally and supported by members in this House. Whilst I support the tenor of the amendment, I believe that it could be improved in the manner I have suggested.

Amendment negativated; clause as amended passed.

Title.

The Hon. HUGH HUDSON: It is not often that we get a long title being amended. I therefore have pleasure in moving:

To strike out "1952" and insert "1964".

This is one of the most important matters that this Committee has ever had to consider.

Amendment carried; title passed.

Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

POLICE PENSIONS ACT AMENDMENT BILL, 1979

Returned from the Legislative Council without amendment.

APPEAL COSTS FUND BILL

Returned from the Legislative Council with an amendment.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council room at 11 a.m. on Thursday 1 March.

CHIROPRACTORS BILL

Adjourned debate on second reading.
(Continued from 27 February. Page 3041.)

Mr. BECKER (Hanson): We support the Bill. It would be fair to state that, for at least the seven years in which I have been a member of Parliament, numerous constituents, chiropractors and osteopaths, have approached all members of this Chamber, and members in another place, with a view to seeking some means of registering chiropractors in South Australia. It has been extremely difficult to achieve the ultimate within the body of chiropractors in South Australia. Indeed, it has been unfortunate that the three organisations that we know of have been unable to get together and form one association. The Government recently decided that it was time something was done in this field. It was also an election promise made by the Government before the 1977 State election.

I will read to the House a letter dated 26 April 1978 that I received from a constituent who is a chiropractor, which states:

> I am a practising chiropractor with 15 years of full time practice. I treat an average of 190 patients per week at my clinic. The reason for my concern is that the Government has set up a working party with the following terms of reference:
>
> (1) To prepare a brief for a Bill to provide for the registration of chiropractors and osteopaths by an appropriately constituted board, having regard to the recommendations of the Webb Committee and developments in other States and Territories.
>
> (2) To prepare a draft set of regulations to implement the provisions of the proposed Bill.
>
> (3) To examine the other recommendations contained in the report of the Webb Committee and advise the Minister of Health on the desirability, best means and likely consequences of implementing each.
>
> Membership of the working party consisted of:
>
> Chairman: Dr. P. S. Woodruff (former Director-General of Public Health).
>
> Members: Mr. G. F. Morris (President, Australian Chiropractors Association). Mr. D. A. Lomas (President, United Chiropractors Association). Mr. R. T. Breen (Chiropractor). Mr. K. Havinga (President, South Australian Chiropractic Association). Mr. G. D. Maitland (Physiotherapist). Dr. J. Durkin (Medical Practitioner, nominated by A.M.A.). Mr. T. C. McCarthy (Principal Pharmacist, Department of Public Health). Mrs. M. H. Menadue (Administrative Officer, Minister of Health's Office).

The letter continues later:

> Here, in order to clarify a very confusing situation, I need to briefly outline the factions within the State. There are three associations in South Australia representing chiropractors:

That has been the sad tale of events over many years—the fact that there have been three associations representing chiropractors. The letter continues:

> The South Australian Chiropractic Association (S.A.C.A.) consisting of approximately 30 member in full time practice (majority), many of some years standing. This is the association to which I belong. The members are graduates of Australian Colleges.
>
> The United Chiropractors Association (U.C.A.), with some 50 members of whom approximately 20 (I believe) are in full time practice.
>
> The Australian Chiropractors Association (A.C.A.) with six members in the metropolitan area and six in the country areas. These members are graduates of North American Colleges.
>
> I believe there are about 25 full time chiropractors who do not belong to any association but practice independently. Of these, 23 are Australian trained and two are U.S.A. graduates. In the past a great deal of hostility has existed between the various factions. This has resulted in a great deal of bitterness and a great deal of misinformation has been disseminated.
>
> On the surface, the working party would appear to represent all groups; however:
>
> (1) Since setting up of the Party the U.C.A. have attempted to merge with the A.C.A. Many U.C.A. members, approximately ⅔, have now joined the A.C.A. while ⅓ have elected to continue the U.C.A. branch here. Whether they can do this depends on legal action now being taken. Therefore we have a situation where Mr. Morris and Mr. Lomas are representing the A.C.A. The U.C.A. has no representative at all.
>
> (2) The supposed independent chiropractor, Mr. Breen is opposed to Australian trained chiropractors and has voiced his opposition publicly on many occasions. (This has been confirmed by other chiropractors).
>
> As a member of the S.A.C.A., I see our sole representative as a lone voice, totally unable to have our policies considered fairly. I wish to see.
>
> (1) The composition of the working party changed to be more equitable. This could be done by appointing two of the U.C.A. members who have elected to carry on the branch here, thus giving A.C.A. two representatives and the U.C.A. two. Then another S.A.C.A. representative should be appointed to provide two representatives from each association. I suggest that a further two independent Australian trained chiropractors also be appointed to represent independents. (You will remember Mr. Breen is representing only two people and is biased toward American education for chiropractors). This gives a total of nine chiropractors on the working party.
>
> (2) The whole process to be simplified and organised by the Government following the guidelines of the Chiropodists Act: a grandfather clause for all those who have been in successful practice for two years or longer.

That has been amended by the other place, and at the moment the Bill before us has a grandfather clause whereby people must have been in successful practice for three years or longer. It amends the original Bill brought before the other place. I understand from all chiropractors who have contacted me that they support that clause. The letter continues:

> This combined with recognition of the Adelaide College,

the Melbourne College and the Sydney College diplomas for recent graduates.

It has been suggested that to be concerned, at this stage of development, regarding chiropractic registration is somewhat premature. History however, refutes this. The Australian trained chiropractors in New Zealand and Western Australia left things to the legislators to their great sorrow.

Pressure groups within the profession (in those places, mainly U.S.A. trained) brought about acts that are grossly unfair. I produce as evidence for this a photostat of *Hansard* from the Western Australian Parliament. This is quite recent and was just handed to me. I wish you to study it carefully so as to gain a clear picture of the situation there which must not be allowed to happen here, or anything like it.

I think my constituent's comments broadly outline some of the problems of the profession and how it, as a body, feels, and great efforts have been made over the past seven years, as I know through my association with this matter.

I pay a tribute to Mr. Max Birrell, who many years ago was an advocate for the Australian Chiropractors Association. Mr. Birrell tried through seminars, by lobbying members of Parliament, and through his own profession, to bring all these groups together so that we could establish qualifications for chiropractors that would be fair and acceptable to all and so we could introduce satisfactory legislation. It is very important in this debate to note the comments of Mr. Hodge, the member for Melville in the Western Australian Parliament. He has been deeply involved in this legislation in Western Australia. Initially, I thought that the Western Australian legislation would be an extremely valuable guideline for South Australia. About 12 months ago Mr. Hodge gave some very stern warnings about what was happening in Western Australia.

Mr. Whitten: A very good member, too.

Mr. BECKER: Yes, he is a member of the Australian Labor Party, and I will give credit where credit is due. There are good members on both sides of the House. Mr. Hodge said:

The Chiropractors Act was passed in this State 14 years ago amid great controversy and only after a Select Committee and a Royal Commission had deliberated and reported in detail to the Government and to Parliament on the matter. In 1964 the Act was described as a trail-blazer. In the past 14 years, the trail has grown rather cold . . . It failed to come to grips with some of the most serious problems facing the profession.

I believe Mr. Hodge is referring to the jealousy between rival groups in the profession, squabbles over techniques, education standards, future training, and so on, and this is the very problem that we see at this time. There are squabbles over the techniques used and, more importantly, over education standards and future training. Mr. Hodge continued:

Today in Western Australia we have a Chiropractors Registration Board which appears to be more concerned with maintaining a monopoly for American-trained chiropractors practising in this State than with policing standards or protecting the public. The board is dominated by overseas-trained chiropractors.

Of course this is where it starts to spell out the difficulties in trying to get the two organisations together. My constituent says the board must not be allowed to be dominated by any group or association within the profession, U.S. trained or not, and that is a fair and reasonable comment. Certainly in other areas of the medical profession this does not happen, although the Australian Medical Association had as its forebearer the British Medical Association. That organisation is the most jealously-guarded club in this country and is probably one of the most dictatorial organisations that we have ever seen as far as qualifications and standards are concerned. The old British Medical Association was the establishment of the medical profession in South Australia and was a very tight-knit organisation. That association would not allow anyone to come in from overseas without first gaining local qualifications, even though the people from overseas were far more qualified than those conducting the tests.

I understand the fear of the Australian-trained and qualified chiropractors in not wanting to be dominated by American-trained or Canadian-trained chiropractors. I also understand that people who have been educated through an overseas system believe that they are far superior to anybody else. In that area we are faced with the old human conflict. Mr. Hodge continued:

Mr. Tonkin's warning was completely ignored and the board was given the total right to decide who would be registered and who would be refused registration without Parliament imposing any safeguards or restrictions. This has resulted in a ludicrous situation in this State, in respect of the registration of chiropractors.

Mr. Hodge went on:

Since the board came into operation approximately 14 years ago, not a single trained chiropractor has been registered in this State, with the exception of those chiropractors who were granted automatic registration under the so-called grandfather provision in the Act. These men are amongst the most respected and successful chiropractors in the State. The board admitted that persons had been granted registration without appearing before the board or being examined by the board.

