HOUSE OF ASSEMBLY

Tuesday 4 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

WORKERS COMPENSATION (INSURANCE) BILL

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

PETITIONS: PROSTITUTION

Petitions signed by 101 residents of South Australian people, all praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations Convention on Prostitution were presented by the Hon. D. O. Tonkin, and Messrs. Evans and Trainer.

Petitions received.

PETITIONS: MEAT TRADING

Petitions signed by 408 residents of South Australian people, all praying that the House urge the Government to oppose any changes to extend the existing trading hours for the retail sale of meat were presented by the Hon. M. M. Wilson, and Messrs. Bannon, Evans, and Lynn Arnold.

Petitions received.

PETITION: ENVIRONMENTAL UNIT

A petition signed by 131 residents of South Australia, praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit, to reinstate Dr. J. Coulter to his previous position and instigate an inquiry into the administration of the Institute of Medical and Veterinary Science was presented by the Hon. Peter Duncan.

Petition received.

A petition signed by 16 residents of South Australia, praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit and instigate an inquiry into the administration of the Institute of Medical and Veterinary Science was presented by Mr. Evans.

Petition received.

PETITIONS: CONTRACTS

Petitions signed by 119 residents of South Australia, all praying that the House urge the Government to ensure that it does not let contracts to private enterprise to the detriment of Government employees were presented by the Hon. J. D. Wright, and Messrs. Bannon and Lynn Arnold.

Petitions received.

PETITION: LOXTON REGIONAL FREIGHT CENTRE LINE

A petition signed by 206 residents of South Australia, praying that the House urge the Government to oppose the Australian National Railways decision to close the rail line between the proposed Loxton regional freight centre to Paringa was presented by Mr. Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos. 4, 308, 393, 461, 527, 528, 543, 564, 585, 588, 591, 593, 595, 599, 601, 602, 608, 609, 614, 616 and 643.

FISHING LICENCES

In reply to **Mr. GLAZBROOK** (21 October).

The Hon. W. A. RODDA: Applications for A-class licences for those people who have operated a vessel as an employee separate from the principal licence holder are currently being assessed and the successful and unsuccessful applicants will be notified within the next two or three weeks.

ETSA DEPOSITS

In reply to the **Hon. PETER DUNCAN** (17 September).

The Hon. E. R. GOLDSWORTHY: The Electricity Trust seeks a security deposit to cover payment of future electricity accounts in the following circumstances:

1. From a new consumer in business.
2. From a new consumer occupying a rented furnished or semi-furnished dwelling.
3. Where the trust has an indication, such as bankruptcy proceedings, that a consumer may fail to meet commitments and has not established a good record of payment of accounts with the trust.
4. From consumers taking over businesses with a high risk of failure, such as delicatessens, nightclubs, coffee lounges, and the like.
5. From consumers with a poor record of payment.

Security deposits are sought under the terms of the trust conditions of supply which are the basis of a contract between the trust and each consumer.

YOUTH HOUSING

In reply to **Mr. BANNON.**

The Hon. C. M. HILL: The Government is currently considering the report of the Working Party on Youth Housing to determine appropriate action in respect of the recommendations contained therein.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Education (The Hon. H. Allison)—

Pursuant to Statute—

I. Education, Director-General of—Report, 1979.

II. Rules of Court—District Criminal Court—Local and District Criminal Courts Act, 1926-1980—Fee.

By the Minister of Planning (The Hon. D. C. Wotton)—

Pursuant to Statute—

I. Planning and Development Act, 1966-1980—Metropolitan Development Plan—Corporation of Glenelg Planning Regulations—Zoning.

II. South Australian State Planning Authority—Report, 1979-80.

III. Planning, Director-General of—Report, 1979-80.

By the Minister of Transport (The Hon. M. M. Wilson)—

Pursuant to Statute—

I. Motor Vehicles Act, 1959-1980—Regulations—Alterations and Additions to Vehicle.

By the Minister of Water Resources (The Hon. P. B. Arnold)—

Pursuant to Statute—

I. Sewerage Act, 1929-1977—Regulations—Trees and Shrubs.

QUESTION TIME

TEACHER TRANSFERS

The Hon. D. J. HOPGOOD: Will the Minister of Education now concede that his statement to the House last week, intended to clear the air on country transfers, has resulted in only confusion, frustration and in some cases anger? Last week in the House the Minister gave what was intended to be a spirited defence of his policy. Since that time a series of things has happened. I am told that his Director of Personnel went to a meeting in the Central Eastern Region and spoke to principals last week and gave an undertaking to that meeting that all metropolitan teachers displaced to the country, not just secondary seniors, would be given a written guarantee of transfer after three years. When the people at the meeting checked with the superintendents back in the department these people apparently knew nothing of that. The statement, and indeed the Minister's statement, have resulted in much anger on the part of country teachers who would like such a written statement after five or perhaps even 10 years of country service.

The SPEAKER: Order! I ask the honourable member for Baudin to deal only in fact and not to comment.

The Hon. D. J. HOPGOOD: Very well, Sir. Furthermore, teachers tell me, that having now done their sums, it has come home to them that the effect of an excess of displaced teachers over vacancies will mean a pool of permanent mobile teachers and hence a severe reduction in the number of jobs available to contract teachers and students. That is what is being said around the traps and I think it is up to the Minister to clear the air.

The Hon. H. ALLISON: The claim made by the honourable member, that any member of the Education Department has made a statement relating to guarantees or assurances that they will return to Adelaide after three years of country service should they volunteer to transfer, comes as a surprise to me.

The statement that I made in the House last week quite specifically related to the transfer of seniors. I am well aware of the concern that has already been expressed by country staffs who feel that such a condition might well be made available to them, but a little more of that later. Certainly, there is no Ministerial or Director-General approval for any commitment to teachers other than those senior staff who are related to the 22 positions which were advertised (that, too, in itself, is an unusual step) and which are subject to voluntary movement by seniors within the metropolitan department.

However, this morning I received a delegation from the Institute of Teachers, with representatives from Port Augusta, Whyalla and Coober Pedy, who also drew my attention to the question involving seniors, but certainly did not relate any commitment on the part of the personnel department to other staff, indeed, so much so that they specifically requested that all country staff might be identically treated. In defence once again of the Education Department circular that was sent out, I repeat that the offer that was made to a limited number of metropolitan senior staff was made in the hope that this would initiate movements from the metropolitan area and that volunteers for not only those positions but also for other positions would be received and that, therefore, in the longer term, we may remove some of the surplus senior staff from Adelaide and enable some exchange of senior staff to take place. It is a hopeful movement and, quite frankly, if it were not to succeed, some degree of compulsion might have to be initiated as an alternative.

The Hon. D. J. Hopgood: You mean "spend some more money"?

The Hon. H. ALLISON: This has been discussed with the Institute of Teachers and the delegation this morning, with the compulsory aspect coming a very long last, as it has throughout this Government's present term. We have everywhere tried to act through attrition or through voluntary reduction, voluntary transfer, no matter whether we have been dealing with full-time professional staff or ancillary staff.

Mr. Millhouse: Why haven't you answered my Question on Notice?

The SPEAKER: Order!

Mr. Millhouse: It was a straight-out question.

The SPEAKER: Order!

The Hon. H. ALLISON: Therefore, there is no guarantee that any staff, other than the small number of senior staff who have already been advertised for, would receive a guarantee of transfer back to the metropolitan area at the end of three years. I believe that, as a result of the discussions which took place this morning and which I had to leave about three-quarters of the way through because of another important appointment, some order of priorities is currently being drawn up by the Director-General and the Director of Personnel, in collaboration with the Institute of Teachers. I am not in a position to announce to the House precisely what that statement will be, and it will finally be made with my approval.

DISESTABLISHMENT OF SCHOOLS

Mr. MATHWIN: My question is directed to the Minister of Education.

The Hon. R. G. Payne: Ask him who won the Melbourne Cup.

Mr. MATHWIN: Would he know? Has the Minister seen recent press reports on the disestablishment of junior primary schools and, in particular, I draw his attention to the article in the *News* of 31 October about Paringa Park Junior Primary School, which is to be disestablished next year? Can the Minister advise the House as to the procedures that will be used to determine whether or not schools are to be disestablished?

The Hon. H. ALLISON: The Paringa Park Junior Primary School had previously been considered for disestablishment and, during 1979-80, it was permitted to remain open because of the educational processes which were considered to be important during that year and which were the subject of discussion subsequently between the Regional Education Officer, the Principal of the

school and the Paringa Park Junior Primary School Council.

This is the normal process that is undertaken when disestablishment of any junior primary school is being considered, namely, that the regional officers confer with the school council and the school principals. In the case of the Paringa Park Junior Primary School, I understand that this consultation process was undertaken. Apart from that, the immediate past student population, the present population and the projected figures for the future are also considered, and, in this case, after due consideration, it was decided that, along with two other junior primary schools, disestablishment would be the best course of action.

I remind honourable members, too, that disestablishment is not the only action left open to the Education Department but that, where necessary, other junior primary schools may be opened. I approved the establishment of just such an additional primary school only within the past couple of weeks.

COMMONWEALTH GAMES

Mr. BANNON: My question is not about Beldale Ball winning the Melbourne Cup from My Blue Denim and Love Bandit but it is in some senses related to that matter.

The SPEAKER: Order! The honourable member must ask his question.

Mr. BANNON: Is the Premier aware that the Commonwealth Games for 1986 have already been allocated officially to Edinburgh and, if so, what does he plan to tell the readers of the *Sunday Mail* who were invited by him to give their views on his proposal for a Commonwealth Games in Adelaide during that year? Last Sunday in an exclusive interview headed "Tonkin's State Birthday Hopes" the *Sunday Mail* announced that the Premier had ordered a full-scale investigation into the feasibility of holding the Commonwealth Games in South Australia.

Mr. Becker: More than your mob did.

Mr. BANNON: Playford lost the games for us in 1962, remember. The Premier was quoted as saying:

> The question of whether the State puts in a claim to hold the games is still in the concept stage but it certainly has considerable appeal . . . Our investigations would have to study accommodation for athletes and spectators, the capacity of Adelaide Airport to cope with the huge influx of people, and the entire cost structure of staging the various sections of the games.

He concluded by saying:

> Only when we are in full possession of all the facts will we make a decision on the feasibility of an official bid.

The first fact, which has been known to most people in the sporting world for some time, is that, at a meeting held during the Moscow Olympics earlier this year, Edinburgh was officially named as the venue for the 1986 Commonwealth Games. It is also well known that Auckland, New Zealand, is putting in a strong bid for the 1990 Commonwealth Games and that, in view of the games being held in two years time in Brisbane, and the very strong possibility of the Olympics coming to Melbourne in 1988, it would be very unlikely for any bid for games in South Australia to be successful before the middle of the next decade.

The Hon. D. O. TONKIN: I am grateful to the honourable Leader for asking me the question, which, in all honesty, I had understood the member for Henley Beach was about to ask because of his great interest in the matter. There may be some mileage in the Leader's question from the point of view of the Opposition, but I was grateful indeed for the suggestion made by His Worship the Mayor of Woodville (Mr. John Dyer), because I thought it made much sense. Neither of us, nor the *Sunday Mail* people at the time, was aware that Edinburgh had been finally committed for 1986. I still believe, despite the Leader's scorn, that it is an exceptionally good idea that Adelaide should put in a bid for the Commonwealth Games at some stage. I am pleased to be able to tell the House that the Minister of Recreation and Sport has already embarked on the feasibility study that we have mentioned. The Commonwealth Games were successfully held in Christchurch.

Mr. Bannon interjecting:

The Hon. D. O. TONKIN: I wish that the Leader would not keep on harping and carping, Mr. Speaker. The Commonwealth Games were successfully staged in Christchurch, which is a city smaller than ours. I have only recently inspected some of the facilities still existing in Christchurch as a result of the Commonwealth Games having been held there. We are looking forward to the staging of the games in Brisbane. I have already had discussions with people in Brisbane about the facilities that will have to be provided there and the likely costs that will be experienced. We will certainly be looking at the experience gained by those and other cities, particularly Brisbane, which will be carefully monitored. It will be difficult indeed to submit a bid for the 1990 games, as we have found out already by virtue of the study done so far.

It is necessary to have every possible fact at our fingertips and to present a strong case indeed to the organisers before such approval is given. I was disappointed to find that those details were not available in relation to Adelaide, so that, if the opportunity had arisen to put in a bid for, say, the 1990 games, or the 1986 games (if a decision had not been made for Edinburgh), we would not have been in possession of all the necessary facts. We in South Australia want to be in a position to put in a bid for the games at an appropriate time. The study that has been commenced will continue and will be updated from time to time.

I still believe (although obviously the Leader does not) that it is an attractive proposition. I am grateful to His Worship the Mayor of Woodville for putting forward the suggestion, even though it was not well founded for 1986, so that the Government and sporting bodies in South Australia could be alert to the requirements for putting in such a bid. The *Sunday Mail* and the Minister's department have received scores of phone calls during the past two days expressing great support for this prospect. The Leader can, if he wishes, continue on his way denigrating and downgrading everything that South Australia has to offer, but I believe that it is a wonderful State and that we will be capable of staging the Commonwealth Games just as well as can Brisbane, Christchurch, Edinburgh or any other city in the Commonwealth.

Members interjecting:

The SPEAKER: Order! Order!

FIRE SEASON

Mr. RANDALL: As the summer fire season is again almost upon us, can the Minister of Environment say what steps, if any, have been taken or are being taken to prepare for the season by the National Parks and Wildlife Service? Because of press reports over recent days, concern is again being expressed in the community about the potential fire danger in the foothills area. Bearing in

mind that last summer was one of our worst on record for fires, there being several fires in many of the parks, the Minister should make clear to the House what action he is taking in this regard.

The Hon. D. C. WOTTON: I am pleased to be able to inform the member for Henley Beach and the House that, only today, I attended the National Parks and Wildlife Service annual fire protection day at Belair Recreation Park. I had the opportunity to inspect the vehicles, equipment and officers available to assist in bush fire control throughout the national parks.

I want to place special emphasis on the fact that today, for the first time, the Director of Country Fire Services, Mr. Lloyd Johns, joined me on the inspection. I believe that that in itself is a very real and important breakthrough in fire control in South Australia. I was pleased to have Mr. Lloyd Johns, together with senior officers of my department, carrying out the inspection today. As a result of the tragedy in New South Wales yesterday, a minute's silence was observed by officers at today's presentation.

I think we all appreciae that there is an enormous fire risk this summer in the State's 200 conservation, national and recreation parks. Many areas of the State are especially dry for this time of the year, and officers of the National Parks and Wildlife Service have already attended four fires in or near parks. I urge all visitors to any of the national parks and reserves to take extreme care and to heed all fire warnings, because we do not want a repetition of what happened last year, when some 74 fires occurred in the State's parks; in the year before that I believe 60-odd were recorded. I, and I believe all South Australians, would like to see a much improved situation this year.

The Country Fire Services fire-fighting efforts this summer will be aided by the use of a fire water bucket attached to the State rescue helicopter. The provision of this has been a joint effort on the part of the Country Fire Services and the National Parks and Wildlife Service. The large bucket has been purchased jointly from New Zealand by the two services, and I have seen it in action today. As a matter of fact, today I have had the biggest bucket tipped on me that I have had for a long time. I can assure honourable members that the bucket will be extremely valuable to the National Parks and Wildlife Service and the Country Fire Services this year. I was delighted with the standard, the equipment, and the efficiency of the officers I saw today, and I think that, with the help of the community generally, and if people take precautions when they visit the parks, we can look forward to a much improved fire service this year.

CAR YARD TRADING

The Hon. J. D. WRIGHT: Has the Chief Secretary directed the police to visit, interview and prosecute the owners of car yards and other small businesses open for trading last Saturday and Sunday? Why has the administration of trading hours laws been transferred from the Department of Industrial Affairs to the Police Department, and is the Chief Secretary aware that officers have told car yard managers that they should stay closed on weekends until new legislation is passed?

Mr. Bannon: We cannot hear because of the Minister of Industrial Affairs.

The Hon. J. D. WRIGHT: I think the Minister is having trouble.

The SPEAKER: Order!

The Hon. J. D. WRIGHT: I have been reliably informed that up to 20 police cars were involved in trading hours enforcement last weekend, and that police officers told yard owners to keep closed until new laws were passed. Perhaps the Chief Secretary can inform us what powers of prosecution the police have on these matters? The Chief Secretary will be aware that recently the *Advertiser* gave headline coverage to the deails of recommendations by the Minister of Industrial Affairs for stiffer penalties for business trading outside normal hours and legislative restrictions to prevent car and boat yards from opening on weekends. It is not known how these confidential recommendations were leaked, although copies were sent to several Adelaide business men. I was also informed by a car yard proprietor this morning, a Mr. Clare, that he has telephoned the Minister of Industrial Affairs on two separate occasions and has received assurances that the Minister or someone on his staff would contact him. Mr. Clare has informed me that he is quite disgusted.

The SPEAKER: Order! I draw the honourable member's attention to the fact that he has sought leave to give an explanation of a question directed to the Chief Secretary, not to the Minister of Industrial Affairs.

The Hon. J. D. WRIGHT: Thank you, Sir. However, there is widespread speculation that the leak was authorised by the Minister of Industrial Affairs, who wanted to test public response to legislation in advance, to avoid the embarrassment of his earlier efforts on shop trading hours.

The Hon. W. A. RODDA: I can assure the honourable member and the House that I have given no instructions to the Commissioner of Police to do the things the honourable member is saying have been done. I can also assure him that the Police Commissioner has powers under his Act to do the things he is talking about. The former Minister would know from his experience as Minister of Industrial Affairs what powers are contained in the Act. I can assure him I have given the Commissioner of Police no direction to do that sort of thing. I think it is most improper to suggest that the Minister of Industrial Affairs has meddled in this matter.

CENTRAL MARKET SHOPPING AREA

Mr. GLAZBROOK: Will the Premier indicate whether the Government would support any moves to redevelop the area west of Moore's building around Gouger and Grote Streets if suitable plans were drawn up? In talking to a number of traders in Gouger Street today, I have been told that many buildings have remained in bad repair for some 50 years and that little attention to develop the area has taken place either by the traders of the area or, indeed, by the Adelaide City Council. I am further advised that no-one has attempted to create any initiatives to redevelop the area. I have therefore been asked to ascertain the Government's policy on redevelopment of the area if a group should put forward some positive plans to enhance the area for both commercial and aesthetic purposes.

The Hon. D. O. TONKIN: I would be delighted to indicate that the Government would support with great pleasure any proposal to redevelop and beautify that area west of Moore's, the so-called Central Market or Grote Street and Gouger Street area. That offer has not only been made to the traders who originally came to the Government when the decision was made to create law courts in the existing Moore's building, but it has also been repeated on a number of occasions. Obviously, such a matter would require the co-operation of the Adelaide City Council, and I am quite sure from informal discussions I have had with members of that council that they would be very pleased to co-operate, too.

I am interested to hear the honourable member for Brighton's comment that he has been spoken to by a number of traders in the area, because a number of traders (not the ones who have been somewhat vocal in recent times but a number of other traders in the area) have come to see me and have intimated that they, too, are concerned about the emphasis that has been placed on the importance of the Moore's building remaining open as a retail shopping centre. They have, very wisely I think, considered the general appearance and atmosphere of that area. They believe that there is great room for improvement. They have pointed out to me that there has been quite a large number of shops, not those that they own, which have remained in a virtually unchanged condition for some considerable time, and they think that there is every reason to believe that the facilities and the general appearance of those shops could well be upgraded to help upgrade the general area.

I believe that the Central Market area is a unique area in Adelaide. I believe that, based on the the Central Market and that rather unique lifestyle, we could create a situation very similar to that which exists in St. Helier, Jersey where the central market area has become very much the centre of a tourist attraction. It is not beyond the bounds of possibility that we could see an upgrading of that entire area which would encompass remodelling the area itself, landscaping it, and upgrading of shop facilities and, of course, we would have to have the co-operation of the traders themselves and the owners of those properties.

Mr. Millhouse: And the tourists could come and see the courts in action.

The Hon. D. O. TONKIN: I am grateful to the honourable member, because we have one of the finest, and recognised as one of the finest, Supreme Court buildings in the world, and I have no doubt at all that the Moore's site, when it is converted, will also be regarded with great favour. Whether any tourist would at any stage want to waste time going to those courts and watching the member for Mitcham in action, as he obviously suggests, I am not sure. Whether he would be a tourist attraction I am not in a position to say at present.

Mr. Millhouse: Some people even pay me!

The Hon. D. O. TONKIN: We understand that some people may well pay him for his performances. He is even paid for his performances in this House, but whether they would pay to see him as a tourist attraction I do not know, and I will not comment on that. Seriously, to get back to the member for Brighton's sensible and realistic suggestion, I believe much is to be done in that area, just as the conversion of Rundle Street into Rundle Mall has converted that area of the city into one of the foremost shopping areas in Australia, and probably the world.

Mr. Bannon: Oh dear!

The Hon. D. O. TONKIN: I am giving the member for Hartley some credit. I cannot take a trick; either I do not give members opposite any credit for things they have achieved, or, when I try to do so, their own Leader rubbishes them.

Mr. Bannon: That's shocking!

The Hon. D. O. TONKIN: I quite agree. I believe much is to be done in the area of Grote Street, Gouger Street, and the Central Market, and the Government will be delighted to co-operate in any positive and constructive plans put forward.

NORMAC PTY. LTD.

The Hon. R. G. PAYNE: Will the Minister of Industrial Affairs explain why the South Australian clothing company Normac Pty. Ltd. was denied assistance by the South Australian Government and South Australian Development Corporation to construct a factory at Regency Park as part of an expansion programme planned by that company? The Minister will be aware that Normac Pty. Ltd. applied to the Government for assistance to build a new factory at a site at Aruma Street, Regency Park, under the Housing Trust's lease-back purchase scheme. According to the Managing Director of Normac, Mr. Reg Arbon, the land was valued at $86 000 and the estimated cost of the factory was $200 000. At that stage, Normac employed 25 people, but its application for assistance included plans for an increase in employment by up to 100 per cent within a year of its moving to the new premises.

According to Mr. Arbon, his company was led to believe that the Housing Trust was not interested in that proposal because the price of the land in Aruma Street was too high, although land and/or premises could be made available in either the Lonsdale or Salisbury areas. Normac's application for assistance was refused in a letter from Mr. W. L. C. Davies, the then Acting Head of Trade and Industry, on 10 March this year. Yet several months later the Minister announced that the South Australian Housing Trust was to build a factory on the same site for a Danish pump company, Grundfos, at an estimated cost of $482 700, more than twice that of the Normac factory. The Minister announced that the new Grundfos factory would initially provide work for about 23 people, but that this could rise to 40 or 50 within five to seven years. I am glad that assistance was given to Grundfos, but Normac may be forced to close down in June, which is not far away, when its current lease runs out, even though it has sufficient orders to employ an additional 15 workers from January next. Why was this South Australian company denied assistance?

The Hon. D. C. BROWN: The honourable member has quoted specific details of a specific application so I will need to get details of that application. The honourable member has referred to two particular areas, the first of which was the cash grants eligibility under the Establishment Payments Scheme. The guidelines for that Establishment Payments Scheme were laid down by the honourable member's own Government, and the department administers those guidelines rigidly.

The Hon. R. G. Payne: They would be in compliance with them.

The Hon. D. C. BROWN: If the company was refused assistance under the E.P.S., one can only assume that it did not comply with the guidelines, because, if it had, it would have received assistance. That is quite logical. The company has the right to appeal to people such as the Ombudsman, if, in fact, it was eligible under the guidelines and did not receive assistance.

The other matter related to the Housing Trust, which, as the honourable member knows, is a statutory authority. The trust has its own board, which makes decisions as to whether it will build a factory. I know Mr. Arbon, and I have discussed his venture with him. I am willing to obtain exact details and to make known to the honourable member what is appropriate. I say that because Mr. Arbon might have had confidential information about financial matters that he would not wish to disclose to the House, but I will ensure that what is appropriate is released to the House to cover the point the honourable member has made.

In addition, I will undertake to have a further discussion with Mr. Arbon to ascertain how the Government can assist him (if he did not comply with the guidelines, as I assume he did not), perhaps by modifying his operation and his application.

The Hon. R. G. Payne: I don't think they can help him now, because they've given that site to somebody else.

The Hon. D. C. BROWN: There is plenty of other land. The honourable member has raised the point of availability of Regency Park land, but I point out that, although there has been great demand for land at Regency Park, under the present Government (not under the previous Government), additional parcels of land have been made available there.

Mr. Bannon: We developed the place.

The Hon. D. C. BROWN: The Labor Government created the area: the applications for use of that land came in under the present Government, not under the previous Government. Although there has been a significant and very large run on the Regency Park land in the past 12 months, the Government, in its foresight, has made available additional allotments of land at that centre, so I can assure both Mr. Arbon and the honourable member that suitable land is available there. It is an ideal industrial estate, especially because, under this Government, there will be a standard rail link from Adelaide to Crystal Brook, linking in with the rest of Australia.

Mr. Bannon: That was planned under—

The Hon. D. C. BROWN: I point out to the honourable member and to the Leader, who is becoming so excited, that, because a remand centre will not proceed on that site, the land can be used for industrial development and, more importantly, for transport development adjacent to the standard rail link into Adelaide, which is so important.

SCHOOL GROUNDS

Dr. BILLARD: Will the Minister of Education say whether there is any progress to report on consultations that have been proceeding between officers of the Education Department and the Police Department with a view to resolving difficulties experienced in exerting authority under the Education Act over unauthorised persons on school grounds? Earlier this year, it was drawn to my attention that teachers at some schools were having difficulty in exercising their powers under the Education Act, under which teachers and members of school councils have the authority to order off school grounds persons whom they deem to be there without good reason.

I have been told that some schools have had instances of youths having been regularly ordered from some school grounds by teachers, resulting in a mass of abuse being hurled at the teachers, with no move to obey the order. I made representations to the Minister after this problem was drawn to my attention, and he informed me at that time that consultations would be set up between officers of the Education Department and the Police Department with a view to solving the problem.

The Hon. H. ALLISON: It is true that the honourable member previously drew my attention to problems in some areas of the Education Department, particularly in relation to trespassers on high school grounds and associated abuse of school staff, which was creating problems that seemed to be difficult to resolve, especially as section 104 of the Education Act, the regulations involving trespass on school properties and, indeed, the Police Offences Act, all seemed to present solutions that were less than perfect.

As a result, a series of dicussions was held between Police Superintendent Critchley and senior officers of the Education Department with a view to resolving at least some of the problems. Regional officers and principals have undertaken regularly to review problem areas with senior members of the Police Department so that there can be some exchange of ideas and some positive action taken towards apprehending those miscreants who are creating much trouble. There is some possibility, as a result of these discussions, that, in due course, amendments may be moved to the Education Act, to the regulations, or to the Police Offences Act so as to give the people involved a little more power to deal with these problem people, not necessarily youngsters, who are abusing departmental staff. I emphasise to the House, however, that, when placed in perspective, this problem is really minimal, and that the more serious problems occur in only a small number of high schools throughout the State.

FEDERAL MINISTRY

Mr. MILLHOUSE: I shall give the Premier an opportunity to take a trick by answering my question correctly.

The SPEAKER: Order!

Mr. MILLHOUSE: What answer, if any, did the Prime Minister give to the Premier when the latter made his views plain to Mr. Fraser, soon after the election, presumably, that South Australia should have greater representation in the Federal Ministry, even if not in Cabinet? As you may know, Mr. Speaker, the Federal Cabinet and the Ministry have been changed since the Federal election on 18 October. The only South Australian in the Ministry previously, a Mr. McLeay, has been left out, apparently in preparation for his departure from Boothby for greener pastures overseas, with a knighthood. The only replacement from this State is a Senator named Messner.

Members interjecting:

Mr. MILLHOUSE: That is his name. He has been given an even more junior post than Mr. McLeay's; it is really only a sinecure. This is terribly unfair on this State, particularly on Mr. Curly Wilson.

The SPEAKER: Order! The honourable member is now commenting. He has asked leave to explain his question, and that does not include commenting.

Mr. MILLHOUSE: I will come to the next fact in my explanation. Mr. Wilson is the only South Australian Liberal with any real ability.

