# LEGISLATIVE COUNCIL

Thursday, April 8, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Age of Majority (Reduction),
Builders Licensing Act Amendment,
Building,
Constitution Act Amendment (Voting Age),
Fruit Fly (Compensation) (Seaton).

## WATERWORKS ACT AMENDMENT BILL (POLLUTION)

In Committee.

(Continued from April 7. Page 4873.)

New clauses 9 and 10.

The Hon. T. M. CASEY (Minister of Agriculture): Whilst it is possible to divine the intention of the Hon. Mr. Kemp in moving his amendments, on the face of it they appear to be misconceived. They purport to insert two new clauses in the Bill, which is of itself an amending measure and, as such, has no application as a substantial enactment in its own right. It is merely a vehicle by which certain amendments are made to the principal Act. If the honourable member intends that the provisions of the principal Act, as proposed to be amended dealing with watersheds and zones, be administered by the officers referred to in proposed new clause 9, it would be necessary to make somewhat different and considerably more complex amendments to the Act. In its present form the amendment would be quite ineffective. Similarly, if the honourable member intended that compensation is to be provided for losses arising from the application of the Act as proposed to be amended in relation to watersheds and watershed zones, different and certainly more substantial and detailed amendments to the Act would be required. Without in any way canvassing the merits of the proposed amendments, it is regretted that, in their present form, they simply would not achieve the object the honourable member obviously desires to see attained.

New clauses negatived.

Title passed.

Bill read a third time and passed.

*Later*:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments, with the following consequential amendments:

No. 7. Page 2, line 30 (clause 3)—After "time" insert "by regulation".

No. 8. Page 2, line 37—Leave out all words in this line.

Consideration in Committee.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That the House of Assembly's amendments be agreed to.

Early this morning, when we were discussing this measure, a mistake was made in that all the amendments to be moved by the Hon. Mr. Dawkins were not included in the amendments submitted. It was an oversight. I do not blame anyone for this; these things happen. The situation was that the amendments were inserted in another place and included in the Bill sent to the Council. The amendments are consequent on those agreed to early this morning.

The Hon. M. B. DAWKINS: I support the Minister's motion that these two consequential amendments be inserted. This work was being done in the early hours of this morning and these amendments were over the page and were missed when the list of amendments was typed. I have examined these amendments and support their inclusion in the Bill.

Motion carried.

## MOTOR VEHICLES ACT AMENDMENT BILL (POINTS DEMERIT)

Adjourned debate on second reading.

(Continued from April 7. Page 4875.)

The Hon. Sir NORMAN JUDE (Southern): Now that I have condensed my 25 pages of notes in order to meet the desire of honourable members, I shall speak briefly to this measure. The Bill was introduced because of general public pressure for something to be done about the holocaust on the roads. Frankly, I consider that it does little in this regard. It contains several virtually administrative amendments with which I have no quarrel: they are sensible and could have been added at any time in an amending Bill. The heart of the Bill concerns the proposed demerit scheme. It has been somewhat simplified from the previous scheme, but I would have preferred to see a merit plan rather than a demerit plan. It should be a matter of pride among citizens rather than one of fear. I consider that the present approach is the wrong way to deal with these matters.

I am pleased that the Government has included the right of appeal against decisions

of the court and, furthermore, that the magistrate will have the right to vary the number of points allotted. This is essential. A person may fail to do something on one occasion and fail again on another occasion, but one failure may be gross and cause a serious accident while the other failure may be minor, perhaps caused through carelessness or something being wrong. While it may be argued that each of these offences is the same, we all know that in practice there is a vast difference.

I do not like the reference in the schedule to section 49 (1) (*e*), which deals with exceeding 15 m.p.h. between signs at roadworks, etc., one of the most common being "Men at work". Sometimes, on a road like the Dukes Highway, one can travel for miles and find "Men at work" signs displayed at various points, even on a Sunday, when work is rarely done on a road. Many of these signs will be left there, I suppose, this weekend. This point should be well looked at. I am happy to see protection given to men working on the road by a sign of that sort appearing perhaps 100yds. before the place of work. However, as the Minister knows, these signs are left standing on the roads sometimes for days. On occasion, signs indicating that a grader is being used are left four to five miles away from the scene of the work.

The Hon. A. F. Kneebone: That tends to cause a greater hazard for the workmen, because drivers tend to ignore those signs.

The Hon. Sir NORMAN JUDE: Exactly; the Minister sees my point. Notices of this sort being displayed on the roads cause casualness. I notice that the Highways Department is getting a little more particular about it in its aim to protect the workmen: it is not leaving those signs up carelessly so often, but sometimes they are left up unnecessarily along miles of highway. I should like the Government to consider that point. I do not want to move an amendment, but it should be looked at. I consider that this should be removed from the schedule.

I asked the Minister a question the other day about the fines collected under the Road Maintenance (Contribution) Act for overloading, and he gave me the astonishing figure (I am not certain who was the more astonished, he or I) that in the last 12 months some $160,000 was collected in fines for overloading, most of it being associated directly with gross overloading. That tax was approved by the High Court as one means whereby the States could collect money for the wear and tear on their roads. It is only a few weeks ago that the Highways Department's funds were diverted (I will not say "bilked", for that is a little too hard) for a ferry on the ocean. A little further on in the Bill we find that this tax is going to pay for part of the police traffic work. I had no complaint about that, for at that time I did not know that it was through the activities of the Highways Department officers rather than of the police that another $156,000 was being collected and being just calmly pushed away into Consolidated Revenue. I imagine that that would go largely towards paying for the services of the traffic police. I have the idea that the Minister is not far from agreeing with me on this. He knows full well that the grasping hand of the Treasury is always trying to seize the funds of the Highways Department because, in the main, they are Commonwealth funds.

The Hon. A. F. Kneebone: I think I am closer to Sir Arthur Rymill than to you on that.

The Hon. Sir NORMAN JUDE: The Minister may like to go along with Sir Arthur Rymill, but I very much doubt it. We still lack a factual approach to the serious road accident problem. For instance, what are we doing about pollution on our roads? How many prosecutions do we have in relation to the buses and semi-trailers that emit such large clouds of diesel smoke that one can barely pass the vehicles with safety? What have we done about drivers of caravans not being able to see to the rear, with the result that the caravans do not ease off the road? What have we done about providing lay-by facilities in the Hills area and compelling slow vehicles to make way by going inside either lines or studs? These are the things that we should be doing. What are we doing about clearways? Three Ministries have spoken about that matter, but the only clearway we have is on the road that least needs it, namely, the Anzac Highway.

These are the things that we should be doing as a practical approach to the subject. We talk of seat belts. I am pleased that the Government did not make the wearing of seat belts compulsory. Let us make the front seat passenger wear them, but leave the driver alone, because he must get in and out of the car and also because he has the protection of modern types of steering column. Let us make a start with the front seat passenger. We should use propaganda. Let us make a firmer approach about providing door locks so that the door cannot fly open when the car

swings off the road or otherwise gets into difficulty. That is one of the most prominent causes of serious accidents. We all talk about these things, but nothing is done. Something must be done. I hope that we will have less talk and more action. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 31 passed.

Clause 32—"Enactment of third schedule to principal Act."

The Hon. Sir NORMAN JUDE: I should like an assurance from the Minister that he will consider deleting from the schedule the line "Section 49 (1) (*e*)—Exceeding 15 m.p.h. between signs at roadworks, etc." In addition, I point out that the sooner more reflectorized number plates and signs on the roads are used, the better. The Highways Department has done considerable work in this regard and, although many of these things are expensive, I believe that they are of practical assistance in preventing road accidents.

The Hon. A. F. KNEEBONE (Minister of Lands): First, I point out that members know my view on what happened this morning: I should have preferred to continue when we were ready to do so and to finish the session earlier, but members know what has happened, and that is the situation. I appreciate what the honourable member has said and will confer with my colleague to see what can be done about his suggestion. When I was previously Minister of Transport, these matters were considered by the Australian Transport Advisory Council and, as there has not been much progress in this regard, I should like to see more done in an effort to ensure general road safety. The recommendations of the committee set up to consider road safety have been the subject of investigation and study by the Government. This matter is at present before Cabinet, and I assure honourable members that we expect some action to be taken soon. The shocking accident that happened this morning makes us realize that something must be done urgently, and the Government will do all within its power to try to achieve greater safety on the roads.

The Hon. C. M. HILL: I understand that the Hon. Sir Norman Jude was seeking an assurance from the Minister regarding reflectorized number plates. The previous Government had a plan under which reflectorized number plates would have been introduced in this State last September. In reply to a question last year I was told that either the Government or the Minister of Roads and Transport had not proceeded with the plan. I hope the Minister of Lands will be able to convince his colleague that reflectorized number plates are a most important road safety feature and that the sooner we have them the better.