That situation is not likely to occur under this legislation. Mr. Hodge continued:

The board has decreed that Australian-trained chiropractors *en bloc* are not acceptable to it. What an incredible situation! An Australian citizen, educated and trained in this country, is refused permission to practise his chosen profession in this State, while other persons, born and educated in a foreign country, are granted registration and the right to practise—sometimes without ever setting foot in Australia, much less Western Australia.

I believe the only way we can overcome this conflict that exists within the three main groups would be to make some provision for their representation on the board. We still have the unusual situation where there is a Mr. Horton and a Mr. Breen who are virtually independent chiropractors practising in South Australia. Mr. Breen, of course, was on the working party. I cannot see how one person, an American-trained chiropractor who is biased in one area, could be included in the working party.

Of the board, I believe that one person was representing the South Australian Chiropractors Association, but he has now joined the Australian Chiropractors Association. Another member was representing the U.C.A., but he has also joined the Australian Chiropractors Association. Therefore, two members of the working party who were representing two different groups are now members of the Australian Chiropractors Association. That organisation finished up with three members on the working party. Those members could not truly claim today that they were representing the various groups within their profession.

We must recognise that at present there are three associations for chiropractors. This legislation should eventually force all chiropractors to join one organisation. It is a pity we cannot take a leaf from the trade union movement and insist that there be one organisation. This legislation is a means of doing something that is acceptable within the community. Tens of thousands of people each year benefit from the skills that have been developed by

chiropractors in South Australia, whether these chiropractors have been trained overseas, at the Waverley College, at the Salisbury College, or study interstate.

At the moment persons can train in South Australia for only two years and then they must go to Victoria to obtain the rest of their qualifications. This costs about $1 800 a year plus at least $30 to $40 a week for board and lodging. This is not an easy way of obtaining qualifications, but of course we have the same situation with the Veterinary Association. The fears expressed by my constituent are quite valid, and the fears expressed by other chiropractors also have merit. We have to consider the people and the benefits that the public receives from chiropractors.

Chiropractors must be recognised, and therefore this Parliament should do everything possible to simplify the legislation, so that ultimately we will establish a very high standard of chiropractic and osteopathy in South Australia. If we can do that, we will have achieved something for the benefit of this State.

Mr. WOTTON (Murray): I support the legislation, and also the remarks of the member for Hanson. For some time, I have been concerned that chiropractors have not received more recognition in South Australia. In 1977, this Government first put forward its policy favouring the registration of chiropractors. At that stage, it was intended to institute an inquiry as to the best method of formulating legislation to be introduced. The working party was set up, but the task has taken a long time. The Government has procrastinated to some extent, but we need not go over that now, because the legislation is before us. I believe it will help the chiropractors and the people of South Australia.

One question to be answered is how best to obtain registration for all those who are in practice at present. There seems to have been a lack of a common approach, particularly to qualifications, as chiropractors train in different countries. For some time it has been the policy of the Liberal Party to support the registration of chiropractors, and certainly I support the principle of the legislation to provide for such registration.

Chiropractors have a place in the treatment of the sick, and the Bill will provide in proper terms for their registration and for some discipline in the profession, resulting in an upgrading in status of the profession, with consequent benefit to the public. Speaking personally, I have had the services of a chiropractor on a regular basis for the past 18 years, and I have knowledge of the valuable work they perform.

There have been two areas of concern. The first relates to exactly what qualification chiropractors are required to have. From the information I have received, there seems to have been some friction between the two factions in the profession. As the member for Hanson has said, one group holds American-based qualifications, which seem to be laid down as the qualifications, while another group considers that the American training is not beneficial to the public, and supports the Australian qualification, which is already in existence. There is the matter of the kind of "grandfather" clauses which should apply in the Bill. Such clauses are common when any occupation is registered for the first time, and will enable chiropractors who are in practice and those who have been in practice for some time to be registered, notwithstanding that they might not have the qualifications laid down.

I think all members will have received a letter from a person whom I am proud to say is a constitutent of mine. I refer to Mrs. Maureen Paddick, of Murray Bridge. Mrs. Paddick has had a great deal of contact with chiropractors in Murray Bridge. I do not intend to go through the long letter she has provided, but she spells out in detail the help she and her family and many of the people she knows in Murray Bridge have received from the chiropractic clinic in that town. The letter states, in part:

> Firstly, I would like to state very clearly that Murray Bridge is very, very fortunate in having an excellent group of medical practitioners who are very dedicated doctors. I cannot speak too highly of them, their clinic, the hospital and of the services they provide. If all clinics and hospitals were operating to the very high standard set in Murray Bridge, then South Australia would have something to be very proud of.

Mrs. Paddick goes on to point out the assistance she has received from the chiropractors, and she makes some interesting points. She refers to the term of study in Australia for a fully qualified chiropractor, which is five year of full-time study in Melbourne. On graduation, these people receive a Doctor of Chiropractic degree, which will include a Bachelor of Applied Science in Human Biology and a Bachelor of Applied Science in Chiropractic. She points out that more than 1 250 000 visits are made to chiropractors each year, that figure being a conservative estimate. Chiropractors are receiving 250 000 new patients a year in Australia, and 10 per cent of the patients are children from the age of one year.

I do not intend taking the matter further, except to say that I support in principle any move to regularise the chiropractic profession. It is with much pleasure that I support the legislation.

Mr. ALLISON (Mount Gambier): This legislation has been solicited by members of the Chiropractic Association across Australia for some time, and South Australia is by no means the first State to introduce legislation to attempt to unite the United Chiropractors Association, the Australian Chiropractors Association, and various State associations which have been working independently. It appears that movements in other States have not been entirely successful in this regard, and that the various chiropractic associations are still not working together as one would wish.

As the member for Hanson pointed out, this is one of the more lamentable aspects of the work of the chiropractors in Australia: there are several associations, and there are still considerable grounds of dissent between them. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

Later:

Consideration in Committee of the Legislative Council's amendment:

Page 2, line 1 (clause 4)—Leave out the clause and insert clause as follows:

4. Repeal of s. 2b of principal Act.

Section 2b of the principal Act is repealed.

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

That the Legislative Council's amendment be disagreed to.

The Government cannot accept this amendment. International Labour Office Convention No. 96 provides, among other things, for the progressive abolition or the regulation of fee-charging employ-

ment agencies. The South Australian Government has adopted for the regulation of the agencies because it believes that they play a very important part in finding employment.

Detailed consideration has been given to the phasing out of the charging of fees to applicants. The Government cannot condone the continued charging of fees to potential employees before it considers itself in a position to advise the Commonwealth Government that it has moved to enable the convention to be ratified. If clause 2a is not repealed, the current favoured postion of those employment agencies finding employment for nurses and medical officers will remain to the detriment of other employment agencies, which will be prevented from charging fees and therefore an undesirable form of discrimination will exist.

Under section 2a as it is framed at present, the Nurses Board and the Medical Board of South Austalia can exempt such persons from the provisions of the Act and this practice, which was based purely on the special circumstances pertaining to the two occupations in the past, is no longer considered desirable by the Government.

However, in this respect, the Government has maintained a distinction between nursing services generally and the home nursing sector, and intends to exempt the latter, by regulation made under amended section 17, from the provisions of the Act. This decision is based on the following arguments: first, an arrangement for home nursing services does not involve the establishment of an employer/employee relationship but is rather a matter of contract between the nurse and the patient or his representative. Secondly, should this area of nursing become subject to the Act, it would place a heavy financial burden on those in need of the service and could well act to the detriment of the patient. Thirdly, the Government has been advised that, while the home care market comprises only a fraction of the total market, the repercussions of not continuing the exemption in its respect will increase costs significantly.

During the debate in the Lower House, Opposition members said that the repeal of this section would in all probability cause unemployment. I have taken up this matter with Personnel Services Association and have received a letter from the President. The association's considered opinion now is that the jobs would not be in jeopardy. This was based on the following two grounds:

(1) If the fee to be charged to the hospital is similar to that currently being deducted from nurses, it will be very attractive compared with the fees for the supply of other services in industry, commerce and the professions; and

(2) Nursing care is essential.

Further on in the same letter the association said;

We believe that the hospitals will engage in no less volume than they have been in the past.

Thus, the association supports this provision in the Bill, and 99 per cent of the Bill. Other people in the community also support the Bill, and this provision. I have received telephone calls today from the Royal Nursing Federation's President and Secretary who, I understand, this afternoon met the Hon. Mr. DeGaris, the Hon. Mr. Hill and another member from the Upper House and told them that, in its view, it was essential that the I.L.O. convention ought to be ratified and that, in 1979, in this country, no-one ought to be required to pay for employment.

That is the simple test of the question. Why should one section of the community be required in this day and age to pay for someone to find employment for them? The principle is wrong. The I.L.O. convention says in spirit that it is wrong and most advanced countries today do not tolerate this situation. The Commonwealth Government is asking the States to ratify in this area. Liberal States have ratified it, and that is what we are trying to do.

