LEGISLATIVE COUNCIL

Thursday, October 26, 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, by message, intimated his assent to the following Bills:

Fruitgrowing Industry (Assistance),
Industries Development Act Amendment,
Methodist Church (S.A.) Property Trust.

PETITION: MAIN ROAD No. 298

The Hon. M. B. CAMERON presented a petition from 117 persons protesting against the proposed suspension of work on the main road between Millicent and Lucindale, known as Main Road No. 298, and urging the Government to make available money for the maintenance, sealing and construction of the unfinished portion of the road.

Petition received and read.

QUESTIONS

BRUCELLOSIS

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my question of September 26 regarding brucellosis?

The Hon. T. M. CASEY: Prior to the introduction of the national scheme 2½ years ago, an active programme of testing in South Australia had reduced the incidence of tuberculosis in dairy herds to negligible proportions. About $350,000 had been spent directly on this programme over the previous decade. During the same period a programme of vaccination of dairy herds against brucellosis had been financed mainly by stockowners in the form of fees to veterinary practitioners. It would be difficult to estimate the direct Government expenditure on this programme during that period. Since the joint Commonwealth-State campaign against these two diseases commenced 2½ years ago the State's direct financial contribution to the scheme has been about $250,000 for the three financial years. Estimates for the current financial year provide for the expenditure on the joint programme of $130,000 from State sources; this will be matched by the Commonwealth Government, making a total of $260,000 for the current year's programme covering both diseases.

The Hon. R. C. DeGARIS: I thank the Minister for that information, but my question related to the sum appropriated from general revenue. Of the $250,000 that has been spent so far on preventing tuberculosis and brucellosis, what proportion came from the cattle compensation fund?

The Hon. T. M. CASEY: I shall obtain that information for the Leader.

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

Leave granted.

The Hon. M. B. CAMERON: On September 20, at page 1429 of *Hansard*, the Minister, in a debate on brucellosis, said:

I am as concerned as is any honourable member in this Chamber about this problem. It has come at a time when we least expected it. I assure honourable members that I have not rested on my laurels. I have still a few things I should like to do about this matter. They are being attended to now. I hope (I shall not say any more than that at this stage) that we can do something in order to correct the position. I do not say to what extent; I am not prepared to say that now because this is a matter for negotiation, but I sincerely hope we can solve the problem.

Can the Minister say whether the hopes that he had at that time have come to fruition or whether anything has occurred to change the situation? There are a number of veterinarians in the South-East who are in somewhat of a quandary whether to send out accounts for brucellosis vaccination or whether to await further negotiations to see whether anything is done to correct the position.

The Hon. T. M. CASEY: This matter was further discussed at the special Agricultural Council meeting in Victoria last Monday week. It is being looked at by the Commonwealth. I can say no more than that at the moment, but I hope that something effective will be done about brucellosis.

ROAD MAINTENANCE TAX

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Chief Secretary as Leader of the Government in this Council.

Leave granted.

The Hon. A. M. WHYTE: I recently asked a question regarding the application of the ton-mile tax in this State. Consequently, I am sure honourable members have gauged that I strongly oppose the tax, especially as it affects Eyre Peninsula. In November, 1971, the Hon. J. Dolan, Minister for Transport in Western Australia, introduced a Bill the purpose of which was simply to repeal the road maintenance contribution legislation. It is therefore obvious that the Labor Government in Western Australia has strong feelings about

this iniquitous tax. Further, the Hon. Mr. Dolan said that his Government had examined the possibility of a special tax on motor fuel and a tyre tax but, because of difficulties, the alternative taxing methods were rejected. If several States were of the same opinion that a fuel tax would serve a better purpose than does the present road maintenance contribution tax, a substantial argument could be put to the Commonwealth Government. Figures show that a tax of 1c a gallon on fuel would net each State greater revenue than does the present tax, even if the present tax were collected in full. (Of course, it is not collected in full and is never likely to be.) Will the Chief Secretary ascertain whether his Government has the same sympathy toward transport hauliers as has its counterpart in Western Australia?

The Hon. A. J. SHARD: I shall be happy to do that. I do not know whether there is any ulterior motive but, if the honourable member can state the date and the name of the Statute he has referred to, we will readily be able to refer to the matter.

STANDING ORDERS

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of you, Mr. President.

Leave granted.

The Hon. V. G. SPRINGETT: Standing Order No. 193 states:

The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof . . .

In this morning's paper it was reported that the words "morally corrupt" were used with reference to this Council during a debate in another place yesterday. Do the same rules apply in that House as apply in this Council, in regard to the use of the words I quoted?

The PRESIDENT: There is a Standing Order in the Standing Orders of the House of Assembly and also the Legislative Council regarding reflections which are considered disorderly. I have not seen the remarks the honourable member referred to. I saw something in the press. However, any action would be the responsibility of the Presiding Officer of the House concerned.

SOUTH-WEST HOSPITAL SERVICES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: Earlier this year I asked the Chief Secretary if he could help me with any information as to forward planning for hospital services in the Noarlunga area. He very kindly wrote to me, explaining the position that was proposed with the new Flinders Medical Centre. Then he said:

The Government is aware of the pressure of work being faced by general practitioners in the Noarlunga district and is currently exploring alternative methods of assisting general practitioners in the area pending the completion of the ward units at the Flinders Medical Centre. The Committee of Inquiry into Health Services is currently considering the need for additional hospital services in the south-west coastal division of Adelaide.

That letter was written more than three months ago. Can the Chief Secretary give me any further information that might have come from the committee of inquiry regarding any plans at all for further hospital services in the south-west coastal division?

The Hon. A. J. SHARD: The report of the committee working under His Honour Mr. Justice Bright has not yet been received, and the position is very much the same as when I wrote that letter, with the exception that the position regarding doctors has become worse. Four doctors under the scheme would have been available from January or February, 1973. However, three have now applied (and one is considering applying) for a further 12 months under the scheme as resident medical officers, the better to equip themselves to go into the field of general practice. I think the Hon. Mr. Springett would agree that it is necessary in many cases for resident medical officers to have an extra year in hospital before going out as general practitioners in their own right.

GRASSHOPPERS

The Hon. R. A. GEDDES: I desire to direct a question to the Minister of Agriculture, and I ask leave to make a short statement.

Leave granted.