The SPEAKER: Order!

Mr. MILLHOUSE: He has again been passed over, and merely been given a title without a job. That is not to mention some of the other South Australian Liberals.

The SPEAKER: Order! I have already drawn the honourable member's attention to the fact that, in explanation, he must deal entirely in fact, and must not comment.

Mr. MILLHOUSE: Very well, Mr. Speaker, I will come to a couple of other facts, before I complete my explanation. South Australia has again been taken for granted.

The SPEAKER: Order! I have already warned the honourable member that I will not accept comment in the explanation of this question.

Mr. MILLHOUSE: I will skip over what might have been a trespass in that case and say, finally, that it has been suggested to me that Mr. Fraser has shown his displeasure at the fact that South Australia is returning an Australian Democrat Senator—

The SPEAKER: Order!

Mr. MILLHOUSE—and this is the way he is showing it.

The Hon. D. O. TONKIN: The honourable member's effrontery never fails to astound me. I rather thought that the Leader of the Opposition might have improved and asked it as his question but, nevertheless, one cannot be

prepared for everything. What the member for Mitcham is asking is what exactly did the Prime Minister say.

Mr. Millhouse: Yes, what did he say to you when you said, "Come on, Mal, give us another Minister"?

The Hon. D. O. TONKIN: That is not exactly what I said to the Prime Minister. I cannot understand how the member for Mitcham can presume to put words into my mouth on such occasions.

Members interjecting:

The SPEAKER: Order! The House will come to order and listen in silence to the answer being given by the Premier.

The Hon. D. O. TONKIN: I put to the Prime Minister a strong case in favour of South Australia's having more than one Federal Minister. It was at that time that the Prime Minister undertook to keep my remarks firmly in mind, bearing in mind the need he had to construct a Cabinet composed of the best people available for the job, in his opinion. That is something with which I would not disagree. I imagine that the member for Mitcham, given his past history in the early 1970's, would not disagree with that, either. So far as the studied indifference of the honourable member is concerned, he knows perfectly well who "a Mr. John McLeay" is; he once challenged him for preselection for the seat of Boothby and was soundly trounced. If he does not know who Mr. McLeay is, he has a short and convenient memory. I think the honourable member would know who "a Senator Messner" is, because there was a time when he and Senator Messner had much in common and used to meet one another regularly. The honourable member would know that Senator Messner is well qualified for a position in the Federal Ministry. I hope that the honourable member accepts that Mr. Ian Wilson, as Parliamentary Under Secretary Assisting the Prime Minister, will be a most useful person to have in the Prime Minister's office for direct communication with South Australian affairs. I do not think we could have anyone working much more closely with the Prime Minister on South Australia's behalf.

I also point out that there is every prospect that such a position will ultimately be built upon. I still confidently look forward to two Federal Ministers from South Australia in future. I would like to make one other point: the member for Mitcham, for some reason best known to himself, has, in the course of his rather interesting explanation, attempted to denigrate Mr. John McLeay. I would like to put on record the appreciation which is felt, certainly by members on this side of the House, and I would think all members of this House, for the service he has given to Australia as a Minister in the Fraser Government. I think that he has undertaken his duties quietly and has gone about his business efficiently. He has been a great strength to the Fraser Government and to the people of South Australia.

SOUTHERN VALES WINERY

Mr. EVANS: As the future of Southern Vales Co-operative is somewhat uncertain at the moment, has the Minister of Agriculture any indication of alternative markets for the grapes of growers who have supplied the co-operative in the past? The House would be aware that the Southern Vales Co-operative has been placed in receivership. Growers in that area are concerned about whether they will be able to sell their produce if Southern Vales Co-operative does not survive (and I understand that there is still a chance it may survive). Does the Minister know of any other areas available where producers might sell their grapes?

The Hon. W. E. CHAPMAN: I was absent from the House last week when the Premier made a Ministerial statement about the position surrounding Southern Vales Co-operative. However, I am aware of what he told Parliament, and I am also aware of the plight of some growers in the Southern Vales area, as referred to by the member for Fisher.

As part of the statement given by the Premier, an assurance was extended to that community that payment to the growers who had been promised payment for their 1980 vintage would be honored by the Government, even though a portion of it has yet to be extended to them. I am aware also of the commitment given by the Premier that certain loan funding could be made available to that community, or at least to those growers within the community who qualified for assistance under the loan funding criteria, both in the long and in the short term.

Further, I am aware of an undertaking that I have given to the wine grapegrowers of the Southern Vales area, namely, that where possible the Department of Agriculture will assist those growers to dispose of any surplus that may apply to their 1981 crop, which is currently on the vine. I am further aware of a group within that community representing the wine grapegrowers of the area which has also offered and which is prepared to assist in the disposal of surplus grapes that may be within that district.

It is clear that there will be some surplus and one authority has suggested to me that there may be approximately 3 500 tonnes of grapes uncommitted for sale at this stage from the district. It is my understanding that at least 1 000 tonnes of these grapes will be readily placed, because they are of a very popular variety. Of the remaining 2 500 tonnes, it is anticipated that the vast majority will fall into the varieties of doradillo, shiraz and grenache, all of which, incidentally, are grapes that make good quality wine from that district, but which happen to be in the not-so-popular category as are some of the whites.

It has come to my attention as recently as yesterday that a group working in close conjunction with the Department of Agriculture has co-ordinated the collection and potential sale of about 800 tonnes of grapes from that anticipated surplus. I am not in a position to name the local winery that is prepared to take on board these quantities, but I am aware that the negotiations are proceeding and that it is expected that it will take white/red grapes on a tonne for tonne basis; that is a very real breakthrough for that area which, a few days ago, was considered to be in somewhat considerable difficulty concerning disposal of its grapes.

It is only by that sort of local and departmental co-operation that we can assist the community in the Southern Vales to dispose of its uncommitted or surplus grapes this year, and I hope that that degree of co-operation will continue and that ultimately we will be able to report to this House that the whole of the 1981 vintage has been disposed of. I shall be meeting growers from that community on Tuesday 11 November, and I shall discuss with them in more detail the opportunities that they may have to qualify for short and long-term finance. It is a matter of regret that there is any surplus of wine grapes in South Australia, but it is a matter of fact that there is a surplus and, of course, we can expect that there will be some surplus in that area, and that it is minimised.

BLOOD LEAD LEVELS

Mr. KENEALLY: Has the Minister of Health directed the Health Commission to conduct a survey of blood lead

levels of a sample of people living in Port Pirie, and will the result of that survey, along with the current study of blood lead levels of pregnant women, be made public and, if not, why not?

On 25 September I questioned the Deputy Premier on this matter following recent United States medical evidence which has apparently determined that concentrations of lead in the blood can cause nerve, brain, and kidney damage.

The SPEAKER: Order! I have been advised that there is an identical question on the Notice Paper. I will have the matter checked, and I will call the honourable member a little later if, in fact, that is not the case.

HANDICAPPED CHILDREN

Mr. LYNN ARNOLD: Will the Minister of Education say why he is winding up the subcommittee appointed to investigate the integration of handicapped people into primary schools? This committee was set up nearly two years ago, under the previous Minister of Education, under Mrs. Val Richardson, and I understand that the report is almost ready. However, Mrs. Richardson is to be transferred to another job, and the only reference person will be a project officer who will have dozens of other things in the scope of his duties. I understand that, amongst others, the Spina Bifida Association is concerned that all the work previously done will come to nought. Ironically, the Public Buildings Department report covers all departments except the Education Department, because that was to have been covered by this committee. People generally are wondering whether this Government is really committed to the concept of the Year of the Disabled Person.

The Hon. H. ALLISON: The report to which the honourable member refers is not yet to hand, and I have not been apprised of what would happen to the members of that committee afterwards. I will investigate the background to it and notify the honourable member of my findings.

As to the allegations that this department is not committed to the International Year of the Disabled Person, I would very strongly refute any such suggestion. Indeed, the Attorney-General and I have been quite closely involved in a number of discussions involving programmes for next year. I would advise the honourable member that in fact part of the reluctance of this Government to proceed fully with the $2 200 000 which the Federal Government had allocated towards the school-to-work transition programme for the current year lay in the fact that towards the middle of the year we were already appraising the value of existing programmes which had been compiled as long ago as October-November 1979, and that as a result we did in fact submit a revised programme to the Federal Government involving the request for some $400 000 for a number of programmes, the majority of which were directed specifically towards helping disabled people. I am very pleased to be able to advise the House that as recently as yesterday Mr. Fife, the Federal Minister for Education, approved the expenditure of $200 000, quite a proportion of which was towards programmes for the disabled. This will be part and parcel of the Education Department's efforts in the International Year of the Disabled Person which, of course, is in 1981.

PEST PLANTS COMMISSION

Mr. OLSEN: Will the Minister of Agriculture assist the South Australian Pest Plants Commission in its endeavours to obtain adequate compensation from Australian National Railways for the control of pest plants on A.N.R. property by seeking an assurance from A.N.R. and the Commonwealth Minister that adequate funds will be made available? The northern Pest Plant Control Board has written to the Pest Plants Commission detailing difficulties that it has experienced this year because of a lack of reasonable funding. The board has indicated that it is extremely difficult for it to remain credible in the eyes of landholders if it demands that they control pest plants and they see that A.N.R. is not.

The Hon. W. E. CHAPMAN: The answer to the question is "Yes". The subject raised by the honourable member is of importance to all of us in agriculture, and, indeed, the Pest Plants Commission is conscious of its responsibilities. From time to time, it requires funding from other than State authorities to carry out its role. I would hope that A.N.R. is sympathetic to the needs of that authority to carry out its function. I am aware that correspondence has come into the department from the member for Rocky River, and every effort will be made to comply with his request.

I am reminded by the Chief Secretary of the difficulties that have occurred with respect to the carriage of undesirable weed seeds, if not plants, from areas of the State into his local region, not the least of which is salvation jane seeds, which are carried either directly via the rail trucks or the stock being carted on them. I think that demonstrates the importance of our Pest Plants Commission continuing in its good job and organising the combining of councils into pest plants boards throughout the State in their collective efforts to minimise the noxious weed or pest plant problems that we have in South Australia.

BLOOD LEAD LEVELS

The SPEAKER: I ask the member for Stuart to restate his question and briefly give the explanation. I indicate to the House that the question arose relative to a Question on Notice No. 509, and I am quite satisfied that there is no direct similarity.

Mr. KENEALLY: Thank you, Sir. Has the Minister of Health directed the Health Commission to conduct a survey of the blood lead levels of a sample of people living in Port Pirie, and will the results of that survey, along with the current study of blood lead levels of pregnant women, be made public, and, if not, why not? On 25 September I questioned the Deputy Premier on this matter following recent United States medical evidence which has apparently determined that concentrations of lead in the blood can cause nerve, brain, and kidney damage. The Minister will be aware that the United States Environment Protection Agency has now found that a blood lead level over 30 micrograms per decilitre could cause hidden damage to a child's nervous system. Yet a survey of children living near a lead smelter in Idaho found that more than 400 children had blood levels in excess of the E.P.A. level, some being as high as 175 micrograms per decilitre, which is nine times as much. The Deputy Premier has said that he would ask the Minister of Health to examine the feasibility of such a study in the Port Pirie area, and I ask the Minister what she has decided to do.

The Hon. JENNIFER ADAMSON: I shall be pleased to obtain a report and provide it to the honourable member.

MINISTERIAL STATEMENT: TEACHER TRANSFERS

The Hon. H. ALLISON (Minister of Education): I seek leave to make a statement to add to the answer which I gave to the honourable member for Baudin.

Leave granted.

The Hon. H. ALLISON: In order to give the correct information and the full information, on the same day that the question was answered I solicited further advice from the Director-General of Education, who ascertained that the Director of Personnel did meet with principals as claimed and that, in addition to referring to the matter which has already been the subject of two questions in this House, he was asked various other questions, among them the question, "What would happen if we sent seniors from the metropolitan area to the country against their will? Would they then be given a written guarantee of return to the metropolitan area?" To that question he answered "Yes." An almost identical question was, "What would happen if we sent primary school teachers to the country against their will? Would they be guaranteed a return to the metropolitan area after three years, such guarantee to be in writing and to be maintained by the department?" The answer, as he recalls it, is that he said that that was indeed a very academic question, and the department in no way anticipated the situation arising. As I said, compulsion was the last of the elements which we would consider. Nevertheless, his answer to this hypothetical question would be "Yes", since the element of compulsion was involved, and I suggest that that does present a slightly different light, in so far as the element of compulsion was not referred to in the honourable member for Baudin's question.

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

The SPEAKER: Call on the business of the day.

APPROPRIATION BILL (No. 2)

Returned from the Legislative Council without amendment.

PUBLIC PURPOSES LOAN BILL

Returned from the Legislative Council without amendment.

REAL PROPERTY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

The amendments made by this Bill relate, first, to the effect of a transfer arising from a mortgagee sale and, secondly, to the provisions of the principal Act dealing with strata titles. Section 136 of the principal Act provides that a person who purchases land from a mortgagee takes the land free from all mortgages and encumbrances that are subsequent to the mortgage. Such a provision is obviously necessary if mortgages are to be an effective form of security. Since the commencement of the principal Act the passage "or encumbrance registered subsequent thereto" in section 136 has been interpreted to include all estates, interests or other rights which were subject to the rights of the mortgagee or encumbrancee exercising the power of sale. The practice has therefore been to cancel all these interests on registration of the transfer to the purchaser. However, a recent decision of the Supreme Court of Victoria has given a narrow meaning to the word "encumbrance", with the result that land sold by a mortgagee or encumbrancee remains subject to interests that are not strictly mortgages or encumbrances.

The proposed re-enactment of section 136 is intended to make the position quite certain. Subsection (3) of the new section ensures that mortgagee transfers registered in the past will not be challenged. The subsection provides that the new section shall be deemed to have had effect from the commencement of the principal Act. The Bill replaces subsection (3) of section 223mc. The effect of this amendment is to make possible an application for strata titles in relation to any building no matter when it was built. At the moment the principal Act does not allow the issue of strata title for a building erected before 1940.

Since the principal Act was enacted, great interest has been shown by home buyers and the building industry in developing old buildings to include a number of units for separate occupation. These buildings are usually close to the city and are capable of being restored with a great deal of old world charm. There is no reason for restricting the age of the buildings that can be developed in this way and the proposed amendment will encourage the preservation of a part of our heritage. It should be noted that, before strata titles can be issued, the council must inspect the building and certify that it approves of it for separate occupation. Under amendments that I will discuss in a moment, the council may refuse a certificate if the building is not structurally sound or in good repair.

The Bill also amends the twenty-sixth schedule. This schedule provides the first articles of a corporation incorporated by virtue of section 223mc. Article 7 *(b)* prohibits the keeping of animals without the corporation's permission. The Government believes that the plight of blind people who rely on a "seeing eye" dog should be recognised. Accordingly, an amendment is proposed that will allow the keeping of such dogs without permission. The articles provided by this schedule are no more than the first articles of the corporation and can be changed at any time by special resolution of members of the corporation. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 replaces section 136 of the principal Act for the reasons already explained. Clause 3 rectifies a clerical error. Clause 4 replaces subsection (3) of section 223mc of the principal Act. The new provision enables applications to be made for the issue of strata titles in respect of any building built before the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967. Subclauses *(b)* and *(c)* make consequential amendments to the section.

Clause 5 makes amendments to section 223md of the principal Act that are designed to remove unrealistic obligations that are presently placed on councils when asked to give a certificate under subsection (1). In particular subclause *(b)* removes paragraph *(ba)* of subsection (1). That paragraph requires certification that the building had been completed in compliance with the Building Act, 1923-1965, and in accordance with the plans and specifications. Without being present at the

construction of the building it is impossible to be sure whether or not these requirements have been fulfilled. Subsection (3) enables the council to refuse a certificate in certain circumstances. Subclause *(c)* inserts new paragraphs *(a)* and *(b)* that enable the council to refuse a certificate if the strata plan does not represent an accurate delineation of the unit or if the buildings are not structurally sound or in good repair. Clause 6 amends the twenty-sixth schedule for the reasons previously mentioned.

Mr. CRAFTER secured the adjournment of the debate.

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

The Hon. M. M. WILSON (Minister of Transport) obtained leave and introduced a Bill for an Act to provide for the discontinuance of the railway between Wanbi and Yinkanie. Read a first time.

The Hon. M. M. WILSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It empowers the State Transport Authority to take up and sell, or otherwise dispose of, the railway line from Wanbi to Yinkanie. The railway was built under the Wanbi to Moorook Railway Act, 1923. The line never reached Moorook. In 1971 the Transport Control Board, with the approval of the Parliamentary Standing Committee on Public Works, whose approval was then necessary, closed the line.

Under the present provisions of the Railways Act, the State Transport Authority may close a line and may sell surplus land and assets. However, there is no specific authority to take up the railway track and it is considered that a separate Act is necessary in respect of any railway that is to be dismantled. The Australian National Railways Commission has accepted that, as the line was not in use at the time of the transfer of non-metropolitan railways under the Railways (Transfer Agreement) Act, 1975, the railway is not Commonwealth property.

Clause 1 is formal. Clause 2 provides the definitions necessary for the operation of the measure. Clause 3 authorises the removal and disposal of the railway.

The Hon. J. D. WRIGHT secured the adjournment of the debate.

STATUTES AMENDMENT (CHANGE OF NAME) BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 504.)

Mr. McRAE (Playford): This complex piece of legislation is under the form of a Statutes Amendment (Change of Name) Bill. The immortal bard himself was moved to remark, "What's in a name?", because a rose by any other name would still be the same. In fact, there is a great deal in names, and it has been a preoccupation of scholars over a great deal of time. I indicate that the Opposition supports the second reading of the Bill but proposes to move amendments in three places, and to make certain comments and observations in others.

First, I shall refer to my studies of this highly complex topic. I shudder at the thought of going back into the linguistics of it all and have not done that. I have begun with a consideration of forms of personal names because much of this legislation is concerned with registration of different names for different people and different parts of their names when they have more than one.

There have been many subdivisions and terms within the category of personal names, in historical times. Originally, it appears to me that in Europe and later in America, one name was given to a person at an early period of life, normally at baptism, and this was usually called simply the name, the baptismal name or Christian name, or the forename, and in the United States and Canada it is usually called the first or given name. In this Bill, the expression "Christian name" is removed from our official language and the expression "forename" is introduced. The Opposition does not object to that. In a pluralist society there is no particular reason why we should insist upon the form "Christian name".

However, I point out that to obtain an understanding of what "forename" means can often lead us in a circle back to "Christian name", because, depending on the way in which the parents have acted, in many cases the Christian name, in the true sense, if the parents are Christian people, would have been given to the child very early in his or her life. In days gone by, a person usually had only one name, and it was of that type and, because, for instance, the name "John" was very common, people would differentiate by using surnames, so that there might have been a John Redhead, a John Hunter or a John Scott. Many of these names became fixed and hereditary inside families or groups.

The basic pattern followed in the West involves a given name and a family name but, of course, there are exceptions to the rule and not all people in the West follow that practice. In fact, some Europeans reverse the order. In the Eastern world and in the Arabic world, the practice is usually the reverse, with the family name placed first, followed by the differentiating individual name.

Dr. Billard: What about New Guinea?

Mr. McRAE: I have not studied the situation in New Guinea because I thought that it would unduly prolong my speech, which, as members will find, is quite long enough.

The choice of a name is a highly personal and private matter and it was only very recently that the State saw fit to intervene in this regard—it is quite a new innovation. Even now, the area in which the State intervenes is fairly restrictive. Scholars have tried to ascertain why people choose certain names and have come up with all sorts of answers that range from the obvious answer that people name children after a dear relative or, if motives are not quite so clean, children are named after one who may be dear in another sense, or perhaps the mother may have a particular liking for a certain name. It was even suggested that, in the United States, a whole new language of names is being invented, a kind of semi-Welsh Gwyned.

The legal aspect of names involves a very interesting history. Place names have always been a public matter, and the law has intruded in that area from very early times. As I have said, personal names have not been placed in the same category but have only recently come to be regimented by laws or regulations. In the Westminster system and in the United States congressional system, we still adhere to the principle of Roman law, that a person has the right to use and change his name as he pleases, except for fraudulent purposes, and that has been the general practice. As I understand it, the first important

regulation concerning given names was a decision of the Council of Trent in 1563, which specified that a Roman Catholic priest administering baptism should ensure that children were given names of Catholic saints.

The next important law was applied in France and has a relevance to some of the aspects that will be touched on later. The Bill before the House frowns on the use of obscene names (and I certainly agree with that) but also frowns on the use of frivolous names (and I do not necessarily agree with that). In relation to the French law, the French Revolution was said to have given, in the first instance, complete freedom of naming so that (to loosely translate from the French), children were given names like "Death to the Aristocracy", "Root of Liberty", or (and I see the member for Newland) "The Billard Cafe" (which is translated from *"Cafe Billard")*. A law was passed in 1803 to stop this practice, and people were restricted to given names taken from names of persons known from ancient history and names used in various calendars.

It was said that the law was useful in its main intention, and prevented the spread of controversial given names, and I will mention a few because of the political aspects of this Bill (and one would not think that there were any political aspects to the Bill but it is surprising what comes up in a Bill like this). The names "Marat" and "Robespierre" were very popular at that time, but were not so popular during the restoration a few years later. Names like "Aramis", "D'Artignon" and "Romeo" were frowned on and did not fall within the French Code Civil. It is true that the names were never interpreted too narrowly, so that French girls today are permitted to be called "Jeanette" and "Henriette", although technically they should not be so called. This shows how far the State can go if it wants to. The law passed in 1803 is still valid French law today. Similar laws were passed at various times in other parts of Europe.

In regard to family names, the most important regulation was made at the Council of Trent, which decreed that every parish must keep complete registers of baptisms, with the names of the child and those of his parents and grandparents. This had been done previously, but not systematically. As a person who in the early years of his career was involved in chasing beneficiaries of intestate estates and the like, sometimes having to rely on parish records not only in this country but also in Britain and America, I can say it was an interesting exercise but sometimes a quite frustrating and hopeless exercise in trying to track down people through these records. It seems that, in Western law, in most cases, the law is concerned with names mainly in relation to divorce, adoption and illegitimacy and it is in those areas that discussion will take place today. I could say a great deal more about this very interesting topic, but I will leave my introduction and refer now to the Bill.

As I have said, the Bill is deceptive because it makes quite complex changes to the law and, by looking at the second reading explanation, one can identify the current situation. It is said that the main object of the Bill is to provide a single statutory procedure for the changing of names. The Minister pointed out that there are two separate statutory procedures for this purpose, one under the Births, Deaths and Marriages Registration Act and the other under the Registration of Deeds Act. Section 24 of the Births, Deaths and Marriages Registration Act provides that all persons over the age of 18 years or who have been previously married and whose births are registered in the register of births or for whom there is an entry in the adopted children's register, with the exception of married women, may deposit with the Principal Registrar an instrument changing any of their names. The section also contains a corresponding procedure by which parents or, in certain cases, one parent may change the name of a child under 18 years of age.

Section 35a of the Registration of Deeds Act enables any person over the age of 16 years to change any of his names by depositing in the Registrar's office a deed poll or statutory declaration evidencing a change of name. This procedure is also available to either parent who wishes to change the name of a child under the age of 16 years. With respect, I agree with all of that, and I believe that that accurately sets out the law and the intent of the Bill and what the Bill, if passed, will basically achieve. It is curious (and I have as yet found no complete explanation of this) why this system of two completely separate forms of change of name are contemporaneously existent. I appreciate that, in the case of a person not born in the State, there may be very good need for recourse to some other action, but the Registration of Deeds Act provision cannot be explained simply in those terms.

However, that is the existing law and, I suppose, since we are about to change it, why it got there is of no great importance to us. The Minister continued:

> A further important object of the Bill is to do away with the assumption that underlies a number of the provisions of the Births, Deaths and Marriages Registration Act that a child will, as a matter of course, take the surname of its father. The Bill provides a more flexible scheme for assigning surnames to children.

It has been a matter of notoriety in the community over the past 10 years or so that women, on marriage, have, in many cases, retained their maiden name. This applies not only to women in professions and business or in some areas of public life, where the principal reason used to be, but also to women whose career is making a home. That has been a change in society, and we, in the Opposition, note that fact. It is certainly not a change in attitude that is completely without its problems. I am not saying that there is a relationship between the two but, in the past 10 years, there has also been a tremendous increase in the rate of marriage breakdowns. The rate of marriage breakdowns has precipitated the number of difficulties and disputes, most unfortunately, regarding the custody of children and, likewise, the name of those children, and, as in such matters, the child can become a football between contesting persons, each of whom wants him, or wishes to use him which, too often frighteningly so, is the case. One of the Opposition amendments will deal specifically with that situation, and I shall be surprised if I cannot pesuade the Minister, at least on that matter, to adopt the proposed amendment.

The second reading explanation then deals with the necessity to introduce extensive amendments to the Births, Deaths, and Marriages Registration Act and consequential amendments to the Registration of Deeds Act, the Electoral Act, and the Adoption of Children Act as a result of what I have already dealt with. Provision has been made for certain formal matters, previously dealt with in schedules to the Births, Deaths and Marriages Registration Act, to be prescribed by regulation and I will refer to that matter as well. The explanation then goes on to deal with the various matters, and I think that, perhaps at this stage of my contribution, I could best serve the House by outlining those portions of the Bill in which the Opposition finds some room for concern or alarm. It seems to me that those concerns fall into three categories.

First, for some reason, there is a differentiation inside the Bill that I cannot understand between clause 16 and clauses 27 and 42. Clause 16 is a key clause, because it amends section 21 of the Births, Deaths and Marriages Registration Act, which provides for the entry of the

child's surname in the register. It provides that the surname which the child shall have, at the nomination of its parent, shall be the surname of the father, the surname of the mother, or a combined form of the surnames of both parents, whichever is nominated, or, in default of any such nomination by the parents, in the case of a child born within lawful marriage, the surname of the father; and, in the case of a child born out of lawful marriage, the surname of the mother.

It will be noted that, in relation to the Births, Deaths and Marriages Registration Act, there is no provision for appeal in any circumstances, which is not the case in later provisions of the Act. Certainly, while I do not claim to be an expert on the administration of this Act, I would have thought that the vast majority of all name registrations would come under section 21 of the Births, Deaths and Marriages Registration Act, as distinct from any other legislation. In pursuance of that matter, I point out to the House that clause 27, which deals with the registration of changes of name, sets forth a provision for appeal in case of dispute. Clause 42, which is an amendment to the Adoption of Children Act, rightly under this principal Act, has appeal provisions, but I think at this stage that it might be best for my purpose and for clarification if I asked the Minister to contrast what occurs under clause 16 with what occurs under clause 27.

Perhaps we should look at clause 27, which deals with changes of name. It provides that a person who has attained the age of 18 years or who has been married may, in the prescribed manner, change his name. We have no objection to that. A parent of a child may, subject to section 53 (3), in the prescribed manner, change the name of the child. Again, we have no quarrel with that. New section 53 (3) provides parameters within which new subsection (2) can work. New section 53 (3) provides:

> A parent of a child is not entitled to change the name of the child:
>
> *(a)* unless:
>
> (i) there is no other surviving parent of the child, or there is another surviving parent of the child and that other parent has consented to the change of name;
>
> or
>
> (ii) a local court of limited jurisdiction has authorised the change of name;
>
> and
>
> *(b)* where the child is of or above the age of twelve years—unless the child has consented to the change of name.

Certainly, I am pleased, in general, with that clause. It appears that clause 27, in general, provides a suitable means of change of name, making the welfare of the child its paramount consideration, and providing for logical parameters in which the legislation can work.

Clause 16, however, which goes to the very heart of the situation at the time of first registration, has no appeal rights whatsoever. I do not know why. It may be said (and I think it was said in another place, and I will try to pick that up later) that the worry I am expressing is a one in a million situation, but I am not so sure that that is the case. The kind of problem arising, because of the breakdown of the traditional marriage structure, is that people are living together in a state not recognised by law as marriage. They may have children, and then may fall out as to the naming of the child, and this can occur for a number of reasons.