I know that today the Personnel Services Association again met with members of the Legislative Council to ask them to change their minds. I am also informed, although I cannot verify it, that the chamber itself today was making representations in support of the Bill.

Mr. Dean Brown: It sent me a letter saying just the opposite.

The Hon. J. D. WRIGHT: That may be the case, but I was told this morning that the chamber was entering into this matter, that Mr. Schrape had dissociated the chamber from the letter sent by Mr. Thompson, and that there was to be a deputation to the Legislative Council this afternoon. It appears to me that the only people offside in this debate are Opposition members. I am certain that most people affected in any way support the principle and the ratification of the recommendation of the I.L.O. The Government cannot tolerate the amendment.

Mr. DEAN BROWN: The Minister has used a curious argument in an attempt to try to defeat the Legislative Council's amendment. The first point was that the Minister was trying to uphold the principle contained in the I.L.O. convention, that is, that no employment agency should charge a fee. If one reads the convention, one sees that it provides that a fee should not be charged to either the employee or to the employer, but that all employment agencies should operate free of charge. The whole principle on which agencies throughout Australia operate is that a fee is charged, except by the Commonwealth Employment Service.

The Minister knows only too well that he is allowing fee charging employment agencies to continue, so he has not been prepared to uphold the principle of the I.L.O. convention. I take the matter further. The Minister did not say that under the Bill presented to Parliament he is allowing the fee to be charged for home nursing but not for hospital nursing. The principle is good enough for hospital nursing, but it will be ignored regarding home nursing. It is interesting that the Minister did not refer to the fact that the Bill, which still stands if this amendment is defeated, would still charge a fee for home nursing. What happened to the Minister's principle in that case? Why is the principle different regarding home and hospital nursing?

The next point is that the Minister said that the Personnel Association was opposed to the amendment. I have spoken to members of that association, which was a fair representation, according to Mrs. Liester. The Chamber of Commerce and Industry, which is the associated and parent body, the umbrella of the employer's Personnel Association, strongly supported this amendment. The Minister cannot indicate, at least from the correspondence I have received, that the Chamber of Commerce and Industry supported his stand. The letter I have received states that members of that association strongly support this amendment. They support the idea that nurses, whether engaged in hospital or home nursing, should pay the fee and not the employer, whether the employer is an aged or invalid person at home, or in the hospital involved.

The Minister said that to his knowledge this amendment has been supported by no-one except the Opposition. An article in a recent edition of the *Advertiser* stated that that paper had received telephone calls from a large number of nurses, the very people who will be paying the fee, who support and ask for the proposed amendment. How can the Minister say that the amendment is unacceptable,

when the people who will pay the fee are asking for it? I can verify that, because I have received many telephone calls and letters from nurses in my district, and other districts, asking that the Liberal Party amend the Bill to ensure that the existing procedure for home and hospital nursing continues.

Mrs. Fribbins has put forward an argument on behalf of her bureau, and at least one other bureau has put forward an argument to me which indicates the distruption that would occur to the nursing industry if this Bill went through without amendment. I urge the House, for those reasons, to support the amendment of the Upper House and to vote against the motion of the Minister. I re-emphasize that the Minister's arguments are spurious. There is no principle involved, because he is not applying the principle across the board on an even-handed basis. The very people who would be paying the fee have requested that the present procedure continue. I support the proposed amendment.

Mr. EVANS: I oppose the motion and support the amendment from the other place. I have received repesentations, not from organisations but from seven separate individuals in my district within the past 48 hours. I do not care what inferences the Government makes about the method of contact. These people are concerned, and in each case, except one who worked some days each week nursing, they rely on agents. They are quite happy with the system under which they are operating at the moment. Their jobs will be put at risk because of the type of work they do and the employment they take.

Another case related to a full-time nurse who is concerned that the legislation proposed by the Labor Government will go through. The nursing profession should be left alone to operate. They may receive higher salaries than they did in the past, in comparison with other workers in the community, but nurses constitute an important group in the community, and they are happy with present operations, so why should the Government interfere with them? They want the system to remain as it is; I have received no requests for the system to be changed.

Mr. Dean Brown: Ask the Minister whether he has had any complaints.

Mr. EVANS: I will not do that. The Minister can state that if he wishes. Present practice should continue, because people are happy with it. I support the amendment and oppose the motion.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment adversely affects the legislation.

Later:

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

Consideration in Committee.

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

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

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Abbott, Arnold, Blacker, Wells, and Wright.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on Thursday 1 March.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

SITTINGS AND BUSINESS

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

CHIROPRACTORS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3124.)

Mr. ALLISON (Mt. Gambier): There appear to be some grounds for misgiving, should the Minister of Health favour either one or the other of the two major chiropractic associations currently operating in South Australia. I refer to the United Chiropractors Association of Australia which comprises generally chiropractors who are trained in Australia, and the Australian Chiropractors Association, which comprises mainly members who are trained in the United States of America.

The initials A.C.A. (Australian Chiropractors Association) might also be synonymous with American Chiropractic Association. There is a fear, which was expressed also in Western Australia, that the A.C.A., if allowed to dominate the Australian chiropractic scene, would tend to favour Australian trained applicants for registration. I quote from information supplied to me from Western Australia in September 1978, which states:

> Western Australia's body of chiropractic control is the Chiropractic Registration Board. It is entirely dominated by the Australian Chiropractic Association (A.C.A.) whose members, despite the name, have received their training at colleges in North America. The board works hard to ensure that only those chiropractors trained in North America will ever receive registration in Western Australia and thus looks with apprehension at attempts by the United Chiropractors Association (U.C.A.), members of which are trained in Australia, to win representation on the board.

I remind the House that that very issue is one of the main ones in the legislation before us. Both associations are strongly in support of this legislation, which is needed to control chiropractic practice in South Australia, but there is still the contention between them as to which should be the dominant body—whether we should continue to import American-trained chiropractors to the exclusion of Australian-trained chiropractors and whether we should let the American-trained group dominate the scene and exclude, in the long run, Australian trainees.

I think this has some significance, because the A.C.A. maintains that, if it grants the U.C.A. (the Australian trainees) representation and allows its members registration, this will result in a lowering of chiropractic standards, not only in Western Australia, but also in South Australia. The United Chiropractors Association believes that to be

grossly untrue. There is inherent in the fact that the American chiropractic people have dominated the Australian scene an implication that the Australian-trained chiropractors are an inferior race and that the American trainees are all of a high standard. It is interesting that an M.L.A. from Western Australia—

Mr. Whitten: Give him a good wrap up—a good Labor man.

Mr. ALLISON: Mr. Barry Hodge (I have no objection to his work) was careful enough to write to Professor Webb who was responsible for the Commission of Inquiry into Chiropractic, Osteopathy, Homeopathy, and Naturopathy. I will refer to one or two of the questions he addressed to Professor Webb, as follows:

> Is the standard of training given at the three major Australian colleges mentioned in the work report—the Sydney College of Chiropractic, the Chiropractic College of Australasia, and the Chiropractic and Osteopathic College of South Australia—comparable to that given by the American and British colleges?

The reply to that question by Professor Webb was that the Sydney College, the Chiropractic College of Australasia and Chiropractic and Osteopathic College of South Australia are discussed in detail in his report, particularly in appendix 13 at pages 648 to 671. This is the interesting sentence:

> These are undoubtedly the best of the Australian colleges which have so far turned out graduates.

He says that his views are summarised on pages 140 and 141. He continued:

> But they are clearly not up to the standard of any of the better North American colleges.

Again, there is an implication that the American trainee is much better than the Australian trainee. Let us look at the list of North American colleges. There are a number of them: Columbia; the North-west College in Minnesota; Los Angeles College; New York Chiropractic Institute; San Francisco; the Logan College—

Mr. Groom: What is the point that you are making?

Mr. ALLISON: Should one assume automatically that, because a person is trained in the United States, he is a superior being? When confronted with the question whether all of these colleges are better than the Australian Colleges, Professor Logan's answer was:

> This question cannot be answered.

He makes the point that the Nothern American colleges vary considerably in standards. He states:

> Undoubtedly, the National College of Chiropractic [that is, the United States College] is substantially better than the other, with the Canadian Memorial a close second.

Do we examine the credentials of the American-trained chiropractors when we allow them to dominate the South Australian, Western Australian or Australian scene? I suggest that we do not and that, therefore, the Minister in this State should view with some concern any attempt by the American-trained chiropractors to dominate our scene. In other words, I suggest that for the time being there is every reason why the Minister should permit some equality of representation on the South Australian Chiropractic Board by representatives of both of these groups.

The main reason why I put this to the House is that there is currently before the Supreme Court an issue between these two bodies. It is the question whether the Australian Chiropractors Association can close the Chiropractic and Osteopathic College of South Australia as the U.C.A. suspects it is trying to do, which is situated at Wayville in South Australia, and for all South Australia trainees to go to Victoria for their chiropractic training.

The SPEAKER: Did I hear the honourable member say that a court case is in progress?

Mr. ALLISON: There is a case currently before the Supreme Court.