The Hon. R. A. GEDDES: Recent press reports and talks over the country session on the Australian Broadcasting Commission have mentioned grave misgivings of farmers and graziers in the Orroroo and Carrieton areas concerning the present hatchings of grasshoppers. A request was made for an additional misting machine from the Department of Agriculture for use by the landholders. It was also requested that the material used to

spray the hoppers be provided by the Government free of charge, because the landholders believe that if the hoppers are of the migratory type they will move south into the better country, and they see no reason for concerning themselves with a problem that will be here today and moving to pastures greener tomorrow.

The Hon. D. H. L. Banfield: That is a bit of a selfish outlook.

The Hon. R. A. GEDDES: It is a problem, whether it is selfish or not. Has the Minister received any complaints recently from the Orroroo District Council area; is it possible to provide additional misting or spraying machines; finally, has the Government considered providing the spraying material free of charge so that if the hoppers are migratory they will not unduly affect pastures further south?

The Hon. T. M. CASEY: Yesterday, I contacted the Agriculture Department's entomologist, Mr. Peter Birks, who, as honourable members would realize, has done much work in relation to grasshopper control in this State. The up-to-date report I received yesterday was that the grasshoppers in this area are not the migratory type but the local type, and that the two misting machines at Orroroo are being used by local farmers. No other inquiries have been made regarding further misting machines, although the department has two more machines that it would be willing to hire out to landholders if they desired this.

The next matter relates to the subsidy on insecticides. The honourable member must surely realize that South Australia is the only State that provides a 50 per cent subsidy on insecticides for grasshopper control. Indeed, Victoria does nothing in this respect. I believe Sir Gilbert Chandler stated that, when airborne, locusts would be sprayed from aircraft. A large area of New South Wales is rated, the farming community paying into a general grasshopper fund a levy based on the stock they own. This money is then used for the control of grasshoppers when they hatch.

The South Australian Government has been generous, compared to the other States, in providing a 50 per cent subsidy on insecticides. The only suggestion I can make is that, if the council wants to do something responsible in this respect, it should perhaps consider striking a rate of some description, as is done in New South Wales, to help alleviate the problem. In those circumstances, the matter is not beyond the control of landholders. Indeed, I understand that the system in New South Wales has worked well, the money that has been raised having been used for this purpose. I reiterate that the locusts to which the honourable member has referred are not the migratory type.

RAILWAY LINK

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Acting Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: The general feeling of most South Australians is that the link between Adelaide and the Indian-Pacific line is not just desirable but is urgently needed for the progress and welfare of this State. Most people are under the impression that the Commonwealth and the State Governments have at least reached some agreement regarding finance and details of the scheme. However, there has been no indication lately of how far this project has advanced. Can the Minister say what progress has been made towards implementing this vital link?

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.

GAOLS

The Hon. M. B. CAMERON: I seek leave to make a short explanation prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: A press report today indicates that the Victorian Government is to provide separate gaols for young offenders convicted of social offences such as failure to pay debts. Several reasons are given for this by the Premier of Victoria, and some important points emerge from the proposals to provide for the separate imprisonment of these young people guilty of such offences. Can the Chief Secretary say whether this problem is being investigated in South Australia and whether the Government will be following Victoria's lead in this matter?

The Hon. A. J. SHARD: We are a long way ahead of Victoria. The Criminal Law Revision Committee was appointed some 12 months or more ago to inquire into the criminal law and associated matters. I personally visited New Zealand 12 months ago and inspected what was going on there. The Government is well aware of the necessity and desirability of having some demarcation between different types of prisoner. When the Criminal Law Revision Committee's report

is available, we hope to be able to take definite action to improve the situation outlined by the honourable member.

WAIKERIE POLICE BUILDING

The Hon. A. M. WHYTE: I understand the Chief Secretary has a reply to a question I asked him about the Waikerie police building complex.

The Hon. A. J. SHARD: Tenders have not been called at this stage for this project. Builders are being asked to register next week as contractors for this project, and it is expected that the contract will be let by mid-December. The project is due for completion by December, 1974.

EGGS

The Hon. L. R. HART: We have already passed one egg marketing amending Bill this session. Does the Minister of Agriculture intend to introduce a further Bill this session to set up some form of licensing for poultry farms?

The Hon. T. M. CASEY: The honourable member is no doubt referring to the controlled production of the poultry industry, which was agreed to at an Agricultural Council meeting a few months ago. I should like to introduce another Bill this session but it is impossible to do that. I have already indicated this to the industry, and we hope to include such a Bill in the next session of Parliament.

VETERINARY SERVICES

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

Leave granted.

The Hon. A. M. WHYTE: The Minister will be aware that the veterinary services in this State, although of a high standard, are in short supply. Indeed, in many areas of the State there is no supply at all. Only at exorbitant transport cost can veterinary surgeons be engaged to treat animals in outback areas, for these people have to be flown in by plane or have to make long journeys by road. An appeal has been made for some type of subsidy to overcome these transport problems. Animal husbandry vitally affects the economic welfare of this State. A second suggestion is that, through the Minister's department, schools could be run to teach people to conduct their own pregnancy testing programmes. That would not seriously reduce the veterinary fraternity's income. Will the Minister discuss with his department the possibility of introducing such lectures in certain country areas?

The Hon. T. M. CASEY: Yes.

ATTACKS ON MEMBERS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: In some countries it is the usual thing for members of Parliament to be attacked in various ways, but such occurrences are probably unheard of in South Australia. However, in this afternoon's newspaper, an article states that a member of Parliament has suffered months of vile abuse in some respects; his personal reputation has been damaged since he introduced a Bill to bring about homosexual reform. The article also states that some of the letters he received were depressing and indeed vile. Will the Chief Secretary, if necessary with the aid of his colleague the Attorney-General, have inquiries made with a view to prosecuting people who have brought about this personal discomfort to the honourable member?

The Hon. C. M. Hill: We have to take the rough with the smooth.

The Hin. A. J. SHARD: I have not seen the article referred to by the honourable member but am surprised to think that anything of that nature has been suggested in this State. Members of Parliament should have the respect of the public and, when they introduce Bills, irrespective of their nature and irrespective of whether or not people agree with them, that does not entitle people to be abusive and offensive to the members concerned. However, this is not an isolated case. I should hate to say how many times I have been subjected to scorn from various people, but we must grin and bear it. I think I know the honourable member referred to. On the occasions when it has happened to me I have never hesitated to contact the police, who have given me their full support. A member of Parliament has his individual rights as a citizen and, if I am requested, I will ask the police to give the fullest protection to anyone in public life who has been maliciously attacked by a member of the public.

