LEGISLATIVE COUNCIL

Thursday, October 19, 1972

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

ASSENT TO BILLS

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

Footwear Regulation Act Amendment,
Highways Act Amendment,
Juvenile Courts Act Amendment,
Legal Practitioners Act Amendment,
Planning and Development Act Amendment (Committee),
Prevention of Pollution of Waters by Oil Act Amendment,
River Torrens Acquisition Act Amendment.

QUESTIONS

RAILWAY FINANCES

The Hon. C. M. HILL: I seek leave to make a short explanation before asking a question of the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: There has been publicity recently concerning the attitude of the South Australian Railways Commissioner towards his department's financial position, which he has described as critical and alarming. Also, he urges a more businesslike approach to the operation of the railway services in this State. Mention has been made of a comprehensive report on railway finances dated October 5, 1971. Two sentences from a leader in this morning's paper read as follows:

It is regrettable, in the first place, that the "comprehensive report on railway finances" which the Commissioner submitted on October 5, 1971, has not been made available to the public. In matters of this sort, State Ministers might well take a lead from Mr. Whitlam, who has recently urged that more official reports be released for public guidance, and has pledged a Federal Labor Government to take this course.

In view of the concern expressed both in the press and in the public arena, will the Minister make public the Commissioner's report of October 5, 1971, on the one hand; alternatively, if he prefers not to do that, would he be willing to permit members of Parliament to read the report so that the matter can be discussed further?

The Hon. T. M. CASEY: I will refer the question to my colleague in another place and bring down a reply when it is available.

OPAL MINING

The Hon. A. M. WHYTE: I seek leave of the Council to make a short statement prior to directing a question to the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. A. M. WHYTE: For some time opal miners in South Australia have been extremely concerned by the fact that illegal miners have taken a great toll of their income and have caused the mining industry a good deal of distress. I understand the miners have had meetings with the Director and also with the Minister regarding this matter, and they have asked me to ascertain whether legislation is to be introduced during the current session in an attempt to relieve the position.

The Hon. A. J. SHARD: I have heard of no proposed legislation during this session, although it is possible, because I do not know the actual position. I will refer the question to the Minister and bring down a report.

BRUCELLOSIS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: There has existed for some years in South Australia what I consider to be a very successful scheme, instituted by the Agriculture Department, aimed at the eradication of ovine brucellosis in sheep. I believe there has been a considerable measure of success and that the disease has been greatly minimized, if not eradicated. A similar scheme operates in Tasmania with, I understand, a similar degree of success. However, there has been some denigration of the scheme, some pouring of cold water, or damning with faint praise, or whatever one might call it, by those Eastern States which have not such a scheme and which have not had the same success in reducing or eradicating this disease as have Tasmania and South Australia. Can the Minister obtain from his department a report as to the success and progress of the scheme in South Australia?

The Hon. T. M. CASEY: Yes, I would be happy to do that.

PROPERTY LAWS

The Hon. F. J. POTTER: I ask leave to make a short statement before asking a question

of the Chief Secretary, representing the Attorney-General.

Leave granted.

The Hon. F. J. POTTER: Last evening's newspaper contained a report concerning statements by Mr. Bruce Roberts, I think at the annual meeting of shareholders of a public company, indicating that certain amendments passed in the previous session of Parliament to the Law of Property Act had not been fully discussed with the industry generally and were occasioning some difficulties. Will the Chief Secretary say whether representations have been made to the Government regarding amendments to the Act and, if they have, what action the Government intends to take?

The Hon. A. J. SHARD: Certainly, no representations have been made to me, although I do not know what is the position regarding other Ministers. However, I will refer the honourable member's question to the Attorney-General, ascertain the position, and bring down a reply as soon as possible.

OVINGHAM HOUSE

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: I understand that in the acquisition of properties to enable construction of the Ovingham over-pass to proceed one house is involved which, its owner claims, has great historical interest to the State because, according to him, it was previously owned by the late George Fife Angas who, as honourable members would know, was one of the founders of the State and, indeed, one of our most famous pioneers. I do not know what is the present position concerning this matter. However, I ask my question to ascertain whether a full investigation has been carried out regarding whether this was his house and also whether it might be either preserved or commemorated. I therefore ask whether the department is satisfied that the house was previously the home of the late George Fife Angas; secondly, if so, whether everything possible has been done by the department to save the house in the planning of the project; and, thirdly, if so, what ways and means have been decided upon either to preserve or to commemorate the property?

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply as soon as it is available.

WALLAROO OVER-PASS

The Hon. E. K. RUSSACK: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Roads and Transport.

Leave granted.

The Hon. E. K. RUSSACK: In the township of Wallaroo there is a pedestrian over-pass across the railway line, leading from the higher ground of the town down to the wharf area. I understand that this over-pass, which is used to a great extent, is at present out of commission because of the dangerous nature of the bridge, which is in a bad state of repair. I understand, also, that it is the property and responsibility of the South Australian Railways. If this is so, will the Minister ascertain whether repairs will be effected so that this bridge will again be usable?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

WATER STORAGES

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. DAWKINS: All honourable members were concerned earlier at the very late opening of the rainy season this year and its subsequent early closing. However, I understand that some of the water storages were reasonably filled—to an extent better than we could have hoped for in the circumstances. In view of the continuing dry weather, will the Minister ascertain what is the situation regarding the water storages in and around the metropolitan area and its adjacent environs, and also how soon it is expected that pumping will be necessary?

The Hon. T. M. CASEY: I will obtain a report along the lines indicated by the honourable member and bring it down as soon as possible.

WEST BEACH AREA

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: Early in July there was a report in the Adelaide press that the South Australian Government would be asked to set up a committee to inquire into the affairs of the Henley and Grange council. The

report said that a letter was being sent by the West Beach Ratepayers Association and other associations of residents in that area. The matter generally concerned the position in which residents in the West Beach area were seeking to have their region joined with the West Torrens corporation rather than that it should remain with the Henley and Grange council. I am not so concerned about the details of the dispute regarding the Government being asked to set up a committee but what I do seek is information on the current position of this matter, in which some ratepayers want to have their area come within the neighbouring council's boundaries. Will the Minister tell me the exact present position of that proposal?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a report.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)

Returned from the House of Assembly with amendments.