It may be that the parents concerned wanted some form of composite name that the law did not permit, or that there was a dispute between the mother and father over what the name should be. Then, again, as the situation worsens, the child is taken under the roof of a grandparent, for instance, without formal adoption, and so becomes involved in yet another surname. It appears to the Opposition that there is sufficient cause to make its proposed amendment attractive to the House and of no particular concern in the general policy of the legislation.

I accept that the cases to which I have adverted will be fairly rare, but the circumstances I have mentioned do occur on a sufficient number of occasions to make it worth while considering. That is one area of disagreement. The next area of disagreement is in clause 31, which enacts new section 68*a* where a restriction is placed on the Registrar, as follows:

> 68a. (1) The principal registrar may . . .
>
> *(b)* refuse to enter in the register of changes of name any forename or surname,
>
> that is obscene or frivolous.

The Opposition's observations on that matter are as follows: first, it is quite obvious that the Registrar should have the discretion to refuse to register a forename or surname that is obscene, and members on this side would not suggest anything else; secondly, we would not want to see imposed upon any child a frivolous name simply because its parents were witless or irresponsible enough to think of such a thing. However, we think that it is perhaps shades of big brother or bureaucracy gone made when one is not allowed even to be frivolous. Perhaps it is shades of a Cromwellian attitude that are showing forth here.

We know the real reason for this. Behind the Government's wish in this matter (and this emanates from the Electoral Office) is the fact that in one election in the Unley District a person changed his name to "Susie Cream Cheese" and then, after the election, changed it back. I think that there was another gentleman who changed his name to "Screw the Taxpayer to Support Big Government and its Parasites", but I do not think that the second gentleman's name could be described as obscene under the current state of the law. I am not sure, frankly, whether it can be described as frivolous. I will have to come to that, too, because the Government's officers may well face some difficulties as various people like Susie Cream Cheese and Mr. Screw the Taxpayer, if I can abbreviate his rather long name, consider the ramifications of the Bill.

In general terms, and so far as adults are concerned, we do not believe, as an Opposition, that mere frivolity in a name is sufficient to require the intervention of the State to prevent its registration. If it is an electoral matter, then we think it should be made quite clear by an amendment to the Electoral Act that it is an electoral matter. One could amend the Electoral Act by simply giving the Registrar a discretion to refuse to accept or print ballot papers where the names involved were obscene or frivolous. All sorts of other situations become involved here. What is the meaning of "frivolous"? That is difficult, indeed. Many definitions have been put forward. In law there are various meanings. One can say that something is frivolous because it is of little weight or importance, or not worth serious attention. It is the latter that tends to prevail. If one says that an application to a court is frivolous, one means that it is of so little consequence, has so little merit, and is transparently and obviously of so little merit that one can say that it is frivolous.

However, if one looks at the name "Screw the Taxpayer to Support Big Government and its Parasites", first, I do not think that that is obscene and, secondly, I do not think that it is frivolous. In fact, a very good argument has been introduced by a number of people to say that that is a serious and well intended name. The Government might find it hard to say that that name is frivolous. Another definition proposed outside the law is as follows:

> A frivolous name, or a frivolous state, is characterised by lack of seriousness, sense or reverence, or, given to trifling, silly.

That definition goes back as far as 1560. One meaning is "of little weight or importance" and the other one, as it were, "paltry, something characterised by a lack of seriousness or reverence". I think that there will be grave difficulties in the Registrar's determining what is frivolous, in any event. The Opposition, in relation to this matter, says, in the first place, that there will be difficulties about the definition of "frivolous", but, quite apart from that, government need not intrude into this area quite so sternly, particularly in the case of adults.

The final matter to which I want the Minister and her advisers to give serious consideration is one not raised in the other place and one which I found myself on close research over the weekend. If the Minister turns to clause 42, there is a small but necessary amendment, in my view. The whole criterion of the Adoption of Children Act is such that the welfare of the adopted child is the prime and only concern of the court, and that is as it should be. Nobody doubts that. Honourable members will notice that the child's forename or forenames are proposed by the adopting parents but must be approved by the court. That is as it should be and, knowing quite well the workings of the adoption of children court, I know that that would be handled with great delicacy and sensitivity. However, the same should apply to the surname. Guidelines are set out, and they may be quite good in themselves. Basically, they are that the surname of the adopted child shall be as follows:

> (i) where there is only one adoptive parent and that person is not married—the surname of that adoptive parent;
>
> (ii) where there is only one adoptive parent and that person is married to a natural parent of the child—the surname of the adoptive parent, the surname of the natural parent, or a combined form of those surnames, whichever is nominated by those parents;

I do not think that that is good enough. I think that the court must supervise that situation, because that is the very situation in which difficulties can arise. That is where the child is at risk, because I am afraid, again, that it is one of those million-to-one situations, but circumstances can arise where people act irresponsibly. A person could be given a name out of one of those combinations that is not appropriate, and that situation might be apparent to the court. New section 32 (1)(b) further provides:

> (iii) where there are two adoptive parents—the surname of the adoptive mother, the surname of the adoptive father, or a combined form of those surnames, whichever is nominated by those parents;
>
> or
>
> (iv) in default of a nomination under subparagraph (ii) or (iii) of this paragraph—such surname as the court may specify in the adoption order.

The gravamen of what I am putting is that the court then has control over the forename (and indeed it should), but does not acquire any control over the surname except in a default case. That is most unlikely to arise, because the adoption procedure is such a serious one and treated so carefully by all parties that that would be a million-to-one chance. That is provided for. My proposal deals again with a million-to-one situation but one that ought to be covered and can be simply covered under amendments I have drawn.

With those three reservations, the Opposition supports the Bill. The only other comment the Opposition wishes to make is that it finds it most curious, not necessarily being too severe on the Government in this case, that with a Government which very much demanded a retreat from government by regulation there is throughout this Bill a notable reliance on regulation and subordinate legislation, whereas previously all of the Bills were characterised by their own direct provisions in their own direct circumstances.

Mr. HEMMINGS (Napier): I support the Bill. I intend to speak on only two clauses of it, because my colleague, the member for Playford, has quite adequately covered the Opposition's point of view. I refer, first, to clause 7, which amends section 5 of the principal Act by striking out the definition of "Christian name". For the life of me, I cannot see any reason to delete the term "Christian name" and replace it later in the Bill with "forename". It has been pointed out in another place that the definition of the word "forename" is given as "another name for Christian name". So, I see no real reason why that change should occur.

The member for Playford gave us a well researched speech dealing with the different parts of the world where the terms "Christian name", "forename", and "given name" are used. Looking at some of the Government documents that we, as members of the public, must fill in at different times, and looking at documents from other areas of private industry, we find that there are other definitions of "Christian name", "given name", or "forename". In my driving licence, I must put down first name, second name, and last name. When I fill in my health fund application for reimbursement, I am required to fill in my surname and my given name. If the term "Christian name", as deleted by clause 7, was replaced by "forename", and was in line with other legislation or other areas, giving at least some consistency, I would have no objection to that clause.

After reading the debates in the other place and the second reading explanation of the Minister in this Chamber, I find that no-one has given a reason why we should delete the term "Christian name". In fact, the phrase "Christian name" has religious significance, and I would hate to think that there is a move within the Government to delete from the legislation any reference of Christian significance. If that were the case, I would oppose it most vehemently. I hope that, as this debate develops, the Minister or members of the Government will be able to explain the real reason why that word is to be changed.

I turn now to clause 31. In this day and age many petty regulations are placed upon the public. When the Labor Party was on the Government side, members of the then Opposition accused it of being a bureaucratic Government, ruling by regulation. As the member for Playford said, the Opposition has no objection at all to the registrar's refusing to register a name if it is obscene. I think everyone in this House would agree with that. Nor would the Opposition argue with the fact that parents should have the right to change a child's name when the child has no say in the matter and could perhaps live with an embarrassing Christian name or surname for the rest of his or her life. Opposition members support that principle. But the situation is different when an adult in full command of his senses wishes to change his name. As the member for Playford said, the real reason for the insertion of this clause is to stop people like "Susie Cream Cheese" or "Mr. Screw the Taxpayer to Support Big Government and its Parasites" from putting forward such names at an election. If that is so, the correct place to do that is within the Electoral Act.

It is rather interesting, as was mentioned in another place, that one person changed his name to "Subparagraph 3". If some people are fighting to survive in today's

society and feel that the only uplift they can get out of life is by giving themselves a name like "Subparagraph 3", who is to say that that is not their prerogative? Are we saying that the Government is to give the registrar the power to deny someone the pleasure of calling himself "Subparagraph 3"? Many people unwittingly are given by their parents names which cause them embarrassment and which cause mirth as they grow up. I remember a young lad, when I was a boy at school, whose name was Maurice Carr; without realising it, his parents had tied those two names together. That lad faced a lot of embarrassment, and I felt sorry for him; I have always shown sympathy for people who are under criticism or who are being ridiculed. I hope that, when that lad got older, he took the opportunity of changing his name to something that did not cause him embarrassment.

What have we got? Why is the Government, in effect, including this clause? I think it is to stop people such as "Susie Cream Cheese" or "Mr. Screw the Taxpayer" from standing at elections. I recall that a person (I think it was a female) changed her name to "Stop Asian Immigration Now" and made herself appear the only sane candidate. That, perhaps, could be classed as obscene. It may be on the borderline; certainly, it is not frivolous, but it is extremely objectionable. That is a case which indicates the Electoral Act should be amended. I think there was a rumour prior to the last Federal election that someone was going to do something of this kind in the Senate election. The Government should come to terms with that situation within the Electoral Act itself, and not within the Act amended by the Bill we are dealing with.

It seems to me that the Government is taking something away from the people. If this is a Government which stands for individual freedom, getting away from big government, back to small government, and repealing all unnecessary legislation, I would like to think that, when the amendments are moved in this House, the Minister will be sympathetic to what we are trying to do. I refer to new section 68a (2), as inserted by clause 31, which states:

> Where the principal registrar has refused to enter a name in a register pursuant to this section, he shall, by notice in writing addressed to the person by whom application was made for the entry of that name in the register, notify that person of his refusal to enter the name.

Perhaps what is intended in that new subsection is that the registrar shall notify a person of the reason why he is refusing registration, that is, that it was obscene or frivolous. I would like the Minister, when she replies, to ensure that the registrar will give full reasons why the refusal is being made. That new subsection does not necessarily state that clearly: it just says that the person should receive notice in writing by the registrar of his refusal. I would like to think that, when a person mentioned in new section (3) is refused, he is told by the registrar the reasons surrounding the decision to refuse.

The registrar is placed in an awful situation. If I was a registrar and an application came before me for a change of name under subsection (3), I think it would brighten up an otherwise dreary day, and I would, most likely, gladly allow that name to go through. However, we may have a situation where a registrar, being a consciencious public servant and seeing the Act as it is before him, may feel that he would be going against the Government's wishes if he approved a subsection (3) application and therefore decide not to approve it. What reason is he going to give? We are placing an awful lot of responsibility on one person and, as the member for Playford said, "What's in a name?" In fact, one could almost say that it would be a lot easier if we called each other "one", "two", "three", "four", or "five" down the line. We do this in street names. We call streets First Street, Second Street, and Third Street. It is rather unromantic, but it is easier for people to know exactly where they are going. It might be easier if the Government went one step further and abolished those romantic names that we use to call each other, like Jack, Roy, or Ronald, and replaced them with "one", "two", "three". The only difference would be that, when we regain Government, the Leader of the Opposition would be renamed "one" and the Premier would be renamed "1001", or something like that.

There are things that do worry me about this Bill. I think we are being a little overbearing and are taking a bit of happiness away from some people who may wish to indulge in laughing at themselves, because that is basically what they are doing when they change their names. I am not including Stop Asian Immigration, but I am referring to Mr. Susie Cream Cheese, and some others which were mentioned might be relevant to the matter. I think there was one called Lioncheese and another called Fillingcream: they are good honest fun names for people who wish to go around being called that. If this provision is carried, we will be taking away a lot of enjoyment from ordinary people who are perhaps suffering too much under present State and Federal Governments and who wish to brighten their lives just a little bit. If we carry this provision we will be denying them that little bit of pleasure.

Mr. LYNN ARNOLD (Salisbury): Along with the member for Playford and the member for Napier, I am in general support of the provisions of the Bill, but I have one or two comments of some concern that I wish to raise. The Bill relates to the opportunities for the changing of forenames and surnames, and, in particular, comment has been made about the use of "frivolous" as a definition. I think I would have to concur wholeheartedly with the comments made by the member for Napier about the taking of quite a lot of fun out of life for people by unnecessary interpretation of the word "frivolous". Before coming to that, I must say that I wonder, indeed, what meaning the Government has for "frivolous", because in another place the Hon. Anne Levy questioned the Minister on whether the name Susie Cream Cheese was, in his opinion, frivolous. The Minister replied (and I am paraphrasing) that he would not try to prevent that name being taken; so, he obviously did not see that as frivolous. I wonder what is being seen as frivolous. If we have no examples before us, we do not exactly know to what extent the Government is trying to curb the humorous escapades of a very few individuals in society.

It would be a different situation if we had a rampant changing of names by thousands upon thousands of people to bizarre and unusual surnames or Christian names. But that is not the situation we have. We have in this afternoon's debate been able to list two, three, or four names that are commonly known. They are very few. Why should it then be necessary to try to control those few people in their attempt to obtain some degree of particularity, some degree of identification, in a society which for them may well be seen to be growing increasingly anonymous?

Other names are adopted overseas; I know that we hear and read occasionally of episodes where people change their names to make sure they are the last or first in the telephone book. I believe somebody changed his name to "Zzzza". Another person who, if my memory serves me correctly, changed his name to Aardvark to ensure that he was placed first in the telephone book was replaced the following year by a person whose name commenced with three A's instead of two. What is the harm or the damage

in that? I do not really think that it is necessary to embody in an Act a provision that frivolous names can be counted out by the registrar.

But it goes further than that. It goes to the extent that, if somebody wishes to take issue with the ruling by the registrar that the name is deemed frivolous (and we do not know what sorts of names we are looking at at this stage), he has to go to the local court. For a simple expression of whimsy, the opportunity to appeal against a decision by perhaps an unnecessarily severe registrar (and I do not want to prejudge the way in which he will determine this Act) will have to result in legal costs. That seems almost a Dickensian view of the role of justice and the role of the legal system. I think there are far more important things for the rule of law to be about than to be determining when somebody can or cannot exercise an ever-so-harmless bit of whimsy.

That being said, we acknowledge that obviously there are certain categories of names that do have to be counted out. No-one would suggest that there should be a right to use obscenities or obscene words, but I think that is a different issue altogether.

The further point I wish to raise is that there are some worrying pieces of legislation in other Parliaments around the world with regard to the choice of names. We know that in certain countries of Europe you have to choose a name for your child from a prescribed list and you may not use a name which is not in the prescribed list. That is a very sorry state of affairs to be in. I think any attempt that we might make to move in the direction of circumscribing the range of names that may be used can only be regarded as a very bad trend indeed, at a time, I hope, when other countries are moving away from the circumscription that they have.

When an amendment was moved in another place to remove the word "frivolous", the Minister suggested that that would cause all sorts of complications in the names children received. I agree. At no time should children be the butt of whimsical experiments by parents, adopted parents or whatever, and certainly it should be the role of this Parliament to protect them, and I think the provision relating to frivolous names applying to children should remain, but I am talking about adults. I must say that already, if one reads through the birth announcement columns in the daily papers, one can see a great many instances where frivolous names by some people's interpretation are being used for many children. Some bizarre names are appearing, and I have wondered how those children will react when they reach primary school and are thrust amongst a group of children with relatively ordinary names. They will have to put up with considerable embarrassment. I do not want it to be taken that I am in any way supporting the application of frivolous names to children. What I am trying to suggest is that, in introducing the right of courts and Governments to control the choice of names, we should try to avoid certain precedents.

How will this provision be interpreted? Certain names from other cultures may well be regarded as surprising or frivolous to us, but they are not in the cultural context in which they are given, and therefore they should be able to be given in this country. For example, it is common for men in certain European countries to bear the names Salvador or Jesús, and translated they mean Saviour or Jesus. To our traditional way of thinking they are unusual names, but they are not unusual names in some other cultures. It would be a great pity if a registrar in the future chose to make a severe and rigid interpretation of the provisions of the Bill and ruled out those names. I would be sorry to think that that would be the case.

Going further, we know that in many European countries the name Maria is often used for boys, in conjunction with other male names. Again, it may be the interpretation of a registrar here that it is frivolous to call a boy by what we know to be a girl's name, yet that would not be out of keeping in the cultural context from which it came. To take that one step further, my own name comes from a background where it is a commonly used boy's name. I might well have been the victim of a situation where it could be regarded as a frivolous name, since many people regard it as a girl's name. That shows the problems that could arise in some situations.

The other area I want to look at relates to the removal of the expression "Christian name" and its apparent replacement with "forename". First, the term "Christian name" has been with us for a long time and it is still used in a wide context. I do not believe removing it from the Act will remove it from general usage, and I wonder whether it is such an essential amendment. By replacing it with "forename", we end up with a slight cultural difference, since "forename" implies that it is the name before the surname, but that is not always the case. Certainly in the Chinese naming procedure, I understand that the surname is in fact the forename.

The Hon. Jennifer Adamson: They're not Christian names.

Mr. LYNN ARNOLD: I accept that they are not Christian names necessarily, but they may well be. The Spanish custom is to place the surname between two forenames, making it the middle name. The member for Playford has mentioned the situation that applies in Hungary. Indeed, we can be unnecessarily concerned about the words we use. We have used the term "Christian name" without a great deal of weighting for a long time and to change it indicates we are concerned about the weighting that it has, about the meaning that it has, that many people might not have given to it, and therefore this implies that we do give meaning to the term "forename", and in certain circumstances that would be inaccurate.

I do not wish to speak at great length on this measure beyond indicating general support for the Bill. I also support the amendments which have been indicated by the member for Playford because I believe in general they show a studied knowledge of the provisions of the Bill and an awareness of the real situation. Coming from such a member as the member for Playford whose experience in these matters I know to be beyond doubt, I can do nothing but support them and hope the House as a whole will support them.

The Hon. JENNIFER ADAMSON (Minister of Health): This has been an interesting second reading debate, and I think it indicates the importance that society at large places on names. I certainly thank the member for Playford for his interesting dissertation on the history of the development of names and commend him for the research that he did, as I think it has been of interest to all members of the House. The interest which has been evidenced and the detail which has been brought forward by members of the Opposition who have spoken on this Bill indicate many things.

I am interested that one aspect has not been mentioned and that is the fact that in today's society there seems to be less and less reliance placed on surnames, something that we may note by the failure to use a surname by people who are introducing other people socially. I am not sure what this indicates, whether their memories are failing. It is particularly noticeable among young people who choose deliberately to do this. I think they think that informality will be enhanced if the surname is not used. I think it is an

unfortunate development because to my mind the combination of a Christian name or forename with a surname reinforces the individuality of the person who is being introduced, and it will be a pity if it becomes a common social custom simply to fail to use a person's surname when introducing them; but that is just a particular hobby horse of mine.

The member for Playford paid particular attention to clauses 27 and 16. I want to emphasise that clause 16 contains important benefits, since it ensures that, even in the case of disagreement between two parents, a child is not without a name. Whether that name is the name finally given to the child by way of a surname is a matter for a court ultimately to determine if there is an objection on the part of one or other parent. The importance of clause 16 lies in the fact that, even in the event of a disagreement, a child is not without a name, and I think that there would be no-one in this House who would disagree with the importance of a child's being named as soon as possible after birth and not being nameless simply because of a dispute between his or her parents.

Clause 27 is beneficial because it provides a simplified procedure to that which presently exists. I think there would be general agreement again, that the aim of the law should, where possible, be to simplify procedures of this kind that people have to undergo in a society such as ours to ensure that births and names are registered.

The member for Playford referred to clause 31 and the restriction placed on the applicants for a change in name in terms of enabling the registrar to refuse to admit names which are obscene or frivolous. All speakers dealt with this aspect, and I think the arguments they put forward can in one way or another be rebutted by virtually parallel arguments for the opposite side of the case.

The member for Playford and, indeed, all speakers, admitted that a child should not be saddled with a name that is obscene—there is universal agreement about that. On the one hand, members recognised the disadvantage and the inappropriateness of obscene names, and they extended that recognition to the inappropriateness of frivolous names for children. Most of us can remember that, at some time, we suffered some trauma as a result of the names that we were given, however conventional they might have been, as my name is. I vividly remember that my second name, which is Lilian, was the name given to the elephant at the zoo when I was a small child, so I suffered because of that. I dare say that all members have, in some way, suffered as a result of their name.

I recall reading recently about parents who gave a great deal of thought to the naming of their children and who decided that there was nothing that could be done to shorten or abbreviate in an unpleasant form the name "Amber" as a given name for a girl; however, they were disconcerted to find that their small son, on peering into the crib, said "Amberger", which shows that there is no limit to the ingenuity people can use, should they choose to do so, in changing a name. I make the point strongly that, if the registrar refuses to register a change of name, the applicant can appeal to a local court of limited jurisdiction within one month.

Most speakers seemed to ignore this provision in the Bill. The member for Salisbury did not ignore it but drew attention to it and regarded it as inappropriate that people should be required to spend money on legal fees in order to establish their right to change their name, if they so chose, to a name that may be considered frivolous. I am glad the honourable member raised the question of money, because that has something to do with the reason why the word "frivolous" was included in the Bill. That word was included to deter people who, for whimsical reasons, may choose to change their name at will, and change it back again, thereby using and abusing the time of public servants.

We must not under-estimate the likelihood of that occurring. We are now talking about public money, as opposed to the member for Salisbury talking about private money, but I believe that the expenditure of both kinds must be taken into account. In order to deter people from frivolously abusing the privilege and the right of changing their name, the word "frivolous" was included in clause 31 of the Bill.

Mr. Lynn Arnold: It would be less costly to change the system of changing names.

The Hon. JENNIFER ADAMSON: The honourable member may be underrating the likelihood of people choosing to change their name. Some examples of change of name have been given, namely, "Susie Cream Cheese" and "Screw the Taxpayer", and the member for Playford said they could be attended to by changes of the Electoral Act. Other applications for a change of name involved the names "God", "Wankel Rotary Engine", "The Crazy Man", "Philly Cream Cheese", "Lime Fresh", "Sub-paragraph 3", which was mentioned, a set of initials, "N.W.N.H.T.P." and the simple letter "A".

Certainly, names such as "Susie Cream Cheese" and "Screw the Taxpayer to Support Big Government and its Parasites" could be overcome by changes to the Electoral Act, but changes to that Act would not overcome the choice of a frivolous name that was designed to achieve, say, unfair commercial advantage. One can visualise people changing their name to the name of a successful or famous person for frivolous purposes, causing considerable disruption to those people who were given that name at birth. A change to the Electoral Act would not serve to deter those people who may, on a whim, decide to change their name one month to, say, "Pebble on the Beach" and next month to "Rock on the top of the Cliff".

This kind of thing can happen and I believe that, notwithstanding the fairly convincing arguments for a bit of frivolity, individuality and freedom for comedy put foward by some honourable members, I, personally, do not believe, and I am sure that the Government does not believe, that the law should enable that kind of frivolity to be undertaken at the expense of the Public Service and, in plain terms, that is what it boils down to. The member for Napier listed some names which he described as good honest, fun names, and I suppose that that is a subjective judgment, but I do not believe that the time of public servants should be used in a frivolous fashion to enable people to embark on changing their name to what the member for Napier describes as a good, honest, fun name when they are just as likely to change the name back the following month, and there is nothing in law that can stop them, unless there is a deterrent, such as is contained in this Bill. I make the point that history has proved that people usually revert to their original name once the novelty of a frivolous name has worn off and once the purpose of the change, which is invariably to achieve notoriety, has been achieved, and that point should be remembered.

The member for Playford referred to clause 42 of the Bill, and maintained that the court should supervise the situation whereby the surname of an adopted child is being considered. The Government does not believe that it is appropriate to interfere with the right of parents to exercise discretion in the choice of a surname which those parents hold and which they may wish to give to the child. That is why there has not been provision for the court to supervise the choice of a surname.

Mr. McRae: Why does the court supervise in regard to the forename?

The Hon. JENNIFER ADAMSON: In order to ensure that a frivolous name is not given. One may ask where the difference lies between the two, but we say that the surname of the parents is held by the parents as the designated name of the parents and it is not appropriate for a court to intervene in the right of parents to choose that name. However, in the case of an adopted child, we believe that it is appropriate for the court to have some regard to the discretion of parents in the choice of the forename, over which an enormous range of discretion can be exercised. There is really not much discretion that can be exercised in the case of the surname, and we believe that parents should be able to exercise that right.

The member for Playford was also somewhat scathing about what he described as the undue regulatory powers contained in the Bill. I simply point out that those regulations merely determine what kind of forms people will fill out, and they do not regulate people as such. In that regard, I refer to the spirited defence by the member for Napier of the continued use of the words "Christian name" in this legislation, an argument that contrasted somewhat with the member for Playford's acceptance of the fact that, in a pluralistic society (and Australia is increasingly becoming such a society), the term "Christian name" may not be appropriate and, in fact, is not appropriate in the case of many people, particularly migrants who have no cultural or religious associations whatsoever with Christianity and who could take exception to this term appearing on official forms that they are obliged to fill out.

One could look at the increasing Asian migrants, and see that Hindus and Buddhists would take offence. Certainly, Jews would not wish to fill out a section that designates the term "Christian name". It is in recognition of this pluralistic society that that term has been altered. The member for Napier said that he fills out his driver's licence on a form marked "Christian name". I have checked with my licence form and found that it is not a statutory designation. It is the choice of the Registrar of Motor Vehicles how the names are listed. The form simply refers to first name, second name, last name and/or surname. So, already in the forms is provision for other than a Christian name. The member for Playford, who raised the question of the duality of the Registration of Deeds Act and the Birth, Deaths and Marriages Act, in the provision of changes of name, may be interested to know that, prior to 1962, there was no dual statutory system to change names but, in that year, section 35a of the Registration of Deeds Act was enacted to allow the registration of changes of name.

The brief history of this matter is interesting. Section 35a of the Registration of Deeds Act was inserted in 1962, and allows persons to lodge with the Registrar of Deeds, and the Registrar to register, deed polls or statutory declarations evidencing changes of name. Such deed polls or declarations are deemed to be instruments for the purposes of sections 31 to 35 of the Act, which relate to inspection of, and preparation of certified copies of, such instruments.

When the Bill to enact section 35a was introduced into Parliament it was subject to scant debate. All members who spoke considered it a technical amendment that merely formalised what the Registrar of Deeds had been doing for years. Some expressed the suspicion that a pedant may have pointed out that the Registrar had no power to accept those polls or declarations that did not affect land, and so the amendment was meant to ensure that no illegality was being committed. That is for the record, and brings us up to date in 1980.

The member for Napier sought reassurance that the registrar should give the full reasons why he had refused to register a particular name. I give that reassurance. The notice of refusal will provide for the reason for refusal to be given under clause 31 (3) of the Bill.

I conclude by referring to the defence by the member for Salisbury of a person's right to choose a frivolous name. I doubt whether the same restrictions applied in respect of children will be applied in respect of adults. I feel sure that certain leniency will apply in respect of adults who can convince the registrar that their choice of a frivolous name is a deliberate choice made for a reason that is likely to continue to apply, and not be altered within the space of weeks or months.

I have no doubt that the registrar will take cognisance of this debate when having to approve or refuse approval for a change of name. I also point out that, in regard to the honourable member's reference to the Christian name being dropped in preference to the forename, I think that the Christian name is interchangeable with the forename, and that, in respect of Spanish, the word "Christian" would be appropriate, whereas in respect of Chinese, it may not be appropriate. There is a growing Christian population in China, I understand. I nevertheless believe that the word "forename", given all the circumstances to which I have referred, is the most appropriate name.

So, given all the arguments that the Opposition has put in respect of possible changes to the Bill, the Government believes it to be appropriate in its existing form, but I certainly express my gratitude for the interest that has been shown in a Bill, which, although it may not seem to be important, has genuine importance to the people of South Australia whom it will affect.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—"Entry of child's surname in the register."