SWIMMING POOLS (SAFETY) BILL

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

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

That this Bill be now read a second time.

Honourable members cannot fail to be distressed at the reports that from time to time appear of the accidental drowning of small children in domestic swimming pools. Accidental deaths are always tragic, but none more so than such deaths of very young children. This Bill, therefore, is intended to make a contribution to the reduction of these accidental deaths. Honourable members will recall that, in 1969, a provision was inserted in the Local Government Act, as section 346a, which gave councils power to require that swimming pools be fenced. For a variety of reasons, that provision has not really proved a satisfactory solution to the problem. Accordingly, this Bill proposes the repeal of that provision, and places the burden of ensuring that swimming pools are properly enclosed on the owners of the pools.

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the measure. I draw honourable members' attention to the rather wide definition of "owner" in relation to a swimming pool. Clause 4 sets out the kinds of swimming pool that will not be touched by the measure. I suggest this provision is reasonably self-explanatory, but I draw honourable members' attention to clause 5, which spells out in some detail the powers of the Minister to exempt swimming pools. Since the primary object of this measure is to ensure that swimming pools are not accessible to small children, a considerable discretion has been given to the Minister to exempt swimming pools where they can be rendered safe by other methods.

Clause 6 is the principal operative clause of the Bill, and sets out the requirements regarding the enclosure of a swimming pool to which the measure applies. In accordance with the policy in this matter, the dimensions relating to the enclosure have been expressed in metric terms. It is sufficient to state that the enclosure must have a minimum height of just under 4ft. and may be composed of a fence, hedge, wall or building or any combination thereof, and shall be so designed as to prevent small children, as defined, from gaining unauthorized access to the pool. Special provisions relating to gates or doors are contained in subclause (3), and subclause (4) is significant in that it makes clear that, if the whole property on which the swimming pool is located is enclosed in the manner provided by this clause, no separate enclosure of the swimming pool is necessary.

Quite substantial penalties are provided for a breach of clause 6, penalties which, to some extent, reflect the seriousness with which this matter is viewed. However, I cannot emphasize too strongly that the purpose of this measure is not to place unnecessary burdens on the owners of swimming pools but to reduce as far as possible the appalling tragedies that may result from unenclosed pools. Clause 7 repeals section 346a of the Local Government Act, and clause 8 provides for summary proceedings for offences.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It effects metric conversions to the River Torrens (Prohibition of Excavations) Act, 1927-1934. The Act prohibits excavation, without the Minister's consent, within 50ft. of either of the outer banks of the Torrens between Taylor Bridge and Breakout Creek. I point out that 50ft. equals 15.240 m and, as it is not desired to prejudice the existing rights of the public in this matter, the area of prohibition has been slightly altered to 15 m.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act by replacing in subsection (1) the passage "fifty feet' with the passage "15 metres". It also makes a decimal currency conversion. Clause 3 amends section 8 of the principal Act which provides in paragraph (*a*) for facilitation of proof that land, the subject of any complaint, is within 50ft. of an outer bank of the river.

The Hon. C. M. HILL secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2393.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this short measure, which is mainly a machinery Bill to enable certain complaints that arise concerning industrial offences to be dealt with by the Industrial Magistrate at the request of the parties. This Bill is in no way connected with the Industrial Conciliation and Arbitration Bill now before the Council. It has been possible for complaints to be heard by the

Industrial Magistrate ever since he was appointed some time ago, whereas previously these types of offence were dealt with by special magistrates or justices in the ordinary summary jurisdiction magistrates courts. It has not proved satisfactory for these kinds of complaint to be heard by the magistrates, because of the specialized knowledge that is often required of industrial law and industrial agreements.

The Industrial Magistrate is most competent to handle these aspects, and I think it is in the interests of both parties to a complaint that he should, wherever possible, hear and determine the issues. It is particularly important to the defendant that the matter be considered by a person not only with legal qualifications but also with the intense knowledge of industrial procedures and of the industrial laws involved.

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

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2394.)

The Hon. A. M. WHYTE (Northern): I support the Bill, which makes some very simple alterations to the principal Act. I was pleased to hear the Hon. Mr. Russack outline the provisions of the Bill, and I was particularly pleased that he knew how many acres there were in a hectare. Because we do not have very many rivers in the North, we guard them jealously. The Bill makes some formal metric conversions to the principal Act. You, Mr. President, spoke on the legislation in 1938, when the irrigation trust was first formed. I am not sure whether the quantity of water available at that time is now available. No doubt the trust has as many problems now as it had when it was first formed. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Basis of rates."

The Hon. E. K. RUSSACK: I am considering moving an amendment to section 86 of the principal Act to strike out "pound" and insert "dollar".

The Hon. R. C. DeGARIS: In the section that the honourable member has referred to, it is necessary to change the word "pound" to "dollar". To make that change it will be necessary to add a further provision to this clause. The Hon. Mr. Russack made this point in his second reading speech. I ask that the Minister report progress so that the honourable member can further consider this matter.

Progress reported; Committee to sit again.

Later:

The Hon. E. K. RUSSACK: I move:

After "amended" to insert "(*a*)"; and after '"hectare"' to insert 'and (*b*) by striking out from subsection (2) the word "pound" and inserting in lieu thereof the word "dollar"'.

My amendment is in accordance with the purpose of the Bill, namely, to make metric conversions.

The Hon. T. M. CASEY (Minister of Agriculture): I commend the honourable member for doing his homework and picking up the need for this amendment.

The Hon. L. R. Hart: It is typical of the honourable member.

The Hon. R. C. DeGaris: He is a very thorough gentleman.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL

In Committee.

(Continued from October 25. Page 2408.)

Clause 87—"Regulations unchangeable unless quashed."

The Hon. T. M. CASEY (Minister of Agriculture): In reply to a question that has been raised, I point out that the word "quashed" is used in legal circles. If there is any dispute concerning the regulations, they can be referred to the courts, which determine whether or not the regulations will be quashed.

Clause passed.

Remaining clauses (88 to 98) and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 1—"Short titles"—reconsidered.