ADVANCES TO SETTLERS ACT AMENDMENT BILL

Read a third time and passed.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2158.)

The Hon. A. M. WHYTE (Northern): I rise to comment on this Bill. I only hope it does most of the things the Minister in his second reading explanation predicted it would. True, we have for some time given much thought and consideration to our present metropolitan abattoir system. The Minister said:

> The effect of this Bill is to enable the board to operate as a financially viable business, ultimately economically self-sufficient . . .

They are brave words because, great and radical as these changes will be, there is an inbuilt problem as regards the slaughtering of meat in South Australia. The proposals in the Bill clean the slate absolutely and we are to see a great alteration in the management of the Gepps Cross abattoir.

Under this Bill, sectional interests will no longer be represented and the old board of eight members will be reduced to one of five members, with the Chairman making the sixth member. It is the thinking in many fields of operation today that (especially in the primary producing field) sectional interests should not be represented but rather we should have people who are experts in the marketing field. I wonder how far we should go (although I agree with this proposition) away from people who know a great deal about the product to be marketed. I hope that the corporation, once constituted, will pay full regard to this aspect. I believe it would be a good idea if both marketing and producer experts were on the board. However, I agree with the suggestion that the number of members be reduced from eight, as to my mind it is always better to have a smaller body on a permanent basis to handle any matter than to have a larger and perhaps less permanant group.

The problem with our abattoir has not been entirely the fault of its management; in fact, the present board members who have served us well are to be congratulated on their efforts. Some of these men have toured the world at their own expense, have made detailed studies of the various marketing and slaughtering systems in meat exporting countries, and have contributed time and expertise to the management of the metropolitan abattoir. These men must have been frustrated to find that the legislation was their humbug because, no matter what propositions they put forth, it was impossible to implement many of them. Also, it must have frustrated them to find that they did not have the necessary finance to implement the many necessary changes to make the abattoir a viable proposition. I wonder whether the abattoir will ever be a profitable proposition so long as it serves the purpose of the Government as a public utility.

However, I am pleased that the abattoir is a public utility, because it has done an outstanding job. It would be foolish for consumers or producers to imagine that the Bill will mean that meat will be sold in the way it is at present. The old board, soon to be replaced, has done an excellent job with its facilities, despite the legislation under which it operates. The Chairman (Mr. George Joseph) should be given special mention, despite the inferences that have been made that he is a Labor voter and that he was a political appointee. If those who have been critical had realized the amount of effort he put in to get an American export licence and, later, to have the licence reinstated, they would not have made the loose statements that they have made about his efforts. Over the years board members have made suggestions that could have influenced those who prepared this legislation.

One of the problems has been the lack of facilities. The beef chain is one of the few sections of the establishment that are viable, and we saw a curtailment of one of the money-earning aspects of the abattoir because it has to be used to handle the calf trade. Although for some years there has been a clamour for a calf chain to be established, the finance has never been made available. It has been suggested that the by-products section could be expanded but, again, any attempt by the board to expand has been curtailed because of the lack of finance. As with other public utilities, the board's borrowing power has been restricted, and its activities have resulted in a deficit; of course, the board is not alone in this respect. I wonder whether the new personnel will have access to any more funds; if they will not, it is likely that they will experience the same problems as the board has in making the corporation viable. The abattoir needs to expand and upgrade its facilities but, if it lacks finance in the initial stages, it will not get off the ground, regardless of whether it is called a board, a corporation, or some other name.

It has been suggested that the abattoir could be given a protected monopoly, thereby guaranteeing that it will not experience competition. Of course, such a move would be disastrous to the meat trade, and I hope that that is not one of the things planned for the future. Many things could be done to assist the abattoir to do better than it is doing at present. I have always believed that the question of a meat hall should be carefully considered. I realize that Nelson's meat hall, which was established in the city, was not financially successful, but I still believe that such a hall is essential for a quick, continual turnover of meat. One of the things that we must examine closely is the question of getting continuity of supply. Producers are always hamstrung by a lack of killing facilities at the flush of the lamb season. On the other hand, the abattoir is often hamstrung because it is not operating anywhere near capacity. For our abattoir to improve the situation, it will be necessary to allow it to compete with interstate buyers when stock is available at lower prices.

The Hon. T. M. Casey: Do you mean that it should be given the right to trade?

The Hon. A. M. WHYTE: Yes. Further, it should be given the right to reduce charges so that it can compete with other States.

The Hon. T. M. Casey: That is in the Bill.

The Hon. A. M. WHYTE: I am pleased about that. It will be a major achievement if the abattoir can compete with interstate dealers. As the Minister said, we have seen an anomalous situation, whereby stock is purchased in South Australia, transported to other States and slaughtered there (because of the reduced killing charges) and in some instances the meat is then returned to South Australia for consumption. Surely we can improve on that situation; if we can, we may to some extent promote continuity of work and we will give producers the opportunity to regulate their marketing. They will be helped if they know that, when their stock goes to the abattoir, the stock will be killed as soon as possible. In 1965-66 the Bureau of Agricultural Economics estimated that export abattoirs throughout Australia operated at about 48 per cent of their known capacity; at no time did the abattoirs reach 80 per cent of their known capacity.

Some clauses in the Bill will need careful consideration and perhaps amending during the Committee stage—for example, the provisions dealing with the sole right of the corporation to slaughter for export. The Government Produce Department, under the present Act, has the authority for all health regulations. As I read the Bill, under clause 41 the department is now supplanted by the corporation, which will have complete authority to police all health requirements. In the opinion of many experts in Australia and throughout the world, our health regulations are absolutely ridiculous. One wonders whether those negotiating our export licences were practical in accepting the stringent United States requirements. It might be said we might have lost any chance to export to America, but that country imports about three billion pounds of meat a year, and when we consider that a full shipment of meat may comply with the requirements except perhaps for one small area that may have a smudge of dirt or perhaps a few hairs, the situation seems rather ridiculous.