The Hon. A. F. KNEEBONE: I am not sure what stage this matter had reached when my Government took office. I agree that reflectorized number plates are a good idea; in fact, I have one on my own private car. Although the use of these plates would be a good move, all aspects of the matter must be carefully considered before they are introduced.

Clause passed.

Title passed.

Bill read a third time and passed.

## JURIES ACT AMENDMENT BILL

(Second reading debate adjourned on April 6. Page 4749.)

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

## JUDGES' PENSIONS BILL

Schedule of the Legislative Council's suggested amendments, to which the House of Assembly had disagreed:

No. 1. Page 3, line 31 (clause 6)—After "6" insert "(1)".

No. 2. Page 4 (clause 6)—After line 5 insert new subclause as follows:—

> "(2) Notwithstanding anything in subsection (1) of this section, in the case of a Judge who has contributed for a pension under an Act amended by this Act for not less than ten years, where that Judge retires he shall be entitled to a pension of sixty per centum of his salary."

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the suggested amendments be not insisted on.

When the Bill was before this Chamber previously, I set out in detail the reason why the Government could not accept the amendments. Since then I have ascertained that the Government, on information from its financial advisers, has gone to the limit of its ability in meeting this case. In our opinion, no anomaly exists. I think this case has been dealt with as fairly as possible, and I say that having had much trade union experience in such matters. When alterations to superannuation conditions are made, there are always borderline cases that involve some hardship. However, I do not think the hardship in this case is as great as sometimes

applies in other cases. For those reasons, I ask the Committee to accept my motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am rather disappointed that the Government has taken this attitude. In disagreeing to the suggested amendments, the House of Assembly gave the following reason:

Because the suggested amendments vary the principle of the pensions scheme to meet an individual case.

However, such a course has been taken often before; I have listened to discussions on many Bills where often the individual case decides the way the legislation goes. I am disappointed because, although the Chief Secretary does not agree with me (and he is entitled to his view), I believe that there is an anomaly in this case. Nevertheless, I think this is a matter for the Government to decide. When we made the amendment, we made our view clear but, as the House of Assembly, which the Government controls, has decided otherwise, I support the motion.

Motion carried.

## ABORIGINAL LANDS TRUST

Consideration of the following resolution received from the House of Assembly:

That, pursuant to the final proviso of section 16 (5) of the Aboriginal Lands Trust Act, 1966-1968, this House hereby authorizes the sale by the Aboriginal Lands Trust of sections 147 and 149, hundred of Seymour, to Alan Reginald Sheppard and Lena Mavis Sheppard, of 35 Grenfell Street, Adelaide.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the resolution of the House of Assembly be agreed to.

Wellington East (hundred of Seymour, sections 147 and 149, a total area of 48 acres) was proclaimed an Aboriginal reserve on April 14, 1938. This area is also known as The Pines. Wellington East has little tribal significance. Aborigines who travelled on foot in former times used to regard it is a camping ground. With the improvement of transportation and the increase of sophistication of the Aborigines, fewer and fewer people camped on the reserve.

In 1941 an Aboriginal named G. E. Muckray, who held section 150, hundred of Seymour, which was adjacent to the reserve, under perpetual lease, was given a licence to farm on the reserve. Later in the same year Mr. Muckray decided to offer for military service and sublet section 150 to a W. J. Trevena, who later rented the reserve from the Aborigines Protection Board. The reserve has since then been leased to various people who held the adjoining section 150, as the reserve was of little value except when used in conjunction with section 150. The Aborigines Protection Board, however, reserved five acres so that some houses could be erected on it if required. In 1956, the Aborigines Protection Board erected three prefabricated houses on the reserve. But this housing scheme proved a failure because of lack of water and distance from normal facilities. As a result, the houses were removed to other reserves during 1963.

The reserve was transferred to the Aboriginal Lands Trust on September 9, 1967. It was leased to Mrs. D. E. Webb by the trust. The lease was transferred to Mr. and Mrs. A. R. Sheppard on June 9, 1968. An offer was received from Mr. Sheppard to purchase the reserve on June 30, 1968. Negotiations subsequently took place and agreement was reached on a price of $50 an acre, which price is in excess of the Land Board valuation. The Aboriginal Lands Trust desires to sell the land to Mr. and Mrs. A. R. Sheppard for the above price. The action contemplated by the trust is based on the following reasons:

1. The land in question would be unsuitable for development to allow the settlement of an Aboriginal, due to its size, lack of assured water, problem of sand drift, and the very strong nature of part of the area making it unsuitable for cropping.

2. Sale to an adjoining owner offers the most attractive sale possibilities (Mr. Sheppard is an adjoining owner).

3. The sale of the land would not impede the long-term plans for development of the trust.

4. The money received could be used as capital for other projects.

5. The land in question is of little or no tribal significance.

6. Mr. Sheppard is anxious to purchase to ensure security of tenure and expand his existing holding.

Motion carried.

## LOTTERY AND GAMING ACT AMENDMENT BILL (POOLS)

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

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

Its main purpose is to enable small on-course totalizator dividend pools conducted by or on behalf of country racing clubs to be amalgamated with the metropolitan on-course dividend pools. The Totalizator Agency Board has received many requests from country racing and trotting clubs to conduct, on behalf of those

clubs, an on-course totalizator service. However, the attendances on-course at some country meetings is not large, and it is considered impractical and uneconomical to operate a totalizator at some of those meetings and declare dividends on the small pools that would be available for each race. In order to provide the totalizator service at these meetings, and at the same time obtain additional revenue for those clubs, it would be necessary to enable the small country on-course totalizator dividend pools to be amalgamated with the larger metropolitan on-course dividend pools and one set of dividends calculated, declared and paid for each amalgamated pool. Also, at many country meetings the fields are comparatively small and it would be uneconomical to conduct a totalizator only on the local races.

Section 15a of the principal Act, as it now stands, enables a racing club to carry over its totalizator dividend pool from one day to another and to transfer its totalizator dividend pool to another club subject to the regulations, thus enabling a club to conduct a jackpot totalizator with power to carry over the jackpot. Clause 2 of the Bill amends section 15a by extending the jackpot totalizator provisions to enable a racing club to amalgamate its on-course totalizator dividend pool with any other dividend pool available for the payment of dividends in the same or any other totalizator conducted by that club or any other racing club. The other amendments to the clause are consequential. Clause 3 makes a consequential amendment to section 28 of the principal Act.

The Hon. Sir NORMAN JUDE (Southern): This small Bill deals with quite an important matter associated with some of our smaller clubs, and I commend the Government for making this possible. The Bill, as I read it, also provides for the possibility of leading racing clubs in South Australia, if they so wish, running totalizator jackpots. I have taken some trouble to find out the general opinion of this jackpot totalizator set-up, and following the wide publicity given to the New Zealand jackpot, leading metropolitan clubs here have found there are so many problems associated with the change of courses and the change of clubs as to make them feel the system is undesirable. However, the Bill makes provision for it. It does not say they must; it says they may. I think it is a distinct advantage for country clubs, and I have no hesitation in supporting the Bill.

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

## PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 7. Page 4876.)

The Hon. C. M. HILL (Central No. 2): Early this morning, when I asked leave to continue my remarks, I had made the point that I favoured the addition to the State Planning Authority of a member who represented the interests of conservationists in this State. Whilst I supported the method by which that appointee was to be chosen under the terms of this Bill, I said that in future, after the Conservation Council of South Australia had become incorporated, further amendments could be made to the principal Act whereby the newly formed council could act jointly with the Town and Country Planning Association to submit a panel of three names from which the Governor could choose one. That procedure would follow precedents in the Bill for the appointment of some other members to the authority.

When the present Act was passed, two associations represented local government in this State—the Municipal Association, which represented metropolitan councils, and the Local Government Association, which represented district councils throughout the State (in other words, rural interests within local government). The principal Act provided that each of those bodies was to submit a panel of three names to the Governor and a selection was to be made by him. This has meant that there have been two people on the authority representing local government, one representing metropolitan interests and one representing country interests. Since then, those two associations have amalgamated to form the Local Government Association of South Australia, which represents all local government throughout the State.

The Hon. A. F. Kneebone: All of it?

The Hon. C. M. HILL: I believe there are 137 local government bodies throughout the State, of which four are not members of the association. So, I do not know whether we need to argue further on that point. Anyway, in general terms the present Local Government Association represents local government throughout the State. To meet this change in local government organization, the Government intends to ask the Local Government Association to submit a panel of three names, from which it will choose one.

Further, the Government intends to appoint a second member representing local government. The Bill provides that that second

member shall be a person who, in the opinion of the Governor, has knowledge of and experience in matters relating to or affecting local government. This means that the Local Government Association could nominate three people and the one chosen might come from the metropolitan area. In addition, the person chosen under clause 5 (*c*) could also be a person from the metropolitan area.

That would mean that there would be two people from the metropolitan area representing local government on the authority. Because of the very satisfactory precedent that existed in the principal Act, there was a certain assurance that one of the two local government representatives would represent country interests and one would represent the metropolitan interests. I believe that that precedent should continue.