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

In subclause (2) to strike out "Metropolitan and Export Abattoirs Trust" and insert "South Australian Meat Corporation".

When this matter was discussed previously, it was decided that there was a conflict of opinion as to whether the name should be the "South Australian Meat Corporation" or some other name. I would like to clear up any points that may have been missed, and perhaps I can get them in proper perspective so that honourable members know why the Government settled on the name of the South

Australian Meat Corporation. The present board, the Metropolitan and Export Abattoirs Board, has been subject to much criticism, and while much of this has been unjustified, a new image, I believe, is needed. That is the first point I want to make.

The second is that experience with other Government instrumentalities has shown that a new board is unfairly associated with the previous board if the name remains the same or similar. I draw the attention of honourable members to the Citrus Organization Committee as one, if I can just give an example of one committee that has been subject to this problem since it has been recognized. This corporation's principal function will be to operate the Gepps Cross abattoir in a businesslike way and to attempt to achieve economic viability. The term "corporation" when compared with either "trust" or "board" more accurately reflects this businesslike approach and its duties, responsibilities and functions. The inclusion of "South Australian" in the name is considered important. This is the principal killing works in South Australia, not just in the metropolitan area, and in addition the Government wishes to promote South Australia and thus the name should be included on all letterheads and inspection stamps. I believe that is a most vital point to be brought up.

The name "South Australian Meat Corporation" is easier to understand and communicate than either "Metropolitan and Export Abattoirs Board" or "Metropolitan and Export Abattoirs Trust". There is not enough difference, in the Government's opinion (and this is what we bandied around for quite a long time), between the Metropolitan and Export Abattoirs Board and the Metropolitan and Export Abattoirs Trust to indicate any change of image, personnel, or function. The change to the Metropolitan and Export Abattoirs Trust to obtain the initials "M.E.A.T." is not a sufficient justification for that name. It is oversimplifying the significant problems that exist. I ask the Committee to accept the Government's decision that the new board will be called the South Australian Meat Corporation.

The Hon. C. R. STORY: I listen with tremendous interest to the Minister every time I get up.

The Hon. M. B. Dawkins: Every time he gets up.

The Hon. C. R. STORY: Every time I get up I say something, and that is more than the Minister can say, when he gets up and then tries to fob off this Committee with not using the word "M.E.A.T." as the proper name to describe the Gepps Cross abattoir. I know I have not got the numbers, because I have been white-anted and I have been pilloried in this matter. I have not got the numbers to do this, but, whatever happens, I shall go down fighting, because this organization has an inbuilt opportunity to display its wares and to have "M.E.A.T." advertised for nothing for the thousands of miles that its trucks travel each week. It seems to me that the Government is just being pigheaded. It is the sign of little people, little minds. You must not lose a point—something like that. You have to win every one. The Government is bending over backwards to be stupid. It has done that before, of course; that is nothing new.

The Minister said that, if the name remains the same, people will not like the abattoir as much as they will if it has a new name. What the public wants is cheaper meat, and better quality meat. It has not the slightest interest in the image of the abattoir. All the abattoir means is that when boiling down takes place it stinks a bit. That is the worst thing that happens at the abattoir. The mention of a new image is absolute and utter drivel. I cannot think that the Minister could accept this from someone who has given him a report, or that the Government, which is supposed to have considered this matter so closely, could believe that by a flick of the wrist and the change of a name we will get cheaper meat, better meat, and better relations. The Minister knows as well as I do that this authority he is setting up is not set up absolutely at Gepps Cross. He has been trying to maintain that for the past three or four days. This will be the main authority for South Australia. That is why he is reluctant to have one authority running Gepps Cross. I suggested a committee of three so that it is not top-heavy just to run Gepps Cross, and when he wants to bring in Port Lincoln under the same framework, as he will want to, and when he wants to bring in any of the other abattoirs, he wants to be able to have this all in the one name. Why is not the Minister prepared to say these things rather than shelter behind this matter of the obnoxious old board?

Let me analyse the old board. The Chairman was appointed by the Government of the day. He was Mr. George Joseph, who also shared a dual role under the largesse of the previous Labor Government when he was a member of the Betting Control Board, which was a Government appointment.

The Deputy Chairman, Mr. R. Correll, has been a member of the board for many years, and there would not be many people in Australia who would know more about the running of an abattoir than he does. Mr. Darcy Cowell, who gave many years service to the abattoir, resigned simply because he had had enough of the Minister of Agriculture and the way in which the board was not getting the support to which he believed it was entitled. I also know very well Mr. R. Atkinson, who is the union representative on the board. He does not hold a certain position in the union; he merely works on the chain. However, he cannot do much on the chain because of the many disputes that occur at the abattoir.

There is nothing dishonest or objectionable about the name of the authority that has existed until now and, if the Minister thinks that he will sell one more pound of beef to America or one more pound of meat to the South Australian public by changing the name of the authority, he will be disappointed. Just to alter the title on the authority's letterhead will cost much money and, if the Minister is willing to go to this expense, why should he not also be willing to gain some advantage by using the letters "M.E.A.T." instead of "M.E.A.B."? The Minister is being stupidly dogmatic in this respect. Although I may not have the numbers, at least I will go on record as trying to assist the Miniser in getting down to reality in the killing and distribution of meat in this State.

The Hon. G. J. GILFILLAN: I have not previously spoken in this debate, in which some constructive suggestions have been advanced and some unfortunate remarks made by both sides. On Tuesday, the Minister, with a little provocation, said some unfortunate things, including one that this Chamber was trying to impose its will on the Government. I make the point that Parliament is still the supreme law-making body in this State. However, I do not press this point, because I do not believe the Minister meant what he said in the context in which it has been taken.

The Committee is now considering the future name of the Gepps Cross abattoir management. I believe the Hon. Mr. Story has put forward a worthwhile idea, which has some merit. On the other hand, I do not think it is of such importance that we should endanger a Bill that is wanted throughout the industry. I ask the Minister to consider the Hon. Mr. Story's constructive ideas. I believe that what is painted on the side of abattoir vehicles that deliver meat throughout the metropolitan area should be for the management to decide. Indeed, I believe it could paint anything it liked on the vans, provided it was within the bounds of decency.

