HOUSE OF ASSEMBLY

Thursday 31 May 1979

The SPEAKER (Hon. G. R. Langley) took the Chair at 10.30 a.m. and read prayers.

PETITION: MAIN ROAD 323

A petition signed by 1 163 residents of South Australia, praying that the House would urge the Government to upgrade and seal Main Road 323 between White Flat and Koppio, was presented by Mr. Blacker.

Petition received.

PETITION: MAIN ROAD 44

A petition signed by 295 residents and electors of South Australia, praying that the House would urge the Government to upgrade and seal Main Road 44 between Cummins and Mount Hope, was presented by Mr. Blacker.

Petition received.

PETITION: PROPERTY VALUATIONS

A petition signed by 192 residents of South Australia, praying that the House would urge the Government to revalue all properties assessed this year and to abolish land tax on residential properties immediately, was presented by Mr. Dean Brown.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions be distributed and printed in *Hansard:* Nos. 1, 3, 4, 5, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 30.

MODBURY-GAWLER FREEWAY

1. **Dr. EASTICK** (on notice):

1. Is it still intended that a Modbury-Gawler freeway corridor incorporating an Elizabeth East by-pass be built and, if so, what is the time schedule and, if not, what alternative planning has been undertaken to provide a long-term Gawler to Adelaide rapid road link?

2. Was this corridor to be linked with the Modbury-Adelaide corridor and, if so, does this plan and arrangement still obtain and, if not, why not?

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

1. No decision has been taken regarding the Modbury-Gawler corridor or the possible Elizabeth East by-pass. It is proposed to consider a number of alternative means of providing for future traffic between Gawler and Adelaide using data from the recently completed Metropolitan Adelaide Data Base Study.

2. Following the decision to construct an LRT facility in the Modbury-Adelaide corridor, the option to connect this corridor with a Modbury-Gawler corridor is no longer available.

SALISBURY LAND

3. **Dr. EASTICK** (on notice):

1. What is the total of Highways Department land holdings in the Corporation of the City of Salisbury and for what purpose is this land held?

2. What is the distribution of this land, has it increased or decreased in extent since 1 January 1978 and, if so, what are the details, including reasons for acquiring or disposing of any such land?

3. What is the estimated value of these holdings?

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

1. 104 properties are held for the following road proposals:

Project	No. of properties
Bagster Road	1
Bridge Road	5
Dry Creek Expressway	3
Diment Road	1
Gillman Highway	7
Kings Road	3
Main North Road	9
Martins Road Expressway	4
McIntyre Road—Ladywood Road Connector	2
Modbury Transportation Corridor	19
Nelson Road	1
North East Ring Route	9
Saints Road	3
Salisbury Highway Extension	7
Salisbury—Islington Highway	2
Winzor Street	27
Port Wakefield Road	1

2. *(a)* See 1 above

(b) Acquisitions since 1978—3 properties for the North-East ring route, 2 properties for Kings Road, 1 property for the Modbury Transportation Corridor, 1 property for the McIntyre Road—Ladywood Road Connector.

Disposals—1 property on the old North-South Transportation Route, the property no longer being required for this purpose.

3. This information is not readily available and the considerable effort which would be required to prepare an estimate is considered to be not justified.

4. **Dr. EASTICK** (on notice):

1. What is the total of Education Department land holdings in the Corporation of the City of Salisbury and for what purpose is this land held?

2. What is the distribution of this land, has it increased or decreased in extent since 1 January 1978, and, if so, what are the details including reasons for acquiring or disposing of such land?

3. What is the estimated value of these holdings?

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

Question 1 Vacant land owned by E.D. in L.G.A. of Salisbury		Question 2 Notional Use for land	Question 3 Estimated Value
Paraville P.S.	4·047 ha	School required post 1985	The value of each of these sites would be in the vicinity of $15 000 to $20 000/hectare
Salisbury East P.S.	3·833 ha	School required post 1983	
Salisbury Park H.S.	7·840 ha	School required post 1985	
Parafield Gdns. Sth. P.S.	3·724 ha	School to open Jan. 1982	
Salisbury Heights P.S.	4·736 ha	School to open Feb. 1980	
Salisbury South West P.S.	4·860 ha	Land being sold	
Salisbury Downs West P.S.	3·252 ha	School required post 1983	
Salisbury West P.S.	3·708 ha	Land being sold	
Parafield Gdns. N.W. P.S.	8·296 ha	Land to be exchanged to relocate site	
Parafield Gdns. Tech H.S.	16·290 ha	Portion for Parafield Gdns. H.S. and balance for Department of Further Education use	

WATER RIGHTS

5. **Dr. EASTICK** (on notice):

1. What is the Government's current policy relative to the transfer of permit water rights on allotments on the northern Adelaide plains and when was it determined?
2. If the policy differs from the policy in 1977, what is it and why were the changes, if any, made?
3. Is any alteration of policy currently under discussion?

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

1. The current policy determined over the 1969-1976 period states:

> A water allotment is made in respect of a well on particular land and cannot be permanently transferred to a well on other land.
>
> The main stress of this statement should be directed towards "in respect of particular land" since there are instances where land which has a water entitlement does not have a well. In such cases, properties have always been irrigated with water drawn from a well on the property of a neighbour. The source of supply could be varied by termination of the agreement with the neighbour and the entering of an agreement with another neighbour, or by the drilling of a well on the property with water entitlement but no well.
>
> Where different parcels of land come under the same ownership or under some leasing or partnership arrangement between different owners, which involves the management of those parcels as a unit, favourable consideration may be given to a variation of individual underground withdrawal licences by the temporary transfer of allotments applying to the individual wells involved. Such variations must be shown to be in the interests of better management.
>
> Documentary evidence must be produced that the period of establishment of partnerships, agreements or leases, is not less than three years.
>
> In the absence of such evidence, a request for transfer or amalgamation, unless it can be shown that it cannot be construed as a "trading in water rights", shall be refused.
>
> The above shall apply only so long as the leasing or partnership arrangements remain in force. Upon cessation of the leasing or partnership arrangements, the allotments shall revert to the original values for the particular wells as they existed prior to establishment of the partnership or joint ownership.

2. No difference.
3. The Government, through the Northern Adelaide Plains Water Resources Advisory Committee and the South Australian Water Resources Council, is continually re-examining its policies.

McNALLY TRAINING CENTRE

11. **Mr. MATHWIN** (on notice):

1. How many applications were received for the position of Supervisor of McNally Training Centre, recently advertised in the local press?
2. Was the position advertised in interstate papers?
3. What dates and in which newspapers was the position advertised?
4. What is the department's philosophy "of intervention in the lives of young offenders"?
5. Is the position now filled and, if not, when is it expected the decision will be made?
6. What are the qualifications of the successful applicant?

The Hon. R. K. ABBOTT: The replies are as follows:

1. Six.
2. No.
3. Saturday, 28 April 1979. The *Advertiser.*
4. The department's philosophy "of intervention in the lives of young offenders" is to prevent re-offending, and to assist in the personal development of these young people.
5. No. A decision is expected by mid-June 1979.
6. See 5. above.

LIGHT RAIL TRANSIT SYSTEM

15. **Mr. GOLDSWORTHY** (on notice):

1. When is it anticipated that construction work will begin on the light rail transit system to the north-eastern suburbs?
2. What is the projected programme for that construction work from start to finish?
3. What is the latest estimate of its total cost?

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

1. Mid-1981
2. This will be determined during the preliminary design stage which is now under way. However, at this stage it is reasonable to asssume that the line will be in operation somewhere between mid-1985 and the end of 1986.
3. $83 million in 1978 values.

RAILWAYS TRANSFER

16. **Mr. GOLDSWORTHY:** (on notice):

1. How much money has South Australia received so far, for the sale of the South Australian country railways to the Commonwealth Government?

2. What is the estimated saving to the State Budget from not having to fund the country railways deficit since the transfer?

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

1. The estimated amounts received by the State Government as a result of the transfer of the non-metropolitan railways to the Commonwealth are as follows:

	$m
1974-75	10·0
1975-76	29·8
1976-77	35·5
1977-78	41·7
1978-79 (preliminary)	46·2
	163·2

2. At the time the transfer took place, the State's base for the calculation of the Financial Assistance Grant was reduced by $29 000 000, an amount intended to offset approximately the benefit to the State budget of no longer having to meet the losses on non-metropolitan operations. It is estimated that during the "interim period" from 1 July 1975 to 28 February 1978, there was a net benefit to the budget of several million dollars arising from the fact that the non-metropolitan deficit grew more rapidly that the State's general revenue entitlement. Such comparisons are no longer possible now the operations of the non-metropolitan railways have been absorbed into the accounts of the Australian National Railways Commission.

TEACHERS

17. **Mr. GOLDSWORTHY** (on notice):

1. What is the estimate of the Government of the number of teachers in South Australia who are unemployed?

2. How many students from colleges of advanced education and elsewhere applied for positions as teachers for 1979 and how many were appointed?

3. How many teachers, if any, were appointed from interstate or overseas to start in 1979 in the Education Department?

4. What is the policy of the Government in relation to appointing teachers from outside South Australia?

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

1. As at 2 March 1979, 2 585 applications for permanent employment had been received and 697 were permanently employed. Since that time a further 355 applications have been processed but no count has been made of the further permanent appointments.

On the face of it, 1 888 were unemployed as at 2 March 1979. However, it should be noted that—

1.1 A number of applicants have withdrawn.

1.2 The figure of 2 585 includes overseas, interstate and other applicants who were found not to satisfy the minimum entrance requirements.

1.3 During the first term 1979, 497·3 full-time equivalent temporary relieving assistant contract appointments were made.

2. The following statistical table was prepared as at 2 March 1979:

Source	No. of Applic.	With-drawn	Not Qualified	Appointed
Non Exit	1 149	108	68	252
Adelaide CAE	185	33	4	69
Kingston CAE	129	19	2	24
Murray Park CAE	302	41	2	105
Salisbury CAE	52	8	1	11
Sturt CAE	231	27	3	85
Torrens CAE	288	39	6	98
Adelaide Uni.	120	20	1	29
Flinders Uni.	114	16	17	22
Other Colleges	15	1	1	2
Total	2 585	312	105	697

3. No teachers from interstate or overseas have been permanently appointed to start in 1979 in the Education Department except for one special open position in music (see 4 below).

4. Apart from special "open positions", e.g., Principal A, the policy in relation to appointing teachers from outside South Australia is as follows:

Interstate and Overseas Applications

Teachers who are not resident in South Australia but who can demonstrate that they can reasonably claim South Australian residency may apply and their applications treated as though they were applications from resident South Australian teachers.

Applications received from interstate and overseas should be accepted, acknowledged and held, subject to further processing if vacancies cannot be filled from South Australian sources. Such applicants should not be interviewed until it is clear that vacancies cannot be filled from local sources.

FIREARMS

18. **Mr. GOLDSWORTHY** (on notice): When is it anticipated that the regulations in relation to the control of firearms will be proclaimed?

The Hon. D. W. SIMMONS: On present indications, the regulations under the Firearms Act, 1977 will be introduced at the end of this year as previously stated.

POLICE FORCE

19. **Mr. GOLDSWORTHY** (on notice):

1. What stage has the re-organisation of the Police Force in South Australia, which was introduced by former Commissioner Salisbury, reached?

2. Is there any further re-organisation to be undertaken?

3. What are the benefits which will flow from this re-organisation?

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

1. Re-organisation of the Police Force of South Australia was initiated in 1973 as a result of a survey, which was set in motion in 1970 by the then Commissioner of Police, Mr. McKinna, who directed the Officer in Charge of Police Management Services (now the present Commissioner) to report on measures necessary to improve the efficiency of the force throughout the State.

Following a comprehensive in-depth survey (1970-71) a report of some 800 pages was completed early in 1972. There followed a change in Commissioner and the Officer in Charge, Management Services, was appointed Deputy Commissioner. In 1973 the latter directed the implementation of his recommendation successively in relation to general uniform police, C.I.B., Traffic and Women Police. This implementation was carried out with Mr. Salisbury's consent.

2. The major aspects of the re-organisation were completed several years ago and unless there is a

significant change in social, economic and environmental conditions in the community the present Commissioner considers that such large scale re-organisation will not be required for many years. In effect, the present organisation structure is adequate to meet any foreseeable expansion in public demand for police service. The structure simply requires re-inforcement of additional manpower as monitored workload indicates such a need.

It is therefore not anticipated that any re-organisation of such magnitude will be undertaken in the period of the next few years. However, it is expected that comparatively minor changes (as, for example, the introduction in 1978 of STAR Force) will be necessary as administrative judgments and research indicate the need. This is a continuing process of the S.A. Police administration.

3. The specific benefit of the re-organisation which was planned for in 1970-1972 and introduced in 1973 was a better use of resources available to the force, greater protection to the public in the maintenance of law and order and protection of life and property. Until any further re-organisation is conceived as a plan it is not possible to state what actual benefits will flow on, other than the general statement of improved efficiency and service to the community.

POLICE DOGS

20. **Mr. GOLDSWORTHY** (on notice):

1. What are the details of the work done by police dogs in South Australia?

2. How are police dogs used in the detection of drugs?

3. Has the introduction of the dog squad by the former Commissioner, Mr. Salisbury, proved a valuable adjunct to police work in the State and, if so, in what ways?

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

1. (1) *Building Searches*—These are conducted on all types and sizes of building at any time. They have a very high success rate with a guaranteed positive result where a person is within a building.

(2) *Open Area Searches*—If searches can be commenced within reasonable time and with a minimum human or elemental factor present, they can be, and have been, successful in relation to lost persons, fugitives and articles of property. In this type of operation, the dog can replace large numbers of personnel and achieve results in less time with a subsequent reduction of costs to the Department.

(3) *Tracking*—In this situation dogs have been used to track a person, whether lost or an offender, where a definite starting point can be determined.

(4) *Preventive Role*—Members of the Dog Squad are used in a general patrol situation including schools, nursing homes, hospitals and similar places where there has been activity of the prowler/peeping-tom type of offender. The visible presence of dogs in these areas has helped to reduce the recurring offence. This aspect of the Dog Squad activity has also been very useful in performing security guard type duties in V.I.P. situations.

(5) *Drug Detection*—At present dogs are used only in the detection of cannabis but training is to be extended to include hard drugs, i.e., heroin. The success rate in this area is extremely high, even under unfavourable conditions. Cannabis has been detected by the dogs in places where it would be unlikely to be detected by human beings. The capabilities of the dogs in this area have been highlighted by the fact that, on a number of occasions, drug offenders have produced illegal drugs to police officers on being aware of the presence of police dogs.

2. See (1)-(5).

3. Numerous instances have occurred where the use of dogs has obviated a protracted operation by police which, by its nature, would have consumed valuable man hours and entailed costly logistic support. This pertains predominantly to the search situation, both building and open area, where positive results have been achieved in a short time. The results so far achieved by the dogs are encouraging and the availability of this resource, particularly in search situations, is seen as a useful adjunct to the operations of modern Police Forces.

WALLAROO JETTY

21. **Mr. GOLDSWORTHY** (on notice):

1. What compensation, if any, has been paid by the owners of the Chinese ship *Wuzhou* as a result of the collision with the Wallaroo jetty?

2. When is it anticipated that the matter will be finalised?

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

1. Nil.

2. This matter was the subject of a case before the High Court of Australia, and the court has not yet delivered its judgment. It is not possible therefore to say when the matter will be finalised.

CABINET MEETINGS

22. **Mr. GOLDSWORTHY** (on notice): Does the Government intend to have any Cabinet meetings in country centres and, if so, where and when?

The Hon. J. D. CORCORAN: I have already publicly announced that Cabinet plans to meet at Mount Gambier on Monday 25 June 1979, following an invitation from the Corporation of the City of Mount Gambier. A meeting of Cabinet will I hope be arranged later this year at Port Pirie, where the council of that city has also invited Cabinet. If the meetings prove successful, as I am sure they will, it is planned to hold further Cabinet meetings in country centres periodically.

EDUCATION COUNCIL

23. **Mr. GOLDSWORTHY** (on notice):

1. Has the Government disbanded or is it disbanding the Council for Educational Planning and Research?

2. How many persons are currently employed in the council?

3. What are their positions, titles, and salaries?

4. If the council is to be disbanded, where will they be employed in future?

5. If any officers are to be retired, what are the financial provisions for their retirement?

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

1. The South Australian Council for Educational Planning and Research will cease to operate from 30 June 1979.

2. Fifteen.

	Gross salaries per fortnight $
3. Executive Director (EO4)	1 262·40
Chief Research Officer (RO4)	1 039·40
Chief Planning Officer (RO4)	1 039·40
Senior Research Officer (RO3)	914·68

	Gross salaries per fortnight $
Research Officers (RO1)—	
Seven persons	445·50-616·20
Administrative Clerk (CO2)	439·66
Steno-Secretary (MN2)	410·90
Office Assistant (Qualified)	235·30
Illustrator—Technical (TO1)	742·59

4. One has reached the age of retirement. Three have secured employment in tertiary institutions. The remainder have received offers of employment in other Government departments or statutory authorities.

5. One has reached the age of retirement and will be covered by the normal provisions applicable to superannuation and long service leave.

ENERGY CONSERVATION

24. **Mr. GOLDSWORTHY** (on notice):

1. When is it anticipated that the working party formed to investigate energy conservation in South Australian Government buildings will report its findings?

2. What are the terms of reference of this working party and where will it be conducting its investigations?

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

1. As a part of the Government's overall programme to conserve energy, the Public Buildings Department has established an Energy Conservation Committee, which will work in co-operation with the Energy Branch of the Department of Mines and Energy and the Energy in Buildings Working Group of the South Australian Energy Council. To ensure that the committee's recommendations are available at the earliest opportunity, it is not proposed that the committee should bring down a final report; rather, the committee will assume an on-going role with the recommendations being implemented progressively during the course of its research.

2. The terms of reference of the committee are to:

(1) Formulate and implement energy conservation strategies for existing buildings and establish guidelines for use in the design and construction of new buildings.

(2) Establish energy consumption criteria for such buildings.

(3) Monitor the design of new Government projects to ensure that they meet energy consumption criteria.

(4) Monitor the use of energy in buildings and in co-operation with users initiate a programme to reduce energy consumption.

(5) In co-operation with the Energy Branch of the Department of Mines and Energy and the Energy in Buildings Working Group of South Australia Energy Council (S.A.E.C.) foster awareness of energy conservation in Government buildings.

(6) Initiate and monitor research and development in the energy conservation field in the design of building fabric, the design and operation of engineering services and in accommodation management.

(7) Keep abreast of current developments and techniques in the above fields.

The operation of the committee will be confined to those Government buildings presently the responsibility of the Public Buildings Department, this includes schools, hospitals, police, courts, and general office accommodation for the Public Service. The recommendations of the committee will be applied to all Government buildings through the close liasion which has been established between the committee and the Energy Branch of the Department of Mines and Energy.

FIRE EXITS

25. **Mr. GOLDSWORTHY** (on notice): Does the Government intend to require property owners to install green and white striped fire exits in South Australian buildings as announced by the Minister of Local Government on 15 March 1979 and if so, what is the time table for such installations?

The Hon. J. C. BANNON: The Building Fire Safety Committee for Adelaide, in conjunction with representatives of the Retail Traders Association and the Building Owners and Managers Association specifically developed the green and white striped fire exit door design for use in large retail stores where conventional identification of exits is inadequate. It was agreed with the Retail Traders Association that the store owners would co-operate in the introduction of the new method of identification and implement such identification as soon as possible. The Building Fire Safety Committee believes that distinctive identification of exits is a vital factor in fire safety in retail stores, in particular, and expects that these should be identified with the green and white striped design in the next few months. If store owners refuse to co-operate in the introduction of better identification of exit doors, the Building Fire Safety Committee may eventually require the owners to install such identification by using their powers under Part VA of the Building Act, 1970-1976.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT

26. **Mr. GOLDSWORTHY** (on notice): When does the Government intend to proclaim the sections of the new Children's Protection and Young Offenders Act relating to transfers to prison from McNally of offending inmates?

The Hon. PETER DUNCAN: 1 July 1979.

PERSONALISED NUMBER PLATES

27. **Mr. GOLDSWORTHY** (on notice):

1. How many personalised number plates have been issued in South Australia?

2. How much additional revenue will be raised this year from the sale of these plates?

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

1. 2 789 as at 25 May 1979.

2. About $270 000.

REDCLIFF PROJECT

30. **Mr. DEAN BROWN** (on notice):

1. Why has not the Minister by way of letter answered Question No. 1162 from the last session of Parliament?

2. Will the Minister now answer this question?

3. Is the question too difficult for the Minister to answer?

The Hon. HUGH HUDSON: I have taken up the contents of the honourable member's question with the Dow Chemical Company with a view to securing the public release of certain communications and letters and when I have further information for the honourable member, he will be informed.

QUESTION TIME

POWER BLACKOUT

Mr. TONKIN: Will the Premier say what action the Government will take to prevent any repetition of the power blackouts suffered by the community during the past 24 hours as a result of illegal picketing at the Torrens Island Power Station? The blackouts suffered by the community last night have caused widespread concern and distress. Last night I received telephone calls from people in the medical and nursing professions, in small businesses, and working in industry. They all expressed their shock and resentment that the actions of a few people could hold the State to ransom by withholding power from the rest of the community at short notice.