District councils have co-operated very well in regard to the whole approach to town planning. In fact, in many instances they have co-operated better than some metropolitan councils have co-operated, some metropolitan councils having been a little late in proceeding with zoning regulations. Because planning affects all council areas throughout the State and because I believe that every region of the State is in some process of preparing its own development plan, the Government should ensure that country district councils maintain their representation as they have had it up to the present under the principal Act. That procedure is difficult to fault.

Consequently, I foreshadow an amendment to the effect that the Local Government Association must submit the names of three people who reside in the metropolitan area, of whom the Governor shall choose one, and the same association shall submit a panel of names of three people who live in rural areas, of whom the Governor shall choose one. Under my proposal the same type of procedure would be followed as is followed in the principal Act.

The purpose of the Real Estate Institute having representation on the authority under the principal Act was to allow landowners, who are, of course, vitally affected by planning, to have a say on the State Planning Authority. As those landowners are in the main represented by members of the Real Estate Institute, it was intended that a nominee of the institute could speak for and reflect the views of the landowners, in cases where those landowners were to be affected by planning.

There has been a misconception on this point: the misconception has been that the land agents have been represented on the authority to put forward the views solely of land agents, not landowners, but that was never intended. If it is possible to find some other way by which landowners can have representation, I am willing to go along with it, but it is very difficult to find a way whereby landowners can be represented by one person. Surely, owners of land have every right to be represented on the State Planning Authority: after all, their property is affected by decisions of the authority. The existing authority has 11 members, but only two represent directly property owners: one is the nominee of the Chamber of Manufactures who represents owners who have industrial and commercial interests, and the other is the representative of the Real Estate Institute.

I have had much to do with this institute in the past and I would be the first to admit that my admiration for it and for its integrity and reputation may be somewhat biased but, after all, we are only human. It is a responsible body forming part of a national body: indeed, the Real Estate Institute of Australia is affiliated with a world-wide professional body. Its reputation and integrity is on a very high plane. When this Act was first passed and the then Labor Government agreed to the appointment of a representative from the institute on the authority, I recall that a meeting of the Australian body was being held in Adelaide, and the then Government received from that body considerable commendation for its decision to agree to this provision.

The personal problem now arising, when the Government states that in future it will not have a representative from the institute on the authority, is that it is difficult to avoid some reflection in the public mind on the gentleman who has been representing that body. As members know, it is Mr. H. F. Gaetjens, who is a man with an extremely high reputation for integrity, and it is most unfortunate when a matter like this arises, because of the reflection that falls upon a person of that kind. This person has little or no means of defending himself against this kind of public criticism. If the Government has any reason other than stating, "It is our policy that this shall be the case", or has any complaint concerning the institute or Mr. Gaetjens, I should like to hear it.

I do not believe it has any complaint. It has gone to some lengths, according to the

Minister's second reading explanation, to make this point, as I interpret the speech. I do not think there has been any good reason advanced for this appointee to be excluded from the authority. The views he has put before the authority have been a worthwhile contribution to the general working of the authority.

The progress made by this authority in its work has been first-rate. I know there has been, from time to time, some public criticism, but we should analyse carefully that criticism. It has not been justified.

Overall, the authority has done a good job, and one reason for that is the standard of the people who constitute that authority. One of these has been Mr. Gaetjens. I have an amendment on file to the effect that the Real Estate Institute's representative should not be taken off the authority. If the Government can give any real reason why the nominee should be changed, I should like to hear it from the Minister.

Another matter to which I refer is that the Chamber of Commerce is now being joined with the Chamber of Manufactures to jointly submit a panel of three names and one person will be chosen, whereas under the existing Act only the Chamber of Manufactures submits a panel, and this excludes any direct interest of the Chamber of Commerce. I support this proposal. I notice that a report in today's newspaper indicates that in about 12 months the two associations are to be amalgamated.

The Hon. D. H. L. Banfield: They will be a powerful union.

The Hon. C. M. HILL: I think it will be a responsible union.

The Hon. D. H. L. Banfield: Yes, but powerful.

The Hon. C. M. HILL: Of course, there is a difference.

The Hon. D. H. L. Banfield: Not always.

The Hon. C. M. HILL: The next matter to which I refer is the part of the Bill that provides that if any person has any interest in dealings in real estate he is not to be a member of the authority. Again, I cannot help referring to names, because I think this is the only place in which they can be referred to, and I consider that some grave injustice is being done. I know this provision is being directed towards one man under this heading, the representative on the authority of the Adelaide City Council, Mr. Roche.

Unfortunately, by inference this means that Mr. Roche's character is in some way being challenged. In the same way, any other member of the authority who may have some interest in real estate is to be excluded.. To me it is unfair that any person involved in this kind of business is not, in the view of the Government, a fit and proper person to act with honesty and integrity. This is a shameful approach to the particular problem. In Western Australia, where Mr. Roche has some business interests, one of his companies has been publicly thanked by the Premier for its co-operation with the Government in the field of planning. I quote from the 1969 annual report of the Metropolitan Region Planning Authority of Western Australia which, under the heading "Losing no Time", states:

On May 1, the Premier announced several proposals for urban development which were a sequel to studies made earlier in the year by the M.R.P.A. One proposal was that the deferment be lifted from 1,600 acres of urban-deferred land between Sorrento and Mullaloo to provide about 4,800 house sites. In less than six months agreement was reached, between the three developers owning this land and the Cabinet subcommittee on housing, on plans and conditions for developing the land. This speed is a tribute to the co-operative spirit shown by the developers—Taylor-Woodrow-Corser Proprietary Limited, the General Agency, and Estates Development Company Proprietary Limited.

Mr. Roche is a major shareholder in Estates Development Co. Pty. Ltd. and, I understand, chairman of directors of that company in Western Australia. The report continues:

Some idea of the complexity of discussions is indicated by this summary of the terms of agreement: The developers agreed to provide, without cost, regional and local open space, free sites for primary and high schools, and road reservations of up to three chains width for controlled access and local roads. They also agreed to a contribution of $50,000 a mile to the cost of this road construction, a $250,000 contribution to water supply headworks and to meet the total cost of deep sewerage installation—

and so the report goes on.

The Hon. D. H. L. Banfield: They must be making a fair old cop on the land.

The Hon. C. M. HILL: I hope they will be making a reasonable profit. That interjection reflects the same old cheap political attitude. I now quote, from the *Australian Financial Review* of October 7, 1970, an article headed "Western Australia curbs spiralling prices". The Premier of that State mentions Mr. Roche's company. One paragraph reads as follows:

Sir David also complimented three developers, Taylor-Woodrow-Corser, General Agency and Estates Development, for their new low-cost development in co-operation with the land and housing consultative committee and the Cabinet subcommittee on housing.

It seems strange to me that a man of Mr. Roche's calibre, a South Australian whose family has grown up and who has made great contributions in the form of community welfare, as the Minister of Agriculture knows only too well, should have to go to Western Australia to get any credit for his business activities. All the reward he gets from the Government of this State is the boot put into him on some completely imagined opinion that he might use his interests to the disadvantage of South Australia.

I believe that, in an endeavour to improve this position, if the Government genuinely fears that any person on this authority or on the board (and here I include for the first time some reference to the Planning Appeal Board) will indulge in some malpractice, it is possible to write into the Bill a clause to the effect that, if any member of the authority or the board finds that any matter before it includes some point in which he has some personal interest, he must withdraw from the consideration of that matter. Surely that is the honourable and dignified way for the Government to ensure that what it is trying to achieve will happen.

I have an amendment on file to that effect. It simply means that, irrespective of who the member of the authority or the board may be, if it is proper that he should withdraw from the consideration of any matter he must withdraw or be subject to a penalty of up to $1,000. Undoubtedly, that is the honourable way for the Government to tackle what it considers to be a problem. That is a far better way of dealing with the matter than the rather callous approach the Government has adopted in this Bill.

It is interesting to see that the nominee of the Minister in charge of housing is left on the board by this Bill. Therefore, on the one hand, the Government says that anyone with an interest in property cannot sit on the board but, on the other hand, the representative of the Minister in charge of housing (who, undoubtedly, will continue to be the Chairman of the South Australian Housing Trust) remains. I do not criticize that gentleman, and obviously the Government does not, but it seems to slant the whole Government attack to the field of those people involved in private enterprise, those who have in their ordinary business calling some interest in property, and it completely exonerates from any doubt the representative of the Minister in charge of housing.

As I said earlier, if a general cover is written into the legislation forcing people to withdraw from meetings if they have any interest in the matters coming before those meetings, there should be uniformity in practice and principle between the authority and the board. I cannot see how honourable members opposite can question that. In this matter of self-interest, if the Government completely loses its head it can go too far.