Perhaps our corporation will be able to bargain for less restrictive safeguards. It is well known that meat deteriorates if sprayed with water, yet we see at the killing facilities at present jets of water being continually played on the animals from the time they leave the lairage until they are confined to the freezers as carcasses. This has a detrimental effect, yet we condone it. Clause 63 amends existing section 91 of the Act and gives the board an absolute monopoly in the delivery of meat. Section 91 needed alteration, because it has involved the board in losses running into tens of thousands of dollars. It is fair that the matter should have

some consideration, but if charges are to be increased with distance (and let us say that a butcher shop in Enfield will receive meat for .5c a lb. while a shop at Christies Beach will pay twice that amount) we should take a closer look at this matter, unless it is to be thrown open to private enterprise so that butchers can collect their own meat. This would avoid the necessity for vans to be parked in the middle of the street. Perhaps the meat could be collected in the late evening.

The Hon. T. M. Casey: The same as is done at Homebush.

The Hon. A. M. WHYTE: That is so. The abattoir at Homebush delivers throughout the night, and many of the smaller butchers collect their own meat.

The Hon. T. M. Casey: The Homebush abattoir does not deliver any meat. It is all done by contract, by private enterprise.

The Hon. C. R. Story: But that does not upset the argument. Meat is still available to be delivered.

The Hon. A. M. WHYTE: That is so. I am suggesting that if the abattoir is going to deliver meat it should deliver it at a flat rate.

The Hon. T. M. Casey: Would private enterprise do that?

The Hon. A. M. WHYTE: With the private enterprise system one would have the right to negotiate, and perhaps the smaller concerns in an area could carry the meat themselves at a much cheaper rate, rather than being penalized by a delivery system under the regimentation of the corporation. Clause 84 is a very good provision. In general, until we reach the Committee stage, I give the Bill my support, and I hope it performs some of the wonderful things the Minister hoped for in his second reading explanation.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2160.)

The Hon. JESSIE COOPER (Central No. 2): I find this Bill quite fascinating. It falls into the category of those things wherein any Government should be entitled to have some flexibility as to the handling of funds at its disposal in order to promote arts, crafts, sports, and other matters appertaining to the general welfare of the community, and to provide facilities for worthwhile leisure occupations. The Government, in this Bill, requests the right to open the door wider for the arbitrary distribution of its largesse, and in that I find my fascination. Please heaven, I will never be responsible for the handling of this matter! If the Government wishes to step from its present comparatively protected position and to face fairly and squarely an avalanche of demands from football clubs, soccer clubs, dog-racing clubs, trotting clubs in new towns, ladies' croquet clubs, painting groups, pottery groups, and gemmological associations, then I trust it will have a powerful Horatius to hold the bridge. Would the Minister later inform honourable members whether the Trades Hall will allow the Adelaide Club to participate in the distribution? The right sought by the Government in this Bill is guaranteed to make hundreds of enemies and few friends. I would not dream of standing in its way, but I would hope to have no part in it. I wish the strong man put in charge of the administration of this Act the health and stamina needed for his task, and I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I wish to speak in reply to the second reading because I was accused of giving in this Chamber a second reading explanation different from that submitted in another place. Let me assure honourable members that the second reading explanation given in this Chamber was identical, word for word, with that given in another place. I do not wish to go into the reasons why I must make this statement, and I hope I am not pressed in public to do so, because, in that case, I think some friends each and every one of us admire and appreciate may be hurt. I do not want to do that. I am not blaming the Hon. Mr. Hart. Why he did not receive a copy of the second reading explanation I gave in this Chamber, I do not know. However, part of the second reading explanation given in another place appeared incorrectly in *Hansard*. I must correct the position, because what appeared was totally wrong. I assure honourable members that, when the annual volume of *Hansard* is issued, it will be clear that the second reading explanations given in both Chambers were identical.

I was amused by the Hon. Mrs. Cooper's speech. I should be surprised if all the people to whom she referred would be able to get past the Industries Development Committee's inquiry. Those applying to the committee for guarantees must prove to the committee that the public is likely to attend and that some employment will be created.

The Hon. Jessie Cooper: It doesn't say that.

The Hon. A. J. SHARD: I know. However, that is the intention. I say with some modesty that I served for some time on this committee, and I know that any sporting body that appears before it will have to prove to the committee's satisfaction that it is able to meet its commitments. I think the Hon. Mr. DeGaris would agree with me that it would be far better for a committee of this kind to guarantee loans than it would for some other organization, which perhaps might not measure up in some respects, to do so. I think the honourable member would know to whom I am referring. We may hear something more about that in future, as I understand that one or two people to whom guarantees were given are not going too well at present and, although they are trying to improve their position, I do not think they have much hope of doing so.

If I reply to the questions asked by the Hon. Mr. Hart, I think it will cover most of the questions asked by other honourable members. The provisions of the Industries Development Act proposed to be amended by the Bill at present before the Council relate only to the granting of assistance under that Act which, in terms of section 14, is restricted to the guaranteeing of the repayments of loans.

The Hon. Mr. Hart also asked certain questions regarding the different fields in which the Housing Trust might be involved as a result of the amending legislation. The amendments do not affect or change the situation in relation to any activity of the Housing Trust referred to by the honourable member. Unless the trust wishes to go into the open field, it will be no help to anyone requiring assistance under the Act. The short answer is that, in terms of this Act, assistance will be available only by guarantee. I think that covers all the questions that have been asked. I thank honourable members for the attention they have given to the Bill and I express my regret that there was a slight misunderstanding in relation to the second reading explanation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Guarantees."

The Hon. L. R. HART: I thank the Chief Secretary for his explanation. I asked whether the Housing Trust would be permitted to assist new industries or businesses because I wondered whether the trust would have sufficient money for this purpose. At present, the trust may, under the provisions of the Housing Improvement Act, build or extend factories or businesses. However, it cannot do so without the sanction of the Industries Development Committee. The trust must assure that committee that it can assist in financing these projects without interference with its normal housing programme. Therefore, if the trust is to extend its operations into this enlarged field, I assume that it will require more finance than it has at present. I am not suggesting that the trust should not be permitted to do this, as there is provision in the Bill to enable it to do so.