One caller suggested that the community should go down to Torrens Island and give the pickets a piece of their mind. All expressed the view that such an interruption to the State's essential power supply should not be possible, and that the Government should act to protect the continuity of our electricity supply. It was said to me that it would take only one tragedy resulting from the cutting off of power in an acute medical case, or some other circumstance, to turn this into a tragedy. While hoping that the Government will now act to restore power supplies as soon as possible, what action will the Government take to prevent a recurrence of picket-caused power cuts in future?

The Hon. J. D. CORCORAN: I, and the Government, view seriously the situation that has developed as a result of this picketing of Torrens Island power station. The Government has no more desire than has the Opposition to see a continuation of the disruption of power supplies as a result of this dispute. The Government acted quickly in this matter through the Minister of Labour and Industry, who yesterday afternoon and last evening conducted a meeting of some three hours with both the company representatives (that is of T. O'Connor & Sons) and representatives of the union involved, in order to try to find some solution to the problems that exist: and there are a few of them, it is not just one problem in isolation. I do not propose to go through those problems in detail because they are the subject of fairly delicate negotiation. It is not the union alone that is at fault. The Leader would recognise that there are two parties in every dispute, and certain actions on the part of the employer have led to members of the union involved getting themselves into such a state of mind that they thought it was necessary to do what they have done in order to draw attention to their plight.

It is not just connected with unemployment, or with the possibility of their becoming unemployed soon. Late last evening, the Minister of Labour and Industry contacted me on this matter, and he did so again early this morning, because it was expected that a meeting held on the site of the picket this morning might resolve the matter, so that the picket would be lifted, bearing in mind that, from the moment the picket is lifted, it will take four hours for power to be restored to normal.

The Minister has met again with representatives of the unions this morning, and a proposition has been put to the unions that has been taken back to a meeting to be held at 11.30 a.m. The union officials involved have indicated to the Minister that they are prepared to put the proposition to the men involved and to support it. We are hoping sincerely that this will result in the removal of the picket from that time.

One of the great problems the Government has in this matter is that, with the responsibility it carries, it does not do anything to see that escalation occurs, either through heavy-handedness or doing something to aggravate what is a very delicate situation. It is all very well for the Leader to sit where he sits, without responsibility—not that he has suggested at this stage (I must be fair to him) that we should move in and forcibly remove the picket.

I want to make clear that that is not the attitude of this Government. This Government will not take action of that nature, because it recognises that that would lead only to a severe escalation of the problem. The responsible way to handle the situation is the way in which the Minister of Labour and Industry has handled it. He has dealt with the matter extremely well so far, and at this stage I do not want to inflame the situation by suggesting to the House or to anyone else that the Government proposes to take any action in future to prevent this sort of thing happening. I am not going to say that now, whether the Leader wants me to or not—

Mr. Tonkin: The people want you to.

The Hon. J. D. CORCORAN: —or whether the people want me to or not. I can assure the Leader that I am doing nothing at this moment that would lead to an escalation of the dispute.

TRANSPORT EXPENDITURE

Mr. GROOM: Following the successful opening yesterday of the Swanport Bridge, which is a credit to South Australia, will the Minister of Transport give details of major programmes of road construction to be undertaken in this State?

Mr. Wotton: Very successful—

The Hon. G. T. VIRGO: I hope that the member for Murray enjoyed the illustrious company he had in his area yesterday.

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

The Hon. G. T. VIRGO: In opening the bridge yesterday, I announced that, in the area of national highways, the area in which the building of freeways is involved, we expected in the 1979-80 financial year to spend certain sums, subject to the approval of the Federal Minister. I must stress that that expenditure is subject to his approval. We have sought the Minister's approval, but he has gone overseas without giving it. We assume, from press statements, that he will not be hostile this time, as he has been to our requests in the past. We expect to spend about $4 000 000 on the Dukes Highway, to assist those people who have travelled on the freeway and on the Swanport Bridge to proceed farther under better and, more importantly, safer conditions. The by-pass via Coomandook is to be built, and I know the member for Mallee is pleased about that. The other major jobs we will be involved in include the completion of the Cavan overpass.

All members travelling north, including the member for Salisbury, who has been very active on this matter, will be pleased to know that. It is expected that it will be completed in about December. We will start building the by-pass of Virginia and Two Wells, which is long overdue, and completing the Port Germein by-pass between Port Augusta and Port Pirie. The other major job that we are going to do a little more on is the famous Stuart Highway.

Mrs. Adamson: Montacute Road?

The Hon. G. T. VIRGO: I do not know whether the honourable member would regard Montacute Road as having a higher priority than the Stuart Highway. It is not possible to spend money on Montacute Road that is designated for national highways, because that road is not a national highway. I do not think even the honourable

member could persuade Peter Nixon to regard it as such. In all seriousness, we are in the process of finalising a document in relation to the Stuart Highway. It will be circulated to all members on both sides in both Houses, and to all South Australian members of the Federal Parliament. We are asking for support from all members, irrespective of Party, to a request of the Federal Government to provide funds so that the Stuart Highway can be built reasonably soon.

If we proceed as we are at present, paying for it out of our meagre allocation—and one cannot describe it as anything else—from Canberra, we will probably finish sealing this highway at the turn of the century. At that stage, South Australia will have greatly suffered economically because of the turn of transport towards Brisbane rather than to Adelaide. That is something we cannot afford to risk. Furthermore, people in places such as Woomera, Coober Pedy, and so on, must all be given a means of access irrespective of the weather. I hope all members will join with us when I circulate this paper to them, and that they will all play their part and really put the pressure on Canberra to get the funds that are needed to provide South Australia with the link with the national highway that is so urgently needed.

TORRENS ISLAND POWER DISPUTE

Mr. DEAN BROWN: Can the Premier say what action the Government took yesterday afternoon in the power dispute, to get the afternoon shift into Torrens Island by means other than the road? What action will the Government take to ensure that all people, including unionists, uphold the general laws of this State, particularly during industrial disputes? It was fairly obvious that the afternoon shift could not enter the power station unless the picket line was removed, or there was another means of getting into the power station. To my knowledge, it would have been fairly simple to have taken the afternoon shift in by means of a boat or even a helicopter.

The SPEAKER: Order! The honourable member is now commenting. I hope he will not continue to do so; if he does, he knows the consequences.

Mr. DEAN BROWN: What action did the Government take to protect the general laws of this State? It is well known that the South Australian Government has twice previously deliberately made sure that no action was taken to force a group of unionists to uphold the general laws. I am referring to obvious breaches of the Road Traffic Act, the Police Offences Act and Motor Vehicles Act. The picket line that was imposed yesterday was imposed on a public road.

Therefore, the Government has power under existing general laws of this State, administered by the police, to take appropriate action. On 24 April, I wrote to the Premier and challenged him through the news media to indicate the role of the police in industrial disputes that involve a clear breach of general laws administered by the police. Although he at first ignored the challenge, he finally accepted it. On 10 May, the Premier replied:

> In such circumstances, it is now standard police practice, learnt through experience, that minor breaches of the law often have to go unchecked in order to maintain the general peace and good order of the community. The enforcement of a minor breach of law could precipitate major offences beyond the control of the police to the detriment of the community.

I have read the quotation because it was clear last night that the community was suffering and that no action had been taken.

The SPEAKER: Order! Although the quotation was quite permissible, the honourable member is still commenting, and he must cease doing so.

Mr. DEAN BROWN: Thank you, Mr. Speaker; I do not wish to comment. I ask the Premier to consider the reply he gave me, in terms of the suffering of the community last night.

The Hon. J. D. CORCORAN: If ever the honourable member becomes Minister of Labour and Industry in a Liberal Government, God help industrial relations in South Australia. Any member who can stand—

Mr. Dean Brown interjecting:

The SPEAKER: Order! The honourable member has already asked his question, and was heard in silence. He must not interject.

The Hon. J. D. CORCORAN: Any member who can stand in the House and suggest, as the honourable member has done, evidently seriously, that we should have sought some alternative means of getting the afternoon shift into the Torrens power station, such as a helicopter or a boat (it is a wonder that he did not come up with a submarine, or putting a pulley on the power lines to run them in), must be suffering from the result of an unhappy married life, or something of that nature.

The SPEAKER: Order! I hope that the honourable Premier will stick to the reply.

The Hon. J. D. CORCORAN: If the matter were not so serious, I would ignore the question. However, I cannot do that, because it is a serious matter. If that kind of action were even contemplated, it would lead to a rapid escalation of the problem, and the honourable member knows that.

Mr. Dean Brown interjecting:

The SPEAKER: Order! The honourable member was still interjecting, even when I was on my feet. I call him to order.

The Hon. J. D. CORCORAN: If, as I hope and trust, the meeting at 11.30 a.m. removes that picket line, it will be a tribute to damn good sense, and this would not be the case if the honourable member were in the position of making decisions. He would have the whole State out in no time flat.

I do not wish to alter one word of the reply I sent him. The Police Force of this State is to be commended for the commonsense way it has always tackled these situations of confrontation. The most recent example was the truckies dispute, which the honourable member supported, and it was due only to the good sense of our Police Force that there were not some ugly scenes indeed as a result of the confrontation on that occasion. The Government does not intend to instruct the force at this stage, or at any stage in the future that I can think of, to do anything other than what it has done in the past in these sorts of situation.

Mr. DEAN BROWN: Mr. Speaker, on a point of order, at no stage did I indicate my support for the truck blockade. The Premier has completely misrepresented what I said.

The SPEAKER: There is no point of order.

SALISBURY PRIVATE HOSPITAL

Mr. HEMMINGS: Can the Minister of Health assure honourable members that the recent announcement to build a private hospital at Salisbury will not adversely affect any decision regarding the proposed Para Districts Hospital? It was reported in the press last week that a 68-bed private hospital with all facilities would be built by Frustum Nominees adjacent to the proposed Para Districts Hospital site, and would be completed by mid-1980. I understand that, since that announcement, an application

for a further 42 beds has been received by the Corporation of the City of Salisbury. This week, I have been approached by many constituents who fear that the 110-bed private hospital could not only affect a decision on the Para Districts Hospital but also result in local doctors transferring their operations to the private hospital and refusing to operate at the Lyell McEwin Hospital.

The Hon. PETER DUNCAN: The position, as I understand it, is that this new private hospital to be built in Salisbury, adjacent to the site of the proposed Para Districts Hospital, will not, to any extent at all, affect the decision about the construction of that hospital. It will certainly be a hospital that will serve a different clientele and provide a different kind of service from the new public hospital proposed for the adjacent site in the Salisbury area. I cannot comment authoritatively on what effect the building of this hospital might have on the use by the local doctors of either the existing Lyell McEwin Hospital or the proposed new Para Districts Hospital, although I point out to the honourable member that this private hospital will not have the same type and quality of facilities as will the new Para Districts Hospital. Of course, such a choice would not be available to the local doctors in many instances. I do not believe that local doctors will show any particular favouritism for this institution over the existing Lyell McEwin Hospital.

In fact, with the way medical and hospital insurance is increasing as a result of Federal Government policies, many people in the Elizabeth and Salisbury areas will find that private insurance is quite beyond them. I imagine that, as a result, there will be even greater pressure that otherwise would have been the case on the Lyell McEwin Hospital public wards and subsequently on the new Para Districts Hospital when it is completed. I expect that the new Para Districts Hospital will be at the concept stage later this year; soon thereafter, the Government will be able to consider the programme for its construction. At present, the concept has been referred to private consultants for advice, and I hope that their report will be available before the end of the year. A firm decision can then be made about the construction of the new Para Districts Hospital.

PRIVATE CONTRACTORS

Mr. GOLDSWORTHY: Does the Premier intend to change Government policy regarding letting out more work to private contractors to give effect to his statement that he will encourage business and enterprise in South Australia? Members know that the Premier has been given some credit for the statements he has been making lately about encouraging business and investment in South Australia, and the private sector is now looking for some tangible evidence to back up these statements.

Private contractors have been complaining for some years now that, under the present Government, they have been bearing the full brunt of the economic down-turn, and that the Government has been building up its construction force over the years to their detriment. They are currently very concerned that the railway over-pass at Regency Park, to cost about $3 500 000, will be constructed by a Government department and not by the construction industry. I do not know whether that concern is well based. They have complained previously about Government works being done by Government departments, including the Cavan bridge, which is being constructed by the Marine and Harbors Department. I think that the brass plaque with the Minister's name on it was going to be let out to private tender—that is about all. Will the Premier reassure construction contractors that they will get a better deal from the Government from now on, and what is the situation in relation to the over-pass at Regency Park?

The Hon. J. D. CORCORAN: The points raised by the honourable member have been raised with the Minister of Transport and me on a number of occasions by officials from the civil construction area in this State.

Mr. Goldsworthy: They don't get much change out of the Minister.

The Hon. J. D. CORCORAN: That is not the case. I can tell the honourable member that the Minister of Transport has said publicly that if we can get the sort of money that we need from the Commonwealth Government for the Stuart Highway the contract for that highway will be let to private enterprise. What else do you expect from the Minister?

It is of concern to me that so many contractors in this area have not been able to get work from the Government. The reason is quite simple and obvious; the Government has suffered as much as anybody else from the rapid down-turn in public works. It has had to take stock of the surplus labour that it has in its own workshops, and everywhere else. One cannot, suddenly, turn the situation over so that people in Government workshops are left idle while work is given to private enterprise. The honourable member would not want me to do that. In fact, he would be up on his feet in this House criticising the Government if it did that.

We have to see to it that our own work force, as it stands at the moment, is working. It has been wasted, as I have pointed out to the honourable member on numerous occasions; in fact, the Engineering and Water Supply Department alone, over the past two or three years, has wasted about 400 people from the work force. That sort of thing is going on constantly because the Government has a policy of no retrenchment. That policy is a sound one when one wants to maintain skills in one's work force. It is a sound policy, too, on the basis that we do not want to tip additional people into the unemployed area in this State, and that would happen if the Government had any other policy. The Government is constantly reviewing its policies in this area, and the honourable member knows that because I have told him that that is the case.

The Government does have some work that is surplus, but not the amount of work that it used to have. That goes without saying, and that would be the case if we were not doing one single bit of work for ourselves. I have often said to the honourable member (and the member for Davenport picked it up) despite what he said prior to the 1977 election (I think it was)—that he would virtually sack the whole Government labour force—that if there were a change of Government there would not be a change of policy by that Government because many other factors have a bearing on any change of policy, irrespective of the whims of the Government.

Mr. Goldsworthy: You had the wrong policy to start with.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: It may be that the honourable member can argue that; I am saying that that is the policy and it is a policy that the unions that have a work force in the Government would demand should not be altered. What I am saying to the honourable member is that I recognise the plight of private contractors. I would dearly like to be able to help them and, if there were an up-turn in activity, they would reap the benefits of that up-turn; there is no question about that.

Mr. Goldsworthy: What about the Regency Park over-pass?

The Hon. J. D. CORCORAN: So far as I am aware the work at Regency Park will be carried out by the Marine and Harbors Department, again, for the very reason I mentioned initially— that there is labour surplus to its own workshop requirements, and it is proper management practice to see to it that no matter what area or department of Government it may be that, if there is a surplus work force that has to be put to effective work, we have to see to that first. That is the case with the Regency Park bridge over-pass.

The structural steel work involved, the workshop work required for the project, will be carried out by the Marine and Harbors Department. I undertook to Mr. Robinson, from the Construction Engineers Association, who came to see me, that we would inform his association of any work the Government was going to do, and give the reason for doing it, but, where possible, we would let the work out to contract.

FLINDERS RANGE

Mr. KENEALLY: I would like to address a question to the Minister of Community Welfare, the first since he has joined the South Australian Cabinet. I would like to do so, but, I shall direct the question instead to the Minister of Planning.

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

Mr. KENEALLY: Can the Minister clarify some of the issues and concerns which have been expressed following the publication of proposed planning regulations for the Flinders Range? Some two or three weeks ago, with the member for Rocky River, I attended a meeting of concerned people at Wilmington. As the member for Rocky River would be able to confirm, much concern was expressed about the regulations. The concern arises, I believe, from a misunderstanding of the purpose of the regulations. Is the Minister able to say what the position is, so that the people in the Flinders Range area can be assured of the real purpose of the regulations?

The Hon. R. G. PAYNE: I shall be happy to try to introduce some light into this matter, which has generated a fair amount of heat. I trust that the concern expressed at the meeting was not due to the presence of the member for Rocky River; I do not suggest that that is so. I have had a similar experience to that of the member for Stuart. There have been many comments, and it is clear that the purpose of the regulatons has been widely misunderstood. These draft regulations were produced to cover those areas of the Flinders Range lying within the district councils of Port Pirie, Port Germein, Wilmington, Kanyaka/Quorn, and Hawker and the 'out of council' area extending north to Arkaroola. They were designed to implement the existing policies relating to the range, which are set out in the development plan for the area which was authorised in 1973. The intention of the regulations was to strengthen controls over non-agricultural use of buildings in the Flinders areas, and to hand back to local councils controls over buildings of an agricultural nature. I notice some interest appearing on the faces of Opposition members, perhaps indicating that there was no clarity previously in their minds on the subject.

Currently, the State Planning Authority exercises interim development control over all buildings in the Flinders Range area. Although the draft regulations have been prepared in conjunction with local councils, I stress that it is clear that the complex legal language of the proposals has led to much of the present misunderstanding.

It was never the intention of the Government to force these regulations down the throats of local communites. The fact that local councils were involved in the preparation and drafting of the regulations would indicate and support that point.

However, in view of the widespread concern expressed over the past few weeks, I will be advising the State Planning Authority not to proceed with the regulations as drafted. I have today instructed officers of the Housing, Urban and Regional Affairs Department to consult with councils and with local representative groups in the 'out of council' areas with a view to seeking simpler alternative means of ensuring appropriate controls in the Flinders Range.

In particular, I have asked my officers to discuss with councils the possibility of the State Planning Authority delegating the exercise of interim development control over buildings of an agricultural nature to councils pending joint consideration of alternative forms of regulatory control. I should stress that written objections already received on the draft regulations will be taken fully into account in the review. Finally, I have also asked officers to talk to councils and local representative groups about preparing simple design guidelines for use by councils and landowners in the siting of essential structures in this area which, I believe, most South Australians would agree is a vital part of the State's natural heritage.

INVESTMENT

Mr. RUSSACK: Now that the Premier has had time to reconsider his reply given in answer to the Leader's question last Thursday regarding investment, what explanation does he have for the facts outlined by the Leader? To refresh the Premier's memory, the Leader of the Opposition asked the Premier what action the Government would take to remedy the present lack of committed and projected investment in this State, in the mining and manufacturing industries, as outlined in the latest national survey of new investment released by the Industry and Commerce Department on 22 April. Under the categories of committed and final feasibility projects in Australia, the industry and commerce statistics show that South Australia's proportion of the national total of available investment funds is 2 per cent, as opposed to New South Wales 15 per cent, Victoria 14 per cent, Queensland 19 per cent, Western Australia 43 per cent, and Northern Territory 4·9 per cent.

I am repeating this question because, when it was asked of the Premier last week, it was apparent that he was not aware of the existence of these figures. In attempting to answer the question, the Premier asked whether the Opposition Leader was talking about the payments made to the various States by the decentralisation advisory board. Then he said, after the Opposition Leader had allowed him to read the question, that he did not know whether the Opposition Leader was comparing South Australia's position with that in other States, because the Leader had not given the figures for other States. I can assure the Premier that the Leader did provide comparative figures. I trust that the Premier's second attempt at answering the question is more satisfactory than his first.

The Hon. J. D. CORCORAN: I was going to answer this question by saying that I had nothing further to add to the reply that I gave the Leader of the Opposition last Thursday. If the honourable member had cared to read on, I went on to cite a number of things that we were doing in this State in an attempt to attract, not only new industry to this State, but an expansion of existing industry. One of

the things this Government is concerned about is existing industry, and particularly small industry. If the honourable member looked at the figures in relation to employment, he would see quite clearly that small industries—industries which employ 20 people or below—are growing quickly and employ most of the people in the workforce in this State. It is extremely important that we look at that area, and that is one of the reasons why I have said that we are reviewing the incentives we have offered to industry to expand within, or come to this State.

I said I was not going to add any more to my previous reply, but I wanted to point out to the honourable member that, if he watched television last night, he would have seen the Minister of Economic Devlopment. Indeed, later in the evening there was also a promotional function at Ayers House in regard to the development which has taken place in the Riverland—and the member for Chaffey would be very well aware of that—and which will lead to the full-time employment of about 200 people and, indirectly, to the employment of many others. This will be of great benefit to the producers in that area. This exercise has taken place between Henry Jones I.X.L. Company and the Riverland Co-operative and was promoted by the Economic Development Department and the South Australian Development Corporation. This promotion will be very successful and will provide the sort of fillip that is very badly needed in the Riverland region.

That is an example of the sort of thing that can happen, and the Government is constantly on the look-out to see whether or not we can assist when approaches are made on whether we can help in other ways. We will continue to do that with the utmost vigour. It must be made perfectly clear that until such time as the review I have spoken of is available to me, it will be difficult to know whether or not we are going in the right direction. I hope that that review will provide some of the answers that I believe are needed in order to do better than we have done in the past.

ROAD TOLL

Mr. SLATER: Can the Premier say whether the proposal for additional police traffic patrols, such as radar patrols and amphometer patrols, will assist in reducing the road toll in South Australia, and whether the recruitment of police personnel required for this purpose will be undertaken outside the present numbers of the Police Force or come from the police cadets? If that is not the case, will the officers employed in respect of the patrols detract from the nature of other police work required in this State?