Mr. McRAE: I move:

Page 3, line 22—After "amended" insert

"—

(a)"

line 28—After "parents—" insert "such surname as a local court of limited jurisdiction may, upon application by a parent of the child or by the principal registrar, direct"

lines 29 to 33—leave out all words in these lines and insert—

"and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1) the following subsection:

(2) In making a direction under subsection (1) of this section, the welfare and interests of the child shall be the paramount consideration of the court."

It seems to me that, while it is true that there may be access to the court in certain circumstances, the similarity of the situation between clause 16 and clause 27 cannot be overlooked. My amendment brings about consistency. Where there is a change of name of a child, if the parents are unable to agree on the name, as provided in clause 27, the court acts as the arbiter. There should be no discrimination on the basis of marital status. Decisions are made on something as arbitrary as marital status without looking into any reasons and without seeing whether in this particular case there is good ground for departing from the norm or not. Clause 16 is arbitrary, because it allows for no consideration of factors that may apply in a particular situation.

In the case of changing the name, if the parents are

unable to agree, the court decides, using the welfare of the child as its first consideration. The court can hear all the factors involved and act as an arbitrator. I believe it would be much fairer to provide exactly the same situation in clause 16.

I believe that, in the other place, reference was made, as the Minister has said today, to applications to a court for a change of name, but I do not think that that is necessary. What I am looking for is simplicity and consistency within the Act itself.

The Hon. JENNIFER ADAMSON: The Government opposes the amendment. We believe that the clause as it stands is both simple and consistent. It is important that a child have a name from the outset. There is provision for appeal to the court, if there is any dispute. We believe that that situation is the most satisfactory one, and that is the situation which should pertain.

Amendment negatived; clause passed.

Clauses 17 to 30 passed.

Clause 31—"Registrar may refuse to enter certain names in a register."

Mr. McRAE: I move:

Page 7, after line 3 insert subsection as follows:

(1a) The principal registrar shall not refuse to register a change of name on the ground that it is frivolous unless the person in respect of whom the change of name is sought—

(a) is under the age of eighteen years; and

(b) is not, or has not been, married.

I move the amendment for the reasons given during the second reading debate.

The Hon. JENNIFER ADAMSON: I oppose the amendment, for the reasons given during the second reading debate.

The Committee divided on the amendment:

Ayes (19)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), O'Neill, Payne, Plunkett, Slater, Trainer, and Wright.

Noes (23)—Mrs. Adamson (teller), Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pair—Aye—Mr. Whitten. No—Mr. Goldsworthy.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 32 to 41 passed.

Clause 42—"Names of adopted child."

Mr. McRAE: I move:

Page 9:

Lines 7 and 8—Leave out "subsection (1) and inserting in lieu thereof the following subsection" and insert "subsections (1) and (2) and inserting in lieu thereof the following subsections".

After line 34 insert subsection as follows:

(2) Where it is, in the opinion of the court, inappropriate that an adopted child should bear a surname determined in accordance with subsection (1), the court may, in the adoption order, determine the surname of the adopted child.

I canvassed the reasons for the amendment during the second reading debate. I would add only that the Government is not being consistent. If it is not necessary for the court to supervise the surnames, then it is equally not necessary to supervise the forenames. I realise that it is necessary for the court to supervise the forenames because odd and bizarre forenames can be suggested with good will. But, equally, I do not think that the Minister sees the force of my argument that a child can, in these circumstances, be caught in a difficult situation. Of course I agree that, in the normal course of events, it is the parent who determines the names of the child, but in the case of adopted children there are other extraneous circumstances coming into the event. Even under new section 32 (1) *(a)*, there is a distinction drawn between the adopting parent and the natural parent, because in the case of the natural parent, unless the name in frivolous, that is the end of the matter. It can be odd, bizarre, and all sorts of things, so long as it is not frivolous. However, the court must have supervision and control.

Similarly, in the case of the surname that must apply. It will arise only in a small number of cases, but I ask the Minister to accept my knowledge in this area that it can arise, and that it can arise specifically in those circumstances where, for one reason or another, the parents (and, again, they may do it in good faith) may suggest one of several optional surnames that is not appropriate for the welfare of the child. It is a small amendment and I would have thought that the Minister could easily accept it without loss of face, and maybe give a considerable gain to some poor child saddled with some difficulty.

The Hon. JENNIFER ADAMSON: The Government opposes this amendment. I want to make it clear to the member for Playford that, as he has recognised, the alternatives for the surname of an adopted child are prescribed in the clause as follows:

(i) where there is only one adoptive parent and that person is not married—the surname of that adoptive parent;

(ii) where there is only one adoptive parent and that person is married to a natural parent of the child—the surname of the adoptive parent, the surname of the natural parent, or a combined form of those surnames, whichever is nominated by those parents;

(iii) where there are two adoptive parents—the surname of the adoptive mother, the surname of the adoptive father, or a combined form of those surnames, whichever is nominated by those parents;

If the surname nominated by the parents is obscene or frivolous, the Registrar may still refuse to register it. Therefore, the rights of the child are protected and it is unnecessary to provide further protection. On that basis, the Government opposes the amendment.

Mr. McRAE: That is the wrong basis. It has nothing to do with obscenity of frivolity. New section 32 (1) *(b)* (iii) deals with what is the real problem. It states:

Where there are two adoptive parents—

which is the normal situation—

the surname of the adoptive mother, the surname of the adoptive father, or a combined form of those surnames . . .

I am suggesting that the court have the discretion it has now, namely, that that surname which to the court is appropriate shall be the surname given to the child. It has nothing to do with obscenity or frivolity.

Depending on the circumstances before the adoption court, that is a power that may very well be required—in a very limited number of cases, I admit, but if the court's power is being maintained in relation to the forename there is no reason at all why the courts' power should not be maintained in relation to surnames. Again, I put it very strongly that the Government stands to lose nothing and has everything to gain by constructive suggestion.

The Hon. JENNIFER ADAMSON: The member for Playford said that there is no reason at all why the Government should not be willing to accept this amendment. The reason why the Government is not willing to accept the amendment is that it does not wish to interfere with the parents' choice of surname so long as it relates to one or both of their surnames. As the

honourable member recognised, that is a completely different situation from the choice of the forename, which can range over an unlimited field and on which the court might quite properly be expected to exercise a view. However, in relation to surnames, it is the Government's belief that it is the right of parents to determine which surname they want for their adopted child. That is why the Government opposes the amendment.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 566.)

The Hon. R. G. PAYNE (Mitchell): The Opposition supports this Bill. I suppose that I am also entitled to say, on behalf of the Opposition, that the Bill seems to have been hanging around for quite a time. When one takes into account the contents of the Bill, one can only wonder about the priorities adopted by the Government in these matters. In introducing the Bill, the Minister of Mines and Energy stated:

> In April 1980, as part of its revised policy with respect of liquefied petroleum gas pricing and utilisation, the Commonwealth Government announced that it would subsidise the cost of domestic liquefied petroleum gas for a three-year period from 28 March 1980.

This was a very nice way for the Minister, in introducing the Bill in this House, to gloss over what actually happened. In January this year the Prices Justification Tribunal announced the price per tonne for liquefied petroleum gas related to world price by way of parity, and all hell broke loose. The Commonwealth Government was forced to take measures to try to bring some sanity back into the area. The type of measure used by the present Liberal Government, namely, with pricing used as a form of rationing of commodities, is not one which is supported by my Party.

One of the best comments that I have come across, after quite a deal of reading on this matter, is one made only recently in an article in the *Australian Gas Journal* dated September 1980, under the heading of "Marketing". The writer is Alexander S. Metz, of the Gas and Fuel Corporation of Victoria, a professional member of the Australian Institute of Management and of the Industrial Relations Group and Forum (Public Speaking) within that institute. In an excellent article, he states:

> Continuity of supply is only one area largely, if not entirely, beyond the control of utilities.

He is speaking about gas. The article continues:

> Pricing is already under considerable Government manipulation with far-reaching effects on the development and marketing strategies of gas distributors.

He was covering the whole field of gas, but the remarks become more specific. The article continues:

> One glaring example was the recent war between distributor and Federal Government over l.p.g. pricing in Victoria. Even if we know that price rises are very effective in teaching the public to conserve energy, we also know that they are a very cruel method, and one not without serious detrimental side effects.

I think that sums up the position which, certainly, the Opposition understands, and one which the Federal Government would do well to examine in any future actions it may take in relation to pricing policies associated with hydrocarbons generally. In other words, there is more than just the market to consider and how much dough can be made out of it by the Government. There are people, consumers, and they are entitled to as much consideration as possible.

Bearing that in mind, this Bill proposes to allow the payment of a Commonwealth subsidy to South Australian distributors of liquefied petroleum gas for passing on to consumers. The Opposition has no desire to add further delay, whilst the second reading explanation words that I quoted were those of the Minister, my understanding is that this is already being done. Nevertheless, the Opposition wishes to see what has already been done brought into law in this State to make it cast iron.

This measure is for a three-year period only, and hence an ultimate pricing philisophy in relation to l.p.g. can be said, as it were, to have been put off by the Federal Government for another three years. However, there are advantages to consumers, particularly in country areas in South Australia, where daily costs for their domestic use of l.p.g. can continue to be much lower because of the subsidy that the Commonwealth proposes to pay to registered distributors of l.p.g., in accordance with the provisions of the Bill.

I thought it was interesting and sensible (and if the Minister had anything to do with it, he is entitled to a commendation on it) to include in the definitions a reference to the definitions contained in the Commonwealth Act and to provide them as a schedule to the Act. That seemed to me a fairly sensible and sound move. If there are changes during the life of the Commonwealth legislation, then they will still have application in South Australia by virtue of that device having been used. I cannot let the occasion pass without pointing out that, on many occasions when the Labor Party was in Government, it was often stated by the then Opposition that many of the Bills that the Labor Government brought into the House contained severe and Draconian measures. Of course, if one looks in this Bill at clause 11, for example, we find that it fits that description. The clause provides:

> An authorised officer may require a registered distributor to give security in an amount determined by the authorised officer by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by him with provisions of this Act.

It goes on, but I shall not bore the House with it. There is a straight-out statement that the officer can require a security. No specific details are given. I would expect that there is the need for this type of clause to be in the Bill, so I do not really criticise it as such. I simply point out that if the roles were reversed and the people on this side of the House had been introducing the Bill, even 15 or 16 months ago, there would have been hell to pay. Clause 13, dealing with stocktaking and inspection of accounts, in subclause (4) provides:

> Any person who obstructs, molests or hinders an authorised officer in the exercise of his powers under this section shall be guilty of an offence.

That is not an uncommon provision to see in legislation, but when the Labor Party was introducing Bills with that type of provision it was told it was severe, went too far or was not necessary, yet as soon as the roles are reversed the Government has found it necessary to state an offence clearly, as I have just outlined, so that the law can be correctly interpreted. There are other clauses to which one could refer, but in the interests of giving the Bill as speedy a passage as possible I will consider whether I shall raise those matters during the Committee stage.

In the schedule, "eligible use" is defined, as I have already stated, and that definition is used in the Bill before the House to provide for the payment of the subsidy.

Three categories are listed: use of gas at residential premises for normal domestic use; use of gas at a hospital, nursing home or other institution providing medical or nursing care, not being an institution conducted for profit; and use of gas at a school, not being a school conducted for profit, etc. I wish to raise with the Minister handling the Bill in the absence of the Minister of Mines and Energy the question of what is the position in relation to caravans and caravan parks which are non-profit organisations? Many caravans and caravan parks rely on bottled l.p.g. for the operation of facilities within the caravan or at the caravan parks. I suspect that it is probably covered, because if one looks further at the definitions in the Commonwealth Act, which is the schedule, we find that there is a definition of a "prescribed cylinder", as follows:

> "prescribed cylinder" means a gas cylinder designed to contain not more than 46 kilograms of liquefied petroleum gas, but does not include the gas cylinder designed with liquid draw-off for the supply of fuel to an internal combustion engine.

Presumably that is an area where consumers and caravan parks which are non-profit might well be covered. I would appreciate hearing from the Minister whether that is so.

What has really happened is that we now have a four-tier structure throughout Australia which relates to l.p.g. pricing. At the top, I guess one would say, would be the industrial users and there have been various concessions through taxation, depreciation allowances, and so on which have been arranged to provide for those people who have been induced because of these measures to convert from oil-fired equipment to gas. Then we have automotive users who are also catered for at the time to which I am referring (in April of this year, when the Commonwealth scrambled to rescue the position it had allowed to develop). Because of the subsidy paid in that area, l.p.g. is still available for automotive use at about 18 cents a litre. If we look at the domestic price, which I am informed by the South Australian Gas Company is 36 cents a kilogram, we can see that a litre, which is half a kilogram, at 18 cents has approximately the same value as applying with respect to both automotive users and domestic users, because petrol is available at somewhere around 35 cents to 36 cents a litre, if one is paying full tote odds.

The fourth tier is one which is referred to by Senator Carrick in April this year, feedstock for petro-chemical plants; he proposed to leave that matter to what he described as free market forces. One can see that Liberal Governments have various selective definitions of private enterprise and free enterprise to suit the occasion, particularly a political occasion, because much of this measure has its effect in the country areas.

Mr. Keneally: It had a strong commitment to it before the election.

The Hon. R. G. PAYNE: It did seem to have occurred prior to the election period which followed. Nevertheless, it is a benefit, as I have said earlier, to South Australian consumers wherein a subsidy is paid to the distributors who supply those consumers so they can get it at this lower price. The Opposition supports the Bill.

Mr. MAX BROWN (Whyalla): This Bill, we all know, is designed to put into effect on a State basis the already announced Commonwealth subsidy on the cost of domestic liquefied petroleum gas, as the member for Mitchell quite rightly and forcibly pointed out. I feel that this Bill is important on several grounds, but the most important ground as far as I am concerned is that it guarantees the market for our liquid petroleum gas resources at Cooper Basin and it subsidises and maintains within a reasonable price range the use of the gas for domestic consumption. I want to say something about that later in my remarks. However, I question whether this proposed reasonable price subsidy would be for only three years and then perhaps all hell might break loose. I think that is perhaps something that the present Federal Government should be very wary about.

Probably more importantly, at least to me, it provides an alternative domestic and industrial fuel for my electorate. Very importantly, it maximises the use of resources emanating from the State's natural fuel resources, and it gives a real alternative to our petrol consumption problem. There are probably other reasons of importance, but I feel that probably those I have mentioned would be the most important.

I am most interested in the consumption of the fuel, particularly in relation to education, hospitals, and aged people. Having said that, I must say at this juncture that I question whether as a society we have paved the way sufficiently, as it were, for the maximum use of l.p.g. On that basis, I made some inquiries in my electorate as to the use of l.p.g. and what it meant. The first inquiry I made was at the age pensioners home in the city of Whyalla, called Copperhouse Court. I was informed that that establishment has a gas hot water service and gas cooking facilities. However, its heating is by electricity, and it was pointed out to me that the accounts for electricity for this home amount to approximately $1 000 a month, which is, in anybody's language, quite a considerable sum. If this Bill is passed, I understand that the use of gas for heating would be considered if it were to become a subsidised product.

I was told at the Whyalla Hospital that only a small amount of l.p.g. is used in the laboratories and that there is a provision in its kitchen for bottled gas to be used. I understand that the usage of l.p.g. is small and the cost for one year was $379. I understand that the boilers at the Whyalla Hospital could be converted to use l.p.g. if it became more readily available.

From inquiries I made at the schools in my district, there seems to have been some planning for the use of l.p.g. in some schools in Whyalla, but it is difficult to see a pattern. There appears to be a need for an examination of what is required in real terms, so that l.p.g. can be easily utilised in the best possible way. I then made inquiries at the industrial giant Broken Hill Proprietary, which to my knowledge uses no l.p.g. It appears that, at least outwardly, the company would not take advantage of the possible availability of l.p.g., although circumstances do change and it may be that policy covering the use of l.p.g. by B.H.P. might also change.

The price for automobile l.p.g. is fixed by the Prices Justification Tribunal and following upon a rise of about 1c a litre in July the price in South Australia is now about 19c a litre. If the Government is to treat the use of l.p.g. as a real alternative to petrol or electricity, then the P.J.T. would need to treat seriously any suggestion of a price rise for l.p.g. In my own district, and I understand in the district of the Minister of Education, in Mount Gambier, the South Australian Gas Company supplies reticulated gas which is produced from l.p.g. feedstock and the price is determined by the Prices Commissioner. Domestic gas users in Whyalla are supplied by reticulated (piped) gas, which is charged on the basis of megajoules used.

I had some dealings with the South Australian Gas Company in my own district because of my involvement with the domestic heating in South Australian Housing Trust rental accommodation for the aged in Whyalla. The cost of installing gas for heating in South Australian Housing Trust pensioner accommodation is much higher, I am informed by the Housing Trust, than installing

electricity for heating. I believe that $300 odd is the cost of gas installation compared with about $50 for electricity installation. I point that out to the Minister, and suggest that that sort of installation cost is unreal. If we want l.p.g. to be an alternative fuel that is one particular area we should be looking at seriously. As I understand it, the Federal Government policy is:

> . . . to encourage the local use of l.p.g. as a means of reducing our dependence on imported oil, particularly in those areas where l.p.g. has a premium value such as automotive use. The Government expects producers of l.p.g. to supply the domestic market as a first priority and welcomes the assurances which have been given by the Bass Strait producers—Esso and BHP—in this regard.

Having said that, I could hardly accept, with my involvement with the Gas Company, the South Australian Housing Trust and the aged pensioners, that that opinion has been borne out. I fully accept the provisions of the Bill, but I raise these matters simply as a matter of concern. I hope quite seriously that, in his reply, the Premier might take note of the matters I have raised, particularly in relation to installation costs.

The use of l.p.g. as a household fuel is currently significant in Australia, particularly in country areas and the Federal Government was concerned that this usage was not a cause of undue hardship to consumers who used this fuel. The Federal Minister has said:

> It is important that household consumers have adequate time to adjust to changing price trends for l.p.g. In the longer term, most household consumers of l.p.g. will have opportunities to change to more readily available alternative fuels such as electricity and natural gas and the Government is establishing a framework for adjustment to occur, without undue hardship.

I can hardly accept that if the figures given to me for installation costs are correct. I believe that, if the State Government is seriously thinking about falling into line with what the Federal Government is requiring it to do, two things should be looked at seriously: first, the cost of installation in real terms; secondly, whether in fact we have organised ourselves as a society to transfer from our normal fuel consumption of electricity and petrol to gas. I believe these two areas ought to be examined fully by this Government and the findings of such an examination should be sent to the Federal Government. I support the Bill.

The Hon. D. O. TONKIN (Premier and Treasurer): I thank honourable members opposite. This Bill relates to Commonwealth legislation; all States are implementing it so that they may pass on the subsidy to their consumers, and this applies very much to South Australia. The definitions are set by the Commonwealth; they may be varied from time to time. We have deliberately made the State's Bill flexible so that we can cope with any changes in definition or subsidy that may come along, and so that they may be incorporated with the maximum possible ease in the legislation. We cannot change the arrangements that are made from time to time by means of this legislation. Any changes necessary will come about as a result of discussions with the Minister, in this case Senator Carrick, in the Federal Government.

Those discussions will go on whenever they are necessary. The member for Mitchell mentioned clauses 11 and 13; these provisions are in the existing Petroleum Subsidies Act—they are nothing new. It has always been found, in regard to that Act, that the provision is used as a matter of last resort and it is not envisaged that it will ever be necessary to use it. I do not know whether it has been used in regard to any other Act, but I believe that that is most unlikely. The question of caravans in caravan parks was raised; certainly, the owners of caravans are eligible users and subsidies will apply in those circumstances.

Regarding the three-year duration, I indicate that the Commonwealth has given no indication whether the subsidy will apply after the three-year period, but I imagine that that is very much a question of applying the subsidy during the life of the current Parliament and that the matter will be reviewed at the end of that time. I do not know what is likely to happen then. The important thing is that the Commonwealth has promised that the automotive price of l.p.g. will remain at about half the price of petrol. The parity price is there to ensure that this relationship will apply. It is important, as the member for Whyalla indicated, that we look to the future and to l.p.g. becoming an acceptable alternative to the presently used hydrocarbon products, particularly petrol. The State Government has a pretty strong policy on the use of l.p.g., and we want to maximise its use in South Australia and to utilise as much of the Cooper Basin l.p.g. as we can.

We want to ensure that, by increased exploration, we find additional quantities of l.p.g. so that we can move more and more into that sphere. This will be an important way in which to utilise our own hydrocarbon resources, and to reduce our present dependence on imported crude and petroleum products. It is in our interests to do what we can to find more l.p.g. and to use it. The Government is currently examining ways in which the State can become involved, and we would like to encourage the increased use of l.p.g. I understand that investigations have been implemented in regard to safety legislation, and that is a most important area. There have been one or two rather unfortunate episodes, not recently but formerly, but I believe that those problems have now been solved.

We are looking to the provision of greater numbers of outlets. Certainly, consumer information will be available and publicity will be given to the increasing use of l.p.g. as it becomes available for automotive use. We are looking to subsidies for the use of the l.p.g. that may be available. A programme, which I believe was originally foreshadowed by the former Minister of Transport, Mr. Virgo, some years ago as to the gradual conversion of Government vehicles to the use of l.p.g., is proceeding very slowly. I understand that some Government vehicles are using l.p.g., but it seems to be a pretty slow business, largely because of the limited availability of l.p.g. supplies. The point is that the Bill passes on the subsidy that is offered by the Federal Government in what I believe to be a very far-sighted move to reduce our reliance on petroleum products. This move is to be applauded, and all honourable members would see the good sense of it.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Advance on account of subsidy."

The Hon. R. G. PAYNE: This clause provides that advances be made on account of the payment, and I ask the Premier whether any advances have been made. I expect that advances have been made because the Bill is deemed to come into operation on the day that the Commonwealth Act came into operation.

The Hon. D. O. TONKIN: Suppliers in South Australia have been applying subsidies since March. A special scheme has been developed with the Commonwealth to allow them to recoup the amount of the subsidy before the complementary legislation has been passed, and in the period to late October 1980, a total of 61 claims have been processed in South Australia in regard to subsidies of about $444 000.

The Hon. R. G. Payne: I hope they have not all been

paid, because there is another provision relating to $50 000, the sum in the Treasury account.

The Hon. D. O. TONKIN: The subsidy could well amount to $1 000 000 a year for South Australian consumers, and that is something which speaks for itself. The whole point of allowing the scheme to go on for a three-year period is basically to educate people and to allow a period of education so that people can move into the l.p.g. system.

The Hon. R. G. Payne: Look at clause 19 (2).

The ACTING CHAIRMAN (Mr. Keneally): I do not want to interfere with the friendly chat going on across the Chamber, but I point out that it is impossible for *Hansard* to record the debate if questions are not made clear.

Clause passed.

Clause 6 passed.

Clause 7—"Claims for payments."

Mr. BLACKER: I refer to the eligibility of industries that have not been mentioned so far, and I refer specifically to the fishing industry. Whilst it is a dream that l.p.g. be used in the fishing industry at this stage, I understand that a coastal vessel is currently being modified for l.p.g. use. I wonder whether I can raise this matter under this clause or under the schedule; perhaps the matter should have been raised under clause 3.

The ACTING CHAIRMAN: I have looked at the clause and I have considered the honourable member's question; I believe that there is no reason why he should not take advantage of the Chair's generosity and seek the information that he wishes from the Premier.

Mr. BLACKER: I wonder whether any consideration has been given to the coastal trade, bearing in mind that a vessel is currently being modified for the use of l.p.g. The inclusion of these industries in the Bill could provide a considerable incentive.

The Hon. D. O. TONKIN: A claim by a registered distributor for payment under this Act in regard to a fishing vessel, if one should be so equipped, would certainly be examined, when made. I believe that this matter will have to be taken up with the Commonwealth. At present, under this legislation, fishing vessels are not eligible for subsidy but, if sufficient quantities of vessels are brought forward, an approach can be made to the Commonwealth, and this is exactly why the Bill has been made flexible.

The point that must be borne in mind is that most fishing vessels (I think I am correct in saying this) are diesel-powered and that it is not a simple matter to convert a diesel engine to l.p.g.; in fact, I think it is impossible. It is only normal petrol engines that can be converted to the use of l.p.g. simply. I think that that is the basis for the provision.

Mr. BLACKER: It is accepted that you would not use a conversion of diesel-powered vessels, but I am speaking about repowering vessels. I understand that that is the case with a coastal shipping vessel at present, where it is likely that, in South Australia, there will be operating the first ever in the world l.p.g. gas-operated vessel.

Clause passed.

Clauses 8 to 12 passed.

Clause 13—"Stocktaking and inspection of accounts, etc."

The Hon. R. G. PAYNE: The clause begins with the words "For the purpose of this Act, or an Act of another State". Does that allow for the fact that bulk quantities of l.p.g. might well travel interstate before being passed through a distributor's hands or supplied to a consumer; therefore, we need to have this provision?

The Hon. D. O. TONKIN: That is a possibility. The South Australian Government has no intention of allowing the movement of large quantities of l.p.g. interstate to the detriment of this State's users.

The Hon. R. G. Payne: It could come the other way, though. Victoria has l.p.g.

The Hon. D. O. TONKIN: It could work the other way. It may well be that, for a time at least, the chances of l.p.g. coming the other way are greater than the chances of it going from South Australia to Victoria or other States. I look forward to the time when, a few more holes having been drilled in the North, in some of the newer basins, we may find ourselves in the position that Alberta is in now, where we have l.p.g. to export. This is an important provision for the future.

Clause passed.

Clauses 14 to 18 passed.

Clause 19—"Appropriation."

The Hon. R. G. PAYNE: The Premier said earlier that claims amounting to more than $400 000 had been lodged. I bring to his attention that, in relation to the trust account that is supposed to be operated by the Treasury, the total amount of money advanced under subsection (2) shall not exceed $50 000. I realise that the legislation has not been passed, but presumably Treasury would have been using the Act as a guideline. Has that specified sum been exceeded, and does the provision need amending by the Government?

The Hon. D. O. TONKIN: I do not think there are any restrictions on the number of times that advance can be made.

Clause passed.

Clause 20 and schedule passed.

Title passed.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): The Bill as it now stands contains a provision under "Appropriation" that the total amount of any moneys advanced under clause 19 (2) shall not at any time exceed $50 000. I trust that that means that the total amount of any moneys advanced under that subclause shall not exceed $50 000. The Premier earlier replied in a manner which, I think, was somewhat flippant, but I accept that he did not really mean the answer he gave. My understanding of that subclause is what it says; otherwise, what is it there for?

The Hon. D. O. TONKIN (Premier and Treasurer): The Bill as it comes out of Committee contains the clause to which the honourable member has referred. I can certainly assure him that I was not being at all flippant. In relation to the argument he has put forward, $50 000 is the maximum sum held in the Treasury line at any one time. It is continually being topped up by the Commonwealth. When funds are paid out in respect of the subsidy, the $50 000 is topped up by the Commonwealth to bring it up to $50 000 again. Hence my remark that there is no limit to the number of times it can be drawn upon. It never exceeds $50 000. Although $440 000 has now been paid, it has been paid from without a fund which does not at any time exceed $50 000. It works perfectly well.

Bill read a third time and passed.

RAILWAY AGREEMENT (ADELAIDE TO CRYSTAL BROOK RAILWAY) BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 690.)

The Hon. R. G. PAYNE (Mitchell): In introducing this Bill, the Minister said:

> The aim of this Bill is to provide a mechanism that will enable significant aspects of the privately-owned cultural and natural environment to be conserved by means other than acquisition or planning controls.

The Bill provides for the conservation of our environment by means of heritage agreements which can be registered. The Minister continued, in referring to the other methods that had operated in the past, by saying:

> Control measures may be cheaper than outright acquisition, but experience has shown that their use can be counterproductive, because they may create antagonism amongst affected landholders.

I suggest to the Minister that the same remarks might well apply to agreements that might be negotiated between a landholder and the Minister, in his various capacities as the authority or the corporation, whichever one chooses to apply to a given situation. Agreements are often entered into by two parties who are somewhat unequal in respect of ability, capacity, and so on. I suggest to the Minister that perhaps those words might have been more carefully chosen, because what is put before the House to support what is contained in the Bill before us is that, if we use this new method of agreement, there will be no more antagonism of landholders, or problems such as we had when using land controls or straight-out acquisition.