All honourable members know that in our general Government administration if there is a problem that the Government must investigate and it appoints a board from a panel of names to look into it, invariably it takes people from the industry concerned. For example, we all know that the South Australian Barley Board has two representatives of growers. Surely they have some self-interest in the industry. Does the Government propose to attack them and say that in future, because of the precedent it is writing into this present legislation, it will straighten up the Barley Board and kick the growers' representatives off that board? The Metropolitan Taxi-Cab Board has representatives of the industry. Surely no-one would question or criticize that. It is the best way of doing it.

The Hon. C. R. Story: There is the Citrus Organization Committee, too.

The Hon. C. M. HILL: Yes. The Citrus Organization Committee recently had its composition changed in this Chamber, the new committee having two members interested in marketing and two interested in growing.

The Hon. A. F. Kneebone: These are stabilization measures. You can't compare the two.

The Hon. C. M. HILL: I disagree with the Minister. If the Government suspects some dishonesty or malpractice by those people involved in real estate on the authority, there should be just as much suspicion in the case of these other bodies. Does the Minister tell me that the growers on the Citrus Organization Committee are not deeply involved in and perhaps have a self-interest in the matters that they consider when they sit on the committee?

The Hon. A. F. Kneebone: Are you trying to argue that the real estate people should be on this authority for the same reason that the citrus growers are on the C.O.C.?

The Hon. C. M. HILL: No.

The Hon. A. F. Kneebone: That is what you are trying to say.

The Hon. C. M. HILL: I made this point earlier. If the Minister can come up with

some way in which he can find a representative of the property owners, I should like to hear it. I would be happy to consider it seriously, but it is difficult to do that because the Minister knows the extent of planning in this State: it affects not merely the Hills face, about which there has been so much publicity; neither does it merely affect the city of Adelaide—it goes right throughout the length and breadth of the State. To find one property owner who, it can be claimed, represents the property owners of the State is difficult.

This matter of self-interest can be related to other boards, too—the Egg Board, the Fire Brigades Board and the board determining wheat quotas. When the Government wants to examine these matters, it goes back, of course, to the industry—and so it should. The subject of self-interest, I think, can be taken too far, and it is completely unreasonable to take out one section of our business world and put a clamp on it, leaving a most distasteful implication about the personal liberties and rights of individuals outside this Chamber, men who have done their best throughout their life.

One of these persons has mentioned the effect of this on his family, and, when this kind of personal and character damage starts to be effective, I do not give a tinker's curse whether I have or have had any interest in real estate: someone must stand up and tell the Government that it needs to look at the processes by which this most regrettable smear has been made about people. I do not want to delay the Council on this matter, as I know we are in the last few hours of the session. I briefly commend the Chairman of the Planning Appeal Board, His Honour Mr. Justice Roder, for his good work as Chairman.

The Hon. D. H. L. Banfield: You criticized his appointment.

The Hon. C. M. HILL: Yes.

The Hon. D. H. L. Banfield: Look how far off the mark that criticism was.

The Hon. C. M. HILL: It was, and I am big enough to see (and I want the Labor Party to be big enough, for a change, regarding the subject we are discussing today) that the job His Honour has done has been splendid, and I give him credit for it, and commend him. I hope that the precedent will help politicians opposite to lift themselves out of the gutter in regard to criticisms—

The Hon. D. H. L. Banfield: You'll remember that next time you criticize an appointment, I hope.

The Hon. C. M. HILL: I hope that members opposite can also lift themselves and be willing to change their minds about some of the criticism. The other difference that I think should be pointed out is that appeals from the Planning Appeal Board will now go to the Land and Valuation Court. That is a change from the original Act. I know that the matter of appeal was discussed at considerable length when we first put this legislation through, and I support this move.

The only general point I make is that, if my amendments are accepted, there will be an increase in the number of members of the authority from 11 to 12. It may be said that the number of members on the authority is getting to the point where the authority will be unwieldy, but I do not think that that is so. After all, there is not much difference between a committee comprising 12 members and one comprising 11 members. I sincerely believe that my amendments will vastly improve the legislation if the Government considers them seriously. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): The Hon. Mr. Hill has made several points to which I wish to reply. The first was regarding local government representation on the authority on the basis of one representative from the metropolitan area and another from the country. When we were considering representation regarding another matter, we were inundated by people who stated that, if a representative came from the South-East, that would not be representation as far as persons who lived at Port Pirie were concerned, and, on the other hand, that a representative from Port Pirie would not provide representation of persons living on the West Coast. That is the sort of approach we get in appointing one representative from the country and one from the metropolitan area. I think the situation we have laid down is the best, because we have a panel of names from which one is selected and, in addition, one member will have experience in local government affairs. There is no guarantee that one of these persons will not come from the country.

The Hon. Mr. Hill wants the Real Estate Institute to be represented. He made many comments on that and even accused the Government of getting down to gutter criticism of persons from the institute. That accusation is not true generally and it is not true in regard to Mr. Gaetjens and Mr. Roche, to whom the honourable member has referred.

We have not indulged in character assassination of anyone. I have pointed this out in the second reading explanation and it has also been pointed out in discussions with many people. In fact, I have a report of a deputation that met the Minister of Local Government when he was in charge of the Planning and Development Bill. At that deputation a spokesman for the Adelaide City Council said:

Whilst not necessarily saying that Councillor Roche should continue on the authority, they nevertheless do put forward the thought that if the State Planning Authority has not got some of the industry interests upon it . . .

I suppose the honourable member will now criticize the Adelaide City Council saying that that is character assassination of Mr. Roche by the council, because the council says that it and the industry do not necessarily want him. That is the sort of criticism the honourable member is throwing at us in saying that, because these people will not now be represented, it is character assassination. The honourable member also agrees that there was a misconception regarding representation of the Real Estate Institute. We agree that this is probably so, but the misconception is widespread around the country. For this reason, we consider it necessary to remove this misconception and any possibility of doubt.

We are not saying that the representative of the Real Estate Institute has indulged in anything of this kind, but we are saying that the prestige of the authority and its work have been jeopardized by the fact that people are saying that this could happen. I will read to the Council something that the honourable member may think is out of character regarding our approach to this matter, but it gives the clear picture. The report of the deputation states:

The Minister said he had made it plain in his letter that the decision of the Government in no way at all reflected on the persons involved.

The letter referred to is the Minister's reply to the representations made by the Adelaide City Council. The report continues:

As far as John Roche himself is concerned, his contribution to the State Planning Authority has been extremely valuable. The Minister said there had been over a period various rumblings that the people involved in the S.P.A.'s work were using it for their own benefit. Since he had been in office any such rumblings had been looked at and found to be completely without foundation, and he had no reason to believe that before the present Government came into office the same thing would not have applied. However, they regard the work of the authority as of such importance that its operation should not be questioned and feel that, whilst there are people whose personal activities have the same common interests, this type of stirring must continue. He thought the authority may lose some of its current strength by not having the direct voice of the real estate men. This is on the debit side, but he thought this would be more than offset by the fact that the authority, whose work is terribly important to the whole of South Australia, is going to be placed beyond possible criticism.

We are not character assassinating anyone. We want the authority to be above suspicion and to carry out its work without there being these rumblings. One does not have to look far at present to see that some people believe that self-interest could exist. The honourable member says that he will move an amendment to give the institute representation. He then has second thoughts about the matter and says that the person concerned should be honour bound to take himself off the authority when a matter arises in which he may have an interest. The fact that it will cost $1,000 to make a person's conscience work argues, I think, against the honourable member's own argument.

He then refers to marketing organizations and draws an analogy between grower representatives on that type of organization and real estate people on the authority, and when one thinks about it one begins to see why rumblings may exist, for a different complexion is put on this matter. The honourable member has done himself no credit in this regard, and I ask members to support my attitude to the amendments that he has foreshadowed. The honourable member has said what a good job Judge Roder had done, although my colleague has reminded me that the honourable member was not happy about Judge Roder's being appointed in the first place and that he had made some oblique references to Judge Roder's associations, but I will let that matter go. Regarding the difference between the Planning Appeal Board and the authority, Judge Roder says that the board does not receive the confidential information that the authority receives, and that it has no prior knowledge of developmental projects and only hears appeals against decisions made by the authority. He added that members of the authority did receive advance confidential information, and this was the main reason for excluding people with an interest. Those are Judge Roder's thoughts on the matter.

The Hon. C. M. Hill: Are you saying he recommended it?

The Hon. A. F. KNEEBONE: These were his comments when asked what was the difference involved. He was asked whether people on the authority received confidential information that people outside might consider could be used. We investigated these rumblings and found that they were without foundation: no-one on the authority has been justifiably criticized by anyone.

The Hon. C. M. Hill: In other words, you are taking notice of unjustified criticism.

The Hon. A. F. KNEEBONE: No. The honourable member apparently does not listen. We are doing these things, because we think the board should be above criticism. We get plenty of criticism, but—

The Hon. L. R. Hart: You're frightened of criticism.