The Hon. J. D. CORCORAN: The first part of the honourable member's question could be answered "Yes, the Government believes that the additional policemen with the equipment that will be provided will be a real factor in helping to control, we hope, the carnage going on on roads in South Australia and, indeed, throughout Australia at present." At a high-level conference with the Commissioner of Police, the Chief Secretary, the Minister of Transport, and representatives of the Road Traffic Advisory Council it was decided that the only effective way in which we could make some impact on what is a disastrous scene this year in South Australia was to employ extra policemen and to provide additional equipment. I think that it will cost the State Government about $1 200 000 annually to do this. However, that is not of great concern: the concern the Government has is to reduce the road toll, and we believe that the presence of a policeman in a police vehicle, or of radar or an amphometer, will lead to a reduced road toll.

The specific administration and increase in size of the force is a matter for which the Chief Secretary is responsible. I will direct that pa f the question to him and see whether I can obtain for t honourable member a considered reply, which I will let him have by letter if the House is not sitting.

POWER BLACKOUT

Mr. MILLHOUSE: Can the Premier say whether the Government is content to let a few people disrupt the work, convenience and comfort of the community in the way in which it is now being disrupted? My question is supplementary to the question asked at the beginning of Question Time by the Leader of the Opposition. I was alarmed to hear the Premier say, in replying, that he would not say that the Government would take any action in future that would lead to an escalation of an industrial dispute. To me, that is merely an invitation to other small groups—

The SPEAKER: Order! I do not want the honourable member to comment.

Mr. MILLHOUSE: No, Mr. Speaker, I will not comment, but merely point to the effect of the statement as being an invitation to other small groups in key positions in the community to cause disruption. The Leader mentioned that a number of people had telephoned him last night. My wife had a similar experience, because I had already gone to bed when the power was turned off.

The SPEAKER: The honourable member is commenting again.

Mr. Becker: I hope you had a cold shower this morning.

Mr. MILLHOUSE: For the benefit of the member for Hanson, I can assure him that I always have a cold shower: I never have a hot shower; so, that did not worry me one iota this morning.

The SPEAKER: Order! That is not part of the honourable member's explanation.

Mr. MILLHOUSE: It is not, but the honourable member interrupted. I know that the Premier would not have had the same experience as did the Leader and I last night, as he is not in the telephone book, and people cannot get to him.

The SPEAKER: Order! I hope the honourable member does not continue in that vein, otherwise I will withdraw leave.

Mr. MILLHOUSE: I apologise, if I have transgressed. I will recount, in explaining my question, what one person who rang me this morning said: "Unless the Government is prepared to govern, it ought not to be the Government at all." He was linking his remark with what is happening at present. The attitude of the Premier in replying to the Leader's question this morning was typical of his predecessor, whom I have heard say that on many occasions.

The SPEAKER: Order! The honourable member must not continue in that vein.

Mr. MILLHOUSE: We now have a new Government, and the Premier seems to be running away as quickly as he can from the image of his predecessor. If he were to change his attitude on this matter, it would help him more than would anything else.

The SPEAKER: Order! I hope that the honourable member does not comment like that in the future.

The Hon. J. D. CORCORAN: The honourable member asked whether the Government was content to let this happen. I have made perfectly clear to the House, and through it to the South Australian public, that the

Government certainly is not content to let this matter develop. Indeed, it has taken reasonable, rational steps to try quickly to bring it to a satisfactory conclusion. If we followed the sort of attitude that the honourable member and the people that telephone him and talk in the vein that they do would advise, there would be no early solution to this problem, and the honourable member knows that.

The honourable member has tried to belittle the Government regarding this matter. The Government is governing, and the actions which it takes and which it has taken already regarding this matter are perfectly proper; the honourable member knows that, too. The honourable member has misquoted me. I said in this House (and, of course, the honourable member can shake his woolly little head) that—

Mr. Millhouse: I wrote it down—

The Hon. J. D. CORCORAN: The honourable member is not very good at longhand, and I do not think he does shorthand. I remind the honourable member (and the Leader can refute this if he likes) that I said that I would not make a statement to the House or to the people of this State about any future action that the Government is going to take at present, as that could lead to a further escalation of the problem as it exists. That is what I said.

Mr. Tonkin: You're not going to say anything?

The Hon. J. D. CORCORAN: Not at this time. I do not think I need to say any more to the honourable member in reply to his question, as I have made perfectly clear the Government's position on this matter.

SITTINGS AND BUSINESS

The Hon. G. R. BROOMHILL: Will the Premier say whether the Government will consider altering the business of the House to enable it to sit during the mornings on a permanent basis? My question flows from the experience that we have had in the past couple of sitting days because of the unusual nature of the business that has required Parliament to sit of a morning. It seems that some members believe that it was far more civilised for Parliament to sit during the morning and perhaps until 6 p.m. to avoid the difficulties of evening sittings. I am aware that this is likely to cause problems, particularly in relation to Cabinet business and Ministerial matters. Nevertheless, I believe that the matter ought to be examined to see whether some consideration could not be given to it.

The Hon. J. D. CORCORAN: Anything that would lead to a civilisation of the sittings of this House should, I think, be considered seriously. I have given some thought to this matter. However, the honourable member is correct in saying that it is likely to pose problems, and it would not be possible for Parliament to sit each morning of the week, because Party, Cabinet and committee meetings are held then. Select Committees may also meet at that time, and every member is aware of the number of Parliamentary committees that meet from time to time.

Country members must also be considered and, having been one for a number of years, I appreciate that at times special problems are experienced in that area. I think that, towards the end of a session, it would not be unreasonable to ask the House to sit at 10 a.m. on Thursdays. If that would mean that we could avoid sitting late on Wednesday nights, I should be pleased to look at that proposition. Indeed, towards the end of the session it may be possible and sensible for Parliament to sit also on Fridays.

I point out that members now have electorate offices well established in their areas, and that these are their point of contact with the public. However (and I do not intend this as a criticism), many members do not attend those offices every day. Some members do so, but many of them do not, and for a certain time of the year when the House is not sitting the suggestion would not be unreasonable, as we might be able to avoid very late sittings, which I do not appreciate, and I do not think anyone in the House does. Perhaps a sitting on a Friday towards the end of the session would enable us to avoid those late sittings. I shall be pleased to consider the suggestion, to discuss it with my colleagues in Cabinet, and to inform members well in advance of what we propose to do.

NEAPTR

Mrs. ADAMSON: Will the Minister of Community Development, as the Minister responsible for the Botanic Gardens, say what representation he has made to the State Transport Authority to urge rejection of the route through Botanic Park as an option for entry into the city of Adelaide by the north-east rapid transit light railway? Also, does the Minister acknowledge that the route, which would destroy the nature of the Botanic Park as a recreation area, should not be contemplated as an option?

The Hon. J. C. BANNON: In view of the honourable member's statements in the newspaper and the media over the past day or so, I am not surprised that she has asked this question in the House. The first point that should be made about this whole question is that there has been a total over-reaction to what is, in fact, part of the continuing process of examining the options for the light rail transport route, all aspects of which have to be explored fully. The light rail transport, I stress, as the Minister of Transport has done quite accurately on many occasions, is an extremely sound environmental project in itself, in that it proposes in a non-polluting, efficient and effective means to take private vehicles off the road and provide an efficient alternative transport means for commuters. That is an environmentally desirable thing. Light rail transport represents the best option available. Therefore, this project has been adopted by the Government, and it is going through.

It cannot be stopped at the city gates; somehow, the rail has to get through to the city, and there are a number of ways that this can be done. The options have been published, they have been the subject of public discussion, and, now that the Government has committed itself to the light rail transport project, they are subject to investigation by the project team. In the course of that investigation, naturally the Director of the Botanic Gardens was quite properly approached in relation to that option, on which the board has already commented in the past.

Obviously, no groups of residents, boards, committees or the Adelaide University want the light rail transport to affect their area of control, but inevitably someone will be affected somewhere. However, the greater benefit of the community of South Australia obviously must be weighed in the balance against that effect.

The Botanic Park is one option. The way in which the matter has been presented in the press suggests that there is a proposal to send trams screaming past the very gates of the gardens. If that option is adopted (and it is only being explored as an option at the moment), I imagine that the fullest environmental conditions will take place to ensure that there is an absolute minimum of interference with the environment. The situation at present, as has been publicly stated, is that the Minister of Transport and myself, the Chairman of the Botanic Gardens Board and

the director of the project team will discuss the matter and consider the board's objections. These objections will be fully taken into account before any decision is made. The discussions will, I hope, be conducted in a logical and reasonable manner and not as a matter of high public controversy, which unfortunately I think the member for Coles has really taken this matter to be.

Mrs. Adamson: I did not say that it was.

The Hon. J. C. BANNON: The member for Coles, who happens to be a member of the Botanic Gardens Board, has some joint responsibility to treat the matters dealt with by the board with confidence and public trust. The spokesman for the board is not the member for Coles but the Chairman of the Botanic Gardens Board, and he has quite properly issued a statement and is quite properly discussing the matter with me and the other Minister involved. It is not for the member for Coles to see this as a matter of political opportunism.

Members interjecting:

The SPEAKER: Order! I have already spoken to members. The honourable member has asked her question. I call the honourable member for Hanson to order.

The Hon. J. C. BANNON: Members opposite may protest as they like, but—

Mr. Mathwin interjecting:

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

The Hon. J. C. BANNON: Members opposite may protest as they like, but I think it significant that in commenting on all the news services yesterday on this proposal, the member for Coles did not talk about the issue of the gardens themselves but indulged in fairly cheap cracks about the Minister of Transport, in her words, sitting on the Minister of Community Development and the Minister of Environment. Her objection was about grabbing this issue and trying to make it a political football in terms of the Ministers. That is just not good enough, and I do not think it does her any credit as a member of the Botanic Gardens Board. She has a particular responsibility in this area, and I feel that, in that sense, she has betrayed her trust.

CARE AND SHARE WORKSHOP

Mr. CRAFTER: Will the Minister of Community Development investigate the activities of an incorporated body known as Care and Share, situated at 39 Rundle Street, Kent Town, with a view to making representations to the Federal Minister for Social Security so as to avoid this worthy self-help group being rendered defunct? The Care and Share organisation is a group of young unemployed people who, with the assistance of some adults skilled in trades and management and of several community groups, has developed a workshop to impart work skills to young people who do not have them and cannot get work without them.

I understand that young people who attend this organisation's activities have their unemployment benefits cut off, despite the fact that they receive no remuneration, because they are not in full-time pursuit of employment, however impossible it is to obtain that. The purpose of asking this question of the Minister is that, if the Federal Minister upholds the present policy, there will be substantial social cost to this State, particularly in the areas of police, courts, prisons, health, and welfare expenditures.

The Hon. J. C. BANNON: I am aware of the problems in this case, and the member for Norwood has referred to them previously. The matter concerns the Government and the Ministers involved. The Youth Bureau, which is part of my department, has reported, not only in relation to this particular project but also in relation to the whole range of things that we are trying to do about unemployment, particularly for the young unemployed.

The co-operative venture scheme, which has been funded through my colleague the Minister of Labour and Industry under the unemployment relief scheme, is one affected by the extremely stringent rulings of the Federal department in relation to further unemployment benefits. In fact, it is not totally a social security matter, although it is paid by the Social Security Department. The work test is administered by the Department of Employment and Youth Affairs, and my colleague, the Minister of Labour and Industry, has taken up previously with the Federal Minister for Employment and Industrial Relations about the restrictions in this area, just as the Minister of Community Welfare is concerned about the community welfare aspects.

Regarding youth and youth co-operative schemes, projects like this are extremely desirable. If they succeed, the effect will be to take people off the need for unemployment benefit and give them worthwhile employment in the community. However, if a deliberate block is placed in their way in the sense that, to undertake a scheme of this kind, they sacrifice any kind of income, in effect they will have to go off the benefit and sustain themselves from their own resources whilst they try to develop a project that involves capital. Then their projects are put at risk.

Every effort should be made to provide opportunities for young people and financial incentives for them to go into ventures of this kind. However, the stringent restrictions of the work test and the further restrictions announced recently by the Federal Minister will go against them. No-one condones people receiving benefits to which they are not entitled, when they are not genuinely seeking work.

However, where young people are joining together in this sort of co-operative venture and finding that there is a positive financial disincentive for them to get involved in it, and that they must suffer severe financial consequences if they do, then there is something wrong with the system. I will certainly take the matter up.

BERRI BRIDGE

Mr. ARNOLD: Will the Premier say whether, with the completion of the Swanport bridge and the welcome expansion of Riverland Fruit Products Co-operative announced by the Deputy Premier, the Government will now proceed with constructing a bridge over the Murray River near Berri as a priority project? Efficient communication for industry and private needs has been canvassed many times in this House by me, and elsewhere by the Riverland Local Government Association and industry in the Riverland. It has been suggested that the cost of building such a project could be split by building the bridge first using the existing road across the flood plains and then, at a later date, building the causeway when funds become available. Because of the announcement by the Deputy Premier and the degree of expansion that will take place at Riverland Fruit Products Co-operative, which the Deputy Premier has said will be a major development in South Australia, I think that the Premier will readily accept the need for this bridge to be built as a matter of urgency and, indeed, as a high priority in the construction field in South Australia.

The Hon. J. D. CORCORAN: I think that the Commissioner of Highways, in his speech yesterday at Murray Bridge, said that it is almost certain that the third bridge across the Murray River will be at Berri. Of course, it depends on the availability of funds as to when that will occur. The honourable member would appreciate the difficulty that the Highways Department faces (as does every other Government department) concerning availability of funds. The only thing that I can tell him at this stage is that we note the representations that he has made today (and that he has, of course, made previously), that we appreciate the points he has made in relation to the urgency of the matter, and that we will do the best we can, but at this time I cannot indicate when construction of the bridge is likely to occur. We will take into account the points he has made about using the existing road, and things of that nature, to ascertain whether that is feasible. In other words, I will have his question examined and, if I think I need to add anything to what I have said, we will write to him during the recess.

RETIREMENT OF OFFICERS

The Hon. J. D. CORCORAN (Premier and Treasurer): By leave, I draw the attention of the House to the retirement of Mr. Tom O'Connell, as today is the last day that he will spend in the *Hansard* Gallery. I would like to place on record the appreciation of this House for his long and oustanding service to this State.

Members: Hear, hear!

The Hon. J. D. CORCORAN: Tom is well known to many members for his sporting prowess: in the 1930's he was a Sheffield Shield cricketer and, knowing the Speaker, we know what a great achievement that is. He also represented the State in baseball as captain-coach. He served for more than five years in the Royal Australian Air Force, and on his discharge had reached the rank of Flight Lieutenant.

Tom entered the Public Service in March 1951 as a clerk in the Immigration, Publicity and Tourist Bureau, and was transferred to the Adelaide Local Court in November 1953. His reporting career commenced in May 1954 when he was appointed a depositions clerk in the Country and Suburban Courts Department. He also carried out reporting duties in the Supreme Court before his appointment to the *Hansard* staff in 1960. I have had a warm personal relationship with Tom, as I think every member of this Chamber has. He has treated everyone equally and with courtesy. Indeed, he is a man of tremendous self-control.

I have watched Tom from time to time in this Chamber when there has been a battery of interjections, and the manner in which he has prevented himself from interjecting has been outstanding. Each and every one of us wish Tom a long, happy, and healthy retirement. We hope he enjoys it, because he deserves to do so. We hope, too, that Tom will from time to time come back and see us. He has just nodded his head. I suppose that that is not really an interjection. We sincerely extend to Tom and his family our very best wishes for the future.

I might add that I was not present when it was indicated to the House that the Clerk of the House, Mr. Dodd, would be spending his last day in Parliament. One never knows what is going to happen in this scene. A week in politics is a long time. We have Madam Nellie Melba on our hands. I take this opportunity of saying to Aubrey Dodd, "Thank you very much, Aubrey, for a job well done." As Leader of the House for a number of years I had a close working relationship with him. I am not going to tell members that it was smooth all the time, nor am I going to tell members some of the things that were said from time to time by Aubrey and me. Despite all that, I enjoyed working with him, and I extend to him, on behalf of the Parliament, best wishes for a long, healthy, and happy retirement for him and his family. Again, we hope to see Aubrey back from time to time. He, too, has shown remarkable restraint in not joining in the hurly-burly that sometimes goes on in Parliament. I am certain that every member joins with me in expressing those sentiments to Tom and Aubrey.

Members: Hear, hear!

Mr. TONKIN (Leader of the Opposition): By leave, I support the Premier's remarks. However, I would differ in one respect. I believe that Tom O'Connell has been able to exercise the self-control that he has in not interjecting on more than one or two occasions in my memory by expunging his interjections from the *Hansard* record. He has done that very well, but he has also, in my experience, gone around beforehand and thereby ensured that things would go more smoothly than they would otherwise go. For 19 years Tom O'Connell has been a member of this Parliament's *Hansard* staff, and I have always found him to be a person of great consideration, a man whose activities have always been greatly appreciated by members of this Parliament. Further, Tom has been a distinguished South Australian. He was a Sheffield Shield cricketer and a State baseballer; he was a captain-coach.

Tom O'Connell had an illustrious service record in the Royal Australian Air Force during the Second World War. He joined the RAAF early in the war. His talents and special abilities quickly came to the notice of the authorities, and he quickly won selection to be trained as a navigator. I have it on the best authority (no less than the member for Victoria) that navigators are the brains of the Air Force. I must say that I have not always found that to be so. Nevertheless, Tom graduated in navigation, and Flight Lieutenant O'Connell was appointed for special duties as a Training Navigation Officer, and was posted to 6 Service Flying Training School at Mallala. He occupied the position of navigation instructor at this school for about three years, and trained Empire Air Trainee Scheme pilots on courses Nos. 16 to 41, a pretty tremendous record. The students found Mr. O'Connell to be down-to-earth and practical, and a navigator who demanded of them that they "knew where they were going"; he has transferred those abilities into his present activities.

He had a keen sense of humour and soon won the respect of the student pilots. I understand he once told a group of young pilots: "The closest distance between two points is a straight line. A straight line is curved; if it were not for the curve, it would not be straight; and if any of you doubt me I will prove it to you by mathematics. Furthermore, if you do not practise it, you will not come back to tell me it is right."

On another occasion it is said that, after he had sent a large flight of trainees off on a four-hour square search exercise over the southern ocean beyond Port Lincoln, and the crews were returning for de-briefing, on the arrival of one of the course's "characters" he was heard to exclaim, "Good God, are you back? You know, I'm beginning to believe we are going to win this war."

In 1943, Flight-Lieutenant O'Connell was selected for special training at the G.R. R.A.A.F. School to do the general reconnaissance navigation course. At the completion of this he was posted to the operational training unit of Catalina squadrons at Rathmines, in New South Wales.

Very soon afterwards he was posted as an operational navigator on Catalinas and served until the end of the war in the South-west Pacific on Air-Sea Rescue Operations Command.

Mr. O'Connell has an illustrious war record, and many hundreds of former Australian airmen owe him a deep debt of gratitude for his dedication to their training. His all-seeing eyes were ever watchful in their interests during the whole of his distinguished Air Force career. There are many members, past and present, who would agree that he has exercised similar care and concern over their contributions in this House.

I am sure we all wish him well in his retirement. We thank him for his unfailing courtesy and his friendship during his time with *Hansard*. This is his last day in the gallery, and I imagine him saying, in his inimitable way, "Thank God". I am sure, however, that he will have many happy memories of the people he has known in this House, and I assure him that we will have many happy memories of him.

Because I was not in the House, either, at the time of these comments at the end of the previous session, I should like to express my appreciation of the work done by the Clerk, Mr. Dodd. I have a little note to remind me, saying, "Melba". I do not mean any offence by that, but I am glad that this special sitting has given me an opportunity to place on record my personal appreciation of the help, advice, courtesy, and concern shown by Mr. Dodd in his duties as Clerk. I wish him well in his retirement.

Mr. RODDA (Victoria): I would be failing in the things Tom O'Connell taught me if, on this occasion, I did not seek to endorse the comments of the Premier and the Leader of the Opposition. I was fortunate to be one of the Empire Air Training Scheme pilots who went through Mallala under the stern guidance and, as the Premier put it, the self-control of Tom O'Connell. From the moment we got to Mallala he demanded a very high standard. We had to stand stiffly to attention when we addressed him and call him "Sir".

Mr. Becker: You still do.

Mr. RODDA: That is right; I do. He always called me Rodda, and occasionally he said, "Go away and kill yourself." Much to my amazement, I did not. What the Premier and the Leader have said illustrates the type of man Tom O'Connell is. He made a valuable contribution to the training of the people in courses 16 to 41. I would not say that I was any replica of Douglas Bader, but I remember an occasion when we were in terrible trouble. The Leader said that the navigators are the brains of the Air Force. The pilots, of course, are the cream of the Air Force; I was some of the cream.

On the occasion to which I referred, we were in trouble because the navigator did not know where we were going. Suddenly, we found ourselves upside down, with nothing on the clock but the maker's name. I was instinctively doing everything that people, including Tom O'Connell, had told me to do. Suddenly, we were upright and still going, and everyone was most amazed. One bloke said, "Thank God for that."

I said, "You don't thank God—you had better thank Tom O'Connell." That was the sort of strong discipline that Tom O'Connell maintained with all of his troops. When I became an elected member of Parliament, no-one was more surprised than Tom O'Connell. On my first day here I met him again. He called me Rodda, and I think he nearly told me to stand to attention. You may be amazed to hear, Mr. Speaker, that I called him "Sir". The discipline of these old schoolmasters still lives on.