I wish I could agree with the Minister. In fact, from the point of view of the State, I wish that that was going to be the case, but I do not believe that it will. However, that does not detract in the main from the Bill, and I indicate that the Opposition supports it.

The Bill itself, I think, has been quite well drawn, and I suspect that is because what is contained in the Bill was already in progress when the present Minister and his colleagues came into Government, and much of the ground work had already been done, because this measure, in essence anyway, originated with the previous Minister, and I guess, if one wants to be even fairer than that, it is an attitude to these matters that has been developing throughout the world and in other States of Australia. Nevertheless, the Minister presently in charge of the matter has the honour (and I do not want to detract from that fact) of bringing the measure before the House.

Clause 4 inserts certain definitions, one of which is the definition of "owner", as follows:

> "owner" in relation to land means—

and there are then three categories that we would all recognise—

> *(a)* where the land is unalienated from the Crown, the Crown;
>
> *(b)* where the land is alienated from the Crown by grant in fee simple, the owner of the estate in fee simple;
>
> *(c)* where the land is held of the Crown by lease, the lessee—

and a fourth category that caters for the in-between period—

> or
>
> *(d)* where the land is held of the Crown under an agreement to purchase, the person on whom the right of purchase is conferred by the agreement,—

There is a blanket coverage for mortgagee or encumbrance, also. I wonder whether there is another category. I do not have sufficient legal knowledge to know whether there is sufficient coverage there. I ask the Minister what would be the position of a person who has annual licence occupancy of land. It might well be covered in the definition I have read to the House, but it might not. I suggest that the Minister get some advice on this matter.

Clause 5 seeks to amend section 8 of the principal Act by adding after subsection (1) *(b)* the following new paragraph:

> *(ba)* to advise the Minister on any matter relating to a heritage agreement or proposed heritage agreement:

The Minister is a member of a Government which proclaims loud and strong that deregulation is the order of the day, that legislation ought not to be brought in that is not needed, and that legislation that is there and is not needed ought to be dumped. If we look at existing section 8 of the South Australian Heritage Act, 1978, we find that subsection (1) *(c)* states:

> to advise the Minister on any matter or thing relating to the physical, social or cultural heritage of the State, that may be referred to it by the Minister;

If we examine the Bill we find that the Minister proposes in new section 16a (2) the following:

> The Minister shall not enter into a heritage agreement or give his approval to another body corporate entering into a heritage agreement unless he has informed the committee of his intention to do so and has considered any representations of the committee thereon.

So, the Minister cannot make an agreement without referring it to the committee. The committee, then, is always aware of any proposed agreement, and it is empowered already in the Act to give advice to the Minister on any matter or thing relating to the physical, social or cultural heritage of the State. It seems to me that it could be argued that we are proposing to add a superfluous new subsection. I refer this to the Minister for his attention. No doubt he has an explanation as to why it should go there.

I note that in clause 6 we are putting in a new heading. That appeals to me, because the existing heading in the Act is apparently in error. Although the section of the existing Act which sets out how the Act is laid out refers to the "register", printed in the Act is the word "registers"; that is a small difference, but I happened to notice it because I read the parent Act.

I wondered when I first read the Bill why we were not, in effect, allowing for heritage contracts. It seemed to me that we were using the wording "heritage agreement" in various places, but, because this might lead to difficulty, we also find in the Bill, later, the following:

> A heritage agreement shall be deemed to have effect as a contract binding on and enforceable by the authority and, subject to subsection (3), the owner who entered into the agreement.

I have given this point some thought and discussed it with members of the legal profession in the House, and I find their explanation quite satisfactory: that agreements are not necessarily enforceable, whereas contracts are, and it is the aim of the legislation to make sure that we do not get problems where, for example, ownership changes hands later on, and so on. In effect, the agreement has the force and substance of a contract, and thus the lawyers can have their field day if anything goes wrong.

I accept the explanation that I was given in relation to that on behalf of the Opposition, and support what is there. New section 16 b, which we proposed to add to the existing legislation if the Bill passes, states:

> (1) A heritage agreement may contain terms—
>
> *(a)* binding on the owner of the item— . . .
>
> (v) requiring the owner to indemnify the authority in respect of or contribute towards costs incurred by the authority

in carrying out works in respect of the item;

That seems to be a far-reaching set of words and does not seem to have any limit whatsoever. In fact, it states, in part:

requiring the owner to indemnify the authority in respect of or contribute towards costs incurred . . .

The Minister might argue that it is going to be that which is contained in the agreement which the parties have agreed to sign and abide by, but I mentioned to him earlier, and to other members of the House, that sometimes these matters are somewhat unequal, at least in the early stages, where the whole force of the Minister, or he as the authority or as the corporation, is dealing with persons who may not have the same access to legal advice and to other guidance which a person who is willing to enter into a heritage agreement can obtain. I look forward to some amplification from the Minister as to what would actually apply in an agreement in relation to those words in the Bill. I am not suggesting that they are put there for the purpose I have outlined, but as members of the House we ought to consider how they might well be used or applied, given agreement.

A special attempt has been made in the Bill to legislate into the Statutes of the State that an agreement entered into by a given owner will have validity for the period of time specified in that agreement, or in perpetuity, or whatever is in the agreement, and will be binding on successive owners should the property change hands. That is an ambitious undertaking.

The Minister's second reading remarks refer to difficulties in the past in respect of covenants and so on. I fully understand what the Government is trying to do, and we would support the provision. I trust that what we are trying to do here and that the words that have been provided will achieve that. I notice that clause 8 states:

. . . the Registrar-General shall, on the application of the Minister, register that fact—

that is, when an item has been registered or a heritage agreement comes into force—

by making such entries in any register book, memorial or other book or record in the Lands Titles Registration Office or in the General Registry Office as he thinks appropriate.

That is, the Registrar-General shall record those facts on the application of the Minister. I take it that that is a legal way of specifying that an entry may be made on the title, but that clause seems to say almost everything but that; it refers to memorials, register books and so on. What applies to that property in respect to the conditions of an existing heritage agreement should be obvious to a person making a purchase of land or a building. I would be quite happy if the Minister can assure me that these remarkable words in clause 8 also mean "entered upon the title thereof", or something similar.

The second reading explanation sets out what the Government is endeavouring to do. I feel that I would be remiss if I did not, on behalf of the people of this State, take this opportunity to draw the Minister's attention again to a matter about which he is already aware, namely, the situation on Kangaroo Island, where a very large area of land (in excess of 14 000 hectares) is at the moment in the melting pot. When one reads the fine print of the second reading explanation, one can only hope that the Minister of Environment will act in accordance with those words and thoughts in connection with those people on Kangaroo Island, and have them well to the fore in his mind when Cabinet, a subcommittee of Cabinet or anyone is called upon to make any decision in respect of the disposition of the land of which I have just spoken.

If ever there is to be a test of *bona fides* of the present Government and the present Minister of Environment, this is likely to be it. The matter on the island is being watched very very closely, not only by conservation groups in South Australia but also by very many other people who do not ever become vocal, who do not join organisations, and who do not even (not often anyway) write letters to the paper. However, they take the trouble of ringing up members of Parliament. I have had telephone calls on this matter, and I hope that what I am saying here will have the right effect on the Minister. The Minister's title is Minister of Environment and Planning.

The Hon. D. C. Wotton: Not yet, but it will be.

The Hon. R. G. PAYNE: Well, it will be; what I am saying is that environment is intended to be the senior portfolio. The Minister has said this himself. It is difficult to see that that is likely to happen, when one examines the amalgamation that is in process.

The SPEAKER: Order! I ask the member for Mitchell to link his remarks to the Bill before the House.

The Hon. R. G. PAYNE: Certainly, Sir. We are dealing with a Bill for an Act to amend the South Australian Heritage Act, and I have been outlining to the Minister a part of our heritage on the largest island of South Australia which is part of our State and about which every member and every person in this State is vitally concerned in respect of the environment. The matter before the House is handled by the Minister of Environment, and if that is not part of our heritage I do not know what is. I thought my remarks were in context in relation to what I was trying to say to the Minister and the Government, namely, that their performance on this matter is being watched very closely. After reading the Minister's second reading explanation in *Hansard* on this matter, if a certain event happens a person would be entitled to say that the Government says one thing and does another. That has not happened yet. I am not saying that that is what will occur, but I do bring this to the attention of the Minister as strongly as I can, and I ask him to remember the words that he used in the second reading explanation and that he try to apply them in all matters that affect the heritage of this State. I have much pleasure in supporting the Bill.

Mr. OSWALD (Morphett): I support the Bill. This subject is one of great interest to me, and it is one that I intended to include in my maiden speech some 12 months ago. It is a subject that I think will have great ramifications in relation to future planning in this State. The object of the Bill is to conserve significant aspects of our cultural and natural environment which occur on private land by some means other than at the expense of public acquisition. I support the Bill because I believe the intent of the Bill is sound and that it will allow the Government to preserve a maximum area of our natural vegetation at minimal cost to ratepayers. The Bill should receive support from both sides of the House. Obviously, it will receive a rapid passage through Parliament.

Public attitudes have changed seriously since the late nineteenth century and early twentieth century, when unrestrained agricultural expansion had widespread Government and public support. During that time thousands of square miles of the State were cleared, and it was a time when few parks were set aside as reserves.

Mr. Keneally: Kangaroo Island is a good example.

Mr. OSWALD: That is quite right. In fact, three reserves come to mind: Belair, Flinders Chase, and Monarto South. Of course, these were created before I was born—1891, 1919 and 1938 respectively. These parks were set aside as reserves to offset land clearance. Even in those days, our forebears could see the problem building up because of massive land clearance without any thought

for preserving some of the natural cover.

In the early 1900's, even the setting aside of large areas of mallee scrub as reserves throughout the South-East indicated an official belief not that the scrub was worth protecting but that the land was useless for agriculture. It is now history that in the 1950's a large area of the South-East was called the 90-mile desert. This area has now been largely cleared, the soil improved with trace elements and brought into production, and is now known as Coonalpyn Downs. Certainly, this was progress in the economic development of the State, but, once again, a large slab of our vegetation cover was removed. If any honourable member takes the time to study a vegetation map of the State (there is one in existence showing the total vegetation cover of the State), I think he will be alarmed and greatly surprised about how little natural vegetation is left in this State.

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

Mr. OSWALD: Prior to the dinner adjournment, I had indicated that, if honourable members had taken time to study the vegetation map of South Australia, they would discover that there is not much natural vegetation left in this State. Since the early 1960's, there has been a change in public attitude, albeit a slow change, towards the acquisition of land for national park purposes, and by the early 1970's many key areas of land, which were threatened by clearance, had been secured by the expensive process of public acquisition through the Government of the day, and I commend the Government of the day for that action.

After the parks had been secured, a change of public emphasis followed, with attention being focused on many areas of natural vegetation outside the parks and reserves. Many of these areas, whilst small and fragmented because of continuous clearance for agricultural purposes, were considered to be a conservation merit and worthy of discussion. This Bill, as I see it, addresses itself to those fragmented but still valuable pieces of South Australian land.

These small but fragmented pieces of vegetation scattered across the State are significant aspects of our cultural and natural environment and, in the main, exist on private land. The Bill provides a most effective mechanism by which the State can move economically to preserve and conserve these pieces of our heritage, without going through the expensive process of public acquisition. As the Minister, I believe, pointed out quite clearly in his second reading explanation, it would be prohibitive in terms of initial cost and subsequent management expense if we went along with this process of acquiring some of these tracts of land.

We can, I believe, learn from the Victorian and New South Wales experience; heritage agreements will result in significant items or areas on private property being managed by landlords in accordance with an agreement negotiated between the Government and the landlords. Up until now, the law provided only limited opportunities for long-term management of items or areas by agreement with landlords.

The Minister has already canvassed the difficulties in South Australia in regard to the use of covenants and easements to provide long-term protection for items or tracts of land. As he pointed out, a covenant will bind successors in title only if it satisfies certain requirements. The way in which a covenant is implemented on a title works against its use for conservation or land management purposes. While an easement is a right enjoyed by a landowner over the land of another, as a conservation tool it would not work for the same reason as a covenant would not, namely, that there must be, in line with usual practice, a dominant and a servient property, and it is unlikely that the Government will be holding adjoining land to that of the landowner with whom it wishes to enter into a covenant or define an easement.

I would like to refer briefly to New South Wales to reinforce the point that covenants and easements are not the answer when compared with the South Australian proposal of heritage agreements. In New South Wales, conservation of the cultural environment is provided under the State's Heritage Act, which allows for, essentially, "spot zoning" of significant items or areas to restrict development. The zoning instruments may also be used in the future to protect parts of the natural environment not protected by other legislation.

New South Wales works on a philosophy similar to that of South Australia in that the New South Wales Parks and Wildlife Service has moved to acquire areas of environmental significance and authorities in that State agree with us about the need to conserve certain natural habitat on private land as a complement to the parks system. There are various ways of achieving this. It has been possible to declare certain lands, for example, as game reserves after gaining the co-operation of the landholder. In New South Wales, if the service wishes to carry out work on the land declared as a game reserve, a personal covenant must be obtained from the owner or occupier, by which he must agree to the plan of management put up by the Parks and Wildlife Service. The owner then cannot transfer the land without informing the Director of the service. The landowner also must obtain from the new owner an agreement that he will continue to perform the obligations of the covenant. By this method, the State can attempt to maintain the status of the land only by a series of personal covenants between successive owners.

If the agreement is broken, the original party (and I emphasise that) to the covenant must pay back an assessed depreciation on the moneys spent by the service. The death or bankruptcy of the original party results in this proposition in New South Wales being quite untenable and unworkable, and I believe that it should not be considered in the South Australian context. The whole New South Wales system lacks permanence compared to our proposed heritage agreement system, and what is more, that scheme is limited in that the degree of security offered is restricted to the term of the current agreement and the goodwill of subsequent owners. That situation should not be allowed to develop in South Australia.

The advantage of a heritage agreement to South Australia must be viewed in consideration with the South Australian Heritage Act 1978-1979, the Crown Lands Act, and the Pastoral Act, 1936-1976. The Heritage Act provides the statutory power to enter on the register any item of cultural or natural significance. The Crown Lands Act and the Pastoral Act provide the basis for the development and management of unalienated lands in South Australia.

The philosophy behind the Crown Lands Act is one of land development and land clearance. Under the terms of the leases, whether they be pastoral, maintenance or perpetual, the leaseholder was required to clear certain acreages, which initially worked in a spirit counter-productive to any conservation move. By that system, a person would go on to the land, acquire a lease and would be committed, within a time frame, to clear that land. As a result, massive acreages were cleared by farmers in good faith under the terms of the lease.

It is only over recent periods that Ministers (and former

Labor Ministers would have been involved) waived conditions on leases that required clearing the land. It is to their credit that they did this. This waiver has not, incidentally, been incorporated in any legislation. The Act provides leases, for all practical purposes, alienated from the Crown. It should be quite obvious that the need has already been recognised to conserve tracts of natural vegetation on lands covered by the Crown Lands Act and the Pastoral Act. The question is: what is the most effective mechanism by which to do it? That is what we are considering in these amendments.

It should therefore be quite apparent that there is a need to devise a completely new innovative system, a new legal mechanism, that will allow us effectively to conserve, by means other than public acquisition, significant aspects of the cultural and natural environment that occurs on private land and is under threat of being cleared or destroyed. Obviously, the agreement should be a voluntary one, entered into between the Government or an approved non-government body and the local owner. The voluntary nature of the agreement is, in my opinion, absolutely paramount.

To encourage co-operation with the landowners, I commend the Minister in introducing incentives in the form of rate reimbursements, management advice and other areas of help to the property owner who is about to enter into an agreement. It is also important that the agreement be registered on the title as an encumbrance (and I emphasise that) binding on successors to the title. From my research, I think that this is quite compatible with the LOTS system, which is to become fully operational shortly in the Lands Titles Office. I agree with the Minister that the Crown should initially be the "authority", but, once the scheme is established, I would encourage non-government approved authorities, for example, the National Trust, to enter into agreements.

It has been argued that heritage agreements could be provided for by an amendment to an existing Act or Acts rather than by the introduction of an entirely new Act. I support this argument, and am pleased to see that, now that the Bill is before the House, amendments are being made.

Existing Acts in the heritage area are numerous, and include the National Parks and Wildlife Act, 1977-1978, which deals with the establishment and management of national parks and other reserves and the protection of indigenous flora and fauna. There is also the Aboriginal and Historic Relics Preservation Act, 1965, which deals with the identification and preservation of Aboriginal and historic sites and relics throughout the State. Also, we have the South Australian Heritage Act, 1978. As I have already said, it was established to preserve and enhance the physical, cultural and social heritage of the State. I agree that it is the most appropriate Act to amend, as it covers the widest sphere of heritage, and the amendments before the House are quite compatible with the spirit and philosophy of the original Act.

We are now evolving a new Act whereby the original spirit of preservation of our heritage items remains with only a change of management emphasis, whereby the drawing up of a heritage agreement would not depend on a prior listing. This is terribly important.

It will now be possible to evolve the concept of a heritage agreement in relation to the protection of our cultural environment as well as adopting a means of protecting both our past culture and our natural environment. I commend the amendments, which I totally support, to members, and congratulate the Minister and his department on some extremely efficient research work that has been done to put these amendments together.

Mr. LYNN ARNOLD (Salisbury): I, too, support the Bill, which contains the results of much of the work that was done by the former Minister in relation to improving the environment and the legislation that we have on the Statute Book. The present Minister is to be commended for introducing this Bill and for continuing the work that was started in that direction. A couple of matters on which I wish to touch relate to sections of the Bill. The first matter relates to the heritage agreements section of the Bill.

One of the things that concerns me a little regarding the Bill is linked with the situation that is developing in my electorate at present, namely, the area which is proposed for major retail development and which is bounded by Wiltshire Street, Park Terrace and Commercial Road. Many buildings in that area are regarded by the local people as having significant heritage value. Indeed, I believe that the Minister would accept that in relation to quite a few of the buildings, as he has authorised the inclusion of five of them on the heritage list. For that, the Minister is to be applauded. However, the Minister has not included other buildings on the list, and that concerns many local people. I will mention some of those buildings in passing.

One of the things on which I should like clarification from the Minister relating to buildings which are already on the heritage list and on which heritage agreements have been reached is the extent to which there is a danger that those buildings, if sited in areas that may be the subject of proposed major redevelopments, could become part almost of a kitsch development. In other words, more may be made of the wrong themes in the historical value of those buldings rather than in the general historical context.

The Hon. D. C. Wotton: Are you talking about the surroundings and the use of the buildings?

Mr. LYNN ARNOLD: Yes. In the context of which I am speaking, I know that the police station and court house in the Salisbury area have been put on the list. I know that various concept plans are being considered by local people in relation to what can be done with that building. To stretch the imagination, I should hate to see the police station, for example, turned into a coffee house as part of a major retail facility. While at the same time protecting the building and its structural framework, it would pick out only one of the basic historical value points of that building, namely, its physical structure. It would ignore the building's other historical aspects, namely, its use, its function in Salisbury, its relationship to other buildings in Salisbury, and, indeed its relationship to the early planning of the town, a point to which I will return in a few moments. Certainly, I (and, I am sure, other members) would like to hear the Minister's comments on the nature of the development anticipated in heritage agreements.

The other aspect which concerns me and to which I have already referred is that quite a few buildings in that triangle, which is referred to as the Bermuda triangle of Salisbury, have not been included on the list but should have been included thereon. One of the things that could have been considered arises from provisions in the Bill. I refer, for example, to new section 16a (1) *(c)* (iii), which provides that the Minister can have a heritage agreement covering a building, having regard to the effect of an item, a building or an area on the environment of the locality. That is precisely my point: this area has significant impact on the history of the whole locality. The entire area contains quite a few buildings that are of historic interest. However, the Heritage Unit to date has identified only five of them.

It was a pity that in September the Premier, when

writing to some people who were concerned about this area, said that these buildings (referring to the buildings that were on the heritage list) were seen as the last remnants of the earlier settlement of Salisbury. It is a pity that the Premier wrote that, as that was blatantly incorrect. These buildings are not the last remnants. Indeed, there are equally as many buildings left off the heritage list in the same area that are also remnants of the history of Salisbury. However, the Premier makes no reference to those buildings.

Mr. Mathwin: Do you want them all?

Mr. LYNN ARNOLD: In a sense, yes, because they have a combined value that adds quite a lot to the historical character of Salisbury today. Salisbury, as you, Sir, are probably aware, is one of the few privately planned towns in South Australia that still exists. Most of the 500 or so towns in South Australia were designed by Government planners or designers, but Salisbury was privately planned and exists to this day. Indeed, the heart of that city is none other than the triangle to which I have referred.

Within that triangle many of the existing buildings were built in unusual styles and with unusual materials. There is quite a good selection of buildings known (and there are quite a few examples of this) as pug cottages, built from the clay that was relatively common in that area. There is a larger representation of that style of building in that zone than there is in many parts of the Northern Adelaide Plains. If that is not protected, then that whole zone, representing as it does historical value, could well lose a quite unique feature.

Mr. Mathwin: The walls were about 2ft. thick.

Mr. LYNN ARNOLD: They are. What I am saying is that it would have been much better if, paying attention to the provisions here of the effect of an item on its environment, the Minister had taken the trouble to look at these buildings not included on the heritage list, and not to rule against them by virtue of the fact that individually they might not have been historically as significant as many other buildings were, but that, in concert with other buildings in the zone, they had an effect on the environment.

Those are the two areas I want to mention regarding the Salisbury situation in particular. One other point I am pleased about on seeing this Bill before the House is that it enables buildings to be preserved without the cost of Government acquisition in certain instances. I know, from contact and discussions with my predecessor, of one particular case which, although not within the electorate of Salisbury, involved a constituent of the Salisbury electorate and therefore became known to me, where precisely the sort of thing envisaged here could well have been of assistance, although, in fact, I think assistance may have been found alternatively in that instance. It concerned a former brewery existing in the town of Laura. The person who owned it made an approach to the department some time ago asking, first, if the Government could buy the building to preserve it as a national heritage item. The Government obviously did not have funds available, as it has many demands on its money, and we recognise that, and said it was not able to do so. Then there was no real provision for funds to be made available to the owner to maintain aspects of its heritage.

I think it is precisely that type of building or facility within the State that the Minister is probably considering, and to the extent that that will provide a much wider preservation of historical heritage items in this State, I think the Bill certainly deserves some commendation.

The last point I want to touch upon is the situation with regard to Kangaroo Island, which has been mentioned already by members in this place, including the member for Morphett. I was interested to note reference to this matter in the Minister's second reading explanation. There was mention of one of the benefits of the heritage agreements before us being the resultant care and regeneration of native vegetation. The appearance of this Bill in the House, for the second reading and Committee stages presumably, is very timely, given press comments and the comments in this House regarding Crown land on Kangaroo Island. In effect, we have a third Minister, who perhaps can make a substantial contribution to the debate on this matter. We have not yet fully understood exactly which Minister is taking precedence in this matter. The Minister of Lands is assuring us that he is. The Minister of Agriculture, nevertheless, is still being very active and public about his opinion on this matter, presuming some sort of precedence over the Minister of Lands. Now we have the Minister of Environment throwing in his twopence worth, with comments like this, which obviously have implications for that land.

I hope that he does take a sincere and concerned interest in that stretch of land, because, while it can be acknowledged that already a substantial proportion of Kangaroo Island is, in fact, turned over to a conservation park or nature reserve, it must be remembered that within the whole rainfall zone within which Kangaroo Island comes, or forms a part of, there is a low proportion of land made available for this use. To that extent, it should well be that much of the Crown land presently remaining on Kangaroo Island should be very seriously considered for conversion or attachment to the conservation park facilities that exist on that island. I hope that we can have a definitive statement from the Minister of Environment that this aspect is being seriously undertaken and given favourable consideration, and also that that can be done before any more damage is done by the somewhat deprecating remarks, I believe, of the Minister of Agriculture.

In summary, I support this Bill. I believe that it may well do much to enhance the environment in South Australia. Again, it will carry on the very good work undertaken by the previous Government. I certainly hope that within my district I can see, in the years to come, the fruits of that in that the Salisbury heritage will be protected. I know that I will be particularly concerned, not only, I repeat, with individual buildings, but also with the concept of a community of buildings. I will be interested to see the way in which this legislation has an impact on the zone I mentioned before.

Mr. EVANS (Fisher): I support the Bill. Many members here, and some who have left the Parliament, would know that I have expressed concern over the years that within the Hills area, which is a major part of the area I represent, many pressure groups have argued that certain pieces of land and natural bush should be preserved in their present state. In some cases, that was what one might consider the natural state and, in others, in partly the natural state, as the white man remembers the situation. This Bill will give the Crown and other bodies created by the Crown the opportunity to enter into agreements with private individuals. The agreements may contain the following terms:

(a) Binding on the owner of the item—

by "item" we mean the piece of property, whether it be buildings, plant, or land and associated growth on that land—

(i) restricting the use of the item;

(ii) requiring the owner to refrain from activity, or activity of a specified kind, that would

adversely affect the item or imposing conditions upon which any such activity takes place;

(iii) requiring the owner to carry out, or to permit the authority to carry out, works for the preservation or enhancement of the item;

(iv) requiring the owner to permit the authority to inspect the item;

(v) requiring the owner to indemnify the authority in respect of or contribute towards costs incurred by the authority in carrying out works in respect of the item;

(vi) specifying the manner in which moneys provided by the authority shall be applied by the owner;

(vii) requiring the owner to repay any amount paid to the owner by the authority if a specified breach of the agreement occurs;

or

(viii) providing for any other matter (whether like or unlike any of the foregoing) relating to the preservation or enhancement of the item;

and

(b) binding on the authority providing for the provision of financial assistance, for the provision of technical advice or assistance or for any other matter relating to the preservation or enhancement of the item.

They are the main points I want recorded. It has been the attitude of some groups that, if an individual owns a property of some significance to that group, that person should maintain the property's state and character, and pay all the bills, so that members of the group and others can look at it and enjoy it; they are not prepared to help pay rates, taxes, or other charges that may apply, even if the Engineering and Water Supply Department lays water mains past the property, charging the owner full rates and taxes, when the owner may not have required that water and, in some cases, his property has not been connected to that mains water supply.

I have emphasised over the years the injustice of that system. As much as this Bill gives the opportunity for us to remove some of those injustices, it will not remove all of them, but because of the time factor I will not go into that area of debate any further in looking at the areas that it does not cover.

There has been some recent pressure, I believe rightly so, within the hills for the Government to acquire a property called Beechwood. That property comprises about 10 acres, and a magnificent home is built on it. The property is not so notable in relation to our natural bushland, because virtually all of the plant life at Beechwood has been introduced by the white man, and all of the garden development is by the white man.

The Hon. D. C. Wotton: It is on the heritage list, it is magnificent.

Mr. EVANS: It is on the heritage list, as the Minister points out, but the owners are not able to maintain it. I do not believe that anyone else would buy it and maintain it because of the costs incurred at present in rates and taxes, and now sewerage is going through the property, so there will be sewer rates, yet the purchase price of that property would be about $400 000.

If the Government, a semi-government authority or local government bought it, what can they do with it? Such a situation can become a problem. If under this provision we exempt that property from, say, water rates, sewerage rates and council rates, because we believe it is important for the State to retain it in its present form of about 10 acres and a house, it is only proper that the people of the State pay the cost or at least a substantial part of the cost.

The Minister explained in introducing the bill that there was a limited amount of money available, and the end result of this sort of provision is that there will be great pressure on future Ministers, if not on this Minister, for a large number of properties to be maintained, or substantially maintained, by the taxpayers of the State. If we are going to enter into those sorts of agreement in relation to some land which has no great significance to the State but which may have great significance to a few neighbouring property owners, perhaps we need to talk in terms of saying to those property owners in the future, "If you want that particular land retained by that particular owner or any future owner in its present state, you should contribute something towards retaining it." They could then look at it and that encumbrance could be put on their title, or some agreement should be made that encumbers them, because it would be unfair to move into the area saying that the State should pick up all of that burden.