The SPEAKER: Then the matter is *sub judice.*

Mr. ALLISON: I agree, but the implication behind the matter is that the Minister, in bringing legislation before the House, if he comes down in favour of either one of the two bodies when this case is still before the court, is doing something we should be careful about, because both groups are lobbying strongly for domination of the board. I believe that, since the matter is *sub judice* and I am not allowed to mention it in the House, the Minister, if he does permit domination by either one of these groups is pre-empting the case currently before the Supreme Court. I therefore urge extreme caution in consideration of the amendments before the House. If there is still some doubt, one of the amendments has been placed before the Upper House and there will be a counter amendment before this House to which I shall speak in Committee. I urge the House to consider this point. I have a mass of correspondence about this matter. I have several pages outlining the background to the Supreme Court action, and I am satisfied that there is still considerable doubt about the matter. I suggest that it is only two years, to use Professor Webb's words (and he initiated the Webb report), and I will leave the Supreme Court action aside—

The SPEAKER: I hope the honourable member will.

Mr. ALLISON: It is only two years since Professor Webb said he could not assess the merits of the Preston Institute because it had not passed out any trainees—no graduates had emerged. The Preston Institute is being given considerable preference in Australia over other institutes. I understand that New Zealand might recognise the Preston Institute. This change of face, with the Preston Institute coming from fourth or fifth place in Australia to first place, has taken place in a short space of less than two years. It was 1977 when Professor Webb said he was unable to comment on the Preston Institute.

He did say that the proposed training for the Preston Institute was very desirable. However, I suggest that, if we in this House give the A.C.A. dominance and give it the right to determine which colleges shall be recognised for accreditation, it is quite possible that we will be denying a South Australian college, which could hold South Australian brains and prevent the importation of chiropractors into South Australia from the United States and Victoria. We might also be stopping a South Australian college from doing precisely what Preston has done over a period of two years, that is, becoming sufficiently creditable to be recognised across the length and breadth of Australia as a reputable training organisation. For that reason, I recommend that the House consider the amendments before it very carefully. There are not many amendments. Generally, the legislation is perfectly satisfactory to both groups, but there is an area of contention between them to which I have referred. The Supreme Court writ still has to be decided upon, and that makes me think that this House, too, should err on the side of caution and look to recognising both bodies, because the Supreme Court is considering that very situation.

Mr. MATHWIN (Glenelg): I support the Bill, which has certainly been a long time getting here. Although I said I support the Bill, in general there is a need for amendments. I know I am not allowed to talk on amendments, which will be moved by the member for Hanson at a later stage. I have been approached a number of times over a number of years by a number of chiropractors. I am sympathetic towards them, and I

believe that something should be done.

The member for Hanson, in his very well prepared and eloquent speech this evening, pointed out the main points of concern within the Bill, and I commend him for his contribution. I have received from one of my constituents a letter in relation to this Bill, and it relates particularly to the board, which is set up under clause 7. The letter states:

> It is as a constituent of yours and a supporter of the Liberal Party that I write to you for help regarding the proposed Chiropractic Bill. The United Chiropractors Association of which I am a member, has been circularising members of Parliament for some time now in relation to the proposed Chiropractic Bill. I understand that presentation of that Bill is imminent.
>
> The Minister recently made a copy available to us for a period of about an hour. Our brief reading indicated to us that the Bill is basically sound, meeting our hopes in almost all areas. There are, however, three areas which are of major concern to us—two of which we believe must be covered in the Act.
>
> The first of these concerns workmen's compensation and insurance work. I understand that there are potential problems of conflict; thus, a person visiting a chiropractor in the normal course of events will probably be entitled to Health Fund benefits in due course. Would such a person, if injured at work or in an accident, be entitled to be treated by a chiropractor?

The Minister is listening intently to my questions, and I would like him to answer the question raised in this letter when he replies to this debate, as he no doubt will do. The letter continues:

> In New South Wales, the relevant Acts have been amended, cognate to the introduction of their Chiropractic Act, to ensure that no such problem exists.

I wonder whether the honourable the Minister of Community Welfare is familiar with that point in relation to the New South Wales Act, which relates to the health fund benefits and the entitlements of people who claim they are injured at work or in an accident. That area is most important and deserves special attention by the Minister and the Government. I hope that the Minister will see fit to reply to that question posed by my constituent. The letter continues:

> The second matter is of vital concern to us and, at a meeting of member of the United Chiropractors Association on Sunday 18 February, it was unanimously decided that we would not support the Bill unless this matter is included. I refer to equal representation on the proposed board by the United Chiropractors Association (U.C.A.) and the Australian Chiropractors Association (A.C.A.) The proposed Board will have six members, four of whom shall be chiropractors. Our argument is thus:
>
> There are currently four organisations purporting to represent chiropractors; the two major ones are the U.C.A. and the A.C.A.; a third—the South Australian Chiropractors Association (S.A.C.A.)—has approximately 23 members, two of whom are believed also to be members of the A.C.A., and 21 of whom are members of the U.C.A. We believe that there is, therefore, no logical reason for S.A.C.A. to have its own representative on the board, even though they had a representative on the working party which met earlier to consider the proposed legislation. A further reason for our belief in this matter is that we understand the majority of these S.A.C.A. members are in the process of resigning from this association, as indeed I am.
>
> The final body is the American Chiropractors Association. It has two members, the same symbol and the same initial letters as the Australian Chiropractors Association. At least one member has close ties with, if not membership of, the A.C.A. We do not believe that any organisation with only two or three members is entitled to nominate a representative to the board.

At this point the letter continues in relation to some tactics which I do not think I should read to the House. Later, the letter continues:

> It is not inconceivable that they are expecting one representative in their own right, one representative of the American Chiropractors Association which would effectively represent A.C.A. interests—and one representative of the S.A.C.A.; but, if it were the President (who could effectively nominate himself without reference to the majority of his members), he would also represent A.C.A. They could thus finish with three out of the four representatives on the board under their control.
>
> We believe that, because A.C.A. and U.C.A. have by far the largest membership numbers (A.C.A.—approximately 60; U.C.A.—51 members), they should initially share the four positions. For this reason, we seek an amendment to the Bill to ensure that not less than half of the chiropractic members of the board are members of the U.C.A.
>
> The final matter of concern is, perhaps, outside the scope of the Act; nevertheless, it is important to us. We wish to ensure that chiropractic education—a matter for which we have fought hard—continues to be offered in South Australia.

I am quite sure the Minister would agree, because that is an important part of most of the business that comes before this House. The letter continues:

> The first two years of a four-year course are currently offered at the Salisbury College of Advanced Education. Salisbury has applied for permission to award an Associate Diploma in Applied Health Science (Chiropractic) to successful students. If granted, it will be the first recognised tertiary qualification granted to chiropractors in Australia. We urge Parliamentary support—not only for this course, but also for upgrading it to a four-year degree course as soon as practicable. I request your support in each of these matters when the issue is raised in the House.

That I have given. The matter I referred to earlier relates to workers compensation and insurance. I understand that there are potential problems of conflict. Thus, a person visiting a chiropractor in the normal course of events will probably be entitled to health fund benefits in due course. Would such a person, if injured at work or in an accident, be entitled to be treated by a chiropractor? The letter goes on to say that this has happened in New South Wales.

Those are the matters I thought that I should put before the House, and I do so in the hope that the Minister will take note of them. I support the Bill to the Committee stage, where we hope that some amendments will be accepted by the Government.

Mr. BLACKER (Flinders): I, too, support the Bill to the second reading stage. Without doubt, the chiropractic profession is widespread throughout Australia, but until now there has been no recognition of it. This recognition, while the subject of much controversy among the various groups, is a real step in trying to bring about some control, some respectability and some acknowledgment of the profession. Some parts of the legislation in time may prove inadequate, but I believe that this is a good step in the first instance, and no doubt amendments will solve any problem that might develop.

I understand that the grandfather clause has been tightened in another place. I add support to that recommendation, because I cannot believe that anyone with a short period as a practising chiropractor could claim the right to the recognition the Bill seeks to give. The measure will give respectability and acknowledgment to the profession, and it will create a situation where patients

can be treated for workers compensation claims. Some medical benefits may attach to this because of the recognition that has been given. Patients can be treated in a way similar to the treatment they receive from the medical profession, with all the benefits and responsibilities attached. If chiropractors are put in that category, which is the aim of the Bill, the associated responsibilities must be accepted by the profession.

I wanted to contact two chiropractors about this Bill. Regrettably, however, the Bill was available to me only prior to the meeting of the House today. I have endeavoured to make every contact possible. I have contacted other members of the House, and I have been assured that the Bill is meeting the general acceptance of all sections of the community. I hope I am not in any way failing to serve my constituents as I should if this measure passes through the House without my being able to contact them. I can appreciate that the time of the session is running out, but is is extremely difficult when the two people to whom I had given an undertaking that I would contact them have been having a day off. We got the legislation today, and that is it.

I raise a matter in relation to the message from the Legislative Council, which draws attention of the House of Assembly to clause 14 printed in erased type. That clause, being a money issue, cannot originate in the Legislative Council, but it is deemed necessary to the Bill. It is not the prerogative of the Opposition to move such a measure, but to date there has been no mention of that matter. I trust that difficulty will be overcome. I shall be making a couple of comments in Committee, but at this stage I support the second reading.