I therefore suggest that the letters "M.E.A.T." could be used to much advantage, and could, for promotion purposes, also be used on the management's stationery. Avenues such as those that have been emphasized in this debate, as well as the many others put forward by the Hon. Mr. Hart, who is a knowledgeable person in this field, are made available to enable the abattoir to be promoted. I regret the remark made by the Hon. Mr. Story that he had been white-anted, because that is not so. Although I regret the Government has taken this attitude on the clause, I do not believe it is of sufficient importance to interfere with the passage of the Bill.

The Hon. M. B. DAWKINS: I find it hard to understand why the Government is so adamant about the name of the South Australian Meat Corporation, because the Minister has gone to some pains to convey to the Committee that this body is to be charged with almost the sole job of running the abattoir. I cannot see why, unless there is something more than meets the eye, the Government is so completely opposed to what I consider to be an imaginative suggestion made by the Hon. Mr. Story. I am also concerned about the suggestion regarding the objectionable image of the board as I believe that, within the limitations imposed on it and the lack of support it has received, the present board has done a good job.

I referred in my second reading speech to three members of the board, and the Hon. Mr. Story has just referred to at least four of them. These gentlemen have had much experience in the management of the authority and, in my opinion, they will be sorely missed when a new clean-skin board is set up. Although the new board may be composed of people who are competent in their fields, I shall not be surprised if for some time they do not know as much about the management of the abattoir as do the members of the present board. I object strongly to the implication that the present board has such an objectionable reputation that it would be dreadful if we left the letters "M.E.A." and altered "B" to "T". I cannot support the idea regarding the South Australian Meat Corporation, which title, I believe, carries with it the suggestion of far wider control than is

envisaged in the Bill. I support the suggestion of the Hon. Mr. Story which I believe is an imaginative one that the Minister could have accepted instead of becoming upset about it.

The Committee divided on the amendment:

Ayes (8)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, G. J. Gilfillan, H. K. Kemp, F. J. Potter, A. J. Shard, and A. M. Whyte.

Noes (5)—The Hons. M. B. Dawkins, L. R. Hart, C. M. Hill, V. G. Springett, and C. R. Story (teller).

Pairs—Ayes—The Hons. R. A. Geddes, A. F. Kneebone, and Sir Arthur Rymill.

Noes—The Hons. Jessie Cooper, R. C. DeGaris, and E. K. Russack.

Majority of 3 for the Ayes.

Amendment thus carried.

Clause 8—"Composition of corporation"—reconsidered.

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

In subclause (2) to strike out "five" and insert "two".

I asked that this clause be reconsidered because, since we last voted on it, some people might have seen the wisdom of reducing the number of members of the corporation (as it is now to be called) from five and a chairman to two and a chairman. I remain adamant on this matter. The Minister may have followed the instructions given him by his experts but he is making a grave mistake. The Committee will be making an equally grave mistake if it continues to agree to five members plus a chairman.

The Hon. D. H. L. Banfield: You mean that all honourable members are wrong except you?

The Hon. C. R. STORY: No, because I had more than one honourable member on my side yesterday; I do not know how I shall fare today. I really believe that retaining five members plus a chairman will perpetuate what is happening at the abattoir at present. I do not want to be prophetic but, if the Minister comes to this Chamber at some future date and asks for more money because great pressures have been exerted on the corporation and great losses have occurred, I shall not be slow to remind him of what I am saying now, because he will be pushed into a corner. I myself have been through this problem. I have given the Minister every opportunity to see the light. He has been most successful and persuasive in getting the Committee to change its mind on another matter today. That was a bad decision but I will not reflect upon the vote. I maintain that the decision the Minister is now about to force through this Chamber (to stick adamantly to five members and a chairman) will be one of the greatest mistakes in his whole political career as a Minister. He will rue this day. I hope I am still here when he comes crawling to this Chamber asking for some more money to keep the corporation going.

The Hon. T. M. CASEY: I can only reiterate what I said previously on this clause—that the Government has given it much thought. I do not doubt that what the Hon. Mr. Story has said is what he really thinks, but we can always criticize when we are on the outside. However, when we have to make a decision, it is a different kettle of fish.

The Hon. C. R. Story: I am trying to help you to make a decision.

The Hon. T. M. CASEY: I do not think we need so much co-operation from the honourable member as he may think we do: we are capable of making up our own minds. I am sure that the people we envisage as members of the corporation will do a good job. I am not saying they will work wonders in a short time, and I hope the honourable member does not in the near future ask what they have done. They will need time to settle in. He can ask such a question if he wants to, but I do not think he would be showing a very good spirit if he did.

The Hon. L. R. HART: We are reducing the number on the board from nine to six, and one of the reasons given is that we must get away from having sectional interests represented on the board. If we are to get away from sectional interests, why have a board of six? As it is intended that the board will be a managerial board, why a board of six? As the Hon. Mr. Story has said, once we have a board of six we will not get away from having sectional interests on it. We do not even know who the members will be, but the Minister has said what professions they will represent.

The Hon. C. R. Story: He plucked those from the top of his head.

The Hon. L. R. HART: Yes, but it was as well from there as from anywhere else. We might end up with mainly public servants on the board. If we have mainly public servants I cannot see how it will be a managerial board, because public servants have other duties to perform. If the board were reduced to three members, and possibly one full-time member, we could engage the services of persons with the necessary expertise in running an abattoir. I believe the Minister is being forced to adopt Socialist policy and

that is the reason why we are being saddled with a board of six. As I believe that a board of three would be better, I ask the Minister to reconsider the course he has taken.

The Hon. M. B. CAMERON: The Hon. Mr. Story's experience as Minister of Agriculture has enabled him to make a cogent point. Nevertheless, the Minister has made his decision and, as the Hon. Mr. Story has said, the day will come when the Minister will have to come back here and perhaps admit that it would have been better to have a smaller board. However, I support the Minister with reluctance, because I believe that sectional interests will re-enter the board and the result will be, as we have seen so often, that the Government will have to provide money to cover losses. I hope that that will not be the case. I hope that the Minister's decision, as a result of the verbal reports which he has received but which we have not been able to see or hear, is a correct one because he will have to answer for it at a later date.

The Committee divided on the amendment:

Ayes (6)—The Hons. Jessie Cooper, M. B. Dawkins, L. R. Hart, C. M. Hill, E. K. Russack, and C. R. Story (teller).