Let me now deal with what could happen with this legislation. Even though I support this Bill strongly, I believe that property owners should be warned about being too reluctant to enter into agreements with Governments or other authorities, binding them and future owners of the property, without taking into consideration every aspect that they are likely to face in the future. For example, a property today may be void of any significant number of noxious weeds or pests, and there may be introduced into this country or brought on to that property a noxious weed or pest that is expensive to control, which may make it virtually impossible for the landholder to retain the land even under some agreement that may have been signed 20 or 30 years previously by that owner or a previous owner. Therefore, I tell landholders to make sure, before they sign an agreement, that it contains a clause that specifically covers any extra burden that may be brought on the landholder in the area I have just suggested, that a new agreement will have to be reached through the authority and the property owner or the owner is exempt from the responsibility of controlling that aspect if there is a new burden placed on him or her.

The same situation applies in regard to rates and taxes. The rates on a property could be $X today, and the agreement may provide that the authority signing the agreement with the land owner will pay half of $X in rates, but in 10 years $X rates may be a prohibitive figure—even half of $X rates may be a prohibitive figure if our rating system continues on the path that it is following. Property owners should be conscious when they sign such agreements that an amount of money is stated and that at least every so many years it will be reviewed, with the owner still keeping some control over the amount that he or she has to pay.

If it is a percentage amount of the rates which would normally be charged against the property, the owner faces risks in the future. I say that in regard to water rates, sewerage rates, council rates, and any other rates which the Government may introduce in the future and about which we have no knowledge today. Over the years there has been only one rate that has been taken off—land tax—and if a Government of a different philosophy was in power, who knows, it may reintroduce such taxes. Even those aspects must be covered by the landholder if he is going to be protected.

If I was a landholder who owned a significant amount of scrubland which the Minister did not want to exempt, and associated with that scrubland I had a rural farming property, and I did not need water from the Engineering and Water Supply Department which the department placed past my door to serve some other landholder down the way, I would seek to have the Minister accept that the

piece of land along the front of my property, bordering the pipeline, be heritage, if it was in its natural state or near enough to it to be significant and need preserving, and then argue that that property was not ratable along the front and say that he should exempt the total property from water or sewerage rates. We should exempt those people anyway. I have argued that for years, but perhaps we will be given the opportunity to take that argument a little further and not place such landholders in the financial difficulties in which they are placed nowadays for having to pay for something that they do not want, that they do not need and have never asked for. I hope that, as a result of my saying this, some landholders in that position will take some note of it and look to testing the waters a little later on. Even if they do not succeed at first, they should keep on the pressure, and Governments might change their attitude about how they apply such charges.

When the Minister states that the body entering into the agreement with the owner of the land will in some cases reimburse rates, I trust that the responsibility in total will be picked up by the Government and paid to the local government authority, except in cases where, as I mentioned earlier, one may be able to argue that neighbouring landholders should carry the burden of having a piece of property reserved.

There are only two other areas about which I wish to speak. One is that in the Adelaide Hills now (and I talk about the near Adelaide Hills, from Hahndorf back to the hills face zone and from Mount Lofty down to, say, Cherry Gardens and the Clarendon area) there are more trees, native bush and exotic trees and exotic bush than there were when I was a boy, but many people do not realise that. In fact, there are more trees on the Adelaide Plains than when I was a boy, and there is more bushland than when I was a boy.

Mr. Mathwin: That was not long ago, either.

Mr. EVANS: I will not go into that.

Mr. Hemmings: That is the reason why we have so many bushfires.

Mr. EVANS: The honourable member may be right and I will talk about that some other day, but I will pick up the interjections as he or others may want to use the opportunity, as they have done in the immediate past.

We know that many of the market gardeners and orchardists have moved out, and that people have moved in and built houses in some places or have just regenerated the native plant life and trees. In other cases, properties have been neglected, and there is now a mixture of noxious weeds, old fruit trees, and native trees and shrubs growing with a few exotics that have drifted in. Who knows but that, in 50 or 100 years from now, people will not argue that those sorts of areas should be preserved as heritage because they relate to a particular era in the development of the State? I hope that we could start regeneration of more sections of the Adelaide Plains so that fewer people have to go to the Hills to look at trees and shrubs. They could then stay on the plains and cut down the pressures that apply in the Hills. By doing this we could make use of some of the effluent that is pushed out to sea. This is a project for the future.

I now turn to the area of buildings. I often smile to myself when I hear people arguing that a building has some significance and that it should be preserved because it is, say, 100 years old, or that it has some great significance to the architecture of an area when there may already be 10, 20, 30 or more buildings in close proximity of a similar type or character. The person wishing to pull it down or modify the building wants to apply today's architectural thinking and type of materials to the project. There seems to be an attitude in society that anything we do now is bad; that the creation of man today is bad, that his architecture is bad, that the types of materials he uses are bad, that we should not condone today's building, and that we should try to restrict it as much as possible, yet something which was built 100 years ago and which may not have had damp courses, may be without cavity walls, and may have been made from hewn timber and have a thatched roof should be preserved. I agree that we should save a significant number of these buildings, but the usual argument is that every one of them should be saved because they are 100 years old. Yet 100 years from today people will be saying that the Gateway should go, or something similar. I just make the point that it is considered that something that our forefathers did has great significance, but something that we do has no character and has virtually no place within our society. I think that is where some people are very small minded.

The great benefit of this Bill (and I give the Minister full credit for it) is that it gives the opportunity for some things to be saved and for some landholders to get some saving in costs in keeping properties. It gives that opportunity, but it is on a voluntary basis. Nobody is forcing the landholder or property holder to do it. The important thing is that they enter into the agreement voluntarily. I just suggest that people be cautious before they enter into an agreement and that they do not accept the word of a public servant or the Minister (whether it be the Minister of today or a future Minister). Whatever the Minister or public servant has in his mind at a certain time may not be the interpretation given to a matter by a future Minister, and a person may have to go back to some legal eagle to obtain an interpretation. I would advise anybody entering into an agreement to seek legal advice today, to make sure that every aspect is covered, and to ask the authority entering into the agreement to pay for the cost of that legal advice. I hope that the Minister will say that this will be the approach of the Government: I do not know whether the Government will pay for the legal advice necessary for people who enter into the agreements. I support the Bill as a significant move towards helping those who up to now have been helping the State to their disadvantage and to the community's benefit.

Mr. CRAFTER (Norwood): I join with the support that has been given to this Bill by my colleagues. I wish to draw the Minister's attention to a practical point, and I refer to the imminent sale of the horse tram depot at Maylands, which is a property owned by the State Transport Authority and which will be sold on 12 November by public auction. On that site are two very historic buildings which are of great local significance to the St. Peters and Norwood areas and which are very much valued by those communities. The St. Peters council, in whose district this property is situated, is most concerned that it has no powers to stop the demolition of these buildings. In fact, a number of developers have had preliminary discussions with council, and some of these plans reveal that it is the developer's intention to demolish these buildings.

If we had a situation where this legislation was in force, the developers could be discussing this matter with the Government, and in fact could receive assistance to preserve these buildings. There is a very strong feeling in the community about the worth of these buildings, and there will be very strong community action to make sure that they are preserved. However, as I have said, there is no power within the local authority to prohibit such demolition, and it is obviously not a viable proposition economically for a developer to buy such valuable land, refurbish these buildings, and bring them up to the standard which would be necessary so that they could be

used in a commercially useful fashion. Only today I joined with the Mayor of St. Peters and the Mayor of Norwood and Kensington and wrote to the Chairman of the State Transport Authority requesting him to instruct the auctioneers of these buildings to place a covenant on the sale that the buildings not be demolished by a future owner.

Mr. Mathwin: What could anybody buying them use them for?

Mr. CRAFTER: I imagine that there are many uses to which these buildings could be put commercially, for storage purposes or for entertainment purposes. They could be bought by entrepreneurs as they are in an inner suburban area, surrounded by houses.

Mr. Mathwin: It would be expensive storage, though, wouldn't it?

Mr. CRAFTER: There is a large piece of land on the site, and it is possible that it could be combined with a housing project. I have not seen the plans, as they are privy to the local authority and the developers. This is precisely the kind of situation that I understand this measure will tackle. Here we have a Government authority that is the current owner of that property, which is surplus to its requirements. That Government authority has offered the land, as I understand it, to other Government departments and to local authorities. They do not have the surplus funds to buy the property; it is now being offered to the public for sale, and part of the built heritage of the local district and the State as a whole may well be lost. If the auction could be deferred for a month or so while this legislation comes into force, a different situation may pertain which may save this part of our history.

The buildings have been inspected by the Royal Australian Institute of Architects, which has declared the property to be not only of local historical importance but also of State-wide historical importance. Also, there have been articles in the daily press in recent weeks outlining the history of this tram depot. This afternoon I was reading some references to it in recent additions in the library. It would indeed be a great loss to South Australia if those buildings were levelled.

Mr. Mathwin: Anything that is 100 years old could be said to have a history.

Mr. CRAFTER: These buildings have particular significance to the local area, and I believe every opportunity should be given to the local community and to the developers to try to preserve those buildings. This measure is precisely aimed at that course of action, and, if there is any way that the Minister could intervene to give the effect of this legislation to that sale, he would be doing a great service to the community.

The Hon. D. C. WOTTON (Minister of Environment): I thank members on both sides of the House for their support of this legislation. It is legislation that I am very excited about, and I am very pleased to be able to introduce it. At the outset, let me say that I recognise that a great deal of work has gone into this proposal through the Department of the Environment over a very long period of time. As the member for Mitchell has stated, if ever there has been a joint effort in any legislation, I believe this is an example, because, when the present Government came into office, a great deal of work had already been done on this matter. Whilst some changes were made after I took office, the vast majority of the recommendations that were presented to me very early after I had come to office have been carried out, have been agreed to, and are reported in the Bill.

I am particularly pleased about this legislation, because it is on a voluntary basis. The Government has received submissions of support from wide interest groups right across the community. We have received a great deal of support from rural organisations and conservation organisations, and I do not think that we have struck any opposition to what we are attempting to do in this legislation. That in itself has been extremely pleasing. I now want briefly to comment on some of the matters that have been raised.

The member for Mitchell asked me to reply to some of his queries, and I am pleased to be able to do that. He commenced by referring to what he called the unusual bargaining power between the Government and the landowner. This whole concept, including the Heritage Act, was actually devised (and I think the member for Mitchell referred to this) to avoid the problems of landholder discontent, which was often associated (and again the member for Mitchell referred to this) with the imposition of controls particularly. The Government intends to negotiate fair agreements with willing landholders. As I said earlier, it is purely on a voluntary basis. I believe this intention is clearly evident in the provisions of the Bill. For example, new section 16b provides for a variation of heritage agreements should subsequent events necessitate a review of the terms initially agreed upon. The member for Fisher referred to that point, and I will return to it later in my remarks.

In relation to clause 4, the member for Mitchell suggested that an annual licence should be included in the definition. I believe that addition is not necessary, because upon renewal of the annual licence new conditions may be negotiated, thus obviating the need for a separate heritage agreement: I am sure the honourable member recognises that. It has been claimed that the same approach could be adopted with leaseholders: for example, mere amendment of lease conditions rather than the actual drawing up of a heritage agreement. I point out that some extensive discussions were held with the Registrar-General of Lands, who pointed out that, although there is power to amend a lease through a certificate of alteration, he considered that that was fairly well limited to minor amendments.

Another matter raised by the member for Mitchell relates to new section 16a (2). He asked whether this particular provision was necessary, as section 8 *(d)* of the principal Act enabled the Minister to assign other functions to the Heritage Committee, and he suggested that it was superfluous. I suggest that that is not the case and that this new section does provide a specific direction to the Minister to seek advice from the committee on heritage agreement matters. The discussions that I had with the Chairman of the Heritage Committee, and with the committee itself, suggest that that is necessary.

The member for Mitchell also referred to new section 16b (5), and asked just how this provision could be used and requested that it be defined. I suggest that the best way that I can do that is by stating that an owner who enters a heritage agreement may agree to carry out certain works on his land. For example, he may agree to carry out routine management, such as fence maintenance or something like that. However, if he fails to carry out that obligation (and we have to take into account that that may happen) after repeated requests, new section 16b (5) enables the authority—and I think this is what the member for Mitchell was getting at—to arrange for such work to be carried out and to recover the cost from the owner. I suggest that this type of provision is quite common in heritage protection legislation, and we have noted that it is particularly so in relation to the New South Wales Heritage Act.

In relation to clause 26, which refers to the notification on title, I assure the House and the member for Mitchell that on the Minister's application the existence of a heritage agreement must be notified by the Registrar-General on the relevant title documents. The member for Mitchell asked me to spell that out, and I give him an assurance in that regard. Thus, prospective purchasers will be apprised of its existence prior to purchase. Again, the member for Fisher referred to this—that people should be very much aware of what they are signing, and this is very much the case. The Government recognises the points brought forward by the member for Mitchell.

The member for Salisbury mentioned a number of matters relating particularly to the built heritage, and to his own area particularly. I do not want to spend a lot of time on that matter, other than to say that the member for Salisbury has suggested that a larger number of buildings should have been placed on the interim list. As I have explained to the member in the House and in correspondence that I have forwarded to him, the Heritage Committee looked at the number of buildings in the Salisbury area and recommended to me that those that have actually been placed on the interim list should be so placed. I have said publicly and in this House that I think we can be very grateful for the work that the Heritage Committee is doing. I am very happy to stand by the majority of recommendations that the Heritage Committee put to me. That is why the Heritage Committee was formed; to advise the Minister.

I have made quite clear to the committee that there may be times when I cannot accept all the recommendations that it puts to me but, generally, I believe that I am able to do so. The honourable member mentioned that people should be given an assurance of the type of development that might take place in a particular building. Under the legislation, I doubt very much that it would be possible to do that. It is possible, of course, to set down guidelines, but it would be extremely difficult to spell out in legislation just the uses to which a particular building could be put.

I may make the point, because this has been brought up by other speakers tonight, that, regarding the use of buildings, I am looking at this very closely, and I have been very impressed by some articles I have read about heritage matters, particularly in the United Kingdom, for example, where, with some older homes and some older buildings, those concerned are considering setting down fairly tight guidelines and controls but then are leasing some of these buildings out for rental and for people to live in. I understand that very high rents indeed are being paid by people who are clamouring to live in some of these buildings.

Recently, I have had the opportunity to visit one particular home that is a very important part of the heritage of this State. It has been owned by the one family for three generations. It is a very large home and, unfortunately, it is getting to the stage where, because of the cost of maintenance and upkeep, it is quite likely that those people will not be able to continue, under the present system, to live in that home as a private family. I believe that we should be doing everything that we can to support those people to enable them, as a family, to live there, to maintain that property, and to enable it to be put to good family use.

It is not possible for us to have numerous museums scattered all over the State and, while it is extremely important that some of our buildings should be open to the public on a regular basis, I believe that in some cases, by setting down guidelines and controls, it should be possible to provide incentives for people to continue to live in and maintain some of these buildings. I suggest that the heritage agreements are not a panacea for all heritage problems but, rather, are a very badly needed mechanism.

Heritage agreements, of course, will be used only where Government funding has been used for maintenance or to enhance the building, or where a direct voluntary approach has been made on the part of the owner to be part of such agreement. The member for Fisher referred to the rating and taxing on various properties. I point out to him that, as I said in the second reading explanation and as he would observe through the Bill, incentives are to be provided as a result of this legislation to enable rate relief and management assistance of varying types. The member for Fisher made special reference to changing circumstances, where a new burden may be placed on the owner, and I draw his attention to new section 16a (8), which allows for variation or termination and which has been designed to cater for just this situation.

Finally, the member for Norwood has referred to a particular building in Maylands, in his district. That particular building has received considerable publicity of late. I am certainly aware of the matters that the honourable member has brought before the House this evening. I do not know whether the Heritage Committee has been involved at this stage. The indication is that it has been but I would be happy, as the Minister responsible, to look further into that matter. Generally, I again thank members on both sides for their support so far on this legislation. I am sure that it is quite a breakthrough as far as the preservation of our natural and built heritage in South Australia is concerned, and I commend the legislation to the House.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Insertion of new Part IIIA."

The Hon. R. G. PAYNE: Under new section 16e, which is inserted by clause 7, the Minister shall cause a register to be kept containing copies of every heritage agreement in force under the Act. Has the Minister considered where the register will be kept and where it will be available?

The Hon. D. C. WOTTON: To be quite honest, I have not given a great deal of thought to that, but I would suggest that it would be kept in the Department for the Environment, that being the logical place for it to be kept. That will be where most of the work will be done and the negotiations carried out as far as the agreements are concerned.

The Hon. R. G. Payne: A person who is contemplating purchase, if he finds that there is a notation on a title, has to go somewhere else.

The Hon. D. C. WOTTON: I accept that point and will give the matter more consideration and come back to the honourable member, but my immediate response would be that it would be kept in the Department for the Environment.

Clause passed.

Clause 8 passed.

Title passed.

Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1719.)

Mr. CRAFTER (Norwood): The Opposition supports the Bill. Our principal concern is that members of the public who are to benefit from the provisions of this measure in fact know about its benefits and are able to

take advantage of them and enjoy their ownership of property. I will refer to this later in Committee, when I will be moving an amendment.

Clause 2 removes a doubt with respect to a person who purchases land from a mortgagee, regarding whether he takes that land free from all mortgages and encumbrances subsequent to the mortgage. A decision in the Victorian Supreme Court narrows the interpretation of the word "encumbrance" and suggests that land sold by a mortgagee or encumbrancee remains subject to interest that are not strictly mortgages or encumbrances. This amendment seeks to make certain the law in South Australia, and, as the Minister said in the second reading explanation, it is important that there be certainty with respect to the law of mortgages in this State.

I only voice a concern that the Government seems, with a degree of urgency, to have brought forward this measure and given it greater priority than many other more important matters. Once again, it has seen fit to give high priority to a matter where vested interests are concerned; that is, those people who are lending money in our community. The Government is taking a somewhat unusual step in racing through this matter when I understand that it has not been a practical problem recently before the courts or in the commercial community in this State. However, the Government is bringing it forward to make sure that there is certainty here. I note that the Government gives this matter somewhat higher priority than many other matters.

Clause 3 corrects a clerical error in the current Real Property Act. I am concerned that that is the second time this year that amendments to the Real Property Act have been before the House. It may have been more appropriate to bring all the amendments together at the one time rather than introducing them in a piecemeal and patchwork fashion. Clause 4 makes possible the creation and registration of strata titles in relation to buildings, no matter when those buildings were erected. At present the law provides that only buildings erected after 1 January 1940 may be strata titled. This is by far the most important provision in respect of the Bill's effect on the community, particularly as regards the inner suburbs, where now many old buildings that are run down can be developed and refurbished. It will bring about a rejuvenation of some inner-suburban areas where unfortunately urban blight had set in.

Many of these houses that are on old titles, to use a general expression, are domiciled by families who have lived in those houses for many years. Many are the homes of very old residents of those areas who have suffered a great deal from their inability to have a title to the part of the property in which they have lived for so long. The injustices that they have suffered, for example, are that banks and building societies would not generally lend on those properties because they did not possess a title.

If parents want to sell the property to the children, often it is not possible for the children to raise the necessary finance without going off to a finance company or some other private lender of money and paying exorbitantly high interest rates. In my own electorate, the son of parents who lived in a house that was subject to a moiety title was not able to obtain finance. His parents were not in a position to lend him the money, and the property had to pass out of the hands of that family. Further, the property had to be sold at a lower value than other comparable properties in the district, because it did not have a separate title.

These are some of the injustices that owners of properties in this anomalous position have suffered in the past, and one would hope that these problems will now be overcome. As I suggested earlier, it will increase almost in every case the value of the properties in question. It is of concern to the Opposition that the current occupants of these properties know about the change in law so that they do not receive incentives to sell them to developers or speculators and lose the advantage that this measure brings to them.

Clause 5 contains machinery provisions for local councils so that they will be able to inspect old buildings and certify that the council approves of them for separate occupation, and it sets down certain criteria, for instance, that buildings must be found to be structurally sound and in good repair. These provisions are very broad, and one would hope that councils will administer them with due regard to the ability of some of the existing tenants to repair and refurbish those properties themselves. They often do not have the means to carry out renovations, and no doubt many would like to obtain a separate strata title. It may be possible, once they do obtain a separate title, to obtain a mortgage and refurbish their properties.

Yesterday, the Queensland Liberal Party in its policy speech proposed a grant for people in precisely this position so that they could upgrade their properties. Members will be aware that this issue was a major plank in the housing platform of the Federal Labor Party at the recent election, designed to assist people with limited financial means to upgrade their properties so that they can live in some degree of comfort. It is of some concern that the second reading explanation does not provide much detail for the guidance particularly of councils in regard to this area; one would have thought that the Minister would explain in some detail what is expected of councils under this Bill.

It also provides that, where the strata title plan does not represent an accurate delineation of units and unit subsidiaries (where applicable), and as they actually exist, then council would not approve the development and would not issue a certificate to the Registrar-General at the Lands Titles Office and, therefore, strata titles would not be issued. This matter causes great concern at local government level. I know in my district that continual problems are being experienced by adjoining landowners in regard to the actual position of boundaries of properties. Provisions under the Local Government Act allow the Surveyor-General, in co-operation with the Registrar-General, to overcome these problems, although I understand that those provisions are not used very often. One would hope that those provisions, which are designed to assist people who are experiencing boundary delineation problems, will be brought to the fore and that people, when they take advantage of this measure, will be able to obtain accurate details of the boundaries of their properties. This will not then prohibit their obtaining the benefit of a strata title.

The present law causes problems in regard to council inspections of properties, because the onus is on the council to show that the building in question was erected in accordance with the Building Act and, if the council certifies that such is the case, buildings completed after the beginning of 1940 can be strata titled. At present, litigation is being pursued against one council that issued such a certificate, and it is being alleged that the Building Act was not complied with in the erection of units. This matter was raised in the House as recently as last year. As I understand it, councils are now very reluctant to issue such certificates, and they carry out rigorous examinations of properties before doing so. This measure will assist councils, because the criteria under which councils can approve strata titles are now somewhat broader.

Clause 6 of the Bill provides that a person living in a unit

under a strata title corporation may own and have housed in that unit a seeing-eye dog, without any prohibition being put on such housing of the dog by the corporation and without objection being raised by a shareholder of the corporation. Of course, the Opposition supports this humanitarian approach to a practical problem that has arisen in regard to the ownership of strata titles, although I doubt whether this is the appropriate way of tackling the problem. In some ways, it is a rather heavy-handed approach to a somewhat delicate matter, whereby a person who has spent possibly his whole life savings on buying a home-unit, particularly if he is retired and wants the quiet life, may find that he is living alongside a person who owns a dog.

The previous Government introduced legislation in 1978, and laid it on the table for public consideration, which would have provided for the establishment of a Units Scheme Commissioner and under which problems such as this could be resolved by consultation and discussion with the various shareholders in the corporation and the parties to the dispute. I believe that that would be a much more satisfactory way of overcoming problems of this kind which can cause great heartache, especially to people in a very close-living community like that which exists in strata title units. The situation that could arise might be the very situation that the Government is trying to overcome, whereby a handicapped person can be set aside from the other residents, who may become resentful towards that person, by the absolute expression contained in this Bill. I voice that note of warning, and I believe that there is a more satisfactory way of overcoming this problem and the many other problems that strata title holders face in their day-to-day living. The Opposition supports the measure.

Mr. EVANS (Fisher): I support the Bill. I have had a very good day, because for some 10 years I have been advocating two moves that have been promoted further through Parliament today than they every looked like being promoted, and I am thrilled to see this provision before the House. In the early 1970's, when I said that many buildings that were built before 1940 were suitable for strata titling, the now Opposition rejected my proposition absolutely and stated that such buildings should not be strata titled, even though many of them could be modified to meet (and, in fact, many already met) the standards that were necessary for strata titling. Because of a provision in the Act, my suggestion was not allowed.

I congratulate the present Government on taking this move, which will help the Housing Trust in regard to some of the properties—maisonettes—that it built in the late and mid-1930's, many of which are suitable for strata titling after a few modifications have been undertaken, such as a fire wall in the ceiling, etc. If the trust so desires, it now has the opportunity to strata title some of these properties and sell them to occupants, if those occupants require them. Many such buildings exist in the private sector. At a time when we are successfully attempting to upgrade buildings in the inner-metropolitan area, a great opportunity exists to modify these buildings. I congratulate the Government in this area, because something which I have wanted to achieve for nigh on 10 years but which has been rejected over the years can now become operative through this Bill. Success can be achieved if one waits long enough, and I support the measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

New clause 4a—"Notice to vendor."

Mr. CRAFTER: I move:

After line 32 insert new clause as follows:

4a. The following section is inserted in the principal Act after section 223mc:

223mca. (1) Where—

(a) a person enters into a contract for the purchase of land on which there is a building—

(i) plans and specifications of which were approved by a council before the first day of January, 1940;

or

(ii) the erection of which was commenced before the first day of January, 1940;

and

(b) at the time of entering into the contract the purchaser intends subsequently to apply for the issue of strata titles in respect of the land and building,

this section applies to the contract.

(2) A person shall be presumed, in any legal proceedings, in the absence of proof to the contrary, to have had the intention referred to in subsection (1)*(b)* if within 12 months after entering into the contract he in fact applies for the issue of strata titles in respect of the land and building to which the contract relates.

(3) A person who enters, as purchaser, into a contract to which this section applies shall give notice in the prescribed manner and form to the vendor of the possible enhancement of the value of the land in consequence of the enactment of the Real Property Act Amendment Act, 1980.

(4) A contract to which this section applies is voidable at the option of the vendor (notwithstanding that the contract may have been fully performed)—

(a) until the expiration of two clear days from the service of notice under subsection (3);

or

(b) until the expiration of twelve months from the date of settlement,

whichever first occurs.

(5) This section shall be deemed to have come into operation on the first day of November, 1980.

The thrust of this amendment is to provide some form of notice to persons who own properties that will benefit from the purport of clause 4. The Opposition has struggled with the best way in which this end can be achieved. It was thought at one stage that it would be possible, for example, to send out with every Engineering and Water Supply Department notice a memorandum to property owners explaining the effect of this legislation. As I explained during the second reading debate, many people will not readily understand or have brought to their attention the benefits that will flow from this Bill. They will not know that their property will have increased in value, often substantially because a strata title on it can now be obtained. Also, they will not know that they will be able to borrow money from banks and building societies, perhaps to relieve them from the pressure of a high-interest mortgage that they may already have from some other money lending source; nor will they know that they can obtain a mortgage to enable them to refurbish their property.

In the Opposition's view, this amendment will open the way for unscrupulous people, some developers or speculators, to take advantage of this lack of knowledge or disadvantaged position, particularly of old people or those who do not have English as a first language, and buy their properties, having made what appears to be a lucrative offer, particularly if the owners have tried to sell their

properties in recent years but have been unable to do so because the purchaser could not readily obtain finance.

Therefore, this amendment, which has been formulated after consultation with the Parliamentary Counsel, provides that the vendor will be given notice of the effect of this legislation at the time that he enters into a contract to sell the property. It is similar in effect to notices under the Land and Business Agents Act, which a person receives now when purchasing a property, and which relates to any governmental plans for the area, zoning of the area, restrictions on the enjoyment of the ownership of the property by way of easements, covenants, and so on.

This is another consumer protection measure and is a way in which a vendor will be made aware of this new enjoyment of the property that he possesses. The Attorney-General has stated in another place that there is much merit in this proposal, although there is concern about whether the desired aim can be achieved in this way. The Opposition will try to seek any practical way in which this end can be achieved if this amendment is shown not to be a practical way of tackling the problem.

This is not a precedent that can be established for all measures that pass through this place. However, this is a unique situation and, as a result of the passing of this Bill, certain properties will have a new status and value. I am sure that no member wants to see that value and benefit accruing to a property by this measure whipped away from the people concerned by other unscrupulous people. Any attempt that can be made by this House to prevent that occurrence is well worth exploring to its final conclusion. So, in the absence of any other way in which this can be done, I commend this amendment to members.

There was some discussion in another place regarding whether this end could be achieved by an advertising campaign, particularly in the local newspapers in the inner suburban areas, where most of these properties would exist, as well as the daily media. The Attorney-General said that he would consider this matter and bring back a reply. I should be interested to know whether the Minister has received a reply from the Attorney-General. If so, can he say whether the Government will launch an advertising campaign to advise landowners of the new status that is available to them with respect to their properties.