Mr. EVANS (Fisher): I support the Bill, although not totally. I am concerned about the composition of the board, and I would prefer to see some method included in the Bill by which the Parliament can be guaranteed that the persons appointed to the board are representative of the groups with some degree of equality, so that neither group can get control. I believe that strong feeling exists between the two main groups, the U.C.A. and the A.C.A., and I am concerned that two strong groups have been operating, belonging to different associations but practising the same profession.

Over the years, I have had good service from members of this profession. I have needed their treatment because of the type of work I have carried out. Some of the medicos in the community would say that chiropractors are quacks and cannot be relied on, but on one occasion I received more success at the hands of one of the so-called quacks than I did from someone who was qualified as a member of the medical profession. I believe that chiropractors have served the community well, especially in many cases of sporting injuries.

I have been a member of Parliament for 11 years, and in each of those 11 years there has been talk of trying to recognise the chiropractic group by way of legislation. We have now reached that point, and that pleases me, except that I would like to see an amendment that would guarantee that the two groups are represented. The Minister in charge of the Bill in this Chamber is not the Minister in charge of the Bill, but he can give us the guarantee that the Government intends to appoint fairly equal representation from the two different groups. I am not sure that we can accept that, because we all know that the Minister of Health and the Minister of Tourism, Recreation and Sport will be sacked immediately after the Norwood by-election.

Mr. Keneally: That's a bit nasty.

Mr. EVANS: It is not. We have been told that that is the case. I hope that we can write into the Bill a guarantee that the different groups will be equally represented.

Mrs. BYRNE (Todd): I add my support to the legislation, because I support the principal object of the Bill, namely, to establish a registration board to register chiropractors and to regulate the practice of chiropractic treatment. We all know that at present there is a public demand for chiropractic treatment, and, as such, the public is entitled to be protected from unqualified practitioners. The Bill seeks to ensure that future practitioners receive a high standard of training and pass appropriate examinations before being granted registration status; that is certainly desirable and important.

In some quarters, such treatment is still viewed with suspicion, probably because some members of the public have received unsatisfactory treatment as patients of unqualified practitioners, "quacks", to use a common term. This Bill, if it becomes law, as I hope it will, should ensure that members of the public are treated by reputable practitioners. It should also ensure that, when patients go to chiropractors, they may be confident that they will receive good service. Despite the concern expressed by other members over differences that exist between groups, I trust that, in the interests of the public, this problem will be resolved, and the Bill will eventually become law, because I believe that it is to the benefit of the public.

Mr. ARNOLD (Chaffey): I appreciate the opportunity to support the Bill. My interest in this subject goes back about 10 years. Between 1968 and 1970, as a member, I had a particular interest in trying to bring about a satisfactory conclusion among the various groups of chiropractors in South Australia for the purpose of trying to introduce legislation similar to the Bill before us. Unfortunately, it was not then possible to reach a satisfactory stage of agreement between the various groups; consequently, nothing was achieved. I indicate to the House that the Riverland is well served by the chiropractors in that area, which is involved mainly in horticultural activities, labour-intensive work. Thus there is much back injury in the area. It is unfortunate that a similar Bill could not have been introduced about 10 years ago, but I am pleased that one is now before us. The Bill has my full support, and I trust that it will serve well not only the chiropractors but also the people of South Australia.

The Hon. R. G. PAYNE (Minister of Community Welfare): I thank all members who have spoken. It is clear to all members and to anyone who considers the matter that an activity involving, as I understand it, up to 250 000 patients a year in Australia needs to be examined. In South Australia this examination has continued over a period to the point where the Government has now introduced a measure to regulate behaviour in this area. The approach to the matter that I found the most apt (without being critical of others) for the occasion was that of the member for Flinders. He had not had much time to study the Bill, but he said that the Bill was a beginning. Amendments will no doubt be necessary because, when the Act comes into operation, experience will lead to amendments. I think it is true to say that no other member who spoke put forward a view that would clash with that one. The honourable member took that view as his main line, and I suggest that this is the way in which the matter ought to be approached.

The member for Fisher suggested that serving Ministers would be sacked. I can only suggest that he must be privy to some information to which no other member has. My

understanding of the matter is that any such step is in the Premier's hands, and I do not believe that he has suggested that he will be sacking anyone.

The first Opposition speaker (the member for Hanson) provided figures to the House and subsequently figures were put forward by at least two other Opposition speakers. For some reason or other, the figures did not appear to coincide, and this is symptomatic of the kind of difficulty in obtaining accurate information about the membership of organisations in the area of chirporactic that we have all experienced over a number of years in South Australia. I suggest that, whilst we would all agree that the Billl has been a fair time in coming forward, it probably has been just as well that that is the case, because the scene had not been cleared until recently whereby the various organisations (whether the S.A.C.A., the U.C.A., or the A.C.A.) have come to realise that they need to contentrate more on what they are about —this healing art—in the community and less on faction fighting.

I understand from the Minister of Health in another place that in recent times there has been a greater emergence of this feeling in comparison to dispute. The introduction of the measure is timely because of that, and this has been commented on by other members. There have been discussions about representations on the proposed board. That can be dealt with in detail in the Committee stage. Members who have already spoken in this debate should examine each other's remarks, and they will seen the kinds of difficulty that might arise. Various membership figures have been cited and statements made about the influence of one body on another. Concomitant with that, there have been suggestions that membership of the board should be based on the representation factor.

The member for Glenelg gave me a photo copy of the letter from which he was quoting regarding the point he raised. That letter came to him from a person who was a member of the United Chiropractors Association. The letter is not quite clear but, if members will trust me, I assume that the person was raising the question of eligibility of chiropractic treatment under the Workmen's Compensation Act. The Minister in another place has advised that, as the Workmen's Compensation Act stands now, an amendment would be needed for that eligibility to apply. That matter has been discussed between the Minister of Health and the Minister of Labour and Industry. I hope this information is of value to the member for Glenelg and to the person who wrote the letter referred to. Regarding the honourable member's point about New South Wales, when the Chiropractors Act was introduced, the Workmen's Compensation Act was under amendment, so the opportunity was taken at that time. I thank the honourable member for raising this issue because it will have application over a wide area.

No-one would question the point raised by the member for Mount Gambier that probably all members of the House would have some grounds for misgiving at this stage. I do not quarrel about that, but I exhort members to take the view that was so well put by the member for Flinders when he said that he looked to the Bill as a beginning after a long period of no real action. Yet, according to available figures, over 250 000 people in Australia are chiropractic patients, and no doubt about ten times as many would be involved. The Minister in another place is to be commended, in view of the numerous problems of the various associations, on managing to get this basically simple Bill before the Upper House and this House. It sets up apparatus for the self-regulation of the chiropractic profession.

Mr. Arnold: I don't think you will find much disagreement with what you've said by members on this side.

The Hon. R. G. PAYNE: Yes. I respect members for having examined the problem in this light. I am merely summing up views put forward on the other side of the House.

I appreciate that the matter has not been approached with conflict. I am sorry if I have failed to get that over. That is the way I have been viewing it. Probably the only other point raised is the question of the status of training. It is fair to raise that question at this time. I think members would have noticed that in the Bill there is reference to "prescribed standards", and I agree with the view put forward by members of the other side that these standards ought to be as high as possible in the interests of persons receiving treatment. I thank honourable members for the way in which they approached the topic. I thank them for supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Constitution of the Board."

Mr. BECKER: I move:

Page 3, line 1—Leave out "six" and insert "seven".

The CHAIRMAN: If the honourable member wishes, he may use the first amendment as the test case, but he may debate all his amendments.

Mr. BECKER: All right. My reason for moving this amendment is that I find six members composing a board an unusual number, although not unusual in many pieces of legislation. I like to see an odd number of members on a board so that the Chairman can exercise a casting vote if there is a dispute resulting in a tied vote. I believe it is important that we recognise that the three main bodies of chiropractors in this State are, strictly speaking, the Australian Chiropractors Association, South Australian Branch Incorporated; the United Chiropractors Association of Australasia; and the South Australian Chiropractic Association Incorporated. As the Minister has already informed the House, it has been difficult to obtain up-to-date figures of the membership of these organisations. I am informed that the South Australian Chiropractic Association has 29 members; the Australian Chiropractic Association, 65 members; and what we know as the U.C.A., the United Chiropractic Association, has 55 members.

Mr. Harrison: What about dual membership?

Mr. BECKER: There seems to be some doubt about dual membership. Mr. Horton and Mr. Breen are virtually independents here, but at one stage or another were probably members of one of these organisations.

On the working party there was a representative from the South Australian Chiropractic Association, but he has since joined the Australian Chiropractors Association. I also believe one of the members of the working party was a member of the U.C.A. and has now joined the A.C.A. I would have thought that the four chiropractors on the working party would probably be the persons who would form the board for the first two years and would be subject to election after that. If one was looking at appointing four persons one would probably go to the people who were on the working party, but, because three of them are members of the A.C.A. and the other member, Mr. Breen, is virtually an independent, it is felt that the three organisations that do have substantial membership in terms of the overall number of chiropractors in South Australia should be split up and the organisations named.