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, H. K. Kemp, F. J. Potter, A. J. Shard, V. G. Springett, and A. M. Whyte.

Pairs—Ayes—The Hons. R. C. DeGaris and G. J. Gilfillan. Noes—The Hons. A. F. Kneebone and Sir Arthur Rymill.

Majority of 2 for the Noes.

Amendment thus negatived.

Bill reported with a further amendment.

Committee's report adopted.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2415.)

The Hon. V. G. SPRINGETT (Southern): In rising to speak to this Bill I shall be doing so for only a short time, because previous speakers have gone into the various important facets of it in considerable detail. As previous speakers have said, the Bill will most adequately be dealt with in Committee; therefore, there is little for me to say now.

Yesterday, when speaking in this debate the Hon. Mr. Banfield, in the early part of his speech, impressed me and, no doubt, all other honourable members with the earnestness with which he desired conciliation. He left us in no doubt about what he understood the meaning of "conciliation" to be. Later, as he warmed to his subject, he made it equally clear that the unions had learnt "to kick them where it hurts most" (to use his words). Having been in clouds of pleasure when the honourable member was talking about conciliation, I was left somewhat bewildered as to whether "kicking them where it hurts most" was one method of conciliation. The terms "conciliation", "co-operation", and "exuding goodwill' all mean very much the same. And then you kick them where it hurts most!

A few days ago reference was made through the media to the return from Georgia of leading trade union officials of this State. It was said that the officials had been tremendously impressed with the provisions made in Georgia for trade union members. However, comments were made about the incidence of drunkenness among the workers there. One official mentioned that membership of trade unions was not compulsory in Georgia. I pricked up my ears at that, because Georgia is a Socialist State. As I thought of this Bill, I could not help wondering how we could be thinking of making unionism compulsory (because that is what it boils down to) when Georgia had made unionism voluntary.

I cannot avoid referring to the clause that provides that people who are not members of unions shall have difficulties in connection with seeking jobs. There are many people in this and other parts of the world whose consciences cause them to keep free from tethers with unions. Further, there are some people whose consciences allow them to join unions but whose principles do not allow them to do so; and there is a difference between a conscience and a principle.

Regarding the unlimited accumulation of sick leave, over the years I have had experience of people who have been entitled to sick leave. Of course, when people are really sick, they use their sick leave. People who can accumulate sick leave are not always as honourable as we have been led to suppose: we have been told that some people will accumulate it and get a halo around their heads. After two or three years of sick leave has accumulated, there is a tendency for people to have a nice period off and then to start building up sick leave again. Only a minority of people accumulate sick leave throughout their working lives. If people can accumulate sick leave for only a year, many of them use it up in that year. Further, if people can accumulate sick leave for five or six years, many of them use up the

leave within that period. During the Committee stage I hope to hear further debate on this matter.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

OMBUDSMAN BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2424.)

The Hon. M. B. DAWKINS (Midland): I support the Bill. I compliment the Hon. Mr. Springett on the very comprehensive examination he gave the Bill last night, which leaves not a great deal to be said by other honourable members. The office of ombudsman originated, as the Chief Secretary said in his second reading explanation, about 160 years ago, but it did not become accepted in the present-day manner until about 15 years ago, when an ombudsman was appointed in Denmark. Of course, since then a number of other places, as instanced by the Hon. Mr. Springett, have followed suit. In Great Britain the Mother of Parliaments has been in operation for more than 700 years, but only in the past four years has there been an ombudsman. While this may be an improvement, I do not think there is any doubt that Great Britain got on quite well and steadily improved the democratic processes over that long period. There may be some justification for the appointment of an ombudsman in Great Britain, because, even though Great Britain has a bicameral system of very long standing, the members of the House of Lords have no specific constituency to represent, and perhaps the ombudsman might be able to do a service of great value in that country.

In what used to be known as the Dominion of New Zealand, an ombudsman has operated for some years. The gentleman is Sir Guy Powles, and I believe he is very highly respected in that country where, unfortunately, there is a one-House Parliament.

The Hon. D. H. L. Banfield: They do not think they are unfortunate, you know. They count their blessings over there.

The Hon. M. B. DAWKINS: The honourable member can talk about this when I have finished, if he wishes. He might not think that New Zealanders are so fortunate when I have finished, because, if I remember correctly (and I might have the opportunity to confirm this opinion before very long), New Zealand, because of having only one House of Parliament, has a cooling-off period of a fortnight between the second and third readings of every Bill. Some Governments which can now get some Bills through both Houses in a somewhat less period than that on occasion may wonder whether it is a good idea to have only one House when a permanent cooling-off period is enforced.

Perhaps an ombudsman in New Zealand performs a very important service, because New Zealand does not have the bicameral system. However, whether such an office is necessary in South Australia is possibly open to debate. Here we have a very effective bicameral system under which, because a Bill must go through two Houses, and not one, land agents and land brokers, for example, have time to gather their forces and realize just how they are threatened. Whether it is quite so necessary to have an ombudsman in a State such as South Australia is, as I say, open to some debate. While I am not saying it will not be a good thing (I am supporting the second reading of the Bill), I remind honourable members that it will create yet another empire, and that that empire will grow.

Not so long ago this Government appointed a Director-General of Transport. When a gentleman is appointed, however competent and experienced he might be, at a salary of about $20,000 a year, he is not set up in an office with a typewriter and told to do his own typing and run the whole show himself. Inevitably, staff is set up around him, and that staff tends to grow. There is no doubt from the inferences in the Bill, even in the definitions, that the office of the ombudsman will tend to grow. In the second reading explanation, the Chief Secretary said:

> I also draw honourable members' attention to the definitions of "council", which should be read together with the definition of "proclaimed council". The effect of these two definitions will be to enable the ambit of the measure to be extended, in time, to cover local government councils.

The honourable gentleman is referring only to what we see in clause 3. If the ombudsman is to investigate the affairs of various local government bodies (and no doubt once the public knows he can do this he will get the opportunity from time to time), we will have something of a duplication, at least in some measure, of the Auditor-General's Department. Without doubt, we are setting up something of an empire under a senior official, and that empire inevitably will grow. It concerns me to see the continuing growth of what is really the Public Service, although I know that the ombudsman is not to be regarded as a public servant. However, the people who

work for him and the whole set-up will be just another extension of the numbers of people working for the Government.