It was a great privilege to serve with him in the Royal Australian Air Force and then to come into this Parliament and serve with him again. He is a great citizen, a great bloke, a man amongst men, and it is with great pleasure that we pay a tribute to Tom O'Connell as he leaves this place.

Aubrey Dodd has been a great philosopher and has certainly helped me out in the representation that those good people from the Victoria District sent me to do. Although I have never been upside down here, with nothing on the clock but the maker's name, I have been close to it at times. It has only been people like Aubrey Dodd and his officers who have helped me out, and I pay a tribute to Aubrey Dodd.

Mr. MILLHOUSE: I do not remember Tom O'Connell's Sheffield Shield cricket in the 1930's, and I was not about when he was trying to din some sense into the member for Victoria, apparently, according to the honourable member, with some success. However, I do—

Mr. Rodda; Your father started me off.

Mr. MILLHOUSE: It was because you had a good beginning that he was able to build on it.

Mr. Rodda: I still have his notes.

Mr. MILLHOUSE: They are priceless. However, I do remember when Tom O'Connell was appointed here. I can remember having long discussions with Stan Parr as to who would be an appropriate appointee, and Tom got the job. It seems only yesterday, to me, as the longest surviving member of this House, that he came here. Now he is going, and I am still here.

Members interjecting:

Mr. MILLHOUSE: I had better not answer interjections. I certainly wish Tom a very happy retirement. I cannot altogether agree about his self-control as recounted by other members. To me he has been damned cross sometimes when he has had the bad luck to take me. He has, on occasions, upbraided me for being too quick or for not speaking distinctly or for saying damn silly things; I have accepted all those, and he was probably right in every case. We will miss him, and I offer him my best wishes.

I should now like to say something about the Clerk. I, too, was not present on the last day of last session, but that was by unanimous vote of the House. I did not know that the Premier and the Leader of the Opposition were absent, apparently for other reasons. They had not had my experience. Sometimes, when things have not been going too well for me, I felt that Aubrey Dodd and his staff were the only friends I had in this place. Of course, they are paid to be friends to everyone, but it is a duty that he has discharged very well since before I came here. When I was first a member he sat on the other side of the table as the Clerk-Assistant and Sergeant-at-Arms. He has always been, as other members had said, a great friend. He is an expert in Parliamentary procedure. I remember when he first had to assume that job, which was at the time of the 1970 sittings concerned with Chowilla Dam. I remember how impressed all of us in the Cabinet of that day were with the efficient and sure way in which he guided proceedings. He has done that ever since as the Clerk. We will miss him in this place. However, I have one honour, as I am his local member, and I hope that I will be seeing him in that capacity for many years to come.

The SPEAKER: I would like to support the other speakers in their remarks about Tom O'Connell. Tom O'Connell was a Sturt cricketer, who also played in the Sheffield Shield competition. I am informed that the first ball he received in Sheffield Shield cricket he hit for six. Tom O'Connell is pretty strong and to hit a six is something which will always be memorable to him.

I also know Tom O'Connell as a family man and have always found him, as have all members in this House, to be a very loyal gentleman. I know that members of the staff of this House have become great friends with Tom during his time here, and I am sure they all wish him a happy retirement and hope that he comes back to see us again in the future.

For some reason or other, I was present in the Chamber when we last farewelled the Clerk. Like everyone else, however, without the assistance of Aubrey Dodd, I would have been in a lot more trouble that I normally get into at times. On behalf of all the staff of this House, Aubrey, I thank you for the wonderful job you have done.

PERSONAL EXPLANATION: CAPITAL PUNISHMENT

Mr. EVANS (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr. EVANS: In last weekend's *Sunday Mail*, an article dealing with the death penalty referred, in part to me, as follows:

> Fisher M.P., Mr. Stan Evans, said he had voted against the abolition of the death penalty, but now called for its reintroduction.

It went on to report me as saying that I believed the courts and the Parole Board had been far too lenient in passing sentences and in freeing hardened criminals before the sentence was due to expire.

Anybody reading that article will see that it does not follow any logic. In fact, what I did say was that I voted against capital punishment. A reporter, who I understood was telephoning all members, asked me my view, and I said that I had voted against it in 1976. I believe he interpreted that to mean that I voted against the Bill, and I am not trying to reflect on the reporter. I did at that time support the Bill for the abolition of the death penalty. I told the reporter that, if the present trend continued, where people appear to be getting bonds and parole more easily and then committing second and third offences, I would tend to lean towards supporting some form of capital punishment.

By some form of capital punishment, I refer to the method by which it is applied. I do not necessarily believe that hanging is the best method—if there is a best method at all.

The SPEAKER: Order! I think the honourable member is now debating the question.

Mr. EVANS: I explained to the reporter that I was concerned at this trend and that corporal punishment might be considered.

The SPEAKER: Order! The honourable member can only correct the newspaper statement. He is now debating the question.

Mr. EVANS: Because of the reflection that has been placed on me in the article, I believe that it is important that I explain the conversation which took place with that reporter. I hope that this is allowed in a personal explanation.

The SPEAKER: The honourable member was straying from that position.

Mr. EVANS: I expressed quite strongly to that person my concern at what is happening in our community at present. I also expressed my concern for the families of people who are let out on parole or on a bond, because those families often suffer as a result. That is all I wish to say. I did not, at the time, oppose the Bill; I supported the Bill. However, my attitude is tending to change because of what is happening in our society.

The SPEAKER: The honourable member is now commenting. If I allow him to comment, I will have to make the same allowance for all other members.

PERSONAL EXPLANATION: BOTANIC GARDEN

Mrs. ADAMSON (Coles): I seek leave to make a personal explanation.

Leave granted.

Mrs. ADAMSON: In reply to a question at Question Time, the Minister of Community Development implied that I had breached the confidentiality of the board of the Botanic Garden by publicly commenting on the Government's proposal to put the NEAPTR route through Botanic Park. I want to make quite clear to the House that I issued no public statement whatsoever on this proposed route until I had seen in the press and heard over the radio statements made by the Chairman of the board. In speaking on this matter, I have been acting, not as a member of the board of the Botanic Garden, because, as the Minister so rightly says, the Chairman speaks for the board: I have been acting in my capacity as a member of Parliament. I refute absolutely any allegations that the Minister has made and I challenge him, if he thinks I have acted improperly, to sack me from the board.

The Hon. J. C. Bannon: I thank the honourable member for the recommendation.

The SPEAKER: Order!

ADMINISTRATION OF ACTS ACT AMENDMENT BILL

The Hon. R. G. PAYNE (Minister of Planning) obtained leave and introduced a Bill for an Act to amend the Administration of Acts Act Amendment Bill, 1910-1978, and to repeal the Ministers' Titles Act, 1944. Read a first time.

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

That this Bill be now read a second time.

The main purpose of this Bill is to insert a new provision into the Administration of Acts Act, 1910-1978, empowering the Governor to constitute Ministers as bodies corporate. It has been found desirable to do this in the past in several instances; at present the Ministers of Agriculture, Lands and Public Works are bodies corporate. The Government now proposes that the Minister of Water Resources be constituted a body corporate, and it may well become necessary to extend incorporation to other portfolios in the future. Previously, Ministers were given corporate status by specific Acts of Parliament; however, the Government considers it desirable that there be a general power which can be utilised readily without resort to legislative process. The Administration of Acts Act, 1910-1978, is an appropriate Statute in which to include such a power.

This Bill also repeals the Ministers' Titles Act of 1944, which deals with the incorporation of the Minister of Works. This Act, which is now somewhat outdated, will not be necessary after the passage of the present Bill. As the remainder of the explanation concerns the clauses of the Bill, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act, which is concerned with Ministers who

are constituted as bodies corporate, by adding new subsections designated subsections (2) and (3). The former empowers the Governor to proclaim that a Minister be constituted as a body corporate. The proposed subsection (2) also empowers the Governor to proclaim Ministers administering specific Acts or carrying out specific statutory functions, and their successors, to be constituted as bodies corporate, and to grant corporate status to persons holding or acting in specified statutory offices. In addition, the Governor is empowered to dissolve any body corporate constituted under the proposed provisions. Subsection (3) provides that where a body corporate is established under subsection (2) its name shall be the official title of the Minister or officer constituting the body corporate, unless the proclamation provides otherwise. Clause 4 repeals the Ministers' Titles Act, 1944.

Mr. GOLDSWORTHY secured the adjournment of the debate.

SESSIONAL COMMITTEES

The Legislative Council notified its appointment of sessional committees.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION

The Legislative Council intimated that it had appointed the Hon. Anne Levy to be one of its representatives on the Joint Committee on Subordinate Legislation in place of the Hon. C. J. Sumner (resigned).

SANTOS (REGULATION OF SHAREHOLDINGS) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 2)—After line 8 insert definition as follows:

' "instrumentality of the Crown" means any Minister, officer, instrumentality or agency of the Crown:'

No. 2. Page 1, line 9 (clause 2)—Leave out definition of "share" and insert definition as follows:

' "share" means a share in the capital of the Company and includes stock, or a unit of stock, in the capital of the Company:'

No. 3. Page 2 (clause 2), line 24—Leave out "or". After line 28—Insert—

"or

(k) a person who is associated with the other person in accordance with subsection (2a) of this section.

(2a) Instrumentalities of the Crown are, for the purposes of this Act, associates of each other."

No. 4. Page 2 (clause 2)—After line 37 insert subclause as follows:

"(4) This Act applies in respect of any transaction, agreement, arrangement or understanding—

(a) whether the transaction, agreement, arrangement or understanding is entered into, or made, in this State or elsewhere;

(b) whether the shares (if any) to which the transaction, agreement, arrangement or understanding relates are registered in this State or not; and

(c) whether the proper law of the transaction, agreement, arrangement or understanding is the law of this State or not."

No. 5. Page 2, line 46 (clause 3)—Leave out ", in the opinion of the Minister".

No. 6. Page 2 (clause 3)—After line 49 insert subclauses as follows:

"(1a) Where in the opinion of the Minister two or more shareholders constitute a group of associated shareholders he may, by notice published in the *Gazette*, declare those shareholders to be a group of associated shareholders.

(1b) Where a declaration is in force under subsection (1a) of this section, the shareholders to whom the declaration relates shall be conclusively presumed to be a group of associated shareholders.

(1c) A declaration under subsection (1a) of this section—

(a) may be revoked by the Minister by notice of revocation published in the *Gazette;* or

(b) may be set aside by the Supreme Court upon an application under subsection (1d) of this section.

(1d) Where the Supreme Court is satisfied, upon an application made by the Company or any aggrieved shareholder within 14 days after publication of a notice under subsection (1a) of this section, that proper grounds for the declaration contained in the notice do not exist, it may set aside the declaration.

(1e) Where a declaration is set aside in pursuance of subsection (1d) of this section, a subsequent declaration shall not be made on the basis of the same, or substantially the same, facts."

No. 7. Page 3 (clause 3)—After line 11 insert subclause as follows:

"(4) The Minister shall give to the Company—

(a) notice of any requirement made by the Minister in pursuance of subsection (2) of this section, and of any failure by the shareholder to whom the requirement is directed to comply with that requirement; and

(b) notice of any determination of the Minister to the effect that two or more shareholders of the Company constitute a group of associated shareholders."

No. 8. Page 3, line 19 (clause 5)—Leave out "six months" and insert "two years".

No. 9. Page 3 (clause 5)—After line 22 insert subclause as follows:

"(1a) The Minister shall give to the Company notice of any requirement made in pursuance of subsection (1) of this section."

No. 10. Page 3 (clause 5)—After line 22 insert subclauses as follows:

"(1b) A notice directed against a shareholder in pursuance of subsection (1) of this section as a member of a group of associated shareholders is not valid—

(a) if given within 14 days of the publication of a declaration under this Act in relation to that group; and

(b) where proceedings to set aside the declaration have been taken in pursuance of this Act—if given before those proceedings have been determined."

No. 11. Page 4, lines 8 to 10 (clause 6)—Leave out all words in these lines and insert paragraph as follows:

"*(b)* the voting rights of a group of associated shareholders shall be divided amongst the individual members of the group in the proportion that the number of shares held by each bears to the total number of shares held by all the members of the group."

No. 12. Page 4, lines 11 to 17 (clause 6)—Leave out all words in these lines.

No. 13. Page 4 (clause 7)—Leave out the clause.

No. 14. Page 4—After clause 8 insert new clause as follows:

9. "*Immunity of Company and its officers from certain liability*. No liability attaches to the Company, or any director, officer or auditor of the Company for anything done in good faith and in compliance, or purported compliance, with the provisions of this Act."

No. 15. Page 4—After proposed new clause 9 insert new clause 10 as follows:

10. "*Act to bind the Crown.* This Act binds the Crown."

Consideration in Committee.

Amendment No. 1:

The Hon. HUGH HUDSON: I move:

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

This is one of a group of three amendments, namely, Nos. 1, 3, and 15, relating to binding the Crown. I think that the most suitable thing to do is to deal with the general question of binding the Crown, even though this first amendment just inserts a definition of "instrumentality of the Crown". If there is agreement on that, I will explain the basis of my opposition to it.

The CHAIRMAN: If there is no opposition from the Committee, I will accept that amendments Nos. 1, 3, and 15 be dealt with in that way.

The Hon. HUGH HUDSON: The suggestion has been made by the Upper House, which is a repeat of what has been put in this Chamber, that the Crown should be bound by this legislation. I will make two basic points about this matter: first, the way in which the legislation operates now that there is no provision in the legislation for a 37½ per cent holding with a 15 per cent vote, but just a limitation to a 15 per cent holding, means that divestment provisions or the declaration of associates comes into effect only if the Minister takes action. We could get the peculiar position that, if we bound the Crown, the Minister of the day might not make the declarations that would be necessary to be made in order to make that effective.

The second point is that the Government and I have said all along that we do not want to end up with a substantial shareholding in Santos, but we must take account of the fact that, first, we do not know what the next six months will bring. An offer has been made by the Government to Mr. Bond, and it still stands. It may be that Mr. Bond ends up by selling out to the Government rather than to other purchasers, and it may be that there will be a considerable interregnum before the Government is able to make other arrangements.

My next point involves a longer-term matter. We are dealing with a grey area. Most members on both sides of the House now recognise that there is a basic community interest in the gas fields, and that, although if a liquids scheme develops it will be a purely commercial undertaking, so far as gas production is concerned, the fact that the purchasers of gas are all public utilities and the resource being provided is a basic energy resource, creates the purchasers'—

Mr. Tonkin interjecting:

The Hon. HUGH HUDSON: All gas in South Australia is purchased by the Pipelines Authority of South Australia and is then sold on, 97 per cent going to either Sagasco or to the Electricity Trust, and a small quantity going to three companies. However, the bulk of sales is made to public utilities, and all sales to New South Wales are made to the Australian Gas Light Company, which is also in a public utility position. This means that there is some public utility flavour (I put it no more strongly than that) about the gas activities that take place.

The community interest is such that no-one can determine with any degree of assurance what action may or may not be necessary in future. We cannot now say that Government involvement will never occur in future or, if it does, that it will always be limited to something below 15 per cent. I do not think (and the Government is very strong in its opinion on this matter) that the Government should aim in any way whatsoever to bind its successors. After all, there are some Opposition members in both Houses who say that the Government should not have tried to limit shareholdings in this way but that it should have nationalised. That view has been expressed.

It seems strange indeed that someone who advocates the possibility of nationalisation in these circumstances, which has not been the policy adopted by the Government, should also say, when the Government states that it believes it is necessary in the interests of the community to prevent any one group, particularly from outside the State, exercising complete control over Santos, "If that is the case, the Government interest, if ever there is to be one, must be on exactly the same basis."

I do not believe that this Parliament should tie its hands as to what future Government involvement might or might not be. I repeat that at present the Government is not and does not want immediately to be in a position where it can tie up its own financial resources in Santos. That is the score at present, and the Government would not want to see Santos as a statutory corporation, where all its borrowing had to come under Loan Council. That would create all sorts of other difficulties as well.

Mr. Dean Brown: The next meeting of Loan Council for special finance allocations is, I understand, in 1981.

The Hon. HUGH HUDSON: Yes, but presumably one could argue about an extension for this under the liquids approval that was given to Redcliff by the Loan Council. One would have to go into that argument all over again, and every time that Santos wanted to borrow money, if it were a statutory authority, it would have to return to the Loan Council. So, there are significant reasons that make quite clear why the Government has taken the action that it has taken at this stage.

Mr. Dean Brown: You'll manipulate it like a puppet on a string until 1981.

The Hon. HUGH HUDSON: That is the honourable member's interpretation and, if he cares to stick to that interpretation, I will not try to dispute it with him. He is saying that merely to be provocative, and it is not true. The main point I want to make is that this Parliament should not, in the overall situation that exists, and in view of the unknown that lies ahead, bind or attempt to bind the hands of the Crown in this matter.

Mr. TONKIN: I support the Legislative Council's amendments which I think are quite fundamental to the argument put forward in this House and the other place as to the obligation of the Government and the Crown to abide by the same restrictions that the Government is prepared to place on private enterprise. The Minister's statement was extremely interesting to me, because I think for the first time the real reasons behind the Government's move are emerging. The Minister previously made a fairly impassioned denial that the Government had any intention of taking over Santos or the Cooper Basin, and we are now hearing a fairly good rationalisation of why it is not possible for the Government to do that. However, there has been no denial that this action is planned in the future.

The Hon. Hugh Hudson: It is conceivable that the Opposition might be in Government and want to take over the Cooper Basin.

Mr. TONKIN: I hope that the Minister will hear my argument without leaping to further conclusions. He says that there are specific reasons why this action cannot be taken now. Everyone knows that that is so; it is quite clear. It is impossible, if the Government were to take over that resource and put it under a statutory authority, for the Government to raise funds. As pointed out by the member for Davenport, the next special borrowings meeting of the Loan Council will not be held until 1981. One of the tragedies facing South Australia is that South

Australia has approval for only one such project. Our hands are tied until that time, with the Cooper Basin. South Australia is the only State with one project of that sort. That project is on ice, and there is nothing that can be done. There is no way that the Government can raise funds if this becomes a statutory authority.

The Opposition believes very strongly that the Government, if it intends to take action to nationalise the Cooper Basin and Santos and take over the entire resource, should be forced to introduce new legislation. We are being asked to open up the way for the Government's involvement in Santos to an unrestricted level, compared to other private enterprise, whereby the Government can take control of the Cooper Basin and Santos without any challenge. The Minister is asking us to vote for a provision that leaves the way wide open for the Government to maintain its interest in the company, while not going the full way because of the constraints placed upon it by Loan Council provisions, but nevertheless to take control of the company and be ready to move in when it can raise the necessary finance. I strongly believe that, if the Government intends to take over that resource, it should take it over straight out and introduce legislation so that members can see the proposal for what it is. In other words, if the Government wants control, it should introduce a Bill for nationalisation.

I believe that the Minister wants to leave the Government's responsibilities and options under this legislation as wide as possible so that it can then move without having to introduce legislation. This amendment aims to ensure that, if there is any change at all in the Government's professed attitude, it will have to introduce specific legislation. If a take-over is being considered by the Government, it is right and proper that that proposal should come into this House, where it can be debated and ventilated. That is exactly what the Minister and the Government are trying to avoid. I will not agree to that sort of open-cheque approach. Therefore, I support the amendments that have been so ably achieved by members in another place.

Mr. MILLHOUSE: Until the Leader of the Opposition came to the last golden sentence, a self-serving sentence, I intended to say that I agreed with him. I do not think his members in the Legislative Council cover themselves with any sort of credit.

The CHAIRMAN: Order! The honourable member ought not to reflect on members of another place.

Mr. MILLHOUSE: I just wanted to say that.

The CHAIRMAN: It is still a reflection, regardless of whether the honourable member wishes to say it.

Mr. MILLHOUSE: This is a good exercise in shadow sparring, as I said the other evening that it would be. However, I support the Leader's point of view regarding these amendments. The Minister says that the Government wants its options entirely and absolutely open so that it can do anything it likes. He has referred to the short term and the long term. He says that in the short term he does not want to take a substantial shareholding in Santos, but we do not know what the next six months will bring. He wants to be in the strongest position he can be in to deal with Mr. Bond, and he wants no fetter on the Government. I consider that this legislation is unfair and has been introduced and put through Parliament in a most unfair way, so I would not do anything that would help the Minister to achieve his objective in the short term. I believe that the Crown should be bound and should not be allowed to take more than a 15 per cent shareholding if that is how the thing washes up.

Regarding the long term, the Minister is talking nonsense when he says he does not want to bind his successors. Look at how easy it has been for the Government to bring in this Bill and to get it through by ensuring that it has had a couple of Liberals in its pocket. Any Government, including this Government, can do the same thing if it wants to nationalise. I agree with the Leader of the Opposition and I do not believe we should allow the Government to get into Santos through the back door, which would be simply by buying an unlimited number or proportion of shares. I was one of those who said they would prefer outright nationalisation rather than a measure like this. If there is to be such nationalisation, it should be done after full debate here and with everyone knowing what is going on. We should not give the Government power simply to buy the shares. The way to stop that is by making the Act (as I am afraid it will be, with the co-operation of the Liberals) bind the Crown. I support the amendments and oppose the motion.

Mr. GOLDSWORTHY: I support the amendments. This exercise has shown that the Minister wants complete power and authority in these negotiations. He does not want his ability to negotiate with the Bond Corporation inhibited in any way: he is seeking complete freedom. If we take this amendment with others that we cannot discuss now, we see that the Minister wants better than nationalisation. He wants complete control, without paying for it. He wants authority to override decisions of the Santos board.