I have suggested that A.C.A. and U.C.A. have two representatives, which means two representatives for 65 members and two representatives for 55 members, and the South Australian Chiropractic Association should have

one representative for its 29 members, which works out at about an equal ratio. That way there can be no dispute as to the total representation of chiropractors in the State on the board. There is room, of course, for two other members. I understand that the recommendation is that they will be a solicitor and a medical practitioner. I have no argument with that.

I believe that it is important in the early stages of the formation of the board and the setting up of the registration of chiropractors that we leave little to chance in relation to disputes as to whether this or that qualified organisation or the South Australian qualified organisation is left out. I believe that the amendment I propose puts beyond doubt this problem. I have always hoped that we could get the three organisations together, because if they have representatives on the board they probably will see in time that it is to their benefit to have one association in South Australia. I strongly urge, in view of the representations over the years and the fact that we do not want our legislation to contain the problems that we know have happened in Western Australia (and for that reason I have spelled out the composition on the board), that members of the committee support the amendment.

The CHAIRMAN: I suggested earlier that if the honourable member wished he could debate all the amendments and we would vote on the first. Is this what he has done?

Mr. BECKER: There will be one vote that will decide whether I proceed with the further amendments.

The Hon. R. G. PAYNE (Minister of Community Welfare): I am sorry I cannot agree to the amendments, sorry in the sense that I believe the views put forward are genuine and warrant consideration. I point out to the honourable member that he pointed out that members of these organisations were flitting from one body to another. In particular, he pointed out, that, from the working party, a person who began on the S.A.C.A. and another who began on the U.C.A. both went to the A.C.A. I suggest that, if the Minister had incorporated in the Bill representation based on two from one particular organisation or two from another organisation, the whole purpose may have been thwarted. There has been a state of flux: that is probably the safest thing to say. The Minister has proposed in the Bill that there be four persons engaged in the practice of chiropractic. To me, that seems to be the safest course he could have adopted. Whilst a person may be moving from one association to another, which is his entitlement, I assume in that case they are continuing to be interested and are keeping up with their profession. This very same approach has been put to the Minister fairly recently by some of the bodies concerned. The Minister outlined to those members that he was not prepared to agree to a change along the lines suggested by the honourable member. The Minister said that he gave an unqualified undertaking to consult with the bodies involved at the same time when the appointments were made to the board. In view of what information has come into our hands over the years from these various associations, there has probably been a good deal of prescience on the part of the Minister in putting the Bill forward in this way.

Mr. EVANS: If the argument put forward by the Minister is right and members are moving from one organisation to the other, it would be difficult to have wording for their appointment such that they must come from a particular organisation, as the member for Hanson has suggested. Surely we then have a risk under the Minister's proposal that the persons appointed to the board, even after appointment by the Minister, could all join one organisation and deliberately set out to dispose of the two smaller organisations, without that action being too conspicious.

Under the amendment, if a person changed organisations, his appointment could be placed in jeopardy. At least in that situation we are guaranteeing representation for all of the groups. The Minister said he was concerned that they might shift from one organisation to the other. If that happened we would finish up with four members belonging to the one organisation while the others were neglected. That is possible under the Minister's suggestion. The safest course, which would at least get representation from each organisation, is to accept the amendment.

Mr. ALLISON: I support the amendment. I believe that, in evidence presented both by the Minister in another place and by the Minister representing the Minister for Health here, some quite strong evidence appears to have been ignored. There has been some movement of membership, but the more important movement of membership has occurred in the working party which examined the position for the Minister. Two members of the working party who ostensibly represented the U.C.A. transferred their allegiance during the life of that working party to the A.C.A., therefore giving total representation on the working party to one group of chiropractors—the Australian Chiropractic Association. That was a movement involving only two people, but it was an extremely important movement from the point of view of the report.

The second point regarding movement of membership is that the South Australian Chiropractic Association membership has tended to move, but only in one direction. The majority of members who have transferred have gone to the United Chiropractors Association. I am informed that to date 22 members from the S.A.C.A. are registered with the U.C.A. I believe that only three S.A.C.A. members have transferred to the A.C.A.

Whatever the Minister may say about the transference and movement of membership, the fact still remains that the movement has left two very distinct bodies—the A.C.A. and the U.C.A. I am informed that statistically both of those major organisations have a membership of approximately 325 practitioners. Therefore, there is still strong representation on those two bodies. In the light of the Minister's refusal to nominate membership of the board, this specific naming should be accepted.

The Hon. R. G. PAYNE: At the risk or seeming tedious, I would like to point out that generally the membership of S.A.C.A. fluctuates almost as much as its namesake down on the Adelaide oval. One member said there were 29 members, and I have just been informed that 22 went to the U.C.A. and three to the A.C.A. I still believe what I have put forward is the correct course in this matter.

The parent Minister in this case has opted for persons to be engaged in the practice of chiropractic as a means of livelihood and has undertaken to consult with the bodies concerned. I can understand the Minister's caution after I have heard about the way the membership moves around. I would have thought that members opposite would appreciate and accept that he is saying that he will go to each organisation but he does not want to name the organisations because he cannot foresee what their strength will be.

Mr. BECKER: I appreciate the explanation given by the Minister, but he has missed the point. The point is that the A.C.A. is American dominated, and its members have been qualified under American standards. This organisation has for many years been influencing the standard of chiropractic in this State and has been throwing a smokescreen right across the issue. It could be expected that those who served on the working party would be

rewarded by being placed on the board. If that was so, the A.C.A. would have three members, and Mr. Breen would virtually be an independent member. However, he is American orientated, so you would have four people—

Mr. Allison: He was a former president of the A.C.A.

Mr. BECKER: The member for Mount Gambier informs me that Mr. Breen is a former member of the A.C.A., so in effect there would be four people representing the A.C.A. resulting in the isolation of the U.C.A., and the S.A.C.A. would not have any representation at all.

We will only compound the problem if we do not give each organisation an opportunity for representation on the board. We have to spell it out. I appreciate that the Minister in another place has given unqualified assurances, but the Minister cannot really guarantee anything until the Act is proclaimed, even with all the good intentions in the world. I believe that the present Minister of Health may very well do that, but I want to be assured on behalf of those involved in chiropractic in South Australia that each properly organised association at the present moment will be represented on this board. That is why I strongly urge the acceptance of this amendment.

The Committee divided on the amendment:

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

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

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Clauses 8 to 13 passed.

Clause 14—"Borrowing by board."

The Hon. R. G. PAYNE: I move:

To insert clause 14.

My understanding is that, because the Bill contains what is usually termed a money provision, that clause could not be moved in another place. It is shown in the Bill in erased type.

Mr. BECKER: We would not oppose such a motion. It is a normal financial procedure in the establishment of any board in relation to the borrowing power which is guaranteed by the Treasurer. Any such provision is quite satisfactory to the Opposition.

Clause inserted.

Clauses 15 to 18 passed.

Clause 19—"Qualifications for registration."

The Hon. R. G. PAYNE: I move:

Page 6, lines 32 and 33—Leave out "for the period of three years immediately preceding that commencement" and insert "from on or before the first day of February, 1979, until the date of his application".

The Bill as it began contained the latter provision which I have just moved in respect of a commencement date in regard to registration (that is, on or before 1 February 1979, until the date of his application in respect of clause 19). Subsequently, the Bill having been amended in another place, I am constrained to move the amendment in this place. I believe honourable members would understand that we are discussing a clause which, in a measure of this nature, is normally referred to as a grandfather clause, the intent of which is to take care of those persons who may be engaged in an activity at the time when a measure is to come into force.

The Minister's reasoning on this matter is that, whenever a date or a period is set in a grandfather clause, it is of necessity arbitrary. What he and I are at some pains to achieve in this matter is that persons who have made an investment in this activity and who in effect are quite correctly referred to as small businessmen in the community, even though of only a relatively short duration, need consideration from the Government in this matter. The Government does not believe that we should be involved, wherever possible in such a measure, in taking a decison that would remove a person's source of livelihood. The argument that might be raised against the proposition would be that perhaps some persons in some way have anticipated such a measure passing through the Parliament.

People have come into the profession and may in some way subsequently cause harm to the profession in practising. I can only suggest to members in seeking their support for my amendment that I do not believe that such persons, for example, would survive in business until they had proved their ability and competence to the public. The fact that they receive registration is no guarantee that they would survive in business. If any person who achieved registration in the way in which I am proposing was guilty of any conduct of an unprofessional nature, there are remedies in the Bill. There are opportunities for raising complaints with the board, and for the board to take the necessary steps. Whilst I understand arguments put forward on the basis that this is only a simple measure as regards registration, taking into account the date I have outlined, I ask members to consider the palliative provisions in the Bill. I seek the Committee's support.