The Hon. Mr. Springett, as I indicated previously, discussed the Bill in considerable detail and went through the clauses. I will mention one or two clauses, but I will not cover the same ground as the honourable gentleman did. Clause 6 provides for the formal appointment of the ombudsman and clause 7 prevents him from engaging in remunerative employment outside the duties of his office without the consent of the Minister. This concerns me. I endorse the comment made in this Council last night, I think by the Hon. Mr. Springett, or possibly by way of interjection. I believe that the ombudsman is going to have such an important position as indicated by the Bill that he should not have any time to engage in remunerative employment outside the duties of his office. I wonder, therefore, whether there is need to have the words "without the consent of the Minister". I believe that these words should be removed from clause 7.

The method of removal from office of the ombudsman is set out in clause 10. I agree with the Chief Secretary, who said that this should be a very rare happening indeed. I believe the Government has done the right thing in providing for the removal of the ombudsman, if such removal were necessary, to be in the same manner as the removal of other top officials of the Public Service, the Government, or the judiciary in this State. It must be done by a resolution of both Houses of Parliament, which gives any person in such office a sense of independence and a lack of fear that he may be subjected to political interference. This is necessary, and I endorse that provision.

I refer briefly to clause 20, which was also referred to by the Hon. Mr. Springett and which is intended to ensure that the ombudsman will not be inhibited in his investigations by any statutory obligations as to secrecy or by the exercise by the Crown of its right, in law, not to make certain disclosures. The Hon. Mr. Springett drew the Minister's attention to certain people in the community who are obliged by ethics and by the oath of secrecy to retain as confidential matters divulged in confidence, and it would be unfortunate if this were not so. The honourable gentleman referred to the office of priest and to those in his own medical profession. I believe the Chief Secretary will take due note of this matter.

Clause 21 makes only one exception to the principle expressed in clause 20, in that it preserves the secrecy of Cabinet. I agree with that. I should probably have looked right through the definition clause to see whether "Cabinet" is defined. I doubt whether it is. We are always told that the Cabinet has no executive significance and that, although it meets as a body and is accepted as part of democracy, it has no legislative significance. Its decisions are in due course implemented in Parliament or through Executive Council. I have not been able to see whether "Cabinet" has been defined. However, that is another point that the Chief Secretary can examine.

The Hon. A. J. Shard: I think it is covered in the definition of "Authority".

The Hon. M. B. DAWKINS: I am pleased if that is correct. The Chief Secretary has said in his second reading explanation that clause 25 spells out in some detail the powers of the ombudsman in an investigation that gives rise to matters of an adverse comment. He continued:

> In brief, this clause enjoins the ombudsman to endeavour to rectify the matter by reports to the department, authority or proclaimed council involved. If the matter cannot be rectified in this manner the ombudsman has the right to inform the responsible Minister and, if this is not effective, to inform Parliament of the matter.

I commend that clause, as I believe in many cases the problems that will be brought to the ombudsman's notice will be corrected when they are taken to the authority which is possibly in error or has omitted to do something. I do not believe it is good to wash dirty linen in public, and this clause means that this will not happen unless the person complained about is completely irresponsible. This is, therefore, a good clause.

I have said that I will support the second reading. I am, however, concerned at the continual expansion of Government departments, and that this will, I believe, tend to be a continually expanding department (if it can be so called) and, therefore, a growing charge on the State. However, there may be some valuable points about the measure, the second reading of which I support.

The Hon. L. R. HART secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Container Ship Berth, Outer Harbor.

ENVIRONMENTAL PROTECTION COUNCIL BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2418.)

The Hon. L. R. HART (Midland): "Stop the world! Doomsday is just around the corner!" That is the cry of many pollution-conscious people today. They may be ardent conservationists and lovers of the Australian bushland with its unique flora, inhabited by many beautiful species of bird. Nothing gives them greater pleasure than to spend a day enjoying these tranquil surroundings, at the end of which they drive off home in their air-polluting automobile, often leaving behind evidence of a happy picnic in the bush.

Then there are those pollution-conscious bus and train commuters who, while awaiting their transport, smoke their last air-polluting cigarette and then consciously drop the empty cigarette packet in the gutter. Some countries have a method of dealing with these people: by imposing on-the-spot fines for people who drop litter in the streets. This is a policy that I believe we in this country could well implement. One has only to walk along the streets of the city to see the amount of litter that is dropped unnecessarily on the footpath.

Then there is the person who enjoys nothing more than a quiet drive through the country-side, around the back lanes. This gives him the opportunity to get rid of the rubbish that he has accumulated during the week. Many of these people have an obsession about some aspects of pollution and, indeed, conservation, and their attitudes on these matters are quite fanatical. However, we must be consistent regarding these matters of pollution and conservation. It is no good being a keen conservationist on the one hand and a destroyer of nature on the other hand. It is people who pollute, so the problem is therefore people.

People can pollute in so many different ways. Because of their high population density, many nations have had to take drastic action to protect their environment. Although we should profit from their experience, we should nevertheless relate our situation to theirs, particularly regarding population density and the degree of protection of our environment that is essential at this time. I agree that we need to protect our environment and to protect the quality of life in this State. However, the time has not yet arrived for us to press the panic button. If we in this country relate our population density to that of other countries, we will find that many square miles of country, in which we can enjoy the beauties of nature, are available to us. We have many square miles of country in which we can expand provided we exercise reasonable control. Compared with the population density of some countries, Australia is very well situated, for it has only four people to the square mile compared with 995 to the square mile in Taiwan, 818 to the square mile in Korea, 717 to the square mile in Japan, and 11,497 to the square mile in West Berlin. It may interest honourable members to know that in West Berlin in every 100 people there are 27 men and 73 women. This is not to suggest, of course, that it is women who pollute.

Some forms of pollution can be a serious health hazard to the community, and those forms are not necessarily visible. Possibly the greatest is noise. Many people today suffer from loss of hearing because of exposure to excessive noise, which produces a permanent and untreatable hearing loss. A person suffering from this type of hearing loss will not be aware of it until he starts having difficulty in understanding speech. Industry has a responsibility technically to analyse the problem of noise in factories and to remedy its effect on employees. In the planning of cities great care must be taken to ensure that industry is so situated that its noise, smoke and gases are not carried across to residential areas by the prevailing winds. The Industries Development Committee, which advises the Government on the establishment of industries in this State, is conscious of this requirement and goes to considerable trouble to ensure that an industry is not located in an area where it would tend to pollute the adjoining residential areas.