However, it will be able to do so only with the sanction of the Industries Development Committee. We therefore have a safeguard, although the committee may be hampered by the expansion of the legislation. The committee can operate only under the provisions of the Act and, after the Act has been enlarged by this amending Bill, the committee may experience difficulty in opposing some of the recommendations made to it by the Housing Trust. However, the trust is a responsible body, and I do not think it would enter into commitments for which it did not have the necessary finance. I hope that the trust does not neglect its normal housing programme in order to assist industries that are not required necessarily to make a profit.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2167.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When I sought leave to conclude my remarks I still had one or two matters on which to comment. I refer to clause 145 and to the following remarks I made when concluding my speech in the Address in Reply debate, when I dealt with the Kangaroo Island dispute:

The trade union interfered with a contract entered into by Mr. Woolley to cart his wool. If there is an area of legislation that should engage the close attention of every honourable member it is legislation to provide avenues for the individual to correct a wrong allegedly perpetrated against him, irrespective of the weight of political influence that any organization may be able to marshal against him. It should always be borne in mind that the law must protect such an individual against the pressure of large, powerful organizations. If the individual secures his right, then no section of the community should be blackmailed into submission because of the judgment in favour of the individual. I am sure that when the legislation referred to in the Governor's Speech

comes before us, with a little co-operation and by concentrating upon the essential matters involved we can recognize the right of associations to represent their members while at the same time ensuring that rights always exist for an individual in respect of his ability to take civil action to correct what in his opinion is a wrong that has been perpetrated against him.

They are the opening remarks I make on new clause 145 of this Bill. I refer to the legal history of the system known as the law of torts or wrongs, which has its origin in the very beginning of the English legal tradition when justice was mainly a matter of private vengeance or retribution. Stated simply, the law of torts was developed to replace the primitive law of an eye for an eye and a tooth for a tooth, or to replace what came to be known as "blood feuds".

In other words, if a person burned down someone's house or wronged him in a material way, the access to tort action for compensation removed the feature of physical reprisal for the damage suffered. The modern concept of a tort can be described as not so much the commission of a wrong as the interference with a right. I think I made that point clearly in my Address-in-Reply speech. The law of torts is concerned less with the culpability of the wrongdoer than with the compensation of his victim. Its aim is to determine on whom the risk falls rather than where the blame should fall. Every person in the community who observes the rules and conduct that we call the law has the right to go where he likes in public, the right to personal safety, the right to enjoy his own property, the right to enjoy his own good reputation, and the right to pursue his business activities without undue restriction. If some other person obstructs his freedom, trespasses on his land or property, defames him or deprives him of his right to conduct his business in a proper manner, the injured person has an inviolate entitlement to bring an action at law to obtain redress. He has this right, as a member of the community, just as every other member has, whether he is a member of a trade union or not, whether he is covered by an award of the commission or not.

Just as every person has the right to freedom from being injured or harmed, so every person is under duty not to injure or harm his neighbour. The fact that such injury or harm is done in contemplation or furtherance of an industrial dispute by or on behalf of an association or an officer or member of that association in his capacity as such is quite immaterial. The law of torts is the body of rules concerned with the recognition of that duty and with the civil liability incurred by those who fail to observe it.

This Parliament should deliberate long and hard before it legislates to remove, mitigate or reduce a body of law concerning civil liability that has been built up since the days of King Alfred, not merely to give redress for a civil wrong but, perhaps more significantly, to remove and effectively replace the need for persons wronged to take the law into their own hands. That was the reason for the build-up of the law of tort—to remove and effectively replace the need for persons wronged to take the law into their own hands.

The Hon. D. H. L. Banfield: What did Great Britain do about getting rid of that?

The Hon. R. C. DeGARIS: If the Hon. Mr. Banfield will be a little patient, I will come to the Industrial Relations Act, 1971, to which he has referred. Before I get to it, if he likes to read sections 97 and 98 of that Act, he may be able to interject more accurately.

The Hon. D. H. L. Banfield: What about the Trades Disputes Act?

The Hon. R. C. DeGARIS: The effect of the implementation of clause 145 will be to remove access to civil proceedings for damages for people wronged and also to remove the deterrent (and this is most important) to those who seek to perpetuate such a wrong. In its place, clause 145 of the Bill purports to give redress not by way of an action for damages but by the implementation of penal clauses to impose a fine or restraint on wrongdoers.

We have already, as reported in the *Advertiser* on Saturday, October 14, been given a clear indication by an Australian Labor Party member of Parliament that moves will be made to remove the penal clauses from the legislation. When this is achieved, what then will remain? If the commission is rendered ineffective in extracting penalty by way of fine where offences against civil liberties are committed in the name of trade unionism, and individuals by clause 145 are denied access to the civil courts for redress of such wrongs, does the Government contemplate a return to the law of the jungle whereby an individual may have to seek recourse to violence for the physical removal from his premises of persons committing illegal acts in furtherance of industrial disputes?

Before referring to specific headings of tort liability and their relation to industrial disputes, it should be observed that the provisions of any Act should be seen to be warranted. I

ask on what possible grounds this Council should interfere with such a long-established and distinguished body of law as the law of tort liability. In Australia, the civil law is seldom invoked when strikes occur. Employers have shown themselves to be reluctant to take civil action when confronted with strikes. Nevertheless, the civil law has been used by non-unionists or members of a rival union who have lost their employment as a result of a strike or a threatened strike, and one of the very few civil actions taken by an employer was taken recently by Mr. Woolley on Kangaroo Island. The Industrial Commission has rightfully been reluctant to make pronouncements on compulsory unionism or, by arbitration, preference to unionists. Consider its position where a union threatens a strike if a non-unionist employee is not dismissed by a company.

Consider what would occur if the company subsequently dismissed the employee in the face of threats of militant action and such employee took an action for a conspiracy against the union for damages for the loss of his job. Such an action, if clause 145 was proceeded with, might oblige the commission to make a pronouncement supporting compulsory unionism—I hope the Hon. Mr. Banfield is listening to this, because he interjected yesterday, when I was speaking of compulsory unionism, that there was no compulsory unionism as far as this Bill was concerned. Such an action, if clause 145 is proceeded with, would oblige the commission to make a pronouncement supporting compulsory unionism; or conversely, to pronounce that the person should be reinstated, thus declaring its opposition to compulsory unionism; or, finding that the union which brought about the dismissal was in breach of the Act, apply an appropriate penalty. It is strongly suggested that the commission would find itself in an untenable position if such circumstances were to occur.