The Hon. A. F. KNEEBONE: We are not, but this is an important body and should be above criticism. Unfortunately, I seem to be getting in a position where people may consider that, according to Shakespeare, I "protest too much" and where I will regret something I may say. The honourable member is pressing a point too strongly and does not accept that the Government is being fair and sensible in trying to place the board above suspicion. He is pushing the point that he wants some institute in which he is interested—

The Hon. C. M. Hill: Was!

The Hon. A. F. KNEEBONE: —to be represented.

The Hon. R. C. DeGaris: I think this whole point is a matter of consistency. For example, you see advertisements of lawyers involving land: how do you relate that situation to this situation? It is a matter of consistency.

The Hon. A. F. KNEEBONE: We are doing our utmost to place the board above suspicion.

The Hon. L. R. Hart: Governments aren't above suspicion either, are they?

The Hon. A. F. KNEEBONE: No, nor Oppositions. I am trying to impress on members the seriousness of this matter, but I think it is a little hopeless. However, I have done all I can. This is an important matter, and, if members do not accept my reasons for opposing any foreshadowed amendments, I cannot help it. All we want to do is place the board above suspicion.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"The State Planning Authority."

The Hon. C. M. HILL: I move:

After "section," to insert "the authority shall consist of eleven".

This is the beginning of a series of amendments that will give the authority a membership of 12 in future in lieu of a membership of 11, the twelfth member being a representative of conservationists and those interested in aesthetics.

The Hon. A. F. KNEEBONE (Minister of Lands): I have spoken about the principles involved in the amendment and I do not intend to say more on the matter. I regard this as a test amendment, and I strongly oppose it.

The Committee divided on the amendment:

Ayes (4)—The Hons. L. R. Hart, C. M. Hill (teller), F. J. Potter, and E. K. Russack.

Noes (14)—The Hons. D. H. L. Banfield, T. M. Casey, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, A. F. Kneebone (teller), A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 10 for the Noes.

Amendment thus negatived; clause passed.

Clause 6—"Disqualification from membership."

The Hon. C. M. HILL: I move:

To strike out subsection (1) of new section 8a and insert the following new subsection:

(1) On and after the appointed day a member of the authority who has any financial or proprietary interest, or who is a director of a company which has any financial or proprietary interest, in any land, the subject of any application or other matter before the authority, shall not take part in any consideration of or decision on such application or matter by the authority. Penalty: One thousand dollars.

This amendment will ensure that anyone who has some vested interest will not sit in considering a particular matter. In his reply, the Minister said that this was an admission on my part that certain problems might arise. My intention in endeavouring to bring about this change was in some way to meet the obvious wishes of the Government as expressed in the Bill. In other words, while in my view a member who has some interest in a certain matter would withdraw and not vote, it is because of the Government's concern over this part of the measure that I have suggested this amendment as being a better alternative. It is not an admission on my part that there is a need for some measure of control of this kind: it is an endeavour to go some of the way along the lines that the Government apparently wishes. After all, it is the Government's Bill, and the Government has obviously

brought forward its policy and plans in the Bill.

The Hon. A. F. KNEEBONE: I oppose the amendment, which would mean that certain people would still be on the authority. It would not end the grumblings that we have heard. People would know that such people were members, and how would they know that those members were not dealing with certain matters? The Hon. Mr. Hill said that their conscience would preclude them; if it did not, there would be a $1,000 fine. The Government wants the authority to be above suspicion. People may be wrongly suspicious, but they are still suspicious.

Amendment negatived; clause passed.

Remaining clauses (7 to 11) and title passed.

Bill read a third time and passed.

## UNIVERSITY OF ADELAIDE BILL

In Committee.

(Continued from April 7. Page 4865.)

Clause 5—"University not to discriminate on grounds of sex, race, religious or political belief"—which the Hon. H. K. Kemp had moved to amend by inserting the following new subclauses:

(2) The university shall not employ any person known to have advocated change in the government of the State or Commonwealth by means other than those laid down in the Constitution of the said State or Commonwealth.

(3) The Supreme Court may annul the appointment of any employee of the university where it is proved to the satisfaction of the court that the employee has advocated change in the government of the State or Commonwealth by means other than those laid down in the Constitution of the said State or Commonwealth.

The Hon. H. K. KEMP: The purpose of this amendment is to serve notice on those people in the university who are encouraging the disruption of education at the tertiary level in this State for their own purposes. I have no doubt whatever that members will see that there are defects in my amendment. The basis of my criticism of the introduction of the Bill at this stage is that we have not had long enough to consider it. The implication in the Bill is that the control of the university could fall into the hands of people who are employed by the university and who will be answerable to no-one. I have no objection to the convocation as it has been set up, but there is no direction as to how it can be brought together.

As the Bill stands, it will be easy for the control of the university to be taken away from people who have a conscientious interest in it and put into the hands of a few people. The epitome of this defect in the Bill is contained in this clause which provides that the university shall not discriminate against or in favour of any person upon grounds of sex, race or religious or political belief. That gives complete freedom to the university: there is no restriction.

I think it is important that the Bill should go no further until reasonable safeguards are included in it. Such safeguards are certainly necessary. As has been stated clearly before we must give the university a high degree of autonomy. However, the giving of autonomy has meant that universities in other parts of the world have become the channel through which subversive activity is run into the community. A few years ago we did not think that this could ever happen at our universities, but today people are getting their instructions and orders from Beirut, Czechoslovakia and even Moscow and spreading those instructions through the community, particularly through youngsters at university. I realize that there are defects in the amendment. If the Bill passes in its present form, I believe the matter will be raised again before long in the form of a private member's Bill to prevent a serious rot in our community by this means.

The Hon. T. M. CASEY (Minister of Agriculture): I appreciate the honourable member's thoughts. I know that his conscience would be relieved if provisions along the lines he has suggested could be included in the Bill. However, I do not think he need have great fears. I point out that we pride ourselves on being democratic. We do not impose restrictions on the grounds of race, colour, creed or political beliefs. We believe in the democratic philosophy and have done so over the years. I think that, as citizens, we are capable of taking stock of the situation. If at some future time the country wants to go one way or the other, under the democratic system that will happen.

The Hon. H. K. Kemp: Do you think treason is a political belief?

The Hon. T. M. CASEY: No. People have been condemned to death for treason when they have had their own beliefs that they do not consider to be political. This Government cannot accept the amendment because it considers that it imposes a political test. For those reasons, I oppose the amendment.

The Hon. H. K. KEMP: It has been claimed that this is a political test, but it is not: it is a test of loyalty.

The Hon. G. J. GILFILLAN: I support the principles advanced by the Hon. Mr. Kemp. The matter he has raised concerns a wide cross-section of the community, including the parents of young people attending universities. This is indeed important to our future way of life. The Hon. Mr. Kemp is trying to introduce a recognition of loyalty (that is the term he used): a recognition that our democratic processes of Government should be preserved and that we should not encourage elements within our community that work to overthrow our Government by other than the usual democratic means.

Although I strongly support the principles that the honourable member has advanced, I do not believe that the amendment would be truly workable. Further consideration of the Bill should be delayed until Parliament resumes later in the year (as I understand it, in about two months), when this point should be given the maximum consideration. It has taken two years to draft the Bill. I believe that it should be held over so that it can be considered further and so that members can see whether a provision in a more workable form can be included.

The Hon. C. R. STORY: I agree entirely with the sentiments advanced by the Hon. Mr. Kemp. They are admirable and, although I agree that academic licence is necessary and that we do not want to inhibit the people who are teaching at our universities, the time has come when some remedial action is necessary to curb treasonable actions. I cannot support what the Hon. Mr. Kemp has tried to do; I believe he has the right church but the wrong pew. Perhaps, as the Hon. Mr. Gilfillan suggested, this amendment would, in the interests of academic education in this State, be more useful later. Although I cannot support the amendment, I sympathize with what the Hon. Mr. Kemp has set out to do.

The Hon. R. C. DeGARIS (Leader of the Opposition): I, too, echo the sentiments expressed by the Hon. Mr. Gilfillan and the Hon. Mr. Story. I spoke on this matter earlier this morning, when I said something similar to what they have both said. The argument advanced by the Minister of Agriculture is a strange one. He related these two clauses to the question of freedom of political belief. If one follows the Minister's argument right through, one might ask why any restrictions should be placed on members of Parliament regarding their loyalty. If the Minister of Agriculture examines this matter for just a moment, he will see that members of Parliament are in exactly the same position as described in the Hon. Mr. Kemp's amendment; there is no restriction of political beliefs. This draws a distinction between what one might call treason and freedom of political belief, which are two completely different things.

Although I have much sympathy for the Hon. Mr. Kemp, I believe, along with other members, that this provision should be enacted in relation to both the University of Adelaide Act and the Flinders University of South Australia Act. This matter should be examined again. For that reason, I oppose the amendment.