Mr. McRAE: I support the amendment, and congratulate the member for Norwood on the thought that he has put into this matter. The honourable member was the person who realised that a number of persons were at risk and who then set about considering a number of options as to a realistic way of protecting those persons. He and the Parliamentary Counsel have come forward with an admirable suggestion.

The Hon. H. ALLISON: I recognise the honourable member's well meaning intention in moving this amendment. However, having conferred at some length with the Attorney-General and having arrived at a few conclusions of my own following several years experience in real estate two or three decades ago, I find that I am unable to support the amendment.

Mr. Slater: You were a land salesman, were you?

The Hon. H. ALLISON: I was an accountant in real estate 25 years ago; that is a minor detail. There are some unusual aspects to this amendment, not the least of which is the restrospectivity aspect. Honourable members may question my motives when they realise that clause 2 contains a restrospective aspect. I do not know whether members have detected that. However, I point out that the retrospectivity in clause 2 does not alter previous practice or established rights. Rather, it ensures that the principles contained in new section 136 are followed through into current practice and that the principles involved in this Bill are practices that have been recognised for decades in South Australia and are very soundly based. However, for a couple of reasons, I question the retrospectivity contained in this amendment.

First, it would be normal to expect that the majority of real estate transactions in this State would be entered into and completed within, say, one month. It is not unusual for some transactions to go through with that speed, although I know that other transactions are delayed. However, that could mean that, if this legislation was to be retrospective to 1 November, by the time the Bill passed and was enacted, we could have a whole range of transactions which had been completed in all sincerity and honesty and which might subsequently be prejudiced.

A purchaser may also, when purchasing a property such as that which we include for strata titling, have no intention of strata titling. He may subsequently be encouraged or persuaded that strata titling was probably the best thing that he could do with the property. We have contained within this amendment a presumption that would be difficult to prove, namely, that, if a person purchases a property and subsequently decides to strata title it, that is what he intended to do all along.

Therefore, he should, when he purchased the property, have advised the vendor in the prescribed form. Clauses 3 and 4 contain the conditions. He should have advised the vendor of his intention. Then, even more strange with this retrospectivity, we find that the whole basis of the Torrens title system in South Australia, a system which South Australians pride themselves on as being probably the best in the world, a system which stands or falls on the indefeasibility of the title, that very fact, the indefeasibility, is in question. Normally, we are protecting the purchaser in door-to-door sales and other legislation which has come across in consumer protection, but here we have the very unusual step of protecting the vendor. That means, whether by intention or inadvertently, that if the purchaser fails to notify the vendor that he intended to strata title, and if the purchaser subsequently decides that he will strata title, he is deemed to have had the intention all along to strata title.

He should, by law, if this amendment is passed, have told the vendor of his intention. He should have told the vendor that this intention could also substantially increase the value of the property. All along, there is a presumption that not only was the purchaser intending to strata title all along, but that he was intending, by virtue of his purchase, to defraud the vendor in some way. I do not think that it is the intention of the Real Property Act to decide who is acting with the intention of making money. The intention of the Real Property Act is to define the laws under which property can be bought and sold. To assume that someone has an intention I find to be, to some extent, immoral.

The honourable member said, when addressing the House, that this idea was unique. I suggest that this is not a unique example of where people stand to make money by virtue of a real estate sale. For example, in the rezoning of any area of South Australia this is happening; I was going to say "every day", but it is happening regularly. Rezoning can quite considerably affect the real value of properties. It can affect that value upwards if it is rezoned into a more expensive category, but it can also adversely affect adjacent properties if they are not rezoned and some undesirable type of accommodation is permitted to be erected alongside a house or property because of rezoning. It cuts both ways.

There is also the frequent practice whereby developers will begin to consolidate a number of private properties into one allotment, for example, where there is a large-

scale supermarket complex to be constructed. It is not infrequently found that the first two or three houses are picked off by a real estate agent who has been requested to purchase a whole allotment. It happens not only in that situation but also with Government departments which may wish to construct a school, for example, where consolidation of a title in an old subdivision is necessary. Generally, the purchaser tries to acquire at the lowest possible price. Subsequently, as people around the area find out what is going on (and this quite frequently happens) the prices of the later purchased allotments escalate considerably. That does not mean to say that the people who sold first are in any way compensated, because they are not; it is just the luck of the draw.

One would have to assume that if this amendment were introduced subsequent efforts would be made to introduce other amendments into the Real Property Act of a complex nature, because one would have to be tackling private enterprise, Governments, and a whole range of people. The question of planning and zoning regulations would be brought into question because they change values. To suggest uniqueness on the part of this legislation is, I think, quite false. One does not have to have had much experience in real estate to realise that. So, the retrospectivity of the amendment is one thing that I would certainly oppose.

Apart from that, the fact is that for 12 months a vendor can defeat the purchase: one vendor could sell, the purchaser could subsequently sell again within 12 months, and the second purchaser might decide to strata title the property. Then comes the nice legal point as to which of the preceding two vendors has the right to defeat the sale and to invalidate it. Do they both have that right? The earlier vendor has seen two subsequent purchasers within 12 months and he has the right, if strata titling is undertaken, to say that he does not agree with that, and that he will cancel and renegotiate the original sale; the whole indefeasibility of the title is brought into question. That principle is something I cannot subscribe to. I do not think that this legislation is a question, really, of anyone's rights, or of an analysis of the question of exploitation.

As I have already said, the Real Property Act is simply there to define the law affecting the sale and purchase and possession of real property. I do not think that this amendment is the workable solution that the honourable member claims it to be, because, to my way of thinking, it presents far more complex problems than it resolves simple problems, and I know that the simple problems really affect people who may be defrauded. However, I think that, generally, if we undertake the really solid advertising campaign that the Attorney-General said he was thinking of undertaking, then the problem might be resolved much more amicably. I oppose this amendment on those grounds and ask the House to support me in this matter.

Mr. CRAFTER: The disappointing thing about the Government's attitude with respect to this amendment is that, whilst it understands the problem, it has not tried to seek a solution to it. That concerns me greatly, because I doubt very much the Government's sincerity in accepting that the ownership of a large number of people's properties will be involved; also, that the obtaining of real values for their properties will be at risk. The Minister who has just explained the Government's opposition to my amendment has taken the view of the purchasers of these properties rather than the vendors' view. I think it is very much a matter of rights of ownership and enjoyment of property, and the right to obtain a fair price for a property and not for a group of people in the community to have windfalls because of an Act of this Parliament. The Minister referred to retrospectivity. Of course, clause 2 of this Bill contains a retrospective element. I can see no difference between the retrospective effect of that clause and this amendment.

The Minister referred to rezoning proposals and how they gave overnight windfalls to property-owners. I point out to the House that, in every case of rezoning, a notice is required to be given by law to property-owners affected by such a rezoning proposal. In fact, they are heavily involved in the rezoning process at the local government o. State Planning Authority level, and they are well aware of the effect it will have on their properties, the enjoyment they will have of those properties in the future, and the effect it will have on property values. The same situation applies to the supermarket example or school example that the Minister gave. There are notices to be given to property-owners so affected. What the Opposition is asking for with this amendment is that notice be given to landowners. It is a simple but essential request, if they are to receive some justice.

Whilst we know that every person is presumed to know the law, we all know that many people do not know the law, particularly in the case where it will confer substantial benefits on their enjoyment of property. I would have thought that the purpose of the Real Property Act, and certainly the intentions of Robert Torrens, was to give people a secure enjoyment of their ownership of property. It is an essential theme in Australian society, particularly where we have people who, because of age, are unable to keep up with the law making processes or, because of their ignorance of the law of this country or because of their inability to read or speak English, are disadvantaged. They are the people about whom the Opposition is concerned and that we hope to assist by means of this amendment. I am most disappointed that the Minister has not told the House of any alternative proposals that the Government may offer to meet this problem.

The Attorney in another place did say that he would go away and consider it and maybe he would consider some form of advertising campaign. In the absence of any realistic expression from the Government in this debate, I can only express my disappointment that it has not come to grips with this problem, which will be a very real one in our communities for the next few years.

The Committee divided on the new clause:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter (teller), Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne, Peterson, Slater, Trainer, and Wright.

Noes (23)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pair—Aye—Mr. Whitten. No—Mr. Goldsworthy.

Majority of 5 for the Noes.

New clause thus negatived.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 21 August. Page 566.)

Mr. McRAE (Playford): I am pleased to advise that the Opposition does not oppose this measure.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 September. Page 895.)

Mr. McRAE (Playford): This Bill is fairly complex and has three main objects. First, it empowers the Attorney-General, with the leave of the Full Court, to appeal against a sentence imposed on a person who has been convicted upon information. Secondly, it empowers a court, on the application of the Attorney-General, to reserve a question of law arising in the course of a trial leading to the acquittal of an accused person, for the opinion of the Full Court. Each of these reforms arises from the recommendations of the Mitchell Committee, although, in the case of a reservation of a question of law arising from trial, the terms of the Bill now before the House depart to some extent from the recommendations of the committee. Thirdly, the Bill removes the restrictions whereby only one consecutive sentence of imprisonment in respect of a felony may be imposed on an offender by a court at any one time. So there are three quite intricate and difficult matters before the House and I shall try to deal with them in order.

The SPEAKER: Order! There are too many audible comments.

Mr. McRAE: First, I shall deal with the question of the empowerment of the Attorney, with the leave of the Full Court, to appeal against the sentence imposed upon a person convicted on information. There is no doubt that the Government has a mandate on that matter. Indeed, the Opposition, had it remained in power, would have introduced a Bill to similar effect. Furthermore, in November last year the Hon. Mr. Sumner, with the approval of the Labor Caucus, introduced in the Upper House a Bill to that same effect.

Whilst supporting this measure, as a member of the legal profession I must inform the House that I do not do so lightly. Too often it is readily assumed that the rights of the citizen are too great and that the rights of the Crown are restricted. In fact, as anyone in private practice knows, the Crown has at its disposition an overwhelming weight of manpower, knowledge and money to defeat the private citizen. Accordingly, in supporting the measure, I do so with considerable reservation.

I think it is only the growing public attitude of the past few years that has switched me from a strong view which enabled me to persuade the former Attorney-General, the then Mr. King, now Chief Justice King, against such action during his term of office. There are all sorts of things inherent in this sort of legislation; this is something that we should not embark upon lightly, and even when embarking upon it the Parliament should also keep the matter under scrutiny. If the Parliament finds that the Crown is using this new right too often, then certainly the Parliament should be prepared to reconsider the matter.

I turn now to the matter on which I have proposed an amendment. This relates to the second general heading empowering the court, on the application of the Attorney-General, to reserve a question of law arising in the course of a trial leading to the acquittal of an accused person for the opinion of the Full Court. This is a fairly complex and intricate matter and perhaps I can best explain it this way: there were a number of schools of thought in the legal profession generally about this matter. There were those, who, like myself, would say "Under no circumstances should the Crown be permitted any right of appeal against an acquittal because surely, if a person has been put upon his trial and declared not guilty by a jury of his peers, then he ought not in any sense to be at risk again."

Then there was a school of thought that, if the accused person could appeal against a conviction by a jury, why should not the Crown in appropriate circumstances be able to appeal against an acquittal? This measure, as it were, takes a middle-ground position. It says that the accused shall not again be placed at risk but, at the same time, it acknowledges that just as in the case of the trial of an accused who is found guilty, there may be errors of law in summing up of the trial judge or other matters which deserve consideration by the Full Court or other appeal courts, in the same way such considerations may arise when an accused person is acquitted, and to solve the quandary those taking the middle ground adopted the view that, while the accused person should certainly not again be put at risk, the Crown should be given the opportunity in some way to have the disputed matters of law dealt with by an appeal. So, it was said that it could be done in the way proposed.

My concern is that there is still not sufficient care in the drafting of this legislation in this aspect to ensure the continued anonymity of the accused person from the point of acquittal. I quite realise that, except in unusual circumstances, a person facing his trial on a serious matter in the Supreme Court would not usually have his name suppressed from publication, but certainly from the point of acquittal, in my view, there can be no doubt whatsoever that that person should be at no risk and that it is incumbent upon this House of Parliament to ensure that that is the case.

In dealing with this matter, it occurs to me, as it has occurred to me on other nights when dealing with legal measures that, while many would not agree with me that there should be no Legislative Council at all (and I certainly strongly adopt that view), I think there would be many who would agree with my view that there should be no Ministers in the Upper House. What we have is an appalling charade in the legal area; we have a Minister in the other place who can sometimes get the numbers because the Hon. Mr. Milne votes with him, and at other times he cannot.

When the legislation has gone through the other place, which is set up as a House of Review, it then comes down to the Assembly, the popular House, the roles are reversed, and the situation is quite ridiculous. Of all Ministers, the Attorney-General if he should be anywhere, should be in the House of Assembly. If there is one Minister concerned with matters of law and order in the community, that Minister is the Attorney-General, and there is no way that he should be allowed to seek refuge in the anonymity of the Council and in the peculiar and anachronistic way in which that Chamber works. That is what is happening at the moment. We all know the result will be on Party lines, regardless of what I say tonight, and in one sense one becomes frustrated by this to a certain extent, and not unlikely so.

The Bill having gone through the Upper House, no matter what the justice is of my case, no matter what the merits are, it will simply be stamped out in the House of Assembly. The reason is that there is no Minister here to deal with the matter. The Minister of Education and the Minister of Health seem to interchange in roles as speaking for the Attorney-General. Certainly, they are bound by Cabinet allegiance to their colleague. I notice there are no law officers here tonight, although there were some law officers here this afternoon. The Government takes it for granted that by using its numbers it can break any amendment moved in this House, notwithstanding any possible merit.

That is the strong point that I want to make about the

matter. No matter what I say, and no matter what the merits of my amendment, it will be defeated, and it will be defeated by a cynical and arrogant Government that does not even have law officers here tonight to consider my amendment. The place reserved on the floor of the House is empty. Officers of the Minister of Environment were here earlier tonight occupying that place, ready to give the Minister advice and to listen to speeches from members here. However, this is not so in the case of law and order. So much for law and order in the eyes of the Liberal Party! The matter can be rolled through the Upper House with the aid of the Hon. Mr. Milne, nine times out of 10, and then the numbers in this Chamber can be used to guillotine any debate, and to negate any amendment, no matter how just or how merited or how logical or how much it is supported by the community. That is the reality of the matter.

Mr. Mathwin: You will have to lift your game on that. That's rubbish.

Mr. McRAE: There are plenty of people in the community who would not share the views of the member of Glenelg.

The Hon. D. J. Hopgood: Thank goodness for that.

Mr. McRAE: That is a very uplifting thought; I agree with the member for Baudin. The reality of the matter is, as the member for Glenelg knows, that the Liberal Party has no real policy on law and order and, what is worse, has stupidly and continually refused the logical and reasonable suggestions that have been made from this side of the House, even to the point of refusing to accept the suggestion continually and sincerely made that the issue of law and order itself be depoliticised.

I now turn to the third point of the Bill which concerns sentences, often called cumulative sentences. I intend to call only one division tonight. I warn honourable members opposite that it is not just the Attorney and law officers that they should be relying upon; they, too, private members or not, should read this legislation and should be aware that if my amendment is not carried tonight—and I know it will not be—then the possibility exists that the scandalous situation that occurs in the American courts, whereby people can receive sentences of 50, 60, 70 years and more could come about in this State. That possibility cannot be denied by the Minister of Education.

The Hon. H. Allison: Yes it can.

Mr. McRAE: The honourable Minister said that he can deny that. The Minister has no qualifications whatsoever as a lawyer. I would not for a moment dare intrude into the field of education, where the Minister has worked for many years. I hope that the Minister would not have the brashness nor the naivety to hold himself out as a professional capable of dealing with these complex questions of law. What I say to the Minister as an admitted practitioner of the Supreme Court of this State who has practised in every major jurisdiction of this country and the Privy Council is that that possibility does really exist. There is no point whatsoever in law officers advising the Crown to refer to different cases decided in the Supreme Court in which different judges have adverted to what they might do if certain circumstances arose.

The fact is that I am looking at what the Parliament is asked to decide. There is no question that, on what the Parliament is asked to decide, gross and disproportionate sentences can and might be imposed in the future. I point out those realities because I realise that in many senses I am wasting my time. I believe the whole system is ridiculous and points up a charade that has been enacted.

The Hon. H. ALLISON (Minister of Education): Very briefly, to reply to one or two of the rather wild allegations from the honourable member who has just spoken, I point out that, although the Attorney-General is currently located in another place, it is the practice of the honourable member's own Opposition to locate its shadow Attorney-General there, too. Perhaps the Government is simply emulating a practice that was certainly put in train by the previous Government in so far as the present shadow Attorney was also Attorney-General in another place during the latter lifetime of the former Government. Therefore, the honourable member's criticism is double-edged and is addressed to both the present Opposition and the former Government. I accept the merit of the honourable member's criticism, but nevertheless point out that there are two sides to the coin.

While the honourable member implies that I have no legal knowledge, nevertheless I do have the opportunity to discuss matters extensively with my Parliamentary colleague. I am not unintelligent. While I am not presumptuous enough to pass off my own opinions as legal ones, I can certainly extend those of the Attorney-General in this place, and I think the honourable member will find that they are very relevant to the debate in train. I think that will suffice for the time being.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Sentences of imprisonment may be made cumulative."

Mr. McRAE: I move:

Page 1—

Line 20—After "person" insert—

", if—

(a) the giving of the direction would not result in the convicted person serving or being required to serve more than two accumulative sentences;

or

(b) the offence in respect of which that sentence of imprisonment is imposed was committed after the imposition of the sentence upon which the sentence is to be cumulative."

Lines 21 to 27—Leave out all words in these lines and insert subsections as follow:

(2) A direction may be given in the circumstances referred to in subsection (1) *(b)* irrespective of the number of cumulative sentences that the convicted person has served, is serving or is liable to serve, or will in consequence of the direction be liable to serve.

(3) A direction may be given under subsection (1) irrespective of whether the offence for which the convicted person has been sentenced is, or is not, a felony.

(4) In this section, "cumulative sentence" means a sentence that is, or is to be, served upon the expiration of another sentence.

I move my amendments for the reasons given during the second reading debate.

The Hon. H. ALLISON: I oppose those amendments on a number of grounds. Although recognising that the Mitchell Committee was anxious to limit the number of cumulative sentences, this Government takes the view that it is desirable to enable courts to impose somewhat severer penalties should courts see fit. I will not quote the Attorney-General in another place, but prefer to do as he did, which is to refer to the present Chief Justice, who also was an Attorney-General in a previous Government, and the specific reference was to the Spiros case whereby the former Attorney-General, now Chief Justice, specifically said that it would have been better if the courts had the wider powers that in fact this legislation is introducing.

With reference to the possibility of the South Australian

legal system's running riot and for courts to impose penalties longer than a lifetime, in fact, sometimes 110 or 120 years, which are imposed in American courts, I believe that the Court of Criminal Appeal and the High Court, and, should a case go on that far, the Privy Council, would certainly have strongly in mind the opinions of the former Attorney-General, the present Chief Justice, who, in passing the opinion that I have just cited, at the same time said that he felt that higher courts would err on the side of leniency and would take into consideration factors such as the honourable member in fact fears might happen.

I think that the system of justice which is part of the Australian way of life cannot be related to the American system of justice in so far as the leading judicial members are more Party political than they are in the Australian system, where they are a completely separate arm of that three-tiered system of government. I have tremendous faith in the system of justice that we have in this country.

Mr. McRAE: So do I, but let me say that the honourable member is not correct when he speaks in all-embracing terms about the American criminal justice system. The comments he made are applicable to certain parts of the country and not to others. It would certainly not apply to California, for instance, nor to many other States. He also said that no decision of the South Australian Supreme Court can be permanently binding upon the same court. There is one thing that is predictable about the criminal justice system: that is, that it is unpredictable.

The Committee divided on the amendments:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae (teller), O'Neill, Payne, Peterson, Slater, Trainer, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison (teller), P. B. Arnold, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin, Wilson, and Wotton.

Pairs—Ayes—Messrs. Plunkett and Whitten. Noes—Messrs. Ashenden and Goldsworthy.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 to 7 passed.

Clause 8—"Insertion of new section 351a."

Mr. McRAE: I move:

Page 3—

Line 22—After "newspaper," insert "pamphlet,".

Line 18—Delete "section is" and insert "sections are".

I move the amendment for the reasons given in my second reading speech.

The Hon. H. ALLISON: I oppose the amendment, on the ground that the Government is intending to address itself not to minor instances but rather to the major media, as referred to in the second reading debate.

Amendment negatived; clause passed.

Remaining clauses (9 to 11) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. H. ALLISON (Minister of Education): I move:

That the House do now adjourn.

Mr. MATHWIN (Glenelg): I wish to point out to the House a matter relating to the creation of malls in places of importance.

Members interjecting:

Mr. MATHWIN: Obviously, the House would realise that a mall is something one walks on and a "maul" is something one does in the dark. The success of Rundle Mall, even with all the objections that we had originally from a lot of people within the community and a lot of retail traders in Rundle Street, has been proven. It has been very successful, and it is hailed as a great tourist attraction. It houses a lot of people who go there for certain types of entertainment. On Sunday next, I believe I will be there judging the motor cycles. I suggest that Jetty Road, Glenelg, is a natural to be created as a mall. Apart from anything else, Glenelg is one of the main tourist places of this State.

The Hon. J. D. Wright: Are you trying to get back for what has been done about Commemoration Day?

Mr. MATHWIN: No, Jack. It has more tourist prospects than have any other places in the State. People come from near and far and even from overseas to spend some time in South Australia, and they head for Glenelg—the birthplace of the State. I am not suggesting that the whole of Jetty Road should be closed permanently every day of the week. I suggest that we take over an idea that I saw in Tel Aviv, Israel, where there is a mall in one of the streets which is open on Sundays. It creates a great atmosphere. People flock to the mall to attend some of the restaurants and cafes there. It is very good for the tourists in particular, and it enables the local people to meet colleagues and friends.

Indeed, when I was there (and I had a very nice sojourn in that city for a while), I was able to go down the mall and I was fraternising with a number of people there—not in the way that my friend the member for Hanson is giggling about.

Mr. Becker: I didn't say a word.

Mr. MATHWIN: It was a friendly talk. These people told me that after church they always go down to the mall in Tel Aviv, have a cup of coffee and a light snack, meet their old friends, and talk over the great times that they have had. It is a great attraction for people who visit that country. I believe that this could be done to great advantage to this State and to Glenelg in particular. I think that Jetty Road could be closed on Sundays to all traffic except trams. I think that they should continue running because of the vast number of people who visit the beach at Glenelg and Glenelg itself. With the exception of the trams, the rest of Jetty Road should be closed on Sunday, and this would allow tourists visiting the State to shop at leisure along Jetty Road.

This plan would enable the retailers and those people who own restaurants and cafes to encourage people to sit on the footpath and to fraternise with their friends and neighbours. As I said, I envisage that Jetty Road would be closed only on a Sunday for a certain period of the holiday season, say, from December until February. A trial period would enable the traders and residents of Glenelg to get used to the idea, which I believe would be a tremendous success, just as the mall in Tel Aviv, Israel, has been a success.

I now refer to my recent fact-finding trip overseas and to several conclusions I reached on juvenile delinquency and crime. Some six weeks ago I related to the House the fact that Boston, Massachusetts, was recovering from a scheme implemented by Commissioner Miller in 1972, whereby leniency was shown to young offenders. All of the institutions were closed and the youths were literally put out into the streets, irrespective of what crimes they had committed. It was a theory that went mad, because it created colossal problems not only for the people of Massachusetts but also for the young people themselves because, when young people are dealt with too leniently, it

is not really showing them justice and becomes more difficult for them in later life to become reasonable and decent citizens.

I saw some of the effects of the scheme, even though it was implemented in 1972, and I was reminded of what appeared to me to be happening about three years ago in this State, when I really became interested in the problem of juvenile delinquency. I firmly believed that the previous Labor Government was on the wrong track with its lack of discipline and the easygoing attitude which prevailed at that time in regard to the young people in our institutions. It is all very well for theorists to say that leniency is one way to approach the problem. This theory was adopted by Mr. Miller and, because the Massachusetts institutions were pretty old and perhaps not up to standard, young people were put out into the streets, where it was considered they would be forced to find other accommodation, which they did after a long time.

All of the institutions were turned over to non-profit organisations such as church groups, the Y.W.C.A. and the Y.M.C.A. These groups take out a contract with the Government of the day, which must approve their programmes, and they provide the institutions and the staff to look after these young people and have to come up with results; if they do not, the Government does not send them any more clients. Therefore, good programmes have to be provided and success has to be achieved. Responsibility is given to private organisations and institutions to provide proper programmes for the young people involved.

Within its sphere, the Catholic Church has very secure, semi-secure and open institutions, as well as flats, and that sort of thing. It allows these young people to graduate from a hard, secure institution right through to an open institution, and eventually to try to find work. These young peope stay in these places and gradually they are acclimatised into the normal type of life in which they are expected to start work at any time.

The SPEAKER: Order! The honourable member's time has expired.

The Hon. J. D. WRIGHT (Adelaide): I am delighted that the Minister of Agriculture is in the House tonight, because, although my remarks will not be directed at him, I will refer to certain matters which I hope he will investigate, and perhaps on which at some subsequent stage the Minister can report either to the House or to me personally. My remarks relate to shearing schools. I refer mostly to Naracoorte, in the South-East. I have received a complaint from the Australian Workers Union organiser in that area regarding the conduct of the schools as they are operating at present.

Before I get into that matter, I should like to deal with my knowledge of the shearing shed schools, their obligations and the capacities in which they operated, in the first instance, many years ago. That was, as I understood it, to give opportunities to young people who desired to enter the shearing industry for the purpose of learning to shear, wool press, expert, or rouseabout, or to do whatever course they intended to follow, a chance to learn about those aspects of the industry.

About 10 or 15 years ago, Mr. Tony Ryan, the teacher involved, placed emphasis on the workers entering the industry and giving them an opportunity to learn something about the union that would represent them in the industry. I refer, of course, to that very responsible organisation, the Australian Workers Union. I do not think anyone can deny that that union has not acted responsibly over the years. Indeed, it has acted in the best interests of the industry. Of course, the union's first regard must always be for its members. Nevertheless, taking that into consideration, that organisation has enjoyed a fairly amicable relationship with farmers. I can say, without any fear of contradiction, that sometimes it gets into very diverse disagreements with shearing contractors, who are the scourge of that industy. If the employer in the industry was the pastoralist, the industry would be a much better place in which to operate. Having said that, I refer now to a few extracts from a letter that I have received from the A.W.U. organiser at Naracoorte, as follows:

> I would like to draw to your attention a situation which has come about in the pastoral industry which I feel is a major concern to all workers in South Australia.

The writer continues:

> All shearing schools conducted in my area are done so on the basis of teaching cocky's sons to shear.

I have no objection to farmers' sons being taught to shear if they are going to participate in the industry, to be recognised fully as professional shearers, to do the correct and proper thing in relation to the organisation that obtains their award for them, namely, the Australian Workers Union, and to join that organisation. However, it is interesting to note that, when the organiser asked Mr. Adrian Barber, whose name appears in this document, which advertises the shearing shed management course, what the Department of Agriculture's aim and achievements were in relation to shearing schools, and whether those aims and achievements were the same as those which obtained when the organisation first started, Mr. Barber replied that it was the Department of Agriculture's aim simply to teach farmers' sons to shear so that they could earn money separate from farming. The organiser continues in his letter to me as follows:

> . . . you must surely see what the result of such a scheme could have on members in the pastoral industry.

I cannot be convinced by anybody that there is a shortage of shearers in this country. In fact, I was associated with the industry for a long time, and I have never known of any occasion when any farmer in this State, or any other State, could not get his sheep shorn. He may not get them shorn on the exact date he wants, but he will certainly get them shorn in the season he wants, either in the autumn, mid-winter or August shearing seasons. I have never known of anybody to be thrown so far out of time that he has had to change his time of shearing to suit the circumstances of shearers when he wanted to shear.

One has to examine what is going on in the Department of Agriculture. Is it a fact that the Department of Agriculture is now processing this management course? I may say that its aims are to train the participants in the techniques necessary for the correct and efficient management of a shearing shed, to provide the participants with an appreciation of the skills associated with the care of sheep, and to introduce students to various aspects of wool handling and shearing.