Mr. BECKER: We oppose the amendment. Mr. Hodge, the A.L.P. member for Melville in the Western Australian Parliament, said recently:

> On 10 November 1977 in question 1307 I asked whether the Australian-trained chiropractors who were granted registration under the grandfather provision had lowered the standards or endangered the health of the public. The board's reply was an emphatic "No".
>
> I have been informed that certain chiropractors who were granted registration under that provision were not graduates of any American college or any Australian college, but were, in fact, self-taught or taught by friends and relatives. Those men today are amongst the most respected and successful chiropractors in the State.
>
> On 10 November I asked a further question—No. 1308—concerning what appeared to me to be the almost automatic registration of overseas-trained chiropractors. The board's reply admitted that persons from a number of American colleges which were not amongst the three named in the regulations had been registered. The board admitted that some persons were registered whilst resident overseas. It admitted that persons had been granted registration without appearing before the board or being examined by the board, but it was not known how many were registered in that manner or how many were resident overseas. How convenient!
>
> The board did supply information stating that there were 88 chiropractors registered with the board in Western Australia, but only 46 were currently practising in Western Australia. Members can draw their own conclusions from those facts.

Those were his findings about 14 years after the legislation was enacted. It is necessary to have the grandfather clause, as was introduced in another place, because it recognises the need to set standards and qualifications. I believe that this fact has now been recognised in New South Wales. Under the Bill, the conduct in Australia in recent years would be approved by the board. Anyone who has been in practice for more than three years has, by experience,

qualified to practice chiropractic. We are dealing with an aid to people, and I believe it necessary that we include in the grandfather clause a period of three years. The board would have the right to assess whether these people were competent and capable of meeting the standards enjoyed by most of the profession. As such a provision has been included in legislation dealing with the medical profession and with pharmacists, precedent exists.

There could have been moves by certain people to change their occupation, and to call themselves chiropractors or osteopaths in the past few months; we know that the working party has been studying the proposed legislation. It was widely known that the Government made this legislation an election promise. People could have taken the opportunity over the past three years to hang up a shingle and call themselves chiropractors, but they may not necessarily meet the board's standards. We cannot afford to take risks at this stage.

Mr. BLACKER: I, too, oppose the amendment. The Minister and the Opposition are approaching the same problems from different angles. By including the three-year minimum requirement, we are not excluding anyone. There is still the avenue for those genuine chiropractors who have commenced business within the three-year period to be examined by the board and to be admitted to the profession. The Minister's amendment suggests that we accept everyone who has come into the profession on or before 1 February 1979. As a result, anyone who had an inkling of what could be coming could have put up his name and said that he was a chiropractor and, therfore, could enter the profession.

The Minister has said that incompetent chiropractors would fail in their business. However, we have now recognised chiropractic as a profession and, if we allowed in second-graders, we would be diminishing the status of the profession. The workers compensation aspect will be involved later, and ultimately complementary legislation will have to be introduced to include chiropractors. There is also the matter of health benefits. If we maintain a three-year requirement, at least these peoople will have had three years experience. I oppose the amendment.

The Hon. R. G. PAYNE: I point out to those members who have spoken on this Bill that one of the requirements is "and derived his income principally from the practice of chiropractic". I may not have made that point clear when I moved the amendment. That provision will ensure that a person who went to the front of his house and hung up a shingle would not be in a very good position to claim that he derived his income principally from chiropractic.

Mr. Blacker: Some of them could have done that in January.

The Hon. R. G. PAYNE: I am not saying that is not so. To cater for genuine cases, any arbitrary provision must have some width. It has never been possible for an autocratic person to say that a certain doctor or physiotherapist is good or bad. The Government is trying to ensure that people's livelihoods are not taken from them by an arbitrary decision. If a person is operating in this field and derives his income principally from the practice of chiropractic, one would assume that his patients have been receiving satisfaction, otherwise his income would not be derived principally from that source. That is the reason for putting this grandfather clause in this way. I have often heard members opposite espouse the case for the small businessman in the community, but they are not doing so in this case. The Government is trying to protect people's livelihoods.

Mr. BECKER: The Minister is correct in saying that members on this side wish to debate retrospectivity. We also take up the issue of protecting a person's income. However, we know what goes on in private enterprise. The Minister pointed out that a person must derive his income principally from the practice of chiropractic. I am cynical enough to appreciate that, if someone wanted to become a chiropractor before 1 February, and had an inkling that this Bill would be before Parliament, he could prove to the Commissioner of Taxation, or anyone else, that his income as, perhaps, a used car salesman, had dropped considerably and that his part-time hobby as a chiropractor had increased so much that his principal income was obtained from that source.

Figures can be juggled, no matter what industry, association or profession is involved. I have had knowledge of this for about the past 20 years. When principles are involved, and people have an opportunity to make a lot of money, they might do anything. If those applying to be chiropractors have sufficient qualifications and experience they will encounter no problems in going before the board and submitting to any tests and examinations that are required. The crux of the issue is the responsibility of the board to maintain the standards of chiropractic in South Australia. For that reason, the Opposition opposes the amendment, and I urge other members to do likewise.

The Committee divided on the amendment:

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

Noes (17)—Mrs. Adamson, Messrs. Allison, Arnold, Becker (teller), Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Russack, Venning, Wilson, and Wotton.

Pair—Aye—Mr. Corcoran. No—Mr. Tonkin.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (20 to 38), schedule and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

Returned from the Legislative Council with amendments.

FURTHER EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

TERTIARY EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL, 1979

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Community Development Department has been formed to draw together currently fragmented community development initiatives across a range of functional areas. Library services are seen as one of these areas and a key element in the composition of the new department. The purpose of this Bill it to effect the necessary legislative amendments to the Libraries and Institutes Act to enable the Libraries Department to be relocated and reorganised within the broader concerns of the Community Development Department.

Such a move is, of course, in line with the general desire on the part of the Government to encourage integrated service provision where possible and to continue the process of rationalisation of Government departments recommended by the Corbett Committee of Inquiry into the Public Service in 1975. It also takes account of the Crawford Report's recommendations relating to the need for a major reorganisation of the existing department.

The permanent head of the Community Development Department would, under this amendment, assume full responsibility for library services. The current Public Service standing of the State Librarian will not be affected by this legislation. Clauses 1 and 2 are formal. Clause 5 provides for the abolition of the Libraries Department and the designation of the State Librarian as permanent head. Clauses 3, 4, 6 and 7 are consequential amendments removing references relating to the State Librarian and Libraries Department.

Mr. ALLISON secured the adjournment of the debate.

ALSATIAN DOGS ACT AMENDMENT BILL

In Committee.

(Continued from 27 February. Page 3049.)

Clause 2—"Prohibition of keeping Alsatian dogs in certain parts of the State"—which Mr. Chapman had moved to amend as follows:

Page 2, line 3—Leave out "the part of the State" and insert "any part of the State (excluding Kangaroo Island)".

Mr. CHAPMAN: The Committee concluded its discussions yesterday at the point where the amendment standing in my name had been moved and the Minister, at some length, indicated to the Committee that he appreciated the reasons put forward. He thought it was a good argument, but he has let us sweat overnight as to what action he will take today. I am anxious to hear what the Minister has to say, having had a full day to consider the amendment.

The Hon. G. T. VIRGO (Minister of Local Government): I indicated last night when the honourable member raised this matter that I thought his argument was persuasive that Kangaroo Island should not be regarded as some area not part of South Australia. The provisions of the amending Bill enable permits to be issued to people who wish to take Alsatian dogs (or German Shepherd dogs as I think they are more correctly entitled) to any area. I agree with what the honourable member put forward. It is quite improper to regard Kangaroo Island as anything other than part of South Australia. For that reason, I propose that the Committee should oppose the amendment.

Mr. CHAPMAN: The Minister indicated to me earlier today what his attitude was. I do not think at any stage the argument was put forward that Kangaroo Island should be regarded as separate from the mainland other than because of its geographical separation. The Minister is quite wrong in suggesting that permits may be granted or may be required everywhere else in the State, because that is totally untrue. There are only two areas in the State where permits may be applied for and granted, and they are Kangaroo Island and in the northern area of the State, which are those areas outside of local government zones. We are not dealing with the whole of the State with respect to this clause; we are dealing specifically with two areas in the State in which Alsatian dogs are totally banned.

The second reading explanation indicated some problems were occurring for travellers passing through areas in the North of the State. The Minister argued that it was necessary to allow people, in certain circumstances, to take Alsatian dogs into those northern areas. No argument whatever has been put forward that there has been a desire or a need to take Alsatian dogs on to Kangaroo Island. Therefore, if we have nothing to be afraid of with respect to public demand, why does the Minister not come clean and admit that Kangaroo Island's community justified its exemption for dogs of that type being allowed there some years ago? No evidence has been put forward to indicate that they should now be allowed in. To preserve the intention in the principal Act, the Minister ought to adhere to the amendment. I know he has the numbers in this place and that, irrespective of arguments of this type, he can use those numbers to knock out this amendment, but I think he is doing the Kangaroo Island community a disservice.

I do not often talk about the environmental aspect of any community in the State, but in these circumstances I think it reasonable to state that thousands of acres, indeed approximately 25 per cent of the whole area, of Kangaroo Island is a fauna and flora reserve or a national park of one sort or another.