The Hon. M. B. DAWKINS: I agree with the sentiments expressed by the last three speakers and, although I agree with what the Hon. Mr. Kemp is trying to do, I think he is trying to do it at the wrong time and in a piecemeal manner. He says that his amendment has nothing to do with politics but that it is a question of loyalty. I am sure that something like this must be enacted, and that a provision of this nature needs room for all the accepted (and I emphasize that word) political philosophies. However, a matter such as this should not be treated piecemeal. One member suggested that it might be put through as a separate Bill. When this happens, I believe it should deal with both universities and, possibly, with any other tertiary institutions in this State, such as the Institute of Technology. As more colleges of advanced education are being built in Australia, not just in South Australia, this matter should be examined in a broader way, and possibly they, too, should be included. Although, for this reason, I cannot support the amendment as worded, I commend the Hon. Mr. Kemp for bringing the matter forward.

The Hon. H. K. KEMP: I think the comments that have been made this afternoon should give the Minister a fair indication of where members' thoughts lie. I ask the Minister not to hurry this legislation through but to report progress and allow the Bill to be considered later, not only in this regard but in the substitution for the convocation against the senate. The whole matter has been thought out too quickly, and it contains too many rough ends. When one considers in detail the working of this matter, one realizes that it would be difficult indeed to correct the Bill as it stands without much consideration. As I have said, my purpose in moving this amendment was materially to serve notice on the Government of my thoughts in this respect.

The Bill contains hidden defects that have not yet been brought out in the debate, and there has been no material on which to compare notes with the people who have considered this Bill in the last two years, many of whom are horrified that it has come forward at this stage.

Amendment negatived; clause passed.

Clauses 6 to 11 passed.

Clause 12—"Constitution of council."

The Hon. R. C. DeGARIS: I move:

In subclause (1) (*c*) (i) to strike out "full-time"; in subclause (1) (*c*) (iv) to strike out "full-time"; in subclause (2) (*d*) (i) to strike out "full-time"; in subclause (2) (*d*) (iv) to strike out "full-time"; in subclause (2) (*e*) (i) to strike out "full-time"; and in subclause (2) (*e*) (ii) to strike out "full-time".

The reason for the amendments has been fully canvassed. Honourable members know the ramifications of the amendments, and I move them accordingly.

The Hon. T. M. CASEY: The Government is quite happy to accept the amendments.

Amendments carried; clause as amended passed.

Remaining clauses (13 to 28), schedule and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

## BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

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

This Bill is consequential upon the proposed amendments to the Lifts Act and serves to repeal only those provisions in the principal Act which relate to certificates of competency for crane drivers as such provisions are now incorporated in the Bill to amend the Lifts Act. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be fixed by proclamation (the same day as that fixed for the commencement of the Lifts Act Amendment Act). Clauses 3, 4 and 5 amend sections 4, 34 and 35 of the principal Act by deleting all references to crane drivers' certificates of competency.

The Hon. C. R. STORY (Midland): I support this measure. The second reading explanation is particularly explicit and I do not think anyone would have any worries—

The Hon. A. F. Kneebone: No ambiguity in it!

The Hon. C. R. STORY: None whatsoever. I have studied the Bill, which takes up about a page and a quarter. The whole effect of this measure is that the Boilers and Pressure Vessels Act is being amended to make way for the Lifts Act Amendment Bill, which the Minister will read in a few minutes, and on which I will comment on the second reading, a much larger Bill needing a great deal more careful attention.

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

## LIFTS ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

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

Requests were made by the Road Transport Association (on behalf of crane owners) to the previous Government, and have been made by trade unions for legislation to be enacted to require that all power cranes used in the State should be designed to approved standards. A similar suggestion was made in 1967 to the Royal Commission on State Transport by the manager of one of the major crane hiring companies in the State, who also expressed the view that all cranes which come into the State should be examined and tested by Government inspectors to ensure that they are safe.

At present, legislation in this State regarding the safe construction, maintenance and operation of cranes applies, by virtue of the principal Act, only to those power cranes attached to a building and, by virtue of the Industrial Code and the Construction Safety Act, to power cranes (including mobile cranes) when used in factories and on building sites. Numerous mobile cranes which are used elsewhere than in factories and on building sites and fixed cranes such as loading cranes on wharves, are not covered by any legislation in this State. Cranes in mines also need to be subjected to greater control than at present. In all other States of Australia there is legislation which ensures the safety of all types of power crane, whether fixed or mobile, and wherever they are used.

This Bill seeks to amend the principal Act (renamed the Lifts and Cranes Act) so that all power cranes and hoists (with certain exceptions) must be designed and constructed to conform to approved standards, and must be registered with the Secretary for Labour and Industry. The Bill further requires the owner of every crane to be responsible for ensuring that the crane is properly maintained and kept in safe working condition and authorizes inspectors

to inspect any crane and to order repairs or alterations if a crane is found to be unsafe. The Bill also provides that, in the interests of safety, any crane or hoist which is built, or altered, after the Act comes into operation must be inspected before it is used. The Director of the Marine and Harbors Department has indicated his agreement to the proposal that cranes on wharves come under the control of the Secretary for Labour and Industry.

The principal Act already applies to lifts in all parts of the State and, apart from a clarification of the meaning of "lift", these provisions are virtually left untouched. The requirement that certain crane drivers must hold a certificate of competency issued by the Engine Drivers Board appointed under the Boilers and Pressure Vessels Act, should more appropriately be included in the Lifts and Cranes Act and provision is therefore made in the Bill for the issuing of such certificates under the principal Act. A consequential Bill to amend the Boilers and Pressure Vessels Act repeals the provisions of that Act concerning certificates of competency for crane drivers. The opportunity has been taken to include in this Bill some Statute law revision amendments and sundry machinery and other amendments to overcome problems that have arisen in administering the Act since it was passed in 1960. I will refer to them in commenting on the various clauses of the Bill, which I shall now proceed to do.

Clause 1 is formal and amends the citation of the Act to read "Lifts and Cranes Act". Clause 2 provides for the commencement of the Act on a day to be fixed by proclamation. Clause 3 inserts a new definition of "crane" as meaning any power-driven apparatus for raising, lowering or moving goods or materials. A new definition of "lift" is inserted as meaning any apparatus attached to a building and controlled by guides for raising, lowering or moving persons, goods or materials, including chairlifts, escalators and moving walks but excluding a conveyor belt used only for goods or materials.

A new definition of "owner" is inserted as meaning, in relation to a lift, the owner, occupier or lessee of the building that houses the lift and also, where relevant, the contractor erecting the building and the contractor installing or repairing the lift. In relation to a crane or hoist, "owner" is to mean the person who has the crane on hire or lease and, where relevant, the owner, occupier or lessee of the building in which or in connection with which the crane is used and also means the contractor constructing, installing or repairing the crane.

Clause 4 amends section 4 of the principal Act, which deals with the application of the Act. The result of these amendments is that the principal Act will not apply to lifts worked by hand power, cranes exempted by the Chief Inspector, hoisting appliances to which the Construction Safety Act applies which are exempted by the Chief Inspector, machinery to which the Mines and Works Inspection Act applies, cranes (other than mobile cranes) to which the Industrial Code applies, and cranes owned and used by an agriculturalist on his farm. The clause further provides that the Chief Inspector may exempt any crane, or any hoisting appliance to which the Construction Safety Act applies, from the provisions of the Act. The Chief Inspector at present has this power only in relation to lifts worked by hand power.

Clause 5 amends section 5 of the principal Act by up-dating a reference to the Industrial Code. Clause 6 amends section 6 of the principal Act, which deals with the construction and alteration of lifts and cranes. A passage is inserted which provides that the Chief Inspector may require plans and specifications to be altered so as to conform to any standard of the Standards Association of Australia, before he grants a permit to construct or alter a lift or crane. The life of a provisional certificate of registration is altered from 30 days to 90 days, as the firstmentioned period has been found to be far too short having regard to the increasing number of lifts and cranes which are and, after this Bill passes into law, will be registered with the Secretary for Labour and Industry. New subsection (7a) is inserted, which provides that the present provision that a lift or crane which is constructed or altered in any way must not be worked until it has been inspected, approved and registered, shall apply, in respect to cranes, only to those cranes which, after the commencement of this amending Act, are to be used for the first time after being constructed or altered. Therefore, those cranes that are now operating and at present do not come within the ambit of the principal Act need not, when this Bill passes into law, be inspected and approved before they may be registered. It would be impossible for such inspections to be completed by the Chief Inspector under at least a year.

Clause 7 repeals the existing provision relating to registration and inserts a new section 7. It is provided that all cranes and lifts must

be registered with the Secretary for Labour and Industry before they can be worked. Existing registrations are continued and are given full force and effect under this new section. Therefore the owners of cranes which at present do not come within the ambit of the principal Act will have to apply for registration and will not be able to work those cranes until registration is effected. The interval between this Bill passing into law and the day proclaimed for commencement will be ample time for all such owners to apply for registration. New section 7 further provides for the issuing of registration certificates (conditional or otherwise), the payment of a prescribed fee, the notification of change in ownership and the periods during which such certificates will remain in force. The registration of a lift must be renewed annually or on change in ownership, whichever is the sooner, and the registration of a crane need only be renewed on change in ownership. Definitions of "registered" and "unregistered" are provided.