During this century, tort actions for damages in the ordinary courts have been a rarity and where they have occurred they have been instituted by employees who have suffered hardship by action taken by unions or taken by employers at the behest of unions.

The Hon. D. H. L. Banfield: That's the crux of the case. We're looking after the employer. That's what the Bill is all about.

The Hon. R. C. DeGARIS: A recent action by Kangaroo Island farmers, which must be seen to have precipitated the almost indecent haste with which this clause has been included, must be seen to be the exception and not the rule with respect to employer response to strike situations. The inclusion of clause 145 would place on the commission a great burden of responsibility. The body of law that has grown up around tort actions is a complex one in which the examination of motives, directions, etc., is paramount. Can the commission, as currently constituted, be expected to afford facilities (and one here assumes that any examination of tortious acts would be carried out by a judicial and not a non-judicial member of the commission)? Can such an examination be conducted by a presidential member without involving such member in lengthy and almost inevitably legal considerations of the act complained of and of its consequences?

Turning now to the various forms of tort liability for which actions are, and should continue to be, available for civil damages, possibly the first and most important of these relates to trespass to property or goods. At present, an employer may request police assistance to remove trespassers from his property. Under clause 145 of the Bill, he would be prohibited from requesting the removal of the persons trespassing and therefore must suffer the inconvenience, or decide what individual action he may take to bring about the physical removal of the persons trespassing. This raises the very serious consideration that any denial to an employer or individual of the protection of the civil law may bring about a situation in which the deterrent and the restraint have been removed and where individuals without preparation or training are thrown on their own devices. It is a potentially dangerous situation.

Consider a secondary boycott situation in which a union is not in dispute with an employer but merely informs that employer that the provision of goods or services to someone else will result in the imposition of a strike. Whether the definition contained in this Act of "industrial dispute" is embracive enough to bring such an action within the contemplated meaning of clause 145 has yet to be established. The action of a union or its members in placing a secondary boycott brings about an induced breach of a contractual relationship which, of itself, is legally actionable by the person who has been denied the goods. Indeed, the person under contract who refuses to supply the goods or services under threat of trade union action may be liable for an action in the civil court for breach of contract.

It is not without significance that clause 145 reserves civil action to death or physical injury, to physical damage, or to defamation. Although the first two of these aspects may be tortious acts they are certainly criminal acts and, as such, cannot be covered in a Bill of this nature. The third heading, the wilful act of defamation, remains therefore the only tortious act for which redress may be obtained in civil court action. Without doubt, this clause of the Bill, if it is pursued, should contain in addition to defamation such headings as trespass to goods, land or premises. Nuisance, which to some extent relates to trespass but contemplates any interference with the right of members of the public to use any public highway and attempts to block such access or egress, would be a nuisance in tort. Secondary boycott, or procuring breach of contract, must almost certainly be included in any dealing with tortious liability. In these circumstances, union action may make second or even third parties actionable at law as a result of union threats in situations where there is no dispute between the parties and the trade union.

Thus far, I have been speaking of the tort liability of the employee. However, there is as substantial a head of law under the tort liability of the employer. The protection of the employee in respect of his personal safety through the law of tort is usually expressed in three ways, that is, the vicarious liability of the employer for the negligent act of a fellow workman, the direct liability of an employer for so-called "personal negligence", and the liability of the employer for breach of statutory duty. Here again, the civil action for damage through tort has been taken by employees. It has, however, been invoked by a third party injured through the act or omission of an employee through the concept of vicarious liability.

It can thus be seen that not only are actions in tort available to employers but also to employees and to injured non-aligned parties. This Council should consider long and hard before it intrudes into an area of civil liability. The law as it stands today, and as it has stood for many hundreds of years, gives an individual the right to seek redress for wrong through an action in civil court for damages. It must always be the concern of this Council to protect the rights of individuals and not to interfere or circumscribe those rights in any way. Whilst it is well understood that an action by an employer to seek civil redress for wrongs committed during a strike may inflame and compound such strike, such considerations of themselves are not sufficient to remove or place a restraint on the rights which individuals have at law to seek an appropriate judicial remedy. To allow this clause to go through in its present form would be tantamount, by comparison, to asking civil courts to observe tortious acts which may be brought to them by persons seeking the civil remedy, notwithstanding clause 145, as being *ultra vires* the powers of such civil court. If the intention of the clause is to prevent the escalation of a dispute by restraining an employer or individual from seeking his redress through civil action, the total removal of such rights by an Act of Parliament is against the public interest and against the concept of individual justice and equity.

The drafters of this clause seem to have over-reacted to the Kangaroo Island dispute. Their purpose may just as surely have been achieved by writing in a provision requiring an employer or an individual intending to seek civil action for damages or injunction arising out of an industrial situation to inform the President of the South Australian Industrial Commission of their intention to take such action and to empower the President to call the parties into conference, if he deems that to be appropriate or necessary. The purpose of such an amendment would be to afford the President of the Industrial Commission an opportunity of preventing the escalation of the dispute in the way that the framers of clause 145 fear, by using his powers of persuasion or legal knowledge to outline the consequences to both parties.

The Hon. D. H. L. Banfield: If Mr. Woolley had been prepared to talk, there would have been no escalation.

The Hon. R. C. DeGARIS: That point has been fully answered. I have a file on the Kangaroo Island case and, if the honourable member wishes, I shall deal fully with the whole matter. The interjection has nothing to do with what I am talking about. Regarding what I said prior to the interjection, by that means an employer might decide to have the matter referred to the Industrial Commission for resolution and for redress of his wrongs but it does not remove his legal entitlement to seek redress through civil court proceedings; that right would remain, and must always remain. What would have been achieved is that a cooling-off period would have been made mandatory, during which the commission might exert whatever force of influence it desired to exert. I am completely

and absolutely opposed to the clause as it stands.

The Hon. Mr. Banfield interjected earlier in relation to what happened in Great Britain; I have already referred him to the 1971 Industrial Relations Act of that country. Whilst the common law of tort has been transferred into new legislation, the situation is not as the honourable member says it is. Sections 97 and 98 of the Industrial Relations Act deal with unfair industrial practices. I refer the honourable member to a booklet that gives a guide to that Act; in the booklet the whole question of unfair industrial practices is dealt with. It is reasonably clear that where a contract has been broken some redress lies through the Industrial Court. So, we are dealing with a totally different situation. Clause 145 removes all chance of any civil action and all chance of any action being taken in respect of persons who indulge in unfair industrial practices.