The Minister is quite irresponsibly ignoring the significance of that area of South Australia in suggesting that he allow Kangaroo Island to be subject to permit entry of Alsatian dogs. He is selling down the drain those people he purports to represent. They happen to be a very real part of the departmental structure of the Government. This is not to mention the other 455 primary producers on Kangaroo Island who would have no desire to have Alsatian dogs before they put up their submission to have the island exempted in the first instance. I assure the House that there was no evidence whatsoever to show that any of those people have changed their minds. Indeed, I do not know a resident of Kangaroo Island, leave alone a primary producer, ranger or an officer of the National Parks and Wildlife Division, who would support the entry of an Alsatian dog into that community, permanently or temporarily. By refusing to recognise what is in the Act in its total sense, the Minister is opening the door and allowing an application to be lodged, and perhaps as a result a permit to be issued to allow a dog into that community where at this stage they are totally banned.

The Hon. G. T. Virgo: Have a look at the Act.

Mr. CHAPMAN: I have had a look at the Act and I know it quite clearly. I know why that section was put into the Act in the first instance.

The Hon. G. T. Virgo: Have a look at the Bill.

Mr. CHAPMAN: I have looked at the Bill.

The Hon. G. T. Virgo: You haven't understood it.

Mr. CHAPMAN: I have understood it. Let the Minister point out to the Committee where, as a result of the Committee ignoring my amendment, Kangaroo Island would not be subject to application for a permit to allow

Alsatian dogs to come in, as would be the case in the northern areas of the State where the Minister suggests that we allow such entry. The Minister has made his position clear, and I can only express disappointment at has attitude. What evidence does the Minister have from the northern areas of the State, in particular the pastoral area, to support the amendment he has introduced? If such evidence is not available from primary producers of that area, can the Minister indicate what consultation he has had with any of the rural organisations representing the vast rural community in the northern area of the State?

The CHAIRMAN: The question is "That the amendment be agreed to."

Mr. CHAPMAN: I have asked some specific questions of the Minister and I would like an answer before the motion is put.

The CHAIRMAN: It is beyond the authority of the Chairman to require the Minister to answer the questions.

Mr. CHAPMAN: Mr. Chairman, through you I would like to ask the Minister whether he is ignoring the specific questions I have put to him and is, indeed, refusing to answer them as they relate to the northern areas of the State?

Amendment negatived; clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

RAILWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2927.)

Mr. CHAPMAN (Alexandra): I commence my remarks by agreeing that the Opposition supports the Bill. All it proposes to do is give a Minister, who has demonstrated in this place that he ought not have any power at all, ultimate power over the Governor. The Bill simply proposes to transfer the powers in the Governor, or in the whole of the Cabinet of this State, to the Minister. It has been explained to me, although certainly not from the Minister's second reading speech, because it is hard to find that—

The Hon. G. T. Virgo: What?

Mr. CHAPMAN: The second reading speech is very hard to find.

The Hon. G. T. Virgo: It's there.

Mr. CHAPMAN: Yes, I have it. It is one paragraph. When we get to the Committee stage of this Bill, which I expect will be very short, I will have one or two questions to ask of the Minister.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Disposal of surplus land."

Mr. CHAPMAN: Can the Minister explain why he requires the authority to dispose of surplus land without the Governor's approval?

The Hon. G. T. VIRGO (Minister of Transport): The Act presently provides the procedure for the disposal of surplus land and requires me as the Minister to recommend to Cabinet, and then to Executive Council, that His Excellency the Governor approve it. The approval of His Excellency the Governor is not required to buy the land, and it is something that has grown up over the past 100 or so years that the Governor must approve the sale of land. In the old days there was probably a fear that some land dealings may have gone on where the Minister was involved.

Fortunately, we are not faced with that situation in South Australia at the moment, although there are suggestions of it in other States. The former Governor often drew our attention to the tremendous volume of paper work which went through Executive Council and which required his signature for the disposal or perhaps even for the transfer of land with no monetary consideration. It is simply a matter of good operational procedure that the Governor's involvement is being eliminated, with the agreement and approval of the former and present Governors.

Mr. CHAPMAN: At what stage does railways land become surplus?

The Hon. G. T. Virgo: When the Minister declares it to be so.

Mr. CHAPMAN: Can I take it that the Minister has the power to declare land to be surplus, even though it has a railway on it and that railway is operating? Last year, the Minister introduced a Bill to transfer land, previously railway land, where the railway had ceased to operate. The area involved covered the rail link to Glanville, and it was the subject of a special Bill.

The Hon. G. T. Virgo: That was a power to remove the line out of the main road. You had better go back and read the Bill.

Mr. CHAPMAN: I do not propose to do that. I would like to know whether "surplus land" embraces land on which a railway is functioning. If this Bill is passed, could the Minister then determine whether a railway link is required in the metropolitan area or not, and could he dispose of that link without coming either to the Governor or to the Parliament?

The Hon. G. T. VIRGO: Obviously, the only land that could be surplus to requirements is land which is no longer required. It would not have a service on it.

Mr. CHAPMAN: I know of people in the railway services at present who are frightened of this Minister's power. They believe that they cannot trust him any longer, that he has made promises to them about refusing to close certain lines within the metropolitan area.

The CHAIRMAN: Order! The honourable member is expanding the debate to a more general level. He should confine his remarks to the clause.

Mr. CHAPMAN: Clause 2 strikes out from section 84 subsections (1) and (3), which refer to the consent of the Governor being required before the Minister can dispose of any land. It proposes to delete the element involving the consent of the Governor, and to replace it by a provision giving total power to the Minister. What sort of land does the Minister have control over without reference to the Governor and the Parliament? He must have something in mind.

Mr. MATHWIN: I agree with the member for Alexandra. It is a matter of knowing what the Minister has in mind. All we want is a reasonable answer. The Minister talks of surplus land, and the member for Alexandra has asked a reasonable question.

The Hon. G. T. Virgo: I've answered it, and you haven't even listened.

The CHAIRMAN: Order! The Minister should not interject.

Mr. MATHWIN: What can the Minister say about the area of railway land in Brighton, just south of Jetty Road?

The CHAIRMAN: Order! If the honourable member is going to speak about specific tracts of land, it must be in a general sense. I do not want this Committee to deteriorate into a series of questions about specific pieces of railway land throughout the State.

Mr. MATHWIN: We are asking what the Minsiter has in mind. There are large areas of surplus land that could be used for community development. As an example, I

mentioned the area in Brighton, just south of Jetty Road, a fair parcel of land with nothing on it but a few old trees. It could be used by the community. The Minister must have something in mind.

The Hon. G. T. Virgo: Have you looked at the principal Act?

The CHAIRMAN: Order! I think the Minister is prolonging the discussion by his interjections.

Mr. MATHWIN: The Minister refuses to answer. In his second reading explanation, he said that this Bill was consequential on another Bill to come before the Parliament. It is difficult to understand what the Minister intends. The Minister would not introduce a Bill to take away the powers of the Governor unless he had some specific thing in mind.

What has the Minister in mind; what land is he talking about; and has he specific areas to hand over to local government for the betterment of the community generally? I could name many areas, particularly the one with which the Minister and I are familiar, because it passes through both our districts. Surplus land there could well be used by the community to the advantage of ratepayers.

The CHAIRMAN: Order! The question before the Chair is whether the Minister is to have the power to dispose of the land. The purpose to which the land is to be put, and the individual areas of land, are not matters for discussion under this clause.

Mr. MATHWIN: The clause deals with the disposal of surplus land. The member for Alexandra asked what surplus land the Minister had in mind, and the Minister refused to answer. All we want is a simple answer to a simple question. Will the land be for the community generally? The Minister is ignoring the question.

The Hon. G. T. Virgo: I've given you an answer, and you won't accept it.

Mr. MATHWIN: The Minister did not give us an answer.

The Hon. G. T. Virgo: Will you listen, if I give it to you?

Mr. MATHWIN: I have always been a good listener, and that is why I get on so well with members on both sides.

The Hon. G. T. VIRGO: I hope that I can again explain and that members will absorb the fact that the Bill is simply amending an existing piece of legislation which presently requires (and it goes back to the dim dark ages) the Minister to obtain the approval of the Governor for the disposal of land. The Bill simply seeks to relieve the Governor of the onerous task of having to give approval; it is as simple as that.

Mr. Mathwin: And gives you, as Minister, more power.

The Hon. G. T. VIRGO: If the honourable member knew what he was talking about, he would not make silly statements like that. At present, the Minister simply has to seek the approval of the Governor for disposal of the parcels of land no longer required for a particular purpose.

Mr. Mathwin: Like at Brighton?

The Hon. G. T. VIRGO: The honourable member will not listen, and that is why he is so confused. It is a fairly simple proposition. I am sure that, if the honourable member thinks about it during the next half an hour as he drives home, it should dawn on him that it is a sensible provision, rather than having to weigh down the Governor with the trivial task of having to dispose of various parcels of land. If by some chance the honourable member ever happens to see inside a Cabinet room, he will see the volumes of paperwork associated with the disposal of land. We are trying to streamline the procedure and to be more efficient, but we find that we have a couple of millstones around our neck.

Clause passed.
Title passed.
Bill read a third time and passed.

ADJOURNMENT

At 11.26 p.m. the House adjourned until Thursday 1 March at 2 p.m.