Clauses 8 and 9 contain amendments to sections 8 and 9 of the principal Act respectively which are consequential upon the new definition of "owner" referred to earlier. Clause 10 amends section 11 of the principal Act, which deals with annual inspection of lifts and cranes. New subsection (2) is inserted which provides that the owners of lifts worked by hand power and all cranes (other than exempted lifts and cranes) shall cause them to be inspected at prescribed intervals. This clause also makes a consequential amendment to the section. Clauses 11 and 12 make amendments to sections 12 and 13 of the principal Act respectively which are consequential upon the new definition of "owner".

Clause 13 makes a consequential amendment to section 14 of the principal Act, which section deals with the working of lifts by persons under the age of 18 years. New subsection (3) is inserted which provides that the prohibition against a person under 18 years working a lift shall not apply to a passenger controlled lift (which is defined in the regulations). Clause 14 inserts new section 14a in the principal Act, which new section provides for certificates of competency for crane drivers. All cranes in this State (including the cranes excluded from the other provisions of the principal Act) which are fitted with vertically moving jibs come within the ambit of this new section. Classes of crane or single cranes can be exempted. No person can operate, be in charge of or permit another person to operate or be in charge of a crane without a certificate of competency. The Chief Inspector is given the control of these certificates and he may cancel or suspend such a certificate when he thinks there is good cause so to do. Persons who hold a crane driver's certificate under the Boilers and Pressure Vessels Act will be deemed to hold one under this new section.

Clause 15 amends section 15 of the principal Act which deals with regulations. The Governor is given further power to make regulations for all matters concerning certificates of competency. New subsection (2) is added; it provides that any regulation may refer to or incorporate any standard of the Standards Association of Australia. Clause 16 makes a Statute law revision amendment to section 17 of the principal Act.

The Hon. C. R. STORY (Midland): I support the second reading of this Bill. As the Minister has just explained in his second reading speech, the change being made is a big one, because under the present Act a tremendous number of cranes and lifts, as redefined in this Bill, are not subject to inspection. I think the new definition should be noted; it is:

> "crane" or "hoist" means any apparatus or contrivance (not being a lift) that is driven or worked with the aid of any power other than hand power, by means of which goods or materials are or can be raised or lowered or otherwise moved in conjunction with raising or lowering, and includes the supporting structure, machinery, equipment and gear connected therewith but does not include—
>
> (*a*) a conveyor belt or chain;
>
> (*b*) a mobile fork lift as defined in section 5 of the Motor Vehicles Act, 1959, as amended; or
>
> (*c*) an apparatus or contrivance in the nature of earthmoving equipment.

That definition makes some definite changes. I should like the Minister to give me some more information on one or two clauses. Certain industries, including agriculture, horticulture and viticulture, are excluded. Is silviculture excluded, too? It should be, silviculture being concerned with logging and pine forests. I see no exclusion there. Blitzbuggy-type vehicles are used in the forests. In the small forests they are used for palletizing. They should be excluded. Also, will the Minister explain to me in more detail clause 13?

The Hon. A. F. Kneebone: I will do that when I come to reply.

The Hon. C. R. STORY: That clause seems to me a little ambiguous. I ask leave to conclude my remarks.

Leave granted; debate adjourned.

## WORKMEN'S COMPENSATION BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

## BUILDERS LICENSING REGULATIONS

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice.

Under Standing Order 459 I have a right to speak to a motion for a brief period. I wish to inform the Council of the reasons why I am choosing this method. I should like to inform honourable members of my immediate attitude to the tabling of new regulations under the Builders Licensing Act. I remember that on December 4, 1970, when the Council rose for Christmas, a similar thing occurred when new regulations were brought down. That was the Government's right, and this matter was referred to later in debate. At this stage, we could disallow the regulations, but the Government would have the right to reintroduce them. Yesterday, I put forward many views on this question that I do not wish to repeat now, but the matter should have been considered more carefully and investigated more deeply.

I have examined the regulations cursorily and it appears to me that little change has been made in these new regulations. I am sure that if the public understands these regulations the greater will be the public outcry for more information on their effect on building costs. I cannot give any undertaking now of what will happen when the new session begins regarding disallowance of the regulations. I am concerned that in these new regulations only minor changes have been made. The public should know that my attitude is that I consider that these regulations will have a serious effect on building costs in the community.

Motion, not having been seconded, lapsed.

## PROROGATION

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council at its rising adjourn until Tuesday, May 11, at 2.15 p.m.

We have had a very torrid session. It was heavy before Christmas, and we had a long sitting last evening into the morning. In this session we have dealt with 116 Bills, which is not a record, and we dealt with 182 messages from another place. When I first became interested in the trade union movement and took part in public debate I was told plainly and sincerely (and I think wisely) never to talk too much. One can talk until one is black in the face, but not many people are converted: it is the results that count.

Last evening was an evening that I should like to forget. In saying that, I am not criticizing the volume of work. It was one of the worst evenings I have spent in the 18 years I have been in Parliament. I think I ended the evening with only one or two friends. I have never gone through a sitting when I have had so many marshals and so few soldiers. These friends showed their kindness in trying to help me. In future, the Notice Paper will stand unless it is altered for a good reason. Most honourable members will know what I am talking about now, and I thought I should make these remarks in the interests of the workings of Parliament. I should not like to see the atmosphere of last night repeated in the remainder of my career here. All honourable members were tired and had worked too hard. I am not going to condemn anyone. The hectic two days this week because of Easter might have been the cause.

The first person I wish to thank is you, Mr. President. I had the pleasure of nominating you as President at the beginning of your second term. It has been a pleasure to serve under you because of your understanding of and kindness towards honourable members. If you have a fault I think you carry your kindness a little too far. If you were a little firmer the work of the Council might proceed a little more smoothly. However, that is a good fault. I do not except myself; if I get cross, everyone knows about it. It has been a pleasure to work with you, Sir, for we appreciate your understanding and the way you handle the amendments, taking the short cut, which I appreciate and which I think is good for the running of the business.

I thank the Leader, the Hon. Mr. DeGaris, because, although we differ in politics, we get along very well. He knows, as I do, that it is not easy to run the Council, which seems to be so different from the other House. Without the co-operation of the Leader, we do not get very far.

I pay a special compliment (and I think all members will agree with this) to the Hon. Gordon Gilfillan for his help, not only to me and my colleagues but to all members. I

want him to know that his work does not go unnoticed and unappreciated.

We all have our differences, and it would not be Parliament if it were otherwise. Members generally have been fairly co-operative, and this makes the working of Parliament easier. I thank each and every honourable member of this Council, for generally speaking we co-operate and get along very well.

I would not be human if I did not thank my three colleagues for their help and support. Two of them will forgive me if I make special mention of the Minister of Lands, the Hon. Frank Kneebone, who this session has handled the vast majority of the work. I have watched and listened, and we have done what we can for one another. He has handled a great amount of work, and he has done it in a gentlemanly and business-like manner. His Parliamentary colleagues in both Houses and people outside will appreciate what he has done. He has met with a great deal of success. I think my remarks are fully justified, and I make them quite sincerely.

I sincerely thank the staff for their efforts. I wonder how the Clerks within the Chamber keep up with the work. It is a privilege and a pleasure to work with them. They are overworked more often than not, but they always keep their balance and their temper, and they help us all. I particularly thank the Parliamentary Counsel; if we could not run to them for advice, I do not know how we would manage.

I pay a special tribute to the *Hansard* staff. When I read early this morning what they had done with our speeches, the way in which they were written, edited and produced after many weeks of hard work, much of it in the evening, I wondered how they managed to produce such good results. The report of the speeches is so good that some of us must wonder whether we actually made them. I thank the *Hansard* staff for their work.

I do not know how the messengers have managed to keep going. I understand that they have had no sleep to speak of for a couple of nights, but they are still smiling. They have been very good. The same applies to the Parliamentary Library staff, with whom I have got along very well. I think the same can be said for every member. I thank the members of that staff for their assistance.

Last, but not least, I refer to the catering staff who look after us in the refreshment room and the dining-room: their service to members generally is excellent, and I say this on behalf of each and every one of us.

Having said all that by way of appreciation, I come now to a more sorrowful moment. I refer, of course, to the pending resignation from Parliament of the Hon. Sir Norman Jude, who is truly an honourable gentleman. It is always sad to see the retirement of any member with whom one has worked for many years. I think he is wise to make this decision, but perhaps I should not say so, for people might ask why I do not do likewise. However, it is not as easy for me to get out as some people would think.