Appendix III of the volume I have lists unfair industrial practices; the penalties and sanctions for such practices range from dismissal to damages or compensation. So, in any examination of the question one will see that simply quoting the English legislation is not a sustainable form of argument, because the position is entirely different there. I make a point as strongly as I can in connection with reserving civil action to death or physical injury to a person or physical damage to property: there is a whole range of matters concerning which there is no remedy, provided the person is acting in connection with an industrial dispute. Then, what is an industrial dispute? There are no guidelines whatever.

The Hon. D. H. L. Banfield: An incident can be an industrial dispute if the court deems it to be an industrial dispute.

The Hon. R. C. DeGARIS: That is far too wide, because it completely removes the right of the individual to redress for any wrong. Whilst I am willing to be co-operative—

The Hon. D. H. L. Banfield: Why don't you be conciliatory?

The Hon. R. C. DeGARIS: I am willing to be conciliatory, but the honourable member should remember that conciliation is a two-way process. I believe we can find some answer to the matter. I believe I have made a suggestion that should be acceptable to the Government; it is along the lines that, where an act is done or appears to be done in contemplation of the furtherance of an industrial dispute by an association or an officer and where such an act constitutes or is likely to give rise to the commission of a tort, any person affected may apply to the Supreme Court with the request that it exercise its powers under the legislation with a view to avoiding further proceedings. Power is provided for conciliation.

The Hon. F. J. Potter: I think the trouble is that the 1929 Act has never been brought into existence.

The Hon. R. C. DeGARIS: This may well be so. If we adopt this approach I am quite certain that the Hon. Mr. Banfield, as he is requiring conciliation, would be only too pleased to support the idea I have put forward. At no time should we completely remove the right of an individual to take his remedy through the civil court. If we do that we will be dealing a very deadly blow to the rights of individuals in South Australia. The matter of annual leave has already been touched upon by the Hon. Mr. Potter. The Bill stipulates that all employees shall be paid an annual leave rate or a rate not less than the average weekly earnings at award rate or the current weekly earnings, whichever is the higher. This could mean that employees going on annual leave during the slack period may well receive a bonus, where average weekly earnings exceed the normal rate of pay for that time of the year. Again, in firms closing down over the Christmas break (those in the furniture industry, for example) employees subject to a high level of overtime prior to the close-down period may be paid at a much higher rate than they would normally get for taking annual leave at any other time of the year.

In a recent annual leave case before the Full Bench of the Conciliation and Arbitration Commission, guidelines were laid down for the inclusion of certain provisions and the exclusion of others in the payment of annual leave. One provision which was specifically excluded was overtime, which has been included in the provisions of the Bill. I would prefer to see the method of payment for annual leave being decided by the Full Commission, as with the quantum covered in section 82 (1), (2), and (3). I support the second reading, and I hope that some of the arguments I have put forward regarding clauses 29, 80, 81, and 145 will be given serious consideration by the Government.

The Hon. JESSIE COOPER secured the adjournment of the debate.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2146.)

The Hon. F. J. POTTER (Central No. 2): I never cease to be amazed when this Government seeks to carry out its promises which were given in a policy speech, because when it embarks on this kind of exercise it does not do things by halves. If ever I saw a piece of legislation put before this Parliament not very many weeks before a coming election, designed at least to appeal to sectional interests of the voters in this State, I see one before me in this Bill. It is surprising, when we in South Australia have the best and most generous long service leave provisions of any other place in the Commonwealth, with a pro rata payment after seven years service, whereas in other States one must wait 10 years, that we must go further and embark on legislation that is unique in the whole of Australia, further extending the already most generous provisions. It is interesting to see that the only explanation given is that it was promised in the policy speech. There is no mention in the Minister's explanation of any investigation about what impact this would have on costs in South Australia (and that will be very considerable indeed). Apparently those things do not matter; it does not concern this Government that increased costs will be placed on employers and industry generally throughout the State.

I mentioned in the debate on the Industrial Conciliation and Arbitration Bill how important is the question of keeping down costs, but the Government apparently does not consider that that is an argument or even a consideration worthy of recognition. I do not want to say anything about the philosophy of this Bill except that if the Government believes that it must commit the employers of this State to this added expense, if it means to put the interests of individuals before the welfare of the State, then I suppose there is no reason why I should oppose it in doing so. If it wants to give hand-outs to people, claiming it has a clear mandate to do so, I suppose there is very little I can do about the essence of the Bill itself, which is to give long service leave after 10 years qualifying service.

However, that does not mean that I can agree with the provisions of the Bill. I am surprised by the naive way in which the Minister, in introducing the Bill, referred to some of its contents. The only important matters mentioned were retrospectivity in operation, about which I will have something to say, and the removal of the limitation that five years must be served as an adult. As for the other amendments, the Minister has said, "Opportunity has been taken to make certain amendments of a formal and procedural nature." If the Government thinks that the provision in this Bill extending long service leave to all part-time employees is something of a formal and procedural nature, then I think it had better look again at the situation. This is an extremely important and difficult extension of the present law that we will have seriously to consider, even if we go along with the idea that long service leave should be given after 10 years service.

Under this Bill, persons engaged in regular part-time employment are to be given long service leave after seven years service: and "regular part-time employment" is defined in the Bill is as follows:

> "regular part-time employment" means part-time employment on a regular weekly basis under a contract or agreement of hiring by the week or a longer period.

In other words, if I worked regularly for someone for only one hour a week, I would be entitled to long service leave. If the housewives of South Australia employ people regularly for an hour a week to help with the cleaning and those people are employed regularly for seven years, under this provision the housewives will be obliged to pay long service leave to those people. Any part-time employment at all qualifies for long service leave, no matter how short a duration it may be.

I ask the Minister what will happen in the situation where, as happens frequently, people are engaged regularly on a part-time basis by more than one employer. Plenty of people in the community work for a few hours a week for one employer, and perhaps have a regular job with another employer. Indeed, some work for several employers, each of whom will be liable under this Bill to pay long service leave.