The Hon. HUGH HUDSON: I rise on a point of order. We are dealing with amendments which relate to binding the Crown and which would mean that, if they were carried, the Government would be limited to the same percentage shareholding and the same rules as would apply to anyone else. I suggest that the honourable member is out of order in discussing matters that are to come up in relation to other amendments.

The CHAIRMAN: I accept the Minister's point of order dealing with the technicality of the debate, and I ask the Deputy Leader to confine the remarks to the amendment. It is difficult for the Chair to keep in touch with the complexity of this debate, and there may be times when latitude is given to speakers. However, I ask the Deputy Leader to tie in his remarks with the definition.

Mr. GOLDSWORTHY: I am quite happy to stick within the technicalities of Standing Orders. I think that the point has been well taken. The Minister knows perfectly well that he wants absolute authority in relation to the Santos company, and this amendment is a case in point. What the Minister desires is complete control over the Santos board. He wants no rules to bind the Crown, or bind him. He does not want to pay for the company. The reason he does not want to pay for it is that, as he has acknowledged earlier today, the Government does not have the money to do so. He said that if the Government wanted to nationalise Santos in the short term it could not do it because the money was not available from State resources.

For the Minister to suggest that he is doing this to safeguard Governments of the future is a completely specious argument. It was described as "absolute nonsense" by the member for Mitcham, and on this occasion I agree with him completely. We know that, if in future the Government wants to be involved in some way in Santos, it can repeat the same sort of exercise. I doubt that a Liberal Government would go through the sort of procedures that the Labor Minister has imposed on us on this occasion, but certainly, through a sitting of Parliament, we could enact legislation which would allow a future Government to become involved in Santos.

The real reason, of course, is that the Minister does not want the Crown bound in any way because he is vitally interested in the development of the liquids. He made

some passing reference to that in referring to the development of the liquids in the long term. The Minister wants complete control, and it is my view that his basic argument with Bond has related to the development of the liquids.

The price of gas, which is the public issue that the Minister has pursued, I believe is a peripheral issue. I believe that Bond is interested in the development of the liquids, and I think that what the Minister wants to do is ensure that he has complete control over those liquids and, if he possibly can, he will save the much vaunted Redcliff scheme. He wants that option to be kept open.

Mr. Tonkin: He wants to do it on the cheap.

Mr. GOLDSWORTHY: Quite so. There is no reason at all, in my opinion, why the Crown should not be bound. If the Minister is prepared to ride roughshod over the private sector, as he has done in this legislation, he should be prepared to obey the same sort of ground rules.

Mr. WILSON: I support the remarks made by the three previous speakers about the Minister's attitude to nationalisation and our reaction to it. I support the amendment. I think that the Crown might have to take more than the 15 per cent shareholding. If it is going to take (as the Minister has given Mr. Bond an undertaking it would take) all Mr. Bond's shareholding over and above 15 per cent, that amounts to 22.5 per cent.

The Hon. Hugh Hudson: No: I have said before that the offer was for the whole lot, the 37.5 per cent; then we would aim to dispose of that to other principal shareholders.

Mr. WILSON: The Minister has stated (and I understand his reason for not giving details) that there are institutions that would take the greater proportion of those shares from the Government, or from Mr. Bond if necessary. If that is so, the Minister need not be perturbed that the Crown would be restricted to 15 per cent, if that had to happen.

Mr. RUSSACK: I support the amendment. I am grateful that we have the bicameral system of Government so that further debate can ensue about this matter.

Mr. Millhouse: Of course, the whole thing could have been blocked if your people had stuck together.

Mr. RUSSACK: While the Minister has given several reasons why he does not wish the Crown to be bound, I do not think he has the ability to give that permission if he is to be in accord with the State platform of the Labor Party, which states:

> Mineral and Energy Resources:
>
> Equity participation in minerals and energy resources development.
>
> Regulation of the private sector of the minerals and energy industries.
>
> Institute wider controls on private sector financing of minerals and energy development.
>
> Ensure maximum State Government ownership of South Australian minerals and energy ventures.

I suggest that that is the major reason why the legislation was introduced in the first place, and that is why the Minister will not accept the amendment that the Crown be bound. I oppose the motion.

Mr. BECKER: The Minister told the member for Torrens that the Government's proposal was to acquire the whole 37½ per cent in connection with the Bond Corporation's holding. Before we can accept any argument from the Government, it is time the Minister formed a committee in connection with how he intends to dispose of the 37½ per cent holding.

The Hon. Hugh Hudson: Come on!

Mr. BECKER: The Minister has to do that. We want to know to which institutions the holding will be sold and the credibility of those organisations. The Minister has done a fair sort of job on Bond. I hold no support for Bond whatever but, if the Minister is to talk about credibility and keeping it within South Australia, the directors and shareholders of Santos as well as members of this House are entitled to some indication.

Mr. Venning: Bond is lily-white, compared with the Minister.

Mr. BECKER: Yes; the honourable member might be able to say that in some respects, perhaps in connection with what the Minister has done to Bond. It has taken a week to destroy Bond's credibility, but it took three years to track down the operations of a lawyer who was illegally using trust funds. That shows how the Companies Act and the Attorney-General's Department work in this State. There are principles at stake in this issue. Unless we know the Government's intentions, how can we ask anyone to accept the Minister's explanation?

The Hon. HUGH HUDSON: Let me make absolutely clear that the offer that has been made to Mr. Bond relates to his entire holding. There is no offer made by the Government in relation to the surplus 22½ per cent over and above the 15 per cent. Let me also make quite clear that, if Mr. Bond happened to sell to the Government (and I do not think that that is likely, because he will want a better price than the price we set) and if we then sold the shares to others, it ought to be clear to all members that the partners we would seek would be companies which had cash available for investment and which clearly had a long-term developmental interest and were not investors of the type who would be for ever reacting in the way of a gentleman reported in today's paper. It was said that they were being bled to death and that the price of gas had been trebled in the space of five or six years. When that sort of statement is made, it indicates that some companies have a straight, rapacious attitude. The traditional management of Santos has been a long-term developmental management. That is what we need to secure in the interests of the State.

This Government has to act in the interests of the community in these matters and, if any negotiations of any description take place, clearly the Government must be in an unfettered position. Honourable members, in all honesty and sincerity, must recognise that it is not proper to say, "We are going to put all sorts of restrictions on you. One way or another they may lead to a worse deal for South Australia, but that's too bad."

Mr. TONKIN: Will the Minister give an undertaking that he will not support at some time in future the acquisition of Santos or the Cooper Basin resources by the Government? Could he say that that is not his or his Party's policy?

Mr. Millhouse: That's an impossible thing to ask.

Mr. TONKIN: Knowing that it is a hypothetical question, and I know what the answer will be—

Mr. Millhouse: Then it's not worth asking.

Mr. TONKIN: I now ask the Minister, in furtherance of that line of questioning, whether the Government, if it was not bound as it is presently by the constraints of the Loan Council, and if it could raise the cash, would now be seeking to take over Santos and the Cooper Basin resources?

Mr. CHAPMAN: In supporting the amendments, I ask the Minister whether he has any knowledge of a strong rumour circulating in the city of Adelaide this morning that Bond Corporation shares have been placed. Has he at any stage negotiated or discussed with Dow Chemical principals their entry or future shareholding in interests in the Cooper Basin? If so, what were the details of those discussions, and was any commitment given to Dow

Chemical principals in relation to a future deal?

The CHAIRMAN: The honourable member will tie his comments in with the amendments?

Mr. CHAPMAN: That is what I propose to do. I suspect that the Minister has motives to deny the Crown's being bound by the legislation, other than the motives that he has drawn to the attention of the Committee. I think that that suspicion is held by a number of members in the other place and this place, otherwise they would not have pursued it in an attempt to have the legislation embrace control over the Crown, in common with the control proposed over other shareholders.

I fear that the Government, bound by its policy of maximisation of Government ownership of such resources, is binding the Minister in that direction, and that he has no alternative but to fight any effort to bind the Crown or to limit the Crown in its control of such a public resource. I am anxious to know whether, by continuing to question the Minister in this way, or voluntarily, he will tell the Committee the true motives involved in his fight against this amendment. In particular, I should like answers to the two specific questions raised.

The Hon. HUGH HUDSON: I would not make any comment one way or the other, even if I had knowledge, regarding rumours that could be going around the community about whether Bond has sold or is about to sell or has not sold.

Mr. Chapman: Are you aware that rumours are circulating?

The Hon. HUGH HUDSON: I have not heard rumours this morning. The honourable member has spread them now. In order to raise money, Mr. Bond did warehouse some shares. I know of no firm information other than that. That matter took place many weeks ago. He sold shares, with an option to buy back at some future date, in order to raise money.

As to what else has happened, I am not a party to what his plans are, and I do not propose to speculate about that. Concerning Dow, most honourable members are aware that it has always said, concerning a caustic plant, it would require 100 per cent ownership. That has been accepted by the State Government, and would be provided for in the indenture that came before Parliament.

Regarding the ethylene dichloride plant or any other aspect of the operation, Dow might or might not have other partners. Obviously, the Government has not taken objection to that, if it would help us get the project off the ground.

Mr. Chapman: Can I take it that you have negotiated in that direction, with Dow having a vested interest in the place and its resources?

The Hon. HUGH HUDSON: No. There has been no such talk with Dow, nor does it want to invest in the Cooper Basin.

Mr. Chapman: How do you know?

The Hon. HUGH HUDSON: It has never been raised in all the years in which I have been associated in discussions with the company. Its problem is the investment of $500 000 000 at Redcliff. It would want to get on top of that before it fronted up to other problems, and so do the rest of the community. Regarding the $500 000 000 investment, it may have partners, and the Government would not object to its having partners in that part of the plant that was not involved in caustic soda production.

The CHAIRMAN: Before I put the question, I remind members that the Committee has agreed that this is a test vote as to amendments Nos. 3 and 15. The questions will be put separately.

The Committee divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crafter, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Olson. No—Mr. Gunn.

Majority of 6 for the Ayes.

Motion thus carried.

Amendment No. 2:

The Hon. HUGH HUDSON: I move:

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

This amendment is designed to clarify the meaning of shares, so that it covers both shares and units of stock in the capital of the company.

Motion carried.

Amendment No. 3:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

This amendment is consequential on amendment No. 1.

Motion carried.

Amendment No. 4:

The Hon. HUGH HUDSON: I move:

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

This amendment inserts a new subclause in clause 2, as follows:

(4) This Act applies in respect of any transaction, agreement, arrangement or understanding—

(*a*) whether the transaction, agreement, arrangement or understanding is entered into, or made, in this State or elsewhere;

(*b*) whether the shares (if any) to which the transaction, agreement, arrangement or understanding relates are registered in this State or not; and

(*c*) whether the proper law of the transaction, agreement, arrangement or understanding is the law of this State or not.

Clearly, there is an extra-territorial implication in the legislation, and this amendment spells that out. Members will appreciate that the law of the State can have extra-territorial effect in certain circumstances where a nexus is established. It was felt that it was appropriate to include this amendment so that any attempt that might subsequently be made by a court to write down the impact of the legislation would perhaps be avoided.

Motion carried.

Amendments Nos. 5 and 6:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendments Nos. 5 and 6 be disagreed to.

These amendments also involve amendment No. 10, relating to the proposal that was moved in this place for the establishment of an appeal system. The question that really arises in this matter is: where do you want to put the balance of advantage? The Bill, as it was originally constructed, required the Minister to express an opinion on whether two or more shareholders were acting in concert with a view to taking control of the company, or otherwise against the public interest. All members supported this proposition when it appeared in the Gas Company measure, bearing in mind that it was the directors of the Gas Company who had to express the opinion.

It was pointed out in that debate that the matter is justiciable and that the opinion, whether it be of the directors or of the Minister, must be based on some ground. Certainly, it is true that, if an action has to be taken by means of prerogative writ, the balance of advantage is put with the expression of opinion by the Minister. The Opposition's amendments in the Upper House turn the balance of advantage around and could mean that litigation on this legislation could go on for as long as two years, going all the way to the Privy Council. Whatever members feel about the basic character of the legislation, it needs to be recognised that if it is there it has to work. We cannot afford to have litigation surrounding the legislation for a very long period after it has been passed.

If members think that they are protecting rights in providing for this possibility, they need to recognise that they are doing that at the cost of destabilising Santos and leaving a very long period during which the ultimate resolution of the matter is not known, and therefore that they would not be acting in the interests of the State. The Government is firm that the provision as it stood in the Bill originally is necessary and that these amendments, by removing the words "the opinion of the Minister" from clause 3 (1) *(c)*, weaken substantially the position of the Crown with respect to any subsequent litigation that might take place, and therefore enhances very significantly the likelihood of prolonging litigation. That is not in the interests of the company or of South Australia.

Mr. TONKIN: The arguments advanced here previously on this matter and the related matter basically have not changed in any way at all, and nothing that the Minister has said has caused me to change my opinion. Furthermore, the reasons given earlier for introducing the Bill make it even more important, in my view, that the amendments should stand. The Minister has a tremendous power set out in those three amendments. I know he has argued that his decisions are justiciable, and that may be so. However, the amendments as they stand set out quite clearly that there should be a right of appeal and that matters can go to the Supreme Court for decision. That is entirely right and proper. The reasons which have developed this morning, from what the Minister has said, make me even more determined that there should be a right of appeal and that the Minister should not control this tremendous resource by his own administrative decision.

Mr. WILSON: The Minister just said that the original proposition was justiciable. It is justiciable by means of prerogative writ. The Minister admitted that the advantage lay with the Minister in this case. He well knows that an appeal by means of prerogative writ is unlikely to succeed. The Minister then said that, if it is a matter of rights, they have to be balanced against the time of litigation that may ensue if an appeal is made under these amendments.

I believe that, when this Parliament has to decide on a matter of rights, as opposed to a presumed time of litigation that may or may not take two years, it should come down on the side of individual rights. For that reason, I support the amendments.

The Committee divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crafter, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Olson. No—Mr. Gunn.

Majority of 7 for the Ayes.

Motion thus carried.

[Sitting suspended from 1 to 2 p.m.]

Amendment No. 7:

The Hon. HUGH HUDSON: I move:

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

This is really a machinery matter that no doubt, even without this provision, would have eventuated. It is designed to ensure that the company is notified of any requirements made by the Minister in pursuance of clause 3 (2), as well as of any requirement by the Minister that two or more shareholders of the company constitute a group of associated shareholders. The amendment is sensible, since it ensures that the company's records regarding these matters will be up to date at all times.

Motion carried.

Amendment No. 8:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 8 be disagreed to.

This amendment is designed to require that the Minister, in relation to a divestment, must give the person who has to divest at least two years in which to do so. An absolutely impossible situation would be created by this. If we are fair dinkum regarding divestment and, if it is to take place, the sooner that it takes place the better that it will be.

Mr. Millhouse: Why not make it three months, then?

The Hon. HUGH HUDSON: There could be a possible argument that way, except that Mr. Bond has problems in relation to section 26AAA of the Income Tax Assessment Act if he divests before September of this year.

Mr. Millhouse: You aren't suggesting that the period is being fixed for his convenience, are you?

The Hon. HUGH HUDSON: No, but the period of six months at least was selected with the situation facing the Bond Corporation in mind. The notion that a company like Santos can operate effectively if the matters concerned with this Bill take more than two years to resolve is an absolutely hopeless one. If those matters are to be resolved, the sooner they can be resolved reasonably the better it will be from the company's point of view.

We must here pay attention to the way in which the company itself functions and to the fact that obviously circumstances like this create certain uncertainties within the company. If it was doubtful whether or not the matter would be resolved by the end of this year, Santos would, if many people considered that the Bond Corporation might stay in control, start losing valuable staff.

I believe that this is an irresponsible amendment. It is not a case in which Mr. Bond will lose money on what was his initial investment, because he can make the arrangements quite satisfactorily (he may be in the process of doing that now; I do not know). The sooner this can be done, the better. It is likely that this provision will never be used. Mr. Bond has a record of getting into things and if he can get out with a capital gain, he will do so, if he has to. I have little doubt that that may very well be the case in this instance. This provision is necessary in case that does not happen. To say that it could in fact be extended for two years is inviting Mr. Bond to play politics, to stay in there, to nobble the Liberal Party in the hope that it might ultimately become the Government, and to try all sorts of

other tactics. The amendment should be rejected in an absolutely resounding way.

Mr. MILLHOUSE: I do not agree with the Minister for a number of reasons. Unlike the Liberals, I am opposed to the Bill. Anything that will make it less workable (and I admit that this will make it less workable) is a good thing, and I support it. I expect that the old gentlemen in another place put this amendment to make the Bill unworkable. However, I was fascinated by a few things that the Minister said. The implication was that this is a once and for all thing, and that once we deal with Bond that will be the end of it. That was not how the Bill was drawn up; it was drawn up to have continuing effect, if that should be required. It does not expire once the Bond Corporation is reduced to what the Minister regards as its appropriate shareholding. It can be used at any time, even against me as a shareholder (I can become a group or associate, or whatever are the terms). That will not rub.

The Hon. Hugh Hudson: With your record, the likelihood of that happening is minimal.

Mr. MILLHOUSE: It is not my record; it is the fact that I have insufficient money to buy many shares and therefore I am very small beer. It could affect me. For the first time (and it has happened two or three times today) for a very long time I have heard Government Ministers hinting that there is a possibility that they might go out of office and there might be a Liberal Government. The change that has come over Parliament in the past day or so is amazing. The Minister said that Mr. Bond might be able to hope to nobble the Liberals (that has not been too difficult, because the Minister has done this regarding this Bill) in the hope that one day they will be in office. I have heard echoes of that before, so perhaps there is not quite so much confidence on the part of members of the Labor Party as there used to be. I am prepared to agree that Mr. Bond is doing what is so frequently done nowadays—he is working the principles of a limited liability company for his own benefit.

The Hon. Hugh Hudson: You're supporting him.

Mr. MILLHOUSE: I do not support that.

The Hon. Hugh Hudson: Go on! That is the effect of what you are doing; you should be ashamed of yourself.

Mr. MILLHOUSE: No, the overall reason for my opposition to this Bill (and I have stated it before and in answer to the challenge of the Minister I state it again), although I believe that a great deal can be said for the objectives of the Bill, is that it is unfair to one person or corporation and I do not believe that in a society like our own we should achieve good ends by any means, by being unfair to people. This Bill is being put through in the unfairest possible way. We are not giving Mr. Bond an opportunity to have his say or to come to a Select Committee. Mr. Bond, or someone on his behalf, last night sent to me a letter from Alan Bond—

The CHAIRMAN: The honourable member may have been responding to a challenge that he thought he received from the Minister, and that would be out of order. I hope that the letter that the honourable member is going to read is pertinent to the amendment before the Committee, because if it is not I will not allow him to read it.

Mr. MILLHOUSE: Thank you for the warning, Mr. Chairman, and I am sure you will stop me if you think it is not relevant. I do not propose to quote it all. I merely referred to the letter because in this four-page document that I, as a shareholder, received yesterday, with a proxy form, Bond puts a different complexion from that which the Minister puts, yet Mr. Bond has not had the opportunity to come to Parliament, through a Select Committee, to put that side of his story. I do not care who the person is, whether it is a man like Bond, for whom I do not care, from the little I know of him, or whoever it was. I do not believe that we should, by legislation, take away the rights of people, but the Bill does take away those rights. This amendment would make it more difficult to operate the Act, but would not make that impossible.

The rationale is that it would allow the shares to be overloaded over a longer period so as not to upset, for other shareholders, the value of their shares. If there is a deluge on the share market, that will depress the value of shares, and that is another aspect of unfairness to existing shareholders. It does not worry me two hoots: I wrote off my investment about 15 years ago and the investment is so small that it does not matter, but it will have significance for others. The longer the period, the less that effect will be.

Mr. GOLDSWORTHY: I support the amendment. The Minister knows the attitude of the Opposition in this place on the general question of divestment. The procedure in the Bill is grossly unfair and the amendment seeks to lessen the severity by extending the minimum time for divestment from six months to two years. As the Bill stands, if the Minister makes a declaration, any shares not sold after six months will be forfeited to the Crown. The amendment seeks to extend that time to two years. It is unlikely that anyone faced with the prospect of divesting himself of a large parcel of shares (I think about 12 000 000 are involved here) will do so quickly. It is incomprehensible that people are likely to delay divestment and try to unload the shares after a period of say, 18 months. That would be too chancy. The amendment provides for a more orderly divestment of shares. I think the member for Mitcham said that, unlike the Liberal Party members, he was the only one who opposed the Bill. Of course, the common occurrence here has been that he is not here to vote on the third reading.

The CHAIRMAN: Order! The honourable Deputy Leader should come back to the amendment.

Mr. Millhouse: You know what the Libs—

Mr. GOLDSWORTHY: The member for Mitcham seems to know more about the Liberal Party than I know.

Mr. Millhouse: One only has to read the newspapers to find out what will happen.

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

Mr. GOLDSWORTHY: We made clear in this place our attitude on this Bill.

Mr. Millhouse interjecting:

Mr. GOLDSWORTHY: After about 8 p.m. the member for Mitcham is not with us, so anything that transpires after his retiring hour, about 9 p.m., is a blank book, so he makes inaccurate statements about the Liberal Party.

Mr. Millhouse: I am talking not about what happened here but about what happened in the other place.

The CHAIRMAN: Order! I point out to the Committee that, because this is an important and complex Bill, the Chair has shown tolerance to speakers during the Committee stage. Also, although interjections are out of order, some contributions have assisted the debate.