Sir Norman has decided to retire while he has years ahead of him to enjoy life. With the possible exception of you, Mr. President, I think I am the only one who would remember when Sir Norman came into Parliament. We entered Parliament in the same year, 1944, but he has had the distinction of serving continuously, whereas I had 10 years outside of Parliament, possibly doing me more good from an educational point of view than if I had been here. Sir Norman has had a long career. He has served on many committees, he has been a Cabinet Minister for many years, and his work has been recognized by Her Majesty the Queen. One cannot expect much more in life.

I pay a tribute to Lady Jude. No-one in this walk of life could get far without the help of his partner. In Lady Jude, Sir Norman has one who has been the greatest help and has given the greatest understanding. I have often said to her (and I have said it with kindness) "I don't know how you put up with this fellow", and she has said, "I love him, he is mine, I will wait and when he is ready we will go home." That has been her attitude, and to the Hon. Sir Norman Jude and to Lady Jude I say, for myself and on behalf of every member in this Chamber, "May you have a long and happy retirement, and may you think that Sir Norman's life in the Parliamentary service of the State has been well worth while."

The Hon. R. C. DeGARIS (Leader of the Opposition): I hope I will be excused if I do not, at this late hour, go through a list of the various people I would like to thank. That has been done by the Chief Secretary, and I support his remarks entirely. I thank, first, the Council as a whole. The way it has worked as an effective House of Review has been to me a matter of pride, and I am quite certain from the Chief Secretary's remarks that he feels the same way. He has said that the workload during the session has been heavy. We have often been under

extreme pressure, and I believe that the Council has acquitted itself well in its role of an effective House of Review.

Perhaps I may comment on one event during the session that stands out in my mind—the passage of the Age of Majority (Reduction) Bill and the Constitution Act Amendment Bill (Voting Age). So many people who stand on the sidelines and write about politics and Parliamentary affairs seem to be under the impression that the Council got itself "boxed in" on this matter (to use the words of one gentleman). We can all remember that at one stage we produced a rather anomalous situation; yet that "boxed in" situation could not have occurred in any Party-controlled House. The normal processes of this Council were not designed to suit a Party-controlled House: they were designed to suit a House that acts as closely as possible to democratic principles. Through the normal processes of recommital, the Council expressed a consistent view on both Bills. The way the Council, acting as a House of Review, handled that matter stood out in the session.

I congratulate the Chief Secretary on the way he has handled the Council. The pressure has been extreme and we all appreciate the co-operation he has offered not only me but all other honourable members. I thank him for the assistance he gave me through enabling me to use a Government car. I deeply appreciate that. I think he would agree with me that, with the work the Leader has to do in the Council and outside it, it would be completely beyond the physical resources of any man to stand the pressure and still use his own transport. I do not think I would be standing here now if that concession had not been made.

On the file we have 116 Bills, and we have had 182 messages. All honourable members of this Council act and work with no assistance at all, and many of them have vast country electoral districts to move around in. It is a source of amazement to me how they get through the work that they do. The same point applies to me, and the situation is now being reached (I make this suggestion to the Chief Secretary in all sincerity) where some assistance by way of research facilities should be made available to honourable members and possibly to me, as Leader.

I know the situation from my viewpoint is different from that of other people in a similar kind of position. The Leader of the Opposition in the Lower House has five staff members; however, because we keep ourselves away from the Party machine in the Lower House, it is not possible for me to use those resources. The Chief Secretary would agree with me that, with the amount of work in the Council and with the amount of work we do outside, it is extremely difficult to keep up with the work in the Council without some further assistance.

I congratulate the Hon. Frank Kneebone, who has borne the brunt of the work, as I think the Chief Secretary has admitted. I thank you, Mr. President, and the Hon. Mr. Gilfillan and all other members. Also, I thank the Council staff, *Hansard* staff, messengers, clerks, and members of the library and catering staffs of Parliament House. Finally, I refer to the pending retirement of Sir Norman Jude, who has been a member for 27 years, with 10 years as the Minister of Local Government and Roads. He was the first Minister of Roads in South Australia, and he is a man who, I believe, has carved his own memorial in the standard of our road system in South Australia. He is a man who has both a national and an international reputation for his administration of the Roads portfolio.

I agree with the Chief Secretary's references to Sir Norman's good wife, Lady Jude, who has been an absolutely marvellous character alongside my friend Sir Norman. We will have to replace Sir Norman in this Chamber, and I hope that his replacement will be a person who can be referred to (as the Chief Secretary said) as an honourable gentleman. We accept the fact that Sir Norman has been a man of honour in this House, and that there is no room in this Chamber for those who like the intrigues of politics. I hope that Sir Norman's replacement will be a man who is as loyal, straightforward, and honourable as Sir Norman and holds the same principles. On behalf of all members, both Liberal and Labor, we wish you, Sir Norman, and your good wife, the very best in your retirement. I thank you personally very much for your support during the time I have been a member of Parliament.

I have been immensely proud of the way the Council has operated this session, and I hope that the attitude that has been evident in the last eight months will continue in the ensuing sessions of this Parliament.

The Hon. C. R. STORY (Midland): I should like to associate myself with the remarks of the Chief Secretary and the Leader. I would particularly like to say that, in the 17 years I have been a member, Sir Norman and Lady Jude have been very good friends

of mine, and we will be sorry that they will not have quite the same status that they have at present. However, I am sure that, as an honorary member of the Commonwealth Parliamentary Association, Sir Norman will still be close to the activities of Parliament and so, too, will be Lady Jude. On behalf of the rest of the Party in this House, I express our deep gratitude for the work of the Leader, who has done a tremendous job this session, a job that I believe has taken some real toll of his strength and health. He has had an onerous task, and has been under pressures and criticism, but I know he would believe that he has had the support of his Parliamentary colleagues. I am sure I can say that he has had the support of the whole of this House in the way that he has defended the Council in what it stands for.

As usual, the Chief Secretary has worked exceedingly hard. I think this has been a very happy Council. Although the Chief Secretary seems to be worried about what happened early this morning, I think he increased tremendously in stature when he agreed to adjourn the Council when he did, because some honourable members were obviously under a terrific strain. We appreciate, and have appreciated over the years that you have held your high office, Mr. President, your impartiality. I thank honourable members who were so very kind to me when I was not well. I appreciated their expressions of sympathy.

The Hon. Sir NORMAN JUDE (Southern): I should like to associate myself with the remarks of all honourable members who have referred to the work of this Council. This session in particular has been hard, but in the main satisfactory. This is possibly the last time I shall speak from this pew. (I know that we speak of a "pew" only in a church, but I hope its future occupants will find it as satisfactory as I have.) You, Mr. President, are the only honourable member in this Chamber who was here when I first entered it. I appreciate the honour I have had of serving with you here for 27 years, a long period. I believe the time has come for me to step down in favour of some more youthful and virile member, who can give greater assistance to my loyal colleagues in Southern District.

Frankly, with the increasing years I find myself losing deep interest in the peripatetics of potato pedlars or even in the proliferation of prawns. I find I tend to specialize in matters that really interest me, such as transport and traffic. I shall miss the atmosphere of this Chamber which, if I may say this to honourable members, is still rarely polluted by noxious clamour; but, more than that, my wife and I shall miss our many friends among members, officers and staff of this Council. I shall not "retyre": I shall merely be a retread, although I know they tend to be a little troublesome at times. I thank honourable members sincerely for their remarks.

The PRESIDENT: Before putting the motion to the Council, I should like to add a few words, although they must be brief as I have given an undertaking on behalf of honourable members to the staff that they will be free from half-past five. Everything has been said that I would wish to say, so I know that honourable members will understand if I do not go through the list again. I thank honourable members for what they have said about me and also about the staff, who are not able to respond. We are fortunate in the staff we have. Honourable members all appreciate the work of the Clerks at the table; I know I do, for I appreciate what is involved in their work to keep the Council functioning smoothly. One could go right through the list: every person concerned plays an important part. This includes Parliamentary Library officers, the Chamber staff, and members of the catering staff, and one other not mentioned so far who performs a great service to members and helps in regard to their parking problems and getting out into the traffic on North Terrace: I refer to Constable Osmond (known to us all as "Ossie"), who I believe will retire soon. I want him to know that members appreciate the assistance they receive from him.

To Sir Norman Jude, I say that it has been a long association. I remember when he came into the Chamber; he was a virile young man then, and he is still very virile. Sir Norman has played a big part in the working of this Council and as a Minister of the Crown. He himself has made this decision to retire, not wishing to continue for the rest of this Parliament. Sir Norman will take with him the best wishes of all members, both those who were here when he entered Parliament (he says I am the last of those members) and those who have come since. He has a personality that will be remembered by all of us with a feeling of pride and satisfaction. Lady Jude, too, who has been an able supporter of Sir Norman in his public work and social activities, takes with her our good wishes. I content myself with endorsing everything that has

already been said, and I thank honourable members for their assistance throughout the year. Without the co-operation of members, it is not easy for a presiding officer to carry out his duties.

Motion carried.

## ADJOURNMENT

At 5.28 p.m. the Council adjourned until Tuesday, May 11, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.