The Hon. D. H. L. Banfield: But only in proportion to what they earn—on the basis of their earnings.

The Hon. F. J. POTTER: That is so. The whole point is that this liability will be imposed on all employers, and it will mean that practically anyone who does anything will be entitled to long service leave, because this Bill is retrospective to January 1 this year. Indeed, there is further retrospectivity in the Act allowing claims to be brought within three years. This means that anyone who has been

employed on a part-time basis and whose contract of employment ceased up to three years ago can return to the employer and say, "I want long service leave. Three years ago, I completed seven years service with you, and I am now entitled to long service leave under the terms of this Bill." This is a ridiculous situation.

As a result of this matter, complications, which I do not think have been examined, arise under section 13 of the Act. We face problems regarding what is meant by "service" and what service counts if a person is in part-time employment. These matters require drastic amendment because of the problems relating to part-time employment. Some amendments regarding this aspect are absolutely essential. At present, I consider that part-time employees should not qualify for long service leave unless a person works at least 20 hours a week; in other words, it is fair enough for a man to be given long service leave if this relates to his substantial employment. However, it is ridiculous to extend it in this way to cover all part-time employees, no matter how small their contribution may be.

The Hon. E. K. Russack: Do you think men on long service leave should be able to have another job?

The Hon. F. J. POTTER: The Act says that there is an embargo on long service leave; in other words, one cannot work during the long service leave period. Under the Bill, a part-time employee is to be granted long service leave. What is to be done about the embargo on working during that time? This is so ridiculous, and the matter has obviously not been thought through. It seems obvious to me that the Government wanted merely to rush in and offer long service leave to everyone after 10 years service. That is about the extent of the thought it gave to the matter.

There are problems involved in this matter which are indeed important and which are not referred to in any way in the Bill. Also, I do not consider that a Bill of this kind ought to be made retrospective. Certainly, it should not be made retrospective to January 1; if we are going to amend the law, it should be amended from the date the new Act comes in or, if it is to be made retrospective at all, this should not happen prior to the beginning of the Parliamentary session.

This brief Bill is indeed important, and it is most unwise for the Government to seek to impose this burden on employers in South Australia. Ultimately, of course, the poor consumers and employees must pay for it. I am not opposed to long service leave. Indeed, I am concerned about it and at one time introduced a private member's Bill on this matter. It was that Bill which was later finally accepted by this Council. Although I am in favour of long service leave, I consider that it is ridiculous to approach the matter in this way. The Bill will not therefore have my full support in Committee, at which stage I intend to move certain amendments.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2147.)

The Hon. C. M. HILL (Central No. 2): This Bill is somewhat similar and, indeed, might be said to be complementary to the Bill amending the Highways Act, which concerned road widening acquisitions and which the Council passed a few weeks ago. Honourable members will recall that the Government was then concerned with the situation where, after the Commissioner of Highways had registered a plan at the Lands Titles Office, any improvements made to the land being acquired in accordance with that plan had to be made with the Commissioner's consent. If such consent was not obtained, compensation for that capital outlay would not be granted.

The Bill also dealt with the matter of enhancement, and other details. In the main, the purpose of that Bill, which was readily agreed to by this Council, was to assist with certain problems encountered in the acquisition of land for road widening purposes in metropolitan Adelaide. In this Bill the Government is taking a longer view of the situation and is seeking the right for the Commissioner to prepare what will be known as the Metropolitan Adelaide Road Widening Plan, and for that plan to be registered at the Lands Titles Office at a time well before (I would say many years before) the Commissioner would move to make his acquisition.

Of course, one principal advantage that immediately comes to mind in a long-range scheme of this kind is that the owners of land will be well aware over a long period of time of the Commissioner's plans for road widening. That principle I commend. I have always believed in long-range planning in all areas of town planning, and particularly have I believed in long-range planning in road widening and land acquisition for road widening generally;

also, I have always been a firm believer that plans that are known to the Commissioner and approved by the Government in these areas should not be put away in a drawer but should be made public so that all the individuals who will be affected by them, and indeed all the individuals in the community generally, will have the opportunity to see them. This Bill follows that principle.

It is a great pity that the proposal has not come to us as an amendment to the Highways Act. When individuals in this State and people in the professions, such as the law, concern themselves with matters of land acquisition by the Highways Department, they naturally turn to the Highways Act to see what the state of the law is.

When the Government introduces new legislation—not amending Bills changing parent Acts but new Bills like this one which will, if it passes, form a new Act altogether—it is not fully considering the individuals concerned and the difficulty they will have in knowing just what is the existing state of all the laws concerning land acquisition.

It is a great pity that all matters concerning the acquisition of land for road widening purposes cannot be harboured within the one Act. I ask the Minister whether he will tell me, when he comes to reply, whether there is any specific reason why the Government could not amend the Highways Act to cope with the matters that it is wrestling with in this Bill rather than introduce a separate Bill.

I understand that, when one looks at the whole metropolitan area and visualizes the roads that will need to be widened over a long period of time, the total length of those roads will reach a distance of about 450 miles. That gives one some idea of the great detail and work involved and the huge size of this ultimate proposal with which the Highways Department is faced on this general matter of land acquisition for road widening purposes.

It is a big project for the department and well worth while for the community. Ultimately, it will mean that, for a smaller cost than would normally be the case, roads will be widened to cope with the ever-increasing volume of road transport that we shall see here in Adelaide as the years pass by. It seems to me that the proposals in the Bill have in the past been arranged by mutual communication between the Highways Department and the councils. The councils in metropolitan Adelaide, to the best of my knowledge, have had a good idea of what the Highways Department has had in mind in regard to road widening. Through the Building Act, when applicants have lodged plans with the councils for building permits, the councils concerned have informed the applicants that the Highways Department either may or may not have some road widening proposals affecting the subject land.

By informing the ratepayers that they should see the department, or by acting as agents for the Highways Department, local government has been able to battle through, to some extent, so far. This proposal is making the whole matter public; it is formalizing what has been going on informally in this matter. If it can be put into effect without any problem areas or disadvantages to the individual, I shall be perfectly happy.