I will not tolerate interjections that are made purely for the sake of obtaining some cheap political advantage, and in future during this debate the Chair will be harsh on anyone who attempts to reduce the debate to that level.

Mr. GOLDSWORTHY: I have no taste for petty bickering with the member for Mitcham, but we do try to put the record straight. I would hate to be seen to be on the same side as the Deputy Premier in any way during this debate.

The CHAIRMAN: I would like the member to come back to the amendment.

Mr. GOLDSWORTHY: The Minister's proposal is quite

unreasonable. We believe that the whole idea is unreasonable, but to force the sale of these 12 000 000 shares, to be completed within a period of six months, could have a quite disastrous effect on the market. Nobody can see what it will be, and nobody can guarantee what price the Bond Corporation will receive from this forced sale. This whole business is distasteful, but to cram the disposal of the shares into a period of six months could have consequences that the Minister cannot foresee.

The Minister's whole approach has been harsh and devoid of any sense of justice and fair play. He seems to have a fixation about Bond, and I think that that is borne out by his remarks on this amendment. I hope that this amendment, in due course, becomes law, because it softens the blow of what I think is an unfair procedure.

The Committee divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crafter, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Olson. No—Mr. Gunn.

Majority of 6 for the Ayes.

Motion thus carried.

Amendment No. 9:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 9 be agreed to.

It is again a machinery matter relating to the notice that has to be given under clause 5 (1). The Minister serves notice to require divestment, and this amendment requires the Minister to give the company notice of any requirement made in pursuance of subclause (1).

Motion carried.

Amendment No. 10:

The Hon. HUGH HUDSON: I move:

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

This is consequential on amendments Nos. 5 and 6, which were previously disagreed to.

Motion carried.

Amendment No. 11:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 11 be agreed to.

This is designed to clarify the situation where a group of associated shareholders has been declared a group and their vote reduced to 15 per cent. Previously the Bill provided that they got 15 per cent of the vote, and that was all that could be exercised by the group. This amendment specifies it in more detail. It is a clarifying and sensible amendment.

Motion carried.

Amendment No. 12:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

I think this is a consequential amendment on earlier ones that have been disagreed to.

Motion carried.

Amendment No. 13:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 13 be disagreed to.

This amendment seeks to leave out all of clause 7. The argument is straightforward. Clause 7 first of all provides that, if a resolution of a general meeting of the company has been passed as a result of the admission of votes that should not have been admitted, such resolution is invalid.

Secondly, if a resolution of the general meeting of the company is contrary to the public interest, the Minister may invalidate it. These provisions, after further consideration, are considered essential to the Bill. The proposed resolutions to be put to the shareholders of Santos on 8 June probably have the legal effect, if they are passed, of requiring Santos to finance any legal action that the Bond Corporation wishes to take against this legislation. That is the effect of resolutions already proposed by the Bond Corporation to a general meeting of shareholders of Santos.

Whatever else one thinks of the matter, legal costs could be very great indeed if someone else was meeting those legal costs on behalf of Mr. Bond. Obviously, if Mr. Bond wishes to take action against this Bill, any legal costs should be met by Mr. Bond. If he won the action, no doubt costs would be awarded against the Crown, but to put Santos in the position of probably having to meet those legal costs would be quite improper.

I have said previously that this provision is less Draconian than is the Victorian provision in the Ansett Transport Industries legislation. The provision in that Bill gives power to the Minister of the day to require the major shareholder of Ansett to vote at a general meeting of shareholders as the Minister directs. We are not proposing that that should be done, but that is done in the Victorian legislation, introduced and passed by a Liberal Government. It is conceivable that all sorts of situations could develop which would be contrary to the public interest and which would be aimed basically to defeat the purposes of this Bill.

Mr. Millhouse interjecting:

The Hon. HUGH HUDSON: The member for Mitcham is against the Bill anyway, so, if he can persuade anyone to support an amendment that will muck it up, he will. He says he is not acting in his own self-interest because he is such a small shareholder, but he is not prepared ever to act in the interests of the community of South Australia. There is a community interest, a public interest, that has to be taken into account, and the matter is justiciable against the notion that the public interest is not foreign to the law and if the Minister annulled a resolution, saying that it was contrary to the public interest, that could be challenged in the courts. The clause as it stands is necessary to the effective working of the Bill, and the Government will not budge on it.

Mr. TONKIN: It was noticeable that the Minister, in dealing with this legislation, said that it was less Draconian than was the Victorian legislation which he quoted. It may be less Draconian, although only sightly so, but as we are considering legislation in South Australia, relating to a South Australian company, it is Draconian and quite unacceptable to the Opposition. There is no way that the Minister can be permitted to have what amounts, in anyone's language, to the right to intrude into the affairs of a properly conducted company working within the rules and regulations of the Stock Exchange and of the Companies Act. It is totally wrong, and for something as nebulous (and I know that is a legal term) as the public interest and "in his opinion", it is something that I cannot support in any way, shape or form. The Minister says that we should be looking at the public interest, at the overall effect of this Bill, and particularly at this clause. I do not know when I have heard him descend to such personal detail in his opposition to this move to take out the

offending clause. He has come down to personalities and has referred quite openly to Mr. Bond and to what Mr. Bond will do at the next general meeting of Santos. That is the only reason that he has advanced that has any credibility at all. It is the only reason he has advanced for keeping the clause in. If that is the only reason, it is a poor one.

I do not accept any of the other things he has said, and I believe that, in the long term, by accepting the inclusion of this clause, we are going to open the way and create a precedent in South Australia for the Government's intruding into the affairs of other companies whenever it feels that it would like to, whenever it suits it, whenever it gets a down on some other individual company or corporation or person, and for whatever reason it chooses.

We support the deletion of this clause. We believe that it is a totally unwarranted intrusion into the affairs of private enterprise. We support the amendment moved in another place; in other words, that this clause be deleted.

Mr. MILLHOUSE: The Leader is in a rather difficult position. He talks about precedents, and that this might be used as a precedent. I remind him and other members of the Committee that already in the past six months he has supported two Bills that do much the same thing. As I said in the second reading debate, once a precedent is set it is hard to stop.

We all know that his original intention, after he had been talked to by the Premier, was to support the Bill. The less he says about precedent, the better. I know that you are going to stop me, Mr. Chairman, and I am going to leave that matter altogether.

Members interjecting:

Mr. Mathwin: He didn't intend to do that—

Mr. MILLHOUSE: Of course he did; it was in the paper. And so did DeGaris as well, and the Deputy Leader.

The CHAIRMAN: Order! I thought that the honourable member was getting on to the amendment. He assured me of that about 50 words ago.

Mr. MILLHOUSE: When the Minister opposed this amendment, I put in what I hoped was one of those helpful interjections that, you, Mr. Chairman, referred to earlier, but he ignored it. I now make that interjection in its proper place. The Minister talked about the resolutions that are to be put to the shareholders' meeting on 8 June, but he did not tell us what they were. Unfortunately, I have not a copy of them with me. He went on to say that probably, he did not even say "definitely", it will mean that Mr. Bond's costs will be paid.

I challenged the Minister to bring forward the resolutions. He has not done so yet, and I hope he is delving into his bag to do so. He has the Labor Party lined up, and it would not matter what he said, because its members would all have to vote for him and they will vote for him, but there are some people in the Committee who like to think about these things and not accept some vague assertion such as that at face value and have to act on it. I want to know what are those resolutions. I want to know what is his authority for suggesting that that means that the costs will have to be paid. He does not say that they will be paid definitely; he says probably they will have to be paid by Santos, if they go through. There is no surety at all that they will go through.

I have another letter from the other directors with a counter-proxy form (another proxy form), suggesting that I give a proxy to Jack Bonython. I think I will go along myself and exercise my own judgment on the matter. The Minister is trying to railroad us into opposing the amendment on the vaguest of assertions.

There are two other things. First, this clause 7, which is being cut out, is not restricted merely to the meeting of 8 June: this is forever, and on any subject the shareholders can be overridden. In 10 years, if Santos were to survive that long, the then Minister could say that he did not like the colour of the Chairman's hair, or the resolutions and that they are disallowed. This matter goes much further than Bond or the 8 June meeting.

I have never known of such a resolution as this. I am not at all impressed by what Sir Henry Bolte did in Victoria. After all, he is a Liberal, so-called, really a Conservative.

If he made a mistake with Ansett (and it is pretty generally agreed that it really would have been better if T.N.T. had taken Ansett over at that stage) then there is no justification for the Government in this State doing the same thing, anymore than there is for it to rely on something Mr. Bjelke-Petersen did and then in the next breath, condemn him up hill and down dale. To anyone with any sense, that is no argument at all and the Minister knows that, but I guess it is something for him to say.

The Leader of the Opposition discussed public interest and said that that was a legal term. It is a term that appears in many Acts of Parliament, but it has no precise meaning; it can't have any precise meaning, it must eventually be a subjective test. The courts dress that phrase up and say it is objective, but it depends on what a particular judge thinks at any set time. The interpretation of a phrase like that is not the sort of task the courts enjoy having to undertake.

Mr. Goldsworthy: The courts are not involved here.

Mr. MILLHOUSE: I know that in this particular matter the court is not involved, but it was the honourable member's Leader who raised the matter, and I am simply trying to put him right; that is a difficult task, but I am trying.

Mr. Goldsworthy: You are out of order.

Mr. MILLHOUSE: I am not out of order.

Mr. Chapman: Of course you are.

The CHAIRMAN: Order! I think the Chair will determine whether the member for Mitcham is out of order or not, not the member for Alexandra.

Mr. MILLHOUSE: Yes, the natural leader is trying to assert his natural authority. This clause is Draconian and may well lead to the delisting of shares on the Stock Exchange, because the Minister can do whatever he likes with the affairs of Santos. This is a thoroughly bad provision, and has been put into a bad Bill for bad purposes.

Mr. WILSON: The irony of this whole situation is that, if this clause is allowed to remain in the Bill, the Minister will be bracketed in the commercial history of this country, along with Sir Henry Bolte and Mr. Bjelke-Petersen. I do not know if the Minister is very happy about that, but of course that will be its effect.

Mr. Goldsworthy: He will be in very good company.

Mr. WILSON: Yes. I refer to the confidence of the private sector and especially to institutional investors. To make this Bill workable, the shares of the Bond Corporation have to be taken up. We have already seen, in another debate, and also in the press over the past couple of days, the fears of institutional investors, about clause No. 7 in the Bill particularly those investors who would take up the bulk of the Bond Corporation shares.

Mr. Goldsworthy: He might not get any buyers for his shares.

Mr. WILSON: That is the point I wish to make, and I thank the Deputy Leader for reminding me. It is a great shame that, by leaving this clause in the Bill, it will in fact make the Bill unworkable. As recently as a half an hour ago I was informed that some institutional investors are so worried about this clause that they are thinking of selling their present shareholding in Santos, and are not only

refusing to take up any Bond Corporation shares that may come on the market, but they are so fearful of clause 7 that they are considering selling their present shareholding.

The Hon. HUGH HUDSON: The member for Mitcham said that he does not have a copy of the resolutions, yet he told this House that he had received the four-page document from Mr. Bond. It is true, because Mr. Bond did not put them there. I suggest to the honourable member that he had better find out what they are.

Mr. Millhouse: You tell us.

The Hon. HUGH HUDSON: The honourable member is a shareholder of Santos, and I would have thought that he would have been on the phone straight away to Santos to find out precisely what the resolutions were.

Mr. Millhouse: He doesn't know.

The Hon. HUGH HUDSON: I do.

Mr. Mathwin: Tell us.

The CHAIRMAN: The honourable member for Glenelg is out of order.

The Hon. HUGH HUDSON: I do not propose to go into that matter further. I was just pointing out that Mr. Bond has produced a document that has been sufficiently disingenuous not to mention the resolution, and yet to provide a proxy form in relation to people who want to vote, the same way as Mr. Bond voted on five of these resolutions which I specified. That is the kind of believeability of documents that come from Mr. Bond.

About the question of the institutions, it seems that, if the institutions were willing to say, "We will certainly be voting against these resolutions", they would demonstrate that this type of provision would be necessary. They are of the mind to say, "This is the sort of thing we don't get into and we will probably abstain". The fact is that institutions carry the balance of votes at the general meeting. It is up to them to demonstrate (as I hope they will demonstrate) that the excessive caution that provokes the Government into retaining clause 7 is unnecessary. If they demonstrate that effectively, I do not see any difficulty in some future amendment to the provisions of this Bill.

Mr. GOLDSWORTHY: I could not let the words of the Minister go unchallenged: the Government has introduced this measure out of an excess of caution, he says. Even if we limit the scope of the argument to the pending meeting of shareholders (as the Minister seeks to do), the Minister's statement makes a complete mockery of the democratic principles applying to meetings of shareholders. He is saying that, if they make a decision which the Government does not like and these institutions abstain, the Minister is going to make sure he is on the sidelines to quash any decision. That makes a complete farce of holding meetings at all.

Mr. Millhouse: That is the whole idea of it.

Mr. GOLDSWORTHY: The argument cannot simply be limited to this one single occurrence. The clause is far-reaching in the extreme, and the amendment seeks to delete it. The clause provides:

7. (1) Where in the opinion of the Minister—

(b) a resolution of a general meeting of the Company is contrary to the public interest,

the Minister may, by notice published in the *Gazette*, annul that resolution.

(2) Where a resolution is annulled by the Minister in pursuance of this section, the resolution shall be void *ab initio*.

If my Latin is correct, I think *ab initio* means "from the word go". The word "Draconian" has been used a lot in this debate and, if anything is Draconian in the extreme, it is this clause. The Minister cannot win an argument that a meeting is likely to occur in the near future. It is there for all time, and the Minister is being completely naive if he thinks he can limit the scope of the intent of that amendment in the near future.

I could not resist rising when the Minister said that he was prompted by an excess of caution. It is not an excess of caution (the Minister's choice of words is particularly poor) but an excess of oppression, in my view.

Mr. BECKER: I find the Minister's reply to the member for Torrens interesting, when we consider the shareholders' statistics of Santos. We find that the company's issued shares and stock units are in six classes, which are set out in the balance sheet. The proportion of capital listed on the Australian Stock Exchanges comprises 39 105 903 stock units and 400 000 class C shares. At 19 February 1979 there were 8 079 holders of the issued stock units, representing 84 per cent of the voting power in Santos. The 400 000 listed class C shares, which represent ·9 per cent of the shareholders' voting power, are held by 272 shareholders.

The holdings of the 20 largest stockholders represent 73 per cent of this class and 61 per cent of the total voting power in Santos. The 20 largest holders of the listed class C securities hold 64 per cent of this group, or equivalent to ·5 per cent of the total voting rights. An analysis of the distribution of the listed securities shows the range of shares from one to 1 000, 6 020 stockholders; 1 001 to 5 000, 1 704 stockholders; 5 001 to 10 000, 210 stockholders.

The CHAIRMAN: Order! The honourable member must tie this information to the amendment.

Mr. BECKER: Yes, Sir, I am linking it up. The analysis further shows 10 001 and over, 145 stockholders. Therefore, there are 8 079 stockholders. When we consider this clause and the ramifications it has on a company and, as the member for Torrens has said, the institutional organisations involved (and they are well listed within the top 20 shareholders), the Minister is playing a dangerous game indeed. I ask him to reconsider his attitude, because I believe that this is one of the trade-off clauses in the whole legislation. I do not think that he is being honest with us. In view of the large number of shareholders, what he is trying to do is to exercise his total control over the company, and this is completely undemocratic.

Mr. MILLHOUSE: We have called the Minister's bluff. We have asked him what those resolutions were, but he will not tell us; yet, he is asking the Committee, in the same breath, to rely on his interpretation of them and to accept that they would probably mean that Mr. Bond's legal costs would be paid. When I asked for them, he would not say what they were, because he does not have them and does not know what they are. Even if he did have them, they would be open to some variation of interpretation from the one he is asking the Committee to accept. He poured scorn on me for not having had them. I think that I have had them; I think that they came with Mr. John Bonython's letter that I received about a week ago.

The Hon. Hugh Hudson: Who told you what they were? Bond didn't.

Mr. MILLHOUSE: What was the point of sending a second lot? Mr. Bonython is the greatest ally of the Minister on this matter, and it is extraordinary that the most conservative Liberals have teamed up with this socialist Government to bring about this situation. If Mr. Bonython did not send them, he is in the same position as is Mr. Bond, and can be criticised in the same way in which the Minister has criticised Bond. The Minister cannot have it both ways. It is only a debating point, which does not matter. However, the Minister is not prepared to get up here, read the resolutions out, give his interpretation and

say that they mean what he is asserting they should say.

I hope that the Minister may perhaps be pricked into answering what I have said. Regarding the delisting of shares, Mr. Bond says in his letter:

> If the directors considered introducing restrictions of the type proposed by the South Australian Government, the shares in the company would be suspended from trading.

Again, that is an assertion. However, I should like the Minister to say something about this, as I have no doubt that he has thought about the matter (this being not the first time that it has been raised), because I believe that there is a real possibility of this happening. Mr. Tricks, who happens to be married to my wife's first cousin, has said a few things about this as Chairman of the Associated Stock Exchanges of Australia.

If there is this Government interference in a company by virtue of this matter, namely, the Minister's power to override anything passed at a shareholders' meeting, there is a real possibility that these shares will be delisted. What does the Minister say about that? It is something which the Minister has not mentioned but which we should be taking into account in our consideration of this Bill.

Apart from any long-term effects, if this motion is carried it will make the 8 June meeting, if it is held, an absolute farce. I have no doubt that that is the immediate reason for this provision. I protest at this negation of the proprietary rights of shareholders. It is absolutely and utterly wrong, and indefensible.

The Minister is apparently not willing to meet these challenges and, if that is so, that is to me conclusive proof that he cannot do so and that he has no answer at all on the question of these resolutions, delisting, or on the question of principle.

The Committee divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crafter, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Olson. No—Mr. Gunn.

Majority of 6 for the Ayes.

Motion thus carried.

Amendment No. 14:

The Hon. HUGH HUDSON: I move:

> That the Legislative Council's amendment No. 14 be agreed to.

This amemdment spells out that no liability attaches to the company or any director, officer or auditor of the company for anything done in good faith and in compliance, or purported compliance, with the provisions of this Bill. This probably applies by implication; however, there is no harm whatsoever in spelling it out.

Motion carried.

Amendment No. 15:

The Hon. HUGH HUDSON: I move:

> That the Legislative Council's amendment No. 15 be disagreed to.

This amendment is consequential on a previous argument.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1, 3, 5, 6, 8, 10, 12, 13 and 15 was adopted:

Because the amendments destroy the purpose of the Bill.

The Hon. HUGH HUDSON: I move:

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

Motion carried.

ADMINISTRATION OF ACTS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 166.)

Mr. GOLDSWORTHY (Kavel): This Bill has been introduced today, and we are debating it at very short notice. From the inquiries I have made, I do not think that there is anything sinister in the Bill, although, in view of what has transpired in this special sitting of Parliament, one could be excused perhaps for thinking that there was something sinister in it.

Further, it is unusual, when Parliament is convened for a specific purpose, to have other legislation thrust upon us, but I indicate to the Government, and to the Premier at the end of his 100 days in office, that the Opposition is trying to be helpful and not impede the process of the Government in this State. We will support the Bill. I have had legal advice about the measure, and it seems to me that there is nothing sinister in it. It does not, and cannot, vest additional powers in Ministers. It does not give Ministers any additional authority but gives them a legal status to exercise authority vested in them by special Acts. It gives them a legal personality and enables a proclamation to be made that a Minister can be an incorporated body. In addition, it enables a Minister to be sued, if need be.

The Hon. J. D. Corcoran: To sue and be sued.

Mr. GOLDSWORTHY: Yes. I should have thought that the Government would be fearful of legal action, in view of the outcome of this special sitting, but I should like to be sure that the Deputy Premier was an incorporated body and that he had the legal status so that he could be sued, because I think some work may have been made for the courts because of what has happened in this sitting. We are only too pleased to assist the Government in the proper functioning of the State. As the Premier and his Ministry know, the Opposition is reasonable on all occasions, and we wish to show that further by supporting the Bill expeditiously.

Mr. MILLHOUSE (Mitcham): I, too, am always reasonable but I am not as enthusiastic about the Bill as is the member for Kavel. I do not oppose it, because I really have not had time to work out its ramifications. Although this morning the Minister was kind enough to give me a copy of his second reading explanation and of the Bill, we have been busy on the Santos nonsense and there really has not been time to go into this measure.

The Deputy Leader was off the beam in some of his remarks, because, under the Crown Proceedings Act, any Minister can now be sued. All one has to do is sue the State of South Australia. It is not necessary to constitute a Minister a corporation sole, or whatever words are used in this Bill, to allow him to be sued. Under the Crown Proceedings Act, "the Crown" means:

> (*a*) the Crown in right of this State;
> (*b*) any Minister of the Crown in right of this State;

All that anyone who wants to sue the Minister has to do is sue the State of South Australia, care of the Crown Solicitor. I thought I ought to correct the member for Kavel and say that he should have obtained better legal

advice. The legislation gives power to the Minister as a corporation sole, because it gives him power to hold property, and that is an additional power. I understand that this Bill has been introduced because the Minister of Works was the holder of a large amount of property. The portfolio of Minister of Works has now disappeared and we have a Minister of Public Works (Hon. J. D. Wright) and a Minister of Water Resources.