Noise is one of the greatest polluters with which we have to contend at present, but not many people recognize the disabilities caused by excessive noise in this country. The Manager of the Octagon Theatre complex at Elizabeth has told me that, during teenage dances held in that theatre, each one of which perhaps 1,800 teenagers attend, he has seen young people collapse because they have been concussed by the amount of noise created by the orchestra and by themselves, and he has insisted that those people receive medical attention before they go home. They are the ones who have suffered the visible disabilities of excessive noise, but there are many others who will not at that point of time have suffered any disability but who later in life will pay the penalty of being exposed to

excessive noise. So that is one area of pollution that we need to watch carefully. There are many others, mentioned by honourable members who have spoken on this matter.

Perhaps one area where protection is most needed is our water supplies. Many people today are finding themselves inconvenienced because the watershed areas in which they live must be protected from a high degree of pollution. Over the next few years, this State will spend about $35,000,000 on purifying and filtering our water supplies, which will give us water of a high quality regarding bacteria because disinfection by chlorination will be even more effective than it is today. Then there is the pollution of our gulfs by the discharge of effluent into them. The present Government has recognized that it is necessary to examine the effects of the discharge of large quantities of sewerage effluent from the treatment works into St. Vincent Gulf. It is hoped that a report will be available soon.

I make the point that pollution is not always visible to the naked eye. Nevertheless, it is necessary that we study the effects of pollution on the health of the community. I turn now to the Bill in detail. There can be a conflict of interest between the Ministers concerned. This Bill will come under the control of the Minister of Environment and Conservation, but I foresee a situation in which the Minister of Roads and Transport, through the Highways Department, will require the felling of trees so that roads can be built. The Minister of Environment and Conservation, on the advice of the Environmental Protection Council, may oppose the felling of those trees; or the Electricity Trust may wish to lop trees in an area against the wishes of the Minister of Environment and Conservation; or the Minister of Works may wish to build a harbour in a certain locality against the wishes of the Mangrove Protection Society, which may have the support of the Minister of Environment and Conservation. In cases like that, whose decision prevails—that of the Minister of Environment and Conservation, that of the Minister of Roads and Transport, or that of the Minister of Works? There is nothing political in this Bill. It has received the full support of honourable members who have spoken on it, and is a matter on which one could speak at great length. However, I shall not do that. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Environmental Protection Council."

The Hon. R. C. DeGARIS: I thank the Government for its co-operation in making available two copies of the Jordan report for perusal by honourable members of this Chamber. During the second reading debate it was said that it would be reasonable to expect the Government to supply honourable members with a copy of that report before the debate was proceeded with.

As only two copies of the report, which is is a long one, have been made available, I have not yet read either of the copies. A committee of Council members has been studying the report. All I have read is an article in the *Advertiser* on the report, and I do not know whether that is correct. It appears that the Jordan report recommends a council of five and that no member should be a public servant. Yet, clause 4 provides for a council of eight members composed mainly of public servants. As the Jordan committee considered that the council should be free of public servants, what is the Government's thinking regarding clause 4?

The Hon. T. M. CASEY (Minister of Agriculture): As I have not read the *Advertiser* report, I cannot comment on it. The Bill provides that the council shall consist of eight members, of whom four shall be senior public servants (including the Chairman) and four other members to be appointed by the Government. The Director of Environment and Conservation has had considerable experience in environmental problems and the Director and Engineer-in-Chief, Engineering and Water Supply Department, is also conversant with the problems of the environment and of development. The Director, Department of the Premier and of Development and the Director-General of Public Health also possess the necessary expertise.

The Committee on Environment submitted an interim report on the way in which the environment can be managed and repeated the same recommendations without major alteration in the final report, copies of which have been made available to honourable members. The environment report proposes the creation of two bodies, namely, an environmental advisory commission consisting of non-public servants and an environmental co-ordination committee consisting wholly of public servants. The Director of Environment and Conservation, it was recommended, should be Chairman of both bodies.

The environmental co-ordination committee is to ensure the co-ordination of the activities of those departments considered by the Committee on Environment to be specifically concerned with the environment and to eliminate duplication of effort. The functions of the proposed environmental advisory commission are recommended to be the same as those set out in more detail in the Bill to be the functions of what we intend to call the environment advisory council. The proposals put forward by the Committee on Environment were considered very carefully and we felt that the functions of the environmental co-ordination committee were already very largely met by the State Planning Authority but that there was, nevertheless, merit in having some of the senior public servants listed in the environment report more directly involved in environmental protection. For this reason the proposed environment protection council includes the Director and Engineer-in-Chief, the Director, Department of the Premier and of Development, the Director-General of Public Health and, as recommended by the Committee on Environment, the Director of Environment and Conservation as Chairman.

It seems to the Government that the Committee on Environment has recommended three major policy matters:

(1) that an advisory body should be set up to advise on environmental problems and ways of overcoming them;

(2) that the Chairman of that body should be the Director of Environment and Conservation; and

(3) that provision should be made to ensure Public Service liaison and outside advice from competent individuals.

The Bill before the Council implements the first two of these provisions and implements the third in a slightly modified way.

The Hon. C. M. HILL: Can the Minister assure me that the balance of four members of the council will not be public servants?

The Hon. T. M. CASEY: I can give that assurance.

The Hon. R. C. DeGARIS: I thank the Minister for his explanation and I am sorry that I have not yet read the Jordan report.

Clause passed.

Clauses 5 to 13 passed.

Clause 14—"Powers and functions, etc., of council."

The Hon. L. R. HART: There could be a conflict of interest between the Minister of Environment and Conservation and other Ministers. If such conflict occurs, whose decision will prevail? Sometimes the Electricity Trust wants to remove a tree, but there is a great outcry about the matter. Similarly, if the Minister of Roads and Transport wants a tree removed in order to widen a road, there is sometimes a great outcry.

The Hon. T. M. CASEY: I will not say that there will never be a conflict of interest, but in this case if the matter cannot be resolved Cabinet will have to make the decision.

Clause passed.

Remaining clauses (15 to 18) and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ARBITRATION)

Adjourned debate on second reading.

(Continued from October 25. Page 2393.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill is introduced consequent on