I do not have any objection to any of those particular aims and objectives, if that is the purpose, to train young, budding shearers, shed hands or rouseabouts who want to take up occupations in this industry and thereby earn a living from it. I make no complaint about that. I believe that shearing skills have served a purpose in the past (and I use the word "have" advisedly, because from information I have been given by the organiser I am not quite sure that that is the purpose for which they are being used (at the moment). Those skills have created a better standard of shearing in this country. New styles have been learned, and people have been taught how to handle and press wool efficiently. I believe that is all very well for the industry. It provides opportunities to a young shearer and when I refer to "shearer" I do not want to discriminate; I am referring

to anybody going into the industry). If we look at the Shearers Accommodation Act we find that a shearer is a shed hand, presser, or anybody else, so I am referring to anybody who wants to go into that industry and have an opportunity of learning and knowing the industry so that he can perform the task required as well and efficiently as possible, thereby raising the standard of workmanship in that industry. I have no objection to that: I believe it is good for the industry, it is good for the shearer, and it is good for the farmer, who is getting good quality work done.

What I do object to is the attitude expressed, if it is true (and I believe the organiser, whom I have known for some years and am sure would be relating the actual statement made to him by Mr. Adrian Barber to which I referred earlier). This, to me, suggests that they are trying to create a pool of labour. If a pool is created over and above those people who are required to perform the varying tasks of this industry, then, of course, it is done for one of two purposes. It is done, in the first place, to have trained people ready in times of crisis who are not members of the organisation (and when I talk about "crisis" I am talking about disputation in a particular industry). If that is the attitude of the Minister of Agriculture and, in fact, the Minister of Education, and if that is the purpose, that their only obligation and only aim in this area is to have farmers' children and relations, whatever the case may be, able to perform adequately the duties of a shearer, I put it to the Minister of Agriculture that he ought to have a very serious and close examination of this situation so that it is possible to give everyone who nominates and wants to go to these schools the opportunity to do so. If he does not do that, it is clear that there is discrimination. The second point is the validity of teaching only farmers' sons to shear so that they are given the opportunity of swapping around and doing their own shearing one by the other.

By that I mean that the farmer's sons from one particular property decide to go and shear on another property, irrespective of whether or not they are paid—in most circumstances there is an exchange of labour—which means that the other farmer's sons come on to the other property and shear those sheep on an exchange labour situation.

Dr. Billard: Why should they not do that?

The Hon. J. D. WRIGHT: I will tell you why they should not do that. The sons of farmers are getting a good standard of living off the farms. No-one can tell me that in these days farmers are not doing well. The Minister has said so on many occasions. I do not dispute that. Without question, that is doing shearers out of work.

The SPEAKER: Order! The honourable member's time has expired.

Mr. EVANS (Fisher): I wish to talk about a subject that relates to work and job opportunities. Perhaps the Deputy Leader who has just resumed his seat was speaking about a similar area. In response to the Deputy Leader, I think it would be unconscionable to say to a farmer, "You should not allow your sons or daughters to learn to carry out the duties that may be necessary to be carried out on the farm." I believe it would also be wrong to say that all farmers in this State and their sons are living in the land of honey.

It is quite proper for one farmer to say to a neighbouring farmer that he or his sons will help or that they will come to an agreement to reap together, and both use the same plant, or shear and swap labour forces from within the family structures. That is not improper. Would we say that a shearer out of the shearing season or at home on the weekend should not go out and help his mate do labouring or do some other work or gardening and grow vegetables and give them to a neighbour, thereby putting the market gardeners out of work? Would we take that argument through also? Of course we would not. My colleague behind me makes the point that some people who work for wages in certain trades and professions also conduct other operations; he makes the point that they sometimes run businesses other than shearing, or whatever the work may be. I have absolutely no agreement whatever with the Deputy Leader's saying that farmers' sons should not learn trades that relate to farming work, or that farmers' sons should not go and help a neighbour and be paid for it.

The Hon. J. D. Wright: I didn't say that. You are a liar.

The SPEAKER: Order! The member for Fisher will resume his seat. I will ask the Deputy Leader to withdraw the remark that he made by way of an interjection.

The Hon. J. D. WRIGHT: From whom, Sir?

The SPEAKER: Order! I ask the Deputy Leader to withdraw the remark "liar" which he said by way of an interjection.

The Hon. J. D. WRIGHT: I want to know from whom I should withdraw it. I was not speaking to the member for Fisher.

The SPEAKER: Order! I warn the Deputy Leader. I ask the Deputy Leader to withdraw the remark "liar" which he made by way of interjection, forthwith and unconditionally.

The Hon. J. D. WRIGHT: Well, Sir—

The SPEAKER: Order! The Deputy Leader will withdraw it unconditionally.

The Hon. J. D. WRIGHT: I withdraw the word "liar" and say that the member was telling untruths.

The SPEAKER: The member for Fisher.

Mr. EVANS: I will now turn to the field to which I intended to speak, that is, about job opportunities that are being lost in the community by certain processes that business interests are moving towards in giving services to the community. First, I want to speak about the petrol industry. I believe that, if Parliaments and Governments had had the courage in the initial stages to ban self-serve retail outlets, it would have done very little harm to the economy of our country. It would not have pushed the cost of living or the cost of supplying services or freight to industry to any great degree higher, and it would have kept within the industry of this State alone at least 1 000 jobs of people who now have been possibly forced out on the dole.

Instead of paying for it through individual service stations, we are now paying through social security payments, by way of unemployment relief. I think that, if we had done the research in the beginning and tackled this problem, and if the political Parties had sat down as joint committees, it would have been found that it was cheaper and more beneficial to society to keep away from self-service petrol stations. I do not really believe that they have done anything to benefit our society, nor have they brought us cheap fuel.

Mr. Slater: They have only helped the big oil companies.

Mr. EVANS: I do not necessarily disagree with the honourable member. Other similar areas include the bread industry, where one or two manufacturers have moved in and have virtually taken over the industry, doing away with bread deliveries on a gradual basis. Although people might argue that it is cheaper not to have bread deliveries, if one looks at the end result, the numbers unemployed or put out of jobs, if other jobs cannot be found and if unemployment relief has to be paid, it may have been cheaper for society to guarantee that those people keep their jobs. A similar situation inevitably will

occur with milk, newspapers, and the like.

Another group of people who are disadvantaged, other than those who may lose jobs and who may not be able to get jobs in another area, is the aged and the handicapped. Such people may not be able to readily obtain newspapers or go to a store and buy the articles which were once delivered to their door. They may rely on other people to take them to do their major shopping, but for every-day needs, such as newspapers, milk and bread, they will appreciate the continuation of deliveries to their door. The extra charge would not be as great as the obligation to society to pay for public transport or for some other mode of transport for these people to obtain goods. I believe in the private enterprise system and in what is sometimes called by the Opposition "dog eat dog", but I believe there are times when, as a society, we must make an assessment of what is happening.

Another area that is changing quite rapidly is retail shopping, with the advent of computerised retail trading. I saw this at Munich, at a brand new venture. One could buy virtually any every-day article needed for the home, any grocery item, through a computerised programme. All one needed to do was to read the article one wanted, such as a kilo of butter, even a dozen eggs, pick the number that related to the article, and put any form of money into the machine; the machine would take out the cost of the article, the article would come out in a bin, and the change would be returned to the customer.

So, it will not be long before we find in the retail food area that thousands of people will be put out of work as we go to computerisation. Unless we find other job opportunities (and I know the Government is conscious of this), there will be many hundreds or thousands put out of work again. I believe it is not improper for us as a Parliament to begin saying to big business "We are sorry, we know the costs of employing people, we know that there is extra work in servicing those workers in industry, and we know there is a cost to you, but the end result is that the consumer pays." I do not really believe that the consumer would be much worse off than he would be in paying extra tax to pay unemployment relief.

I am conscious that one of the biggest monopolies in our society is the trade union movement, and we know of its actions in recent years in relation to businesses. If Parliament decides to take a responsible approach, then the trade unions must do the same thing. The situation which applies at present to those who should be supplying rail services to the many patrons of the services in this State is a disgrace. There are many people who cannot get to work on time and who have to be docked pay because the railway workers have refused to provide a service. If ever we get to the day when people are dependent totally on public transport, what a power the unions will have. They can dictate to Governments and dominate the State. There is no doubt that one of the greatest monopolies in this State today is the trade union movement, which is holding the rest of society to ransom and in some cases with blackmail, as is the case at the moment, because people cannot get to work.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 10.25 p.m. the House adjourned until Wednesday 5 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 November 1980

QUESTIONS ON NOTICE

PUBLIC ACCOUNTS COMMITTEE

4. **Mr. MILLHOUSE** (on notice) asked the Premier:

1. Did the Government during the financial year 1979-80 save any money as a result of the inquiries of the Public Accounts Committee, and, if so:

(a) how much was saved and how is that amount made up; and

(b) what were the inquiries of the committee which led to these savings and how did they lead to them?

2. How much, if anything, does the Government expect to save in this way during the present financial year?

The Hon. D. O. TONKIN: No analysis of the direct savings resulting from the recommendations of the committee has been undertaken. The Chairman has agreed to carry out some work of that kind and I will be pleased to let the honourable member have the results when they come to hand. I refer the honourable member to a question by the Chairman of the Public Accounts Committee and the reply given by the Minister of Health during proceedings on the Estimates Committee, recorded on page 326 of *Hansard,* and set out hereunder:

> **Mr. BECKER:** Has the Health Commission been able to quantify the savings made following the findings and recommendations of the Public Accounts Committee in relation to the Hospitals Department? I did a rough rule-of-thumb exercise that showed that, if the majority of those recommendations were accepted and implemented, we could look at a saving of about $14 000 000 a year without affecting the quality of patient care. I believe the previous Minister made a statement that a considerable number of the recommendations had been adopted, and there was an actual saving in the first six months of about $7 000 000. I also believe that in about early 1978 the then Minister, the Hon. Mr. Banfield, started cutting back and announced cut-backs in about February of that year of about 8·5 per cent, and they were in basically some of the areas in which the Public Accounts Committee had recommended there be greater restraint. I wonder whether there has been any opportunity at this stage to identify savings.
>
> **The Hon. JENNIFER ADAMSON:** Yes. If we use 1977-78 as a base year, health expenditure in South Australia has been reduced by $30 000 000 until 1980-81 by comparison with the expenditure which would have occurred had not the cost containment recommendations been implemented.
>
> In other words, the rising graph of expenditure would by now have taken us over the $400 000 000 mark, and in fact the member for Hanson's reference to $14 000 000 per annum is uncannily accurate in terms of the fact that over two years it has, in effect, been $30 000 000.

SOUTHERN VALES CO-OPERATIVE

308. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Agriculture:

1. Has the long-term plan for the Southern Vales Co-operative mentioned by the Minister of Agriculture in answer to a question on 3 June been completed?

2. Will the plan be discussed with grower shareholders?

The Hon. W. E. CHAPMAN: The attention of the honourable member is drawn to the Ministerial statement by the Premier to the House on Wednesday 29 October last and which concerns the Southern Vales Co-operative.

DEPARTMENTAL VACANCIES

393. **The Hon. P. DUNCAN** (on notice) asked the Premier: Why is the Government filling position No. 3350/BG18/SPAD for an electrical fitter from both inside and outside the Government when other positions for electrical fitters within the Government and in particular in the E. & W.S. Department are frozen?

The Hon. D. O. TONKIN: The position cannot be identified because No. 3350/BG18/SPAD does not conform to any position, docket or advertisement known to the Government Job Transfer Office.

SOUTH AUSTRALIAN DEVELOPMENT CORPORATION

461. **Mr. SLATER** (on notice) asked the Premier:

1. What is the purpose of the Committee of Inquiry into the South Australian Development Corporation?

2. Who are the members of the committee?

3. What are the committee's terms of reference?

4. When is it likely the committee will report its findings and will the report be made public?

The Hon. D. O. TONKIN: The replies are as follows:

1. The purpose of the committee of inquiry is to assess the efficiency of the operations undertaken by the S.A.D.C. and to determine whether the corporation represents the most effective mechanism for achieving the Government's objectives for industry assistance.

2. (i) Mr. R. Johnson (Chairman), formerly executive director of Australian National Industries.

(ii) Mr. M. Whitbread, senior chartered accountant, Pannell, Kerr and Forster.

(iii) Mr. R. Chisholm, managing director, Alulite Proprietary Limited and S.A. chairman of Enterprise Australia.

(iv) Mr. L. Rowe, Acting permanent head, Department of Trade and Industry.

3. To inquire and report to the Government on the activities of the South Australian Development Corporation, in particular:—

(i) The present structure and *modus operandi* of the corporation including: the rationale for its existence; the functions it is now performing; its inter-relationships with other statutory bodies and Government Departments such as Trade and Industry, S.A. Housing Trust, Premier's Treasury, the State Bank and the Industries Development Committee; and its success record in handling assignments on behalf of the Government.

(ii) The effectiveness of the Corporation in achieving its purpose having regard to: the cost of its operations; the legal and other constraints on its operations; its acceptance by industry; present Government policies on industrial development.

(iii) Whether the aims of the corporation could be more effectively achieved by other means. Specifically: whether the financial assistance and business management activities of the corporation should be amalgamated with other areas of Government; and whether the S.A.D.C. should have a role as a developmental financial body given the existence of other specialist development financial institutions such as the Commonwealth Development Bank, the Australian Industries Development Corporation, the Primary Industries Bank of Australia and the existence of State controlled financial institutions such as the State Bank;

(iv) If changes in the operations of the S.A.D.C. are recommended, the steps that should be taken in dealing with the projects with which the S.A.D.C. is presently involved.

The committee has also been asked to examine closely the problems with Riverland Fruit Products Co-operative Limited.

4. A report is expected by mid-December. No decision has yet been made on publication.

INVESTORS

527. **Mr. LYNN ARNOLD** (on notice) asked the Premier:

1. Does the Government conduct police investigations into all potential investors in South Australia and, if not, what are the criteria for selecting those to be investigated by the police?

2. Which potential investors have been investigated through police channels over the last 12 months and what were the reasons for carrying out the investigations in the case of each potential investor?

3. Were the potential investors or their officers informed that it was the Government intention to investigate them and their companies through police channels and, if not, why not?

The Hon. D. O. TONKIN: The replies are as follows: 1, 2 and 3:

No. The Government subscribes to normal business practice in undertaking whatever inquiries are necessary to establish the *bona fides* of any organisation with which it proposes to enter into any commercial agreement. It is not practicable to detail the various inquiries which may have been made in respect of actual or potential investors in South Australia.

TENDERS

528. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Agriculture: What proportion of the total harvesting operations of the Woods and Forest Department for 1980-81 will be carried out under the "open" tender system?

The Hon. W. E. CHAPMAN: Total production from Woods and Forests Department forests in 1980-81 is planned to be approximately 840 000 cubic metres. Of this, logging operations directly controlled by the department will be about 750 000 cubic metres. At this time only 35 000 cubic metres is logged by contractors who have acquired the work by "open" tender, i.e. approximately 4.7 per cent. Apart from the 4.7 per cent, contractors have been working with the department without formalised contracts but now have confirmed their desire to have such contracts as soon as possible.

For their part, the log hauliers in the South-East have now agreed to examine the open competitive system of tendering, which would involve some 700 000 cubic metres per annum. If that proceeds, there will need to be simultaneous conversion to tendered contract at some predetermined date to ensure that all existing departmental loggers are given

(a) equal opportunity to tender, and

(b) recognition in accordance with my undertaking to observe local impact and social implications when considering the awarding of contracts.

The ultimate proportion of 1980-81 logging carried out in 1980-81 will depend on the date of initiation of formally won contracts. For practical reasons, it could not exceed 28 per cent of the year's output and may remain at a lower figure.

RAILWAYS

543. **Mr. HAMILTON** (on notice) asked the Minister of Transport: Has the Minister and/or his representatives had discussions with A.N.R. with a view to introducing road passenger services in lieu of the rail services that currently service Gladstone and Peterborough, respectively, and, if so, when is it planned that these services will be introduced, and what is the planned number of services per week to be introduced in each case?

The Hon. M. M. WILSON: Representatives of the Department of Transport have had informal discussions with the Australian National Railways Commission. No recommendations have been made.

HALLETT COVE FACILITY

564. **The Hon. D. J. HOPGOOD** (on notice) asked the Chief Secretary:

1. Has the Minister received submissions from the Hallett Cove Surf Life Saving Club Incorporated, or any other body, concerning the development of a safe swimming area and launching ramp at Hallett Cove and, if so, what action has been taken to date as a result?

2. Is the Minister considering convening a summit meeting of all relevant authorities to consider this matter and, if so, when, and, if not, why not?

The Hon. W. A. RODDA: The replies are as follows:

1. No, I have not received a direct submission from the Hallett Cove Surf Life Saving Club Incorporated but have received a copy of a letter from the club which was sent to the Department for the Environment, National Parks and Wildlife Service, and the Coast Protection Board. The Minister of Environment has given the Surf Life Saving Club a direct answer.

2. No, nor is the Minister of Environment; this matter is being adequately handled by the Department for the Environment.

ROYAL ADELAIDE HOSPITAL

585. **Mr. HEMMINGS** (on notice) asked the Minister of Health:

1. Is it a fact that on Friday 19 September 1980 the following senior administrative officers of the Royal Adelaide Hospital: Messrs. Barker, Payne, Thompson, Watson, Guest and Picarello, were present at a conference arranged by the Australian College of Health Service Administrators at Goolwa?

2. Is it also a fact that Dr. Kearney, Medical Superintendent at the Royal Adelaide Hospital, was not on duty that day and that both his deputies were at the same conference?

3. Is it also a fact that Mr. Mysock, a Clerical Officer Grade 4, normally only in charge of the casualty section, was told that it was imperative for him to be on duty at the Royal Adelaide Hospital on 19 September as he would be in charge of the whole hospital and, if so, had there been an emergency in Adelaide, would Mr. Mysock have taken charge under the emergency plan and organised the Royal Adelaide Hospital as a co-ordinating centre, a duty which would have normally been undertaken by Dr. Carney?

4. Was such absence of administrative officers detrimental to the efficiency of the Royal Adelaide Hospital?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. The following members of the hospital staff attended Goolwa on Friday 19 September 1980:

Mr. R. J. Barker—Acting Administrator
Mr. L. J. Payne—Assistant Administrator
Mr. P. J. Thompson—Administrative Assistant
Mr. J. K. Watson—Manager, Administrative Services
Mr. C. A. Picarello—Administrative Officer, Patient Services

Mr. G. W. Guest, Chief Clerk, did not attend and was in fact on duty in the hospital. This is the principal conference for health service administrators in South Australia and is distinguished by the fact that two of the three days of the conference are in officers' own time.

2. Dr. B. J. Kearney attended the conference as an invited guest. Two of his deputies, Dr. A. N. Limmer and Dr. C. G. Mills were on duty at the hospital on this day.

3. No. Mr. G. C. Newell, Services Superintendent, a senior officer of the hospital and also a member of Board of Management was specifically requested to assume responsibility for administrative matters and if any problems arose to immediately contact Goolwa. The Chairman, Board of Management was acquainted with the arrangements that had been made and agreed with them. The senior of the two Australian medical directors (Dr. Limmer) would have been perfectly capable of dealing with any major emergency as he has been responsible for formulating the hospital's disaster plan. The administrative structure of Royal Adelaide Hospital comprises many skilled administrators in all disciplines and to suggest that an organisation of this size is dependent on the full-time presence of three or four senior people shows little understanding or appreciation of how a large hospital works.

DENTAL SERVICES

588. **Mr. HEMMINGS** (on notice) asked the Minister of Health: Is the report of the Committee of Enquiry into Dental Services now available and, if so, when will it be released and will the Australian Dental Technicians Society be given a copy?

The Hon. JENNIFER ADAMSON: Yes. It was tabled in Parliament on 28 October 1980. A copy has been forwarded to the Australian Dental Technicians Society.

EDUCATION PROJECTS

591. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: Is it policy that new education projects have family impact statements prepared before implementation and if so, who prepares these statements, have they training in social evaluation and do they seek help from the Family Unit in the Department for Community Welfare?

The Hon. H. ALLISON: The Education Department, in common with all Government departments and following a Cabinet decision on the matter, is required to present with any significant Cabinet proposal a family impact statement. In general, these statements are prepared by the officers who compose the Cabinet submission. The extent to which they have training in social evaluation is limited to their own professional expertise, and they seek help from the Family Unit in the Department for Community Welfare as they see it necessary.

SCHOOL PRINCIPALS

593. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: How many principals in high, primary and junior primary schools, respectively, are women and what proportion of the number of principals in each sector do these numbers represent?

The Hon. H. ALLISON: The reply is as follows:

	Total No. of Principals	Female Principals	Proportion Per cent
Junior primary schools	77	75	98
Primary schools	406	15	4
Secondary schools	103	9	9
Area schools	44	—	—
Special rural schools	7	—	—

JUNIOR PRIMARY SCHOOLS

595. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: How many junior primary schools will be disestablished at the end of the calendar year, where are they and are these disestablishments being undertaken with the full support of the parents and teachers at the schools?

The Hon. H. ALLISON: Three junior primary schools will definitely be disestablished at the end of 1980. These schools are: South Road Junior Primary School, Paringa Park Junior Primary School and Northfield Junior Primary School. In each case consultation has occurred with the principals and staff of the schools concerned, the principals of the associated primary schools and the school councils, the Regional Directors of Education, and the Assistant Director of Curriculum, Early Childhood Education. No major objections have been raised to any of these disestablishments. Consideration is also being given to the disestablishment of Ingle Farm Central Junior Primary School due to a marked drop in enrolments. I have however not yet approved this disestablishment.

JOSEPH VERCO

599. **Mr. PETERSON** (on notice) asked the Chief Secretary:

1. Was the recent refit of the *Joseph Verco* designed by a Government department and, if so, which department and, if not, who did the refit design?

2. Was the design approved by a Government department and, if so, which department?

3. Was the work carried out by North Arm Slipways to specifications supplied and, if not, in what way was the work deficient?

4. Was the *Joseph Verco* insured against the mishap and, if not, why not?

5. Why was the refit considered necessary?

6. What did the refit cost in total?

7. Will a replacement vessel be obtained while a decision is reached on the future of the *Jospeh Verco* and, if not, why not?

8. Why was the salvage delayed so long?

9. Why did not the Department of Marine and Harbors salvage the *Joseph Verco*?

10. Will the findings of any inquiry into the sinking be made public and, if not, why not?

The Hon. W. A. RODDA: The replies are as follows:

1. No. An Adelaide-based firm, S.A. Boat Design Services.

2. No. However, the design was checked by Seatech Pty. Ltd., an Adelaide-based firm, and the specifications were lodged with the Department of Marine and Harbors under the general requirements of the Marine Act.

3. The Department of Fisheries had not taken delivery of the vessel at the time as the refit had not been completed.

4. Yes.

5. To increase accommodation and reduce noise problems.

6. Contract price $181 755.

7. This matter is currently under consideration.

8. Salvage was arranged following advice from the insurers of the vessel.

9. See 8.

10. Yes.

UNALLOTTED CROWN LAND

601. **Mr. MILLHOUSE** (on notice) asked the Minister of Agriculture:

1. What studies, if any, have been made of the potential for agriculture of the unallotted Crown lands in the hundreds of Gosse, Ritchie and McDonald, when were they made and by whom, and will the Minister make the studies available publicly?

2. If no such studies have yet been made, is it proposed to make any and, if so, when and by whom and, if not, why not?

3. What is the area of such Crown lands?

The Hon. W. E. CHAPMAN: The replies are as follows:

1. The Department of Agriculture has not undertaken a comprehensive study of the agricultural potential of unallotted Crown lands in the hundreds of Gosse, Ritchie and McDonald.

2. Any decision to undertake a full study of the area by the Department of Agriculture will follow a meeting between the Ministers of Lands, Environment and me, which meeting is arranged soon.

3. The total area of Crown lands concerned and within the said hundreds is 14 659 hectares.

602. **Mr. MILLHOUSE** (on notice) asked the Minister of Water Resources:

1. What decision, if any, has been made by the Government as to the future use of the unalloted Crown lands in the hundreds of Gosse, Ritchie and McDonald, when was it made and on what grounds?

2. Has any study been made of the effects on the quality of water, particularly its salinity, in the area of such Crown lands, were such lands to be cleared for agricultural purposes and, if so, when was such study made and by whom and what does it show?

The Hon. P. B. ARNOLD: The replies are as follows:

1. No decision has been made by the Government as to the future use of the 14 659 ha of unallotted Crown land in the hundreds of Gosse, Ritchie and McDonald.

2. No, however, further studies are to be carried out by the Ministers of Lands, Environment and Agriculture.

ADELAIDE ZOO

608. **Mr. McRAE** (on notice) asked the Premier: Will the Premier take note and support the implementation by the committee dealing with the 150 year celebration of the founding of the State of the suggestion of the member for Playford that, in honour of the occasion, funds be made available to the Adelaide Zoo for the purpose of acquiring two platypuses and for the erection of a shelter and a display tank to permit observation of the pair?

The Hon. D. O. TONKIN: The matter will be referred to the South Australian Jubilee 150 Board for consideration as part of the State's 150th anniversary celebrations in 1986.

INSURANCE SCHEME

609. **Mr. McRAE** (on notice) asked the Minister of Education: Will the Government consider providing some form of insurance scheme for persons injured as a result of the negligent use of vehicles not required to be registered; for example, bicycles?

The Hon. H. ALLISON: The Government will not consider providing some form of insurance scheme for persons injured as a result of the negligent use of vehicles not required to be registered, such as bicycles. The common law provides a remedy, an action in negligence. Cyclists, however, can insure against injury to other persons by insuring under household policies offered by some insurance companies. The cover varies according to the company. No system of registration and insurance exists elsewhere in Australia.

FREE BOOKS

614. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: Has the Minister received correspondence from Cobdogla Primary School dated 30 September 1980 and, if so, is the Minister sympathetic to the problem of reimbursement arrangements for free books and will action be taken to rectify the problem and, if so, when, and, if not, why not?

The Hon. H. ALLISON: The Cobdogla School Council's letter dated 30 September was received in my office on 15 October 1980. The matter is currently being considered and a response will be forwarded as soon as I am in a position to do so.

ROYAL RECEPTION

616. **The Hon. PETER DUNCAN** (on notice) asked the Premier:

1. Who were the guests who accepted to attend the reception at Edmund Wright House on 7 October?

2. What was the cost of the reception and what was the cost of the food?

The Hon. D. O. TONKIN: The replies are as follows:

1. The list of guests who accepted to attend the reception at Edmund Wright House on 7 October 1980 was not considered important enough to keep.

2. The cost of the reception was—

	$
Caterer (Food and drink)	1 715·60
Nomis amplifiers	313·87
Pianist	40·00
Flowers	30.00
P.B.D. staff (overtime)	305·98
	$2 405·45

S.A. FILM CORPORATION

643. **Mr. HAMILTON** (on notice) asked the Premier:

1. What is the time table for the transfer of the S.A. Film Corporation administration and equipment from Norwood to Hendon?

2. How many employees will be affected by this move?

3. Will extra staff be required at the Hendon location and if so, how many and in what classifications?

The Hon. D. O. TONKIN: The replies are as follows:

1. Staff and activities will transfer progressively from present locations to the new Hendon complex as building alterations are made. Small advance elements of the *Sara Dane* production unit will begin work at Hendon during November and December 1980, working on set construction and setting up of sound stages. Other technical and administrative staff will move to Hendon as office accommodation becomes available, with most staff expected to be in occupancy by the end of January 1981. The film library will not move to Hendon until the May school holidays; timing of that change-over is planned to avoid any unnecessary inconvenience to major users of the film library.

2. At present, S.A.F.C. employs 30 people in production, marketing, film studio and administration, and 26 people at the film library. In addition, varying numbers of people are engaged temporarily for specific productions. The exact number of freelance people who will work on *Sara Dane* and other such productions is not known at this stage.

3. Extra staff will not be required. It is expected, however, that production levels will increase, particularly for television projects, and that large numbers of freelance film-makers will be required for longer periods than formerly.