In the many letters I have to write I have not worked out who is who and I usually send letters to the wrong Minister, but that gets sorted out. The real reason for this Bill is to correct a situation that has arisen through the splitting of the job of the Minister of Works into two different Ministries. I would have much preferred that there had been a Bill specifically to deal with that situation rather than that we should give a blanket power under what I am not certain is a very appropriate umbrella, the Administration of Acts Act. I would prefer we had not done that, but we are doing it this way. I accept that there was something to be put right but, as with so much legislation nowadays, what we are doing (whether it is the draftsman, successive Governments, or just the general feeling in the community that Governments should have a lot of power) is giving the Government umpteen times more power than it needs to correct a specific situation. It will make it easier next time for the civil servants, I suppose.

The Liberals go along with that without much analysis of the situation. I do not intend to oppose the Bill, but I do regret that this is another example of giving very wide powers to correct a situation which could have been corrected properly and just as quickly and easily by a specific Bill to incorporate the Minister of Water Resources. Instead of that, in the future these matters will not have to come back to Parliament—any Minister can be constituted. It will probably lead to complications when we have different titles for Ministries and we have to get rid of a corporation sole that has died by a whim of the Premier of the day. They do not die naturally, because a corporation sole is an artificial entity.

I think that it will probably, through lackadaisical administration, cause complications and results which we now cannot foresee and which I believe the Government has not thought about. I have grave doubts whether this is the right way to solve the problem, and I think that we may find, in years to come, that this provision causes more headaches than it cures.

Dr. EASTICK (Light): The question I wish to ask the Minister is one which I suggest will give members the opportunity to assess their attitude to the passing of the second reading of this Bill. It relates to clause 3 (2) *(d)*, which provides:

> . . . dissolve a body corporate constituted under this section, and declare that its assets and liabilities shall become assets and liabilities of a Minister or other officer specified in the proclamation,

It is the phrase "or other officer" to which I refer. I am interested to know, in formulating this Bill, to what degree of officer level the Government has a mind to, by proclamation, pass on assets and liabilities. I think we can all accept the situation when a Minister of the Crown is involved, because a Minister of the Crown does have a certain status, if I can use that term in its broadest sense, in the community and in the public mind.

To include "or other officer" without giving some indication of the degree of responsibility that that officer may enjoy is, I suggest, asking the House for an open-ended cheque. I can fully appreciate the position if the Minister is talking about the Commissioner of Police or the Commissioner of Highways, or a Director-General or a director of a department but, according to the wording that has been included, this provision could apply (and this may not come about in fact) to any officer of a department.

I would appreciate the Minister's giving some indication, before we proceed to vote on the second reading, of the Government's attitude, because I believe it is quite vital to an acceptance of the whole issue.

The Hon. R. G. PAYNE (Minister of Planning): I thank the Leader and Deputy Leader of the Opposition for accepting the necessity for the Bill to be handled during this sitting, which originally came about because of another matter on which considerable time has been spent. The position arose because, during the changeover and the reallocation of portfolios some months ago, a position of Minister of Water Resources was created. Until then, the full administration of the Waterworks Act, the Sewerage Act, and so on, had been committed by Act to the Minister of Works. In the changeover and the allocation of portfolios, it was overlooked that the Minister of Works was already a body corporate or a corporation sole, which appeared to be the wording preferred by the member for Mitcham.

It was only after I had been in office for a few days that the matter was raised. My intention is simply to satisfy the requirements of good government. In occupying the position on the front bench, I am speaking for the Government, and I accept that responsibility. I do not have any sinister motive, as has been hinted, regarding the Bill.

The Bill sets out to provide for the possibility of the Government, through the Governor, declaring me a body corporate in relation to responsibilities which I have as Minister of Water Resources. At the same time, the opportunity is being taken to put this more sensibly, as is fitting for present-day government. The environment portfolio is a good example. Over a few years, there have been arguments and submissions in public discussion about whether the Minister should be the Minister for the Environment, the Minister for Environment and Conservation, or the Minister for Conservation.

The Act being repealed was proclaimed in 1944, so there has been no change in relation to administrative responsibilities under the Act for 35 years. That situation would not apply today in many areas. The Bill appears in this form because, after discussions with the Parliamentary Counsel, it was proposed to provide for a Minister to be a corporation sole or a body corporate in a more suitable and modern way. As far as I am aware, the Government has nothing to hide in the matter, and I have put it forward at this time because we are here, and because the machinery of the other matter we are discussing, for which the House was called together, requires periods of time to elapse for the transmission of messages between Houses.

If the House does not pass the Bill, the practical effect will be that, whenever a contract is concluded between the Engineering and Water Supply Department and a private contractor, it will require not only my approval but that of the present Minister of Works to conclude the contract. It is a ponderous way of carrying out that activity.

Mr. Millhouse: I thought he was the Minister of Public Works.

The Hon. R. G. PAYNE: He is Minister of Works with a new area of responsibility, a reduced area in terms of the field previously covered by the term "Minister of Works".

It is a reduced area in terms of the full area that was previously covered by the term "Minister of Works". There is nothing sinister whatsoever in this matter. We are

trying to satisfy the requirements of good government. The Auditor-General is entitled to know that, when transactions are concluded in the name of Ministers and when activities are carried out in day-to-day government, they are carried out in accordance with proper practice. The practice here, as I have always understood it (I am not a lawyer, and I am almost tempted to say "thank God"), is that there are certain things in which protection is provided for the public if a Minister is a body corporate. Perhaps I misunderstood that, but it was my understanding that there was some form of protection for the public. I believe the Deputy Leader pointed out, almost gleefully, that there was a chance for the Minister to be sued. It was also pointed out by the honourable member for Mitcham that he could already be sued. It is a simpler process when the Minister himself is the corporation concluding the contract with the person involved in a particular transaction. Maybe I am wrong, and, as I have said, "Thank God I am not a lawyer", because I do not want to know any more about it than I am putting to the House in simple layman's terms.

I will now deal with the query raised by the honourable member for Light, who I believe is entitled to some plaudits, because he has said on previous occasions that he carefully reads every Bill which comes before this House. We all like to think that we carefully read the legislation which appears before us, and I believe we all try to do that. However, I believe the honourable member for Light has demonstrated on this occasion, and in the past, that, to use a colloquialism, he lamps on to something which no-one else raises before the House. The honourable member has certainly raised a query which made me seek immediate advice, and I am quite frank about that. I did not involve myself in the production of every word that appears in this legislation, and I do not believe that I should. This legislation, like every other piece of legislation that comes before this House, arrived here after the drafting instructions had been translated into the legal form necessary to put it through this House and, hopefully through the other place. In this way, what we set out to do under the heading "An Act to amend the Act" and so on will occur.

I assure the honourable member that it is my understanding that the wording which appears in clause 3 (2) *(d)* provides for that case where a body corporate already exists in certain Acts in the person of a Director or a Director-General of certain departments. I do not know, nor do I profess to know, all of those persons, but it is certainly my understanding that the wording provided in the Act is directed at that level. I trust that my explanation is reassuring to the honourable member. I believe he was somewhat concerned, and possibly rightly so, and wants to be assured on behalf of this side of the House that it was at that level that the legislation was directed. All I can do is assure the honourable member that that is my understanding of the Bill.

If the Bill is passed in this House, it will go to another place, and it may well be considered there shortly. I undertake to ensure that there is no other meaning in those words than I have put forward, and to which the honourable member referred in his remarks. Finally, I thank Opposition members for their indulgence in allowing me to put this measure forward, which to some extent will alleviate the workload of the present Minister of Works, Mr. Jack Wright.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of Ministers and statutory offices as bodies corporate."

The ACTING CHAIRMAN (Mr. McRae): I have an amendment on file from the honourable member for Mitcham. I am happy, whichever way the Committee likes to tackle this matter, to have honourable members ask questions of the Minister, and then deal with the amendment.

Mr. MILLHOUSE: I appreciate the question asked by the member for Light in the second reading debate, and I agree with the Minister that we should give him appreciation. It is extraordinary, really, that he was not the member of the Opposition leading on the Bill, but he picked up one matter which, I think, needs amending. He asked what the words "or other officer" mean. Whilst the Minister did the proper thing and took advice on it, I am not satisfied that the advice he got, as he expressed it in his reply, is correct. It does not say "or other corporation sole or body corporate;" it says "or other officer". There is no definition anywhere of the term "officer".

This Bill is to be grafted on to the Administration of Acts Act, and the term "officer" is not defined in that Act. So, there is no definition of "officer" in the principal Act of which this Bill in future will be a part. What is an officer? Is a Minister an officer? I do not know what he is an officer of. He is not an officer of the army or any of the services. Whether he is an officer of the Queen, I do not know. This has no precise meaning. If we said (and if this is the intention) that assets could be transferred, say, to the Highways Commissioner, who is a body corporate, we ought to say "or other body corporate". As the Bill reads at the moment, the Minister to whom the assets are transferred does not have to be a body corporate. I have assumed, for the purposes of my amendment, that assets will be transferred to another Minister who is a body corporate, but that is not spelled out in the Bill.

The assets could be transferred personally; that is legally possible, but practically unusual, and probably would not happen. The assets could be transferred to the Minister in person, if he were not a body corporate, and then, when he left office, they would have to be transferred again. That is the way in which the clause has been drawn, and I am sure that you, Mr. Acting Chairman, appreciate this. Paragraph *(d)* provides:

> Dissolve a body corporate constituted under this section, and declare that its assets and liabilities shall become assets and liabilities of a Minister or other officer specified in the proclamation.

I assume that the Minister must be another corporation sole, but even that is not spelled out. The term "or other officer" is so meaningless that it does not even have to be, I suggest in strict interpretation, a public servant. It could be a private individual for all the meaning it has. I know that this is not intended, and I accept what the Minister has said, that there is no sinister intent behind this matter. Undoubtedly, however, this is a piece of hasty drafting, and I think that it is imperfect, and I do not see how the Bill would suffer if we simply did as my amendment would do, that is, in line 22 to leave out "or other officer". That would mean that we would merely be providing that, once a Minister ceased to be a corporation sole, the assets must go to another Minister, and leave it at that. I think that we would be wise to cut out the words "or other officer", because they have no meaning at all, do not add to the Bill, and could cause mischief.

Dr. EASTICK: I appreciate the advice given to the House by the Minister. It fortified the opinion that I held, that basically the drafting attempted to highlight those people in a very responsible position, and I cited the Commissioner of Highways and the Commissioner of Police. Subsequently, it has been suggested to me that there are other obvious examples, such as the Registrar of

Motor Vehicles, the Registrar of Titles, and a whole host of other senior people. Like the member for Mitcham, I accept that the Bill does not clearly indicate that. I would like to believe that the Bill will be passed in rather more precise form than it is in now. I acknowledge the amendment that has been put forward by the member for Mitcham, but I wonder whether it leads into greater difficulties than the Government, and I think anyone who tried to look at the best involvement of the Public Service in the future, would want, that is, that this matter go directly to another Minister. I think that there are other areas where a responsible officer must be given the opportunity to take a vital part in the processes.

I noted that the Minister indicated that the opportunity would be taken to examine this matter after it left this place and before discussion was concluded in another place. It may well be that the lateness of having pinpointed this question will require such action, but I express on this occasion a very personal opinion, that I do not believe that what the Committee is being asked to accept is totally acceptable, and I hope that a compromise answer, in part brought about by the move already taken by the member for Mitcham, will be accepted.

Mr. GOLDSWORTHY: Some points that were raised by the member for Mitcham regarding the breadth of this Bill as summed up by this clause had occurred to me. I think that the Minister would acknowledge that I have canvassed this Bill with him, prior to any agreement to support the Bill.

Mr. Millhouse: This was raised by the member for Light.

Mr. GOLDSWORTHY: Let us deal with one matter at a time. To put the honourable member's mind at rest, I point out that I canvassed this matter with the Minister and suggested that it would be more satisfactory to amend the specific Act, which referred to the Minister of Works having certain powers. That Act was examined. I sought legal advice from a member of my Party in another place, who conferred with another member with legal ability in that place. It was the view of my two colleagues that there was no harm in the Bill. Therefore, I supported the Bill at the second reading. I have also had initial discussions with the Parliamentary Counsel about the import of the Bill, and I have recently had more discussions with him. The amendment that the member for Mitcham is canvassing must be related to clause 3 (2) *(c)*, which states:

> (2) The Governor may, by proclamation . . . *(c)* constitute the person holding, or acting in, a specified statutory office, and his successors, as a body corporate;

Certain specified statutory officers, not just any officers, are constituted as a body corporate.

Some of them have already been mentioned—the Commissioner of Highways, the Director-General of Community Welfare and the Director of Mines, I think, are bodies corporate. Paragraph *(d)* refers back to paragraph *(c)*, so that, if the Governor has the power to constitute a person as a body corporate, it is necessary for him to have the power to dissolve that incorporation. That is how the position has been explained to me.

It has been further suggested that if the member for Mitcham's amendment is carried it will be necessary to strike out paragraph *(c)* of this clause because that is the paragraph to which paragraph *(d)* refers. If that is the case, it seems to me that either we agree that the Governor should have power to make this proclamation, in which case he should have the power to dissolve it, or we strike both out. We are getting here to a legal argument where we have two lawyers pitted against each other. The legal advice open to members is not that which comes solely from the cross benches: there are other people who can give us legal advice and I have received advice from at least three other persons.

The interpretation I have just given referring to this power of the Governor to dissolve a body corporate refers to the specified statutory officers mentioned earlier. If the member for Mitcham thinks that that advice is incorrect, perhaps he should say so. If one is to carry the amendment moved by the member for Mitcham it will be necessary also to strike out paragraph *(c)*.

Mr. MILLHOUSE: The member for Kavel influences me not at all, but the member for Light does. He had another good point. That has influenced me to add to my amendment and I hope that, procedurally, this will be done. I am sure that this will meet everybody's convenience and save face, which apparently needs saving, on the front bench of the Liberal Party. I move:

> Page 1, line 22—Leave out the words "or other officer" and insert in lieu thereof "or other body corporate".

I am sure that that covers my point and it also allows the Government to do what it apparently wants to do—have the power to transfer, on the dissolution of a body corporate who is a Minister, either to a Minister or another body corporate.

The Hon. R. G. PAYNE: I think the explanation of this matter was given quite lucidly by the Deputy Leader a few moments ago. I do not know what the suggestion is. We have a person constituted as a body corporate (he may well be a Minister or a statutory authority) and the necessity arises for a dissolution of that situation. It has been put that in some intangible way we want to be able to write into the Act that the Government, in that instance only, will suddenly become queer or sinister and will vest all the assets or whatever is involved in the corporation in someone who should not be given that responsibility and those assets. It is a load of nonsense.

Mr. Millhouse: I don't think you heard my explanation.

The Hon. R. G. PAYNE: I do not want to hear the honourable member's explanation, because it is clearly the result of seeing in the Bill some meaning that is not intended. The clause is one that we see time and time again in Bills which set out to cover the situation with which the principal Act is concerned. As the Deputy Leader put it, the Governor may, by proclamation, constitute a Minister administering an Act a body corporate. That being so, there must be some means of undoing that situation. The words as drafted set out to provide for the situation where the transfer involved (I hope that is right legally) may well involve an officer. There may be a number of officers, those who are specified in the proclamation at the time.

If the Government is entitled to govern as the result of an election, surely it must be given some responsibility in this matter. If the Government is to be allowed to set up a body corporate, why try to interpolate this other minor stricture? I do not follow the reasoning, and I oppose the amendment.

Mr. GOLDSWORTHY: The member for Mitcham has unwittingly made the situation far worse because, with his amendment, the clause would provide:

> (2) The Governor may, by proclamation—
>
> *(d)* dissolve a body corporate constituted under this section, and declare that its assets and liabilities shall become assets and liabilities of a Minister or other body corporate specified in the proclamation.

The Minister could give the assets to the B.H.P. As the clause is drafted, the "other officer" refers back to paragraph *(c)*, a person holding or acting in a statutory office. The member for Mitcham has left it wide open, because his amendment would allow the Governor, if he decided to go really mad—

Mr. Millhouse: We can't save their faces, you see, Bruce.

Members interjecting:

The ACTING CHAIRMAN (Mr. McRae): Order!

Mr. GOLDSWORTHY: We must refer this back to subclause (2), which provides that the Governor may, by proclamation—

Mr. Millhouse: You don't know what you're talking about.

Mr. GOLDSWORTHY: I do. Under the amendment the Minister may specify in the proclamation that the assets be vested in the B.H.P. With all due respect to the member for Light, the amendment of the member for Mitcham provides that the Minister may, by proclamation, dissolve a body corporate and delare that the assets and liabilities shall become the assets and liabilities of any other body corporate specified in the proclamation. The member for Mitcham is opening up a Pandora's box.

Mr. Millhouse: I think this is my last shot.

The ACTING CHAIRMAN: That is so.

Mr. MILLHOUSE: It is fairly obvious that we must assist the Parliamentary Counsel to save face, because he is the one advising the Deputy Leader and the Minister. I make two points to him through the member for Kavel and through the Chair. First, I point out to the member for Kavel that we already have "under this section" in paragraph *(d),* and I have no doubt that a court would construe the words I want to put in, "or other body corporate", as being a body corporate constituted "under this section". Of course, if that construction is not placed on that phrase, the present wording of the clause is more wide open to abuse than my amendment, because these things could be transferred to anybody in the whole wide world, whether it be a natural person or a company.

As I understand it, the Government wants the power to transfer to another Minister, or to another body corporate, such as the Commissioner of Highways. In my view, this amendment achieves that aim, whereas the Bill as it stands at the moment is not exact and probably does not achieve that aim. It is only a little point of course, but it was properly picked up by the member for Light. Everybody else, myself included, overlooked this matter. Despite the assertions of the member for Kavel, he obviously had not seen it and those advising him had not seen it. As a matter of common sense, this amendment should be accepted.

Dr. EASTICK: I am not persuaded by either the Minister or the member for Kavel not to proceed with the course of action which has been outlined in this amendment. I do not accept that the purpose is destroyed by the insertion of these words, and I insist that it would be too imprecise to proceed with the words as provided in the Bill.

The Committee divided on the amendment:

Ayes (10)—Mrs. Adamson, Messrs. Arnold, Becker, Blacker, Dean Brown, Eastick, Evans, Mathwin, Millhouse (teller), and Wilson.

Noes (32)—Messrs. Abbott, Allison, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Crafter, Drury, Duncan, Goldsworthy, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Payne (teller), Russack, Simmons, Slater, Tonkin, Venning, Virgo, Wells, Whitten, Wotton, and Wright.

Majority of 22 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

Later:

Returned from the Legislative Council without amendment.

SANTOS (REGULATION OF SHAREHOLDINGS) BILL

Resumed debate.

(Continued from page 176.)

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

Consideration in Committee.

The Hon. HUGH HUDSON: 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. Allison, Goldsworthy, Hudson, Klunder, and McRae.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 4.25 p.m.

[Sitting suspended from 4.23 to 11.40 p.m.]

At 11.40 p.m. the following recommendations of the conference were reported to the House:

As to Amendments Nos. 1, 3, 5, 6, 8, 10 and 12:

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

As to Amendment No. 13:

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

Clause 7, page 4—After line 25 insert subclauses as follow:

(1a) A notice under subsection (1) of this section must be published within one month of the date of the resolution to which it relates.

(1b) If, throughout a period of three months (being a period that commences at some time after the commencement of this Act), there is no shareholder or group of associated shareholders that holds more than the maximum number of shares permissible under this Act, then, after the expiration of that period, no notice of annulment shall be published in pursuance of subsection (1) *(b)* of this section.

and that the House of Assembly agree thereto.

As to Amendment No. 15:

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

Later:

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

Consideration in Committee of the recommendations of the conference.

The Hon. HUGH HUDSON: I move:

That the recommendations of the conference be agreed to.

On three matters in dispute (the question of binding the Crown, the proposal that the time for divestment should be extended from six months to two years, and the special appeal proposal), the Legislative Council managers determined not to insist further.

The position on binding the Crown is that it is not at present the Government's intention to have a substantial shareholding in Santos, even if temporarily it holds shares as a consequence of Mr. Bond's taking up the offer that has been made to him. However, the future is sufficiently

uncertain that the Government felt very strongly that it could not see its discretion in this matter fettered in any way, and consequently it maintained the position that the Crown should not be bound.

The second matter related to the proposal that the period for divestment be extended from six months to two years. The position taken at the conference was that it was necessary to stabilise the whole position in relation to Santos no later than March of next year in order to ensure that we had a satisfactory situation at that date, so that there would be no difficulty in obtaining a liquids or petrochemical scheme, and that any change beyond six months might well destabilise the position. It was pointed out that the notice that divestment is required does not flow automatically in the legislation; the Minister has to determine whether or not the notice is to be given. The similar provision in the South Australian Gas Company's Act, which was passed in February of this year, has not led to any notice of divestment up to the present time.

The other matter related to the appeal provision. The House of Assembly managers maintained the position that the way in which the provision was originally written made the matter justiciable before the Supreme Court, and it was neither necessary nor advisable in the circumstances to put in a further provision. The effect of the compromise he matter justiciable before the Supreme Court, and it was neither necessary nor advisable in the circumstances to put in a further provision. The effect of the compromise reached on the power provided in the Bill originally to annul resolutions of shareholders in the public interest is that that power will persist only for a limited period. As soon as divestment takes place for the first time, and every shareholder or group of associated shareholders is at 15 per cent or less, then three months after that time the power to annul a resolution contrary to the public interest disappears. However, in the intervening period the Minister retains that power. The power remains to annul a resolution of shareholders where votes have been admitted into the count that should not have been admitted. That is purely an objective test, and if a mistake were made in annulling such a resolution that could be overturned in the courts.