I have a deep concern about clause 6. The Minister when explaining the measure said that he thought clause 6 was perhaps the most important provision in the Bill. The point that concerns me arises in paragraph (*a*). The clause provides:

> A person shall not, without the consent of the Commissioner, suffer or permit any building work to be carried out on land to which this Act applies (*a*) in the case of building work being the erection or construction of any new building or structure, within six metres of the boundary of that portion of that land shown on the plan as being required for road widening.

We know that 6 m represents a distance of about 20ft., and it seems to me that, as the Bill reads at present, if someone who, for example, wanted to build a shop on the normal road alignment along one of our arterial suburban roads sought the consent of the Commissioner and that arterial road was one of the roads included in the proposed road widening plan, not only would he have to leave vacant that piece of land that the Commissioner proposed to acquire but also he would have to put the shop front 20ft. back from the new boundary. I ask the Minister what purpose is achieved by doing that.

If we are going to give the Commissioner powers normally exercised by local government in this matter and if the Commissioner says that a person who seeks permission to build a house will have to put the house 20ft. back from the boundary, I can understand that; but, when we come to the position that applies to many of our arterial roads, where commercial development is involved, then not only has the Commissioner no right to tell a person where to build on the balance of the

land not required in the future by the Commissioner but a ridiculous situation can develop when every commercial building must be put back 20ft. from the new boundary.

That position applies not only to single shops (ribbon shop development, as it is called) but also to other commercial buildings, such as professional people's consulting rooms and projects of that kind—all types of building which are, of course, included in general commercial development. I do not believe that the architects of this Bill intended that the Commissioner should insist, and have the right at law to insist, that developments of that kind must be built 20ft. back from a proposed new road alignment; that is one point in this problem.

The other point is the one I made a moment ago, namely, the Government proposes to give the Commisioner the right to tell individual landowners what the building alignment is likely to be on their land and where an owner is to put a building on his own land. Here we come into contradiction with principles.

It is the local government body's right to determine its building alignment in regard to residential construction; that, I think, is undeniable. But I do not think it is the Commissioner's right to tell anyone (other than perhaps where we are dealing with corner sites in which danger and road safety are involved) where he should be able to build his house.

The Commissioner is involved with that piece of land required in the future for road-widening purposes; that is his sole concern, I submit. I approve of the kind of long-term planning that enables him to inform the public of what he wants, and ultimately to acquire it. I think this point must be looked into much more carefully than has been done by those who gave instructions for the Bill to be drawn up.

I think the Government will agree, first, that it is ridiculous for the Commissioner to tell commercial developers that all buildings must be 20ft. back from the proposed new building alignment; and secondly, that the Commissioner is taking over from local government that which has always been its activity and right.

I do not know what the Local Government Association will think of this measure, although I have some slight idea. I have sent a copy of the Bill to the association and I was hoping that I might be able to have its comments by now; however, I have not received a reply. I do not know whether the Minister in charge of the Bill has informed local government of its contents or whether he has consulted with local government in any way.

I always believe in the principle that a measure of this kind should be referred to local government, whose views should be considered before the measure is drawn up. That may have happened, but I do not know. Whether or not it has been done, it would be only fair to consider the views of local government on this matter.

Regarding clause 6 (*a*), some change ought to be made to the measure to make it more satisfactory than it is at present. The same problem does not apply in regard to additions or alterations to existing buildings or structures; that point is covered by clause 6 (*b*), in which no reference is made to the question of the setting back of the 20ft. from the proposed building alignment. Otherwise, I am completely in favour of the Bill.

I notice that in clause 9 the Government is trying to ensure that liaison be continued between the Commissioner and local government, and this liaison is absolutely essential. What I consider from the individual's point of view ought to be the machinery involved is that the local government body should have copies of the plan after it has been lodged at the Lands Titles Office. I think that individual ratepayers ought to be concerned only with applying to their local government body, which should check against the plan and, if the question of future acquisition is involved, the local government body should notify the ratepayer. In other words, the same informal procedure, in effect, should be followed as has happened in the past.

Unfortunately, if this Bill is passed the ratepayer may be committing an offence, irrespective of whether some error is made in the local council: the responsibility must come back to the individual. It would be a pity if, acting in good faith, a person committed some infringement of the law. Local government could act as it has done in the past but in a more formal way, and I think it would measure up to any responsibility placed on its shoulders in that regard.

So that I may be able to consult with the Local Government Association and try to do something about the serious point contained in clause 6 (*a*), to which I have referred, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

METHODIST CHURCH (S.A.) PROPERTY TRUST BILL

Adjourned debate on second reading.

(Continued from October 18. Page 2148.)

The Hon. M. B. DAWKINS (Midland): I rise to support the Bill, which, as the Chief Secretary has said, has as its main purpose the replacement of an individual trustee system of holding Methodist church property in this State with a central property trust to be created by the Bill. The Bill, which was referred to a Select Committee in another place, is to be commended. I have checked the contents of the Bill with church authorities and I have checked the future operations as to the way in which the church will manage its property in the future, and I am satisfied that the Bill is a step in the right direction.

I believe that South Australia is the last State in the Commonwealth to enact such legislation, as similar legislation has already been enacted elsewhere. The Bill provides a system whereby existing church trusts will be replaced by the central trust and existing church trusts will become trust committees. The authority to do this is contained in clause 23, which enables the central trust to make regulations, with the approval of the general conference of the church. For almost the entire 1950's I was a member of the State Conference and for an even longer period I was a member of the General Conference, which is the federal governing body of the Methodist Church. As a result of this experience, I believe that the church lives up to its name in many respects in that it has been very methodical in the management of its affairs. The church generally runs its machinery in a very business-like manner; but I do not think that the set-up with regard to trusts has really come into that category hitherto. This Bill will make it much better. At present there would be literally hundreds of trusts throughout the State holding relatively small amounts of property and buildings; some of those trusts from time to time almost run out of trustees through removal or decease and through failure to replace people on them. I believe that the proposal in the Bill represents a great improvement. All the existing trusts will still do the local work under the authority of the central trust. As I said earlier, the Bill is a step in the right direction and, because it is desired by the church members, I have pleasure in supporting it.

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

OMBUDSMAN BILL

Received from the House of Assembly and read a first time.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 4.36 p.m. the Council adjourned until Tuesday, October 24, at 2.15 p.m.