I am pleased that the matter has been resolved. I thank the managers who took part on behalf of this House, and I congratulate all the managers who participated from another place. Although long, the conference was amicable throughout. Whilst the matters argued about were matters of considerable moment in relation to the measure, the discussion did not at any stage become heated. I especially thank those who had an opposing point of view for allowing the conference to proceed in that way.

The Bill is a very significant piece of legislation. It is a matter that could proceed to this stage only after most careful consideration. It is clearly still a matter of dispute among members on different sides of the House. I hope the legislation will operate in a way that will see the continuance of Santos as a prospective company making reasonable returns for its shareholders but also ensuring the development of our gas and liquid resources in the Cooper Basin in the long-term interests of the State. I recommend the recommendations of the conference to the Committee.

Mr. GOLDSWORTHY: I oppose the motion. I should explain to the House that two courses were open to the conference. The course finally adopted will have the effect of saving the one amendment which was the result of an agreement reached at the conference. In effect, no agreement was reached on three major issues. This does, to my mind, make something of a farce of the whole operation, because the other alternative would seem to have been the logical one—to report to this place that no agreement was reached, because no substantial agreement was reached on three issues which are of special moment in this Bill.

The Minister's Bill has come through almost unscathed. The attitude of the Opposition in this place to the Bill has been perfectly well known to the Minister from the outset of the debate. We are, in effect, now faced with this Draconian legislation passing on to the Statute Books of South Australia. I do not intend to canvass at length again all of the arguments that were put before this place in support of the amendments, which were moved here initially and which were eventually carried in another place.

I agree with the Minister that the discussions were civilised and amicable. There was no heat at the conference but it was perfectly obvious that the Minister was quite unyielding; in fact, he seemed to be of the view that he was going to get his Bill, anyway. It is not clear to me how he came to that conclusion, but he has been confident throughout this exercise—a confidence which, at one stage, I thought was misplaced. It now appears to have been justified.

I will briefly allude to the three significant areas in which the conference achieved no satisfactory result, certainly to my mind and to that of the Opposition. The Minister refused to have the Crown bound. He said that at the present time the Government does not intend to take up Santos shares. That is a valueless statement.

Mr. Mathwin: That doesn't mean much.

Mr. GOLDSWORTHY: Not a thing. He told us a day or two ago that he did not have the money to take them up, anyway. The Minister has yielded nothing in regard to binding the Crown. In two other significant areas no effective agreement was reached. As regards the divesting of shares, we know that this could cause chaos. The requirement of the Minister for the Bond Corporation to divest its shares in six months could affect the market very significantly indeed. The Minister has taken no cognizance of that fact at all. The Minister has insisted that the divestment take place in a period of six months and not in a period of 24 months, as was suggested by the amendment. Nothing was achieved there.

In the third significant area, in the interests of justice, an amendment was moved to give a realistic appeal provision against the Draconian powers of the Minister, and that came to nought. I do not have to canvass the arguments in detail. I am bitterly disappointed at the result of the conference. I am bitterly disappointed that this legislation is passing into law, and I believe that all members on this side of the House share that view.

Mr. MILLHOUSE: Methinks that the member for Kavel speaks with a forked tongue. That is how the Liberal Party has spoken on this matter right through. Members of the Liberal Party have known from the very beginning that they could say what they liked in opposition to this Bill, but that it would go through, because there were people in their own Party in another place who would rat on them when it came to the crunch. If they do not know that, everybody else in South Australia knows it.

I refer to the *News* dated 17 May and an article which appeared under the heading "Key Lib backs stand on Santos". That article reads as follows:

> Safeguard energy now, says Laidlaw. Liberal M.L.C., Mr. Don Laidlaw, the key Parliamentarian in the Santos issue said today, "No outside private group should dominate the State's Cooper Basin gas resources."

I have heard him say that again tonight and, to my knowledge, he has not said anything else on any occasion

since 17 May. The Liberals have known that all along, so they have been able to afford themselves the luxury of saying what they like about the Bill in opposition to it, in an attempt to get some kudos from the public, knowing all along that the Bill would go through, just as the Leader and the Deputy Leader—

The CHAIRMAN: Order! The honourable member will resume his seat. I have afforded the honourable member the luxury of departing from the amendment before the Chair, and I now ask him to come back to it.

Mr. MILLHOUSE: Is there an amendment before the Chair?

The CHAIRMAN: I beg your pardon, that the recommendations of the conference be agreed to. The honourable member is departing from the recommendation of the conference, and I believe he is expanding the discussion somewhat.

Mr. MILLHOUSE: I was not expanding the discussion; I was just expressing my utter disgust with the Liberals.

The CHAIRMAN: The Chair will determine that. I do not want to limit the honourable member unnecessarily but I do believe that he was expanding the debate.

Mr. MILLHOUSE: If I can just conclude my sentence—just as the Leader and the Deputy Leader have done ever since they were talked to by the Premier at the beginning of this farce. I certainly do not support the resolution. However, I would like to congratulate the Deputy Premier on the way in which he has manoeuvred this Bill through. He has done very well, and has no doubt entrenched himself as the Deputy Leader of his Party and, in due course, as the leading candidate for the Premiership.

The CHAIRMAN: Order! The honourable member is stretching the tolerance of the Chair at this late hour. Will the honourable member get back to the motion before the Chair please?

Mr. MILLHOUSE: Yes, I will. I simply wanted to make those preliminary points. I now turn to the magic piece of paper we now have before us. I do not know whether I have misread it, or whether other members have misread it, or whether it was carelessly drafted, or what. As far as I can see, it misses the point of the meeting on 8 June, which is quite safe for the Minister, because he can annul anything he likes at that meeting which is the one that counts, because that is when the crunch will come. As far as this so-called concession, which he has made, it only means that in new subclause (1) *(a)* he has got to publish his annulment within a month, in subclause (1) *(b)* he does not have to publish that annulment any more, but that does not mean to say that he cannot annul.

The Hon. Hugh Hudson: You have misread it.

Mr. MILLHOUSE: No, I haven't. Clause 7 (1) *(b)* provides:

> Where in the opinion of the Minister—
>
> *(b)* a resolution of a general meeting of the company is contrary to the public interest,
>
> the Minister may, by notice published in the *Gazette*, annul that resolution.

Subclause (1a) provides:

> A notice under subsection (1) of this section must be published within one month of the date of the resolution to which it relates.

[Midnight]

That is to give some publicity. God knows, that is not much of a concession, although it was lauded by some people in the Upper House as being that. Subclause (1b) provides:

> If throughout a period of three months, being a period that commences at some time after the commencement of this Act, there is no shareholder or group of associated shareholders that holds more than a maximum number of shares permissible under this Act, after the expiration of that period no notice of annulment shall be published in pursuance of subsection (1) *(b)* of this section.

Of course, that is a literal mistake: it should be "(1) *(a)*" and not "(1) *(b)*". However, that does not matter too much. So, all that does not have to happen is the notice of annulment. Of course, the whole thing is a farce, anyway. Most so-called agreements that come out of managers' conferences are a farce, and this is a supreme farce. It means absolutely nothing. It does not derogate from the Minister's power in the long run; nor, of course (and this is admitted) does it derogate from the powers for the vital date, namely, 8 June.

The only one good thing that one can say about this pantomime this evening is that at least we have not got an apparent facade of agreement because managers from both sides of the House were at the conference. At least the Liberals in this place are saying that they do not like it. As I say, this is utterly hypocritical of them, because they have known from the beginning that the Bill would pass and that the Minister could get it through, because he had two or three of their colleagues in his pocket. This was obvious for the reasons that I have given and because of the time table that we had for the consideration of this Bill. If the Minister thought that the Bill was going to a Select Committee, we would not have been called together today, because a Select Committee could not have been appointed in another place.

So, the whole thing is awful. This is a most unfair piece of legislation. I protest at that and at the gross unfairness that has been perpetrated by Parliament in putting it through in this way without allowing Mr. Bond or anyone else to have any time or opportunity to make representations to Parliament as should have been done and, indeed, as has always been done in the past.

Mr. TONKIN: The member for Mitcham has spent much of his recent few minutes imputing to the Opposition motives that I totally refute. He has accused us of being hypocritical. I point out to the honourable member that, because of the way in which he spoke during the earlier stages of this Bill, I gained the impression that nothing would be too much trouble for the honourable member in order to oppose the Bill's various provisions.

I was somewhat surprised when I called the first division in Committee to find that the member for Mitcham was absent from the Chamber and, indeed, that he did not vote in Committee on any of the clauses. Just to put the record straight, I consider that it is totally hypocritical for the honourable member to speak in the way that he is now speaking.

Let me make clear that I am bitterly disappointed at the results of this conference. I can well understand the jubilation that the Minister now finds great difficulty in hiding. The Bill will undoubtedly pass this House almost in its original form. The fact that it has not been amended as it could have been amended is entirely the result of proceedings in another place.

We have been told that this legislation has been introduced to control the activities of the Bond Corporation, and no-one else, because of the threat that the Bond Corporation presents to this State's energy resources. However, this will have immeasurable effects on investment and business confidence in and on the inflow of risk capital to this State. Nothing can change that. South Australia's future is on the line and, whether or not the Minister likes it, he has adopted a course of action that is akin to taking a sledge hammer to crack a walnut. There were other means of controlling the threat

as perceived. These means were canvassed thoroughly in this House, and I do not intend to go into them now.

There were other means which could have been used and which would have been far more satisfactory from the point of view of the well-being of the people of South Australia. The threat to our gas and energy resources would have been contained, and we would not have had the Draconian legislation now represented by these recommendations from the conference. I do not know whether the Minister is proud of himself, but I guess that he is. He has been grinning all night.

Mr. Chapman: He'll have to wear it as a necktie for a long time.

Mr. TONKIN: He will have to wear it for a long time. The Minister and the Government, and those people who have helped them put this legislation through, although they may believe that they have done the right thing for business in the short term, have done an immense damage to free enterprise and to business in the long term in this State.

The Hon. HUGH HUDSON: I will deal first with the member for Mitcham. I really must congratulate him, because the Australian Democrats in this House are always completely unified. They are always completely unified in both Houses of this Parliament. The display of unity that they achieve is really magnificent: it is entirely due to the member for Mitcham, and it is completely unmatched by the Liberal Party. The member for Mitcham is solid, from the neck up. He chose to misread completely the provision of clause 7. There are two paragraphs of clause 7, whereby resolutions can be annulled. Clause 7 (1) provides:

> *(a)* a resolution of a general meeting of the company has been passed as a result of the admission of votes that should not, in view of the provisions of this Act, have been admitted.

That can be annulled by a notice published by the Minister in the *Gazette*, and that stays permanently as a provision. All that is affected by the compromise amendment is clause 7 (1) *(b)*, which provides:

> A resolution of a general meeting of the company is contrary to the public interest.

If the honourable member were to read the motion before the House, he would see that it is correctly worded and states that no notice of annulment shall be published in pursuance of subsection (1) *(b)* of this section, which relates to a resolution contrary to the public interest.

Mr. Millhouse: I see.

The Hon. HUGH HUDSON: That is brilliant; I am glad that the penny has dropped now. I withdraw my remark about the honourable member being solid. He is schizophrenic; first, he did not see it, yet now he sees it. I will deal now with the comments of the Deputy Leader.

Mr. Millhouse: You haven't dealt with my major objection.

The Hon. HUGH HUDSON: Like some other Opposition members, you think that you are protecting private rights in all circumstances—

Mr. Millhouse: You haven't dealt with the drafting objection.

The Hon. HUGH HUDSON: The honourable member and other Opposition members think that, by protecting private rights and putting that above everything else in all circumstances, they will in some magical way ensure the long-term interest of the community. There are others who legitimately take the opposite point of view, which may be wrong, but it is certainly taken legitimately by members on both sides. Whether or not the Leader or the Deputy Leader likes it, the position of the Government on this matter is not something Machiavellian or something that could be categorised in the way in which the Leader and Deputy Leader have tried to do. Their fulminations seemed to be designed to cover up other problems, as far as I can judge. Whether or not that is the case, let no-one go away with the impression that the Government's position is not that these measures are necessary in the long-term interests of the State in order to secure the effective development of the resource of the Cooper Basin. I do not propose to go through that argument again in detail, as it has been put in detail. The position of the Government is firmly based on the long-term interest of the community, and to suggest that, if we have a conference, we must give concessions just because of a conference, if we think that those concessions are contrary to the long-term interests of the community, is ridiculous.

Mr. DEAN BROWN: The motion as it stands and, therefore, the Bill as it now passes is a complete victory for the Government. The deadlocked conference was obviously a complete farce. I am disappointed with the result of the conference, especially with the actions of some of my colleagues in another place in bowing to the pressures of the Government. I believe that people who advocated support for this Government legislation, particularly those who purport to uphold the principles of private ownership, democratic rights, and the long-term interests of South Australia, will regret their support for this legislation. There are a number of unanswered questions in relation to the Santos affair. The first is the role of Dow Chemical in the need for this legislation.

The CHAIRMAN: Order! I point out to the honourable member that he should confine his remarks to the motion before the Chair, and ought not start another second reading debate.

Mr. DEAN BROWN: I am not supporting the motion, but am opposing it. In opposing it, I point out that this legislation should not be passed, for the following reasons: the first is that the role of Dow Chemical has not been clearly spelled out to the House. I do not intend to pursue that matter further, but I point out that it is a relevant matter, which has not been covered by the Minister.

The second reason why I am opposed to the legislation is that it will have a damaging effect on business confidence in South Australia, and to think that this legislation has been put forward by the man responsible for economic development in this State is a shame on the future of the economic and employment situation that the State now faces.

I am also opposed for a third reason, namely, that it is retrospective legislation, and there is no denying that. A man has legally bought shares in a company and this Parliament, a so-called democratic Parliament, is now prepared to strip those shares from that man by forcing through retrospective legislation. In no circumstances am I prepared to support a measure of that kind. There can be no justification for retrospective legislation under a democratic Parliamentary system. The legislation has been brought forward by a man who is the biggest wheeler-dealer that this Parliament has seen.

The CHAIRMAN: Order! I should point out to the honourable member that the motion before the Chair deals with the matters that were referred to the conference and reported on. The honourable member at this stage has not directed his comments to that recommendation. He cannot continue in the line he is now following. He is right back to a second reading speech. He is canvassing all the issues of the legislation, and should not be doing so. He should confine himself to the recommendations of the conference.

Mr. DEAN BROWN: I am pointing out why I am rejecting those recommendations.

The CHAIRMAN: The honourable member ought to confine his remarks to the recommendations of the conference. The tack that he is using is a subtle one to allow him to canvass all matters, and I will not allow him to continue.

Mr. DEAN BROWN: Regarding amendment No. 13, despite the fact that this seems to be the only amendment on which the Government has given any ground, I have doubts, as has the member for Mitcham, about how valid that is, particularly subclause (1) *(b)*. I tend to agree with the member for Mitcham that all that it requires is that after that period the Minister will not have to publish the appropriate notice. The provision states:

> After the expiration of the period no notice of annulment shall be published in pursuance of subsection (1) *(b)* of this section.

Mr. Millhouse: He didn't ask me about that.

Mr. DEAN BROWN: He dodged the issue. Regarding that amendment, if I can have the order of the House—

The CHAIRMAN: Order! The member for Davenport has the floor. Other honourable members will have the opportunity to speak later if they so wish.

Mr. DEAN BROWN: This section and the fact that this was put forward clearly breaches the democratic rights of the shareholders at their meeting on 8 June. I might add that the Bill now before the House is clearly against the best interests of the small shareholders in Santos; they are the people who are the real losers. They now have a shareholding in a company which is basically under the control of the Minister of Mines and Energy. I am disappointed with what has been brought before this House in this motion. I am also disappointed that there was not some compromise which could have overcome some of the worst aspects of the Bill.

Mr. Millhouse: Why should he compromise when he knew he had the numbers?

The CHAIRMAN: Order! The honourable member has two more opportunities to speak if he so wishes. He must not continue debating by interjecting.

Mr. DEAN BROWN: For those reasons I oppose the motion before the House. This Parliament should not place a subjective analysis or judgment on an individual who obeys the law. This is not a star chamber, as it has been made into by the passing of this motion this evening. I therefore oppose the motion.

Mr. EVANS: I oppose the motion. What has happened regarding this Bill is depressing. I do not believe that any person in any part of Australia or overseas could trust South Australia for future investment if the Bill passes, and I have no doubt that it will, because members of the Government will stay united. From that point onward, a precedent will be set for the Government to move similar legislation at any time to acquire interests from free enterprise. The Minister says that he is not prepared to bind the Crown because his Government, or some future Government, may wish to buy an interest in this operation. The Minister has stated tonight, I think for the first time, that he wants to preserve the opportunity for his Government to do that if it wishes to do so in the future. It is quite clearly the indication to any business entrepreneur or operator that the Government is prepared to move similar legislation at its own whim. If this action is taken in this case, the same action can be taken in the future. There is no doubt about that, and there is no doubt that it is a complete victory for socialism and a loss for free enterprise.

The Opposition opposes this proposal and has done so since it was brought before Parliament. Members on this side hoped that the Bill would be amended so that the interests could be preserved for all. The member for Davenport is correct in saying that the Bill is retrospective. Some group legally bought an interest, and now we, as a Parliament, have set out to change the law and to say that what that group did nine months ago was illegal, that the Government does not like that, and that it will take away the interest of that group. If this happened to you, Mr. Chairman, me, any other person in this Parliament or the community, or any company, those people would feel grieved and hurt and would feel that they had been treated unjustly. It is unjust to say that an action that was taken legally within the free enterprise system, and quite openly within the law of the land, with others having the opportunity to buy the interest is subsequently unlawful.

The CHAIRMAN: Order! The honourable member is tending to give a second reading contribution. I ask him to be more specific and to relate his argument to the motion before the Chair.

Mr. EVANS: The way these recommendations have been made is a clear indication that this Parliament and the Government intend to take away the interests of an individual company that have been bought quite legally. That is degrading to us as Parliamentarians if we support it. I oppose it, and I say again that it is a complete victory for socialism and a total loss for free enterprise.

Mr. BLACKER: In opposing the motion, I seek information from the Minister. Clause 7 (1) provides:

> Where in the opinion of the Minister—
>
> . . . *(b)* a resolution of a general meeting of the company is contrary to the public interest, the Minister may, by notice published in the *Gazette*, annul that resolution.

According to the amendment as a result of the conference, that annulment shall be recorded only for up to three months after the date of the commencement of this legislation, and after that time any annulment does not have to be published. As I understand the amendment, for that period that has been stipulated in the amendment it has to be recorded and a notice published. After the three months and after the requirement that there is no shareholder or group of associated shareholders who hold more than the maximum number of shares permissible under the legislation, after the expiration of that period no notice of annulment shall be published. To me, this would mean that, once the Minister was of the opinion that all shareholders were reduced to the appropriate 15 per cent, no further publication of any annulment would take place, according to the legislation. However, the fear would still be there that the Minister could make such an annulment.

The Hon. HUGH HUDSON: The power of annulment under paragraphs *(a)* and *(b)* of clause 7 (1) in the original Bill can be carried out only by a notice pubished in the *Gazette*. If you do not publish the notice in the *Gazette*, you cannot annul the resolution. The compromise amendment means that three months after everyone has come down to 15 per cent you can no longer annul a resolution. New subclause (1b) provides:

> . . . no notice of annulment shall be published in pursuance of subsection (1) *(b)* of this section.

So, you cannot then publish a notice of annulment. This means that you cannot annul, according to new subclause (1b). So, you can no longer undertake the procedure to annul under clause (7) (1) *(b)*. You can still do it under clause (7) (1) *(a)*, but not under clause 7 (1) *(b)*. If the honourable member thinks about it a bit more carefully he will see that what I am saying is correct.

Mr. MILLHOUSE: I cannot accept that explanation. I do not think it matters, because it will never occur, and after 8 June the Minister will have achieved his object, anyway. If that is what he wanted to do, the way in which the thing should have been drawn would have been to take

away his power to annul. In the way it has been drawn (and I concede this, but only to this extent) it is at least arguable that all that does is to cancel out new subclause (1a).

The Hon. Hugh Hudson: Only by a lawyer who has two hands.

Mr. MILLHOUSE: This will have to be scrutinised by lawyers, and most of us have two hands. There is no doubt whatever that, if the Minister wanted to make his intention plain that he did not have the power to annul after that period, that is what the amendment should have said, instead of going about it in this round-about way. However, it does not matter, because he has had a complete victory. He knew he had the numbers in his pocket from the beginning, and he did not have to compromise. That is why he has done so well out of it. The Leader of the Opposition had better talk to the Hon. Mr. Laidlaw, the Hon. Mrs. Cooper, and the Hon. Mr. Geddes, who crossed the floor—

The CHAIRMAN: Order! The honourable member started by speaking to the motion, but I fear he is starting to wander again and he will not be allowed to.

Mr. MILLHOUSE: No, I was not going to do that. I am going to close now, and in doing so I would like to thank the Minister for those remarks about me which were complimentary and condemn him for those which were not.

The Committee divided on the motion:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crafter, Drury, Duncan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Klunder, Langley, McRae, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

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

Pair—Aye—Mr. Olson. No—Mr. Gunn.

Majority of 6 for the Ayes.

Motion thus carried.

ADJOURNMENT

At 12.31 a.m. the House adjourned until Tuesday 31 July at 2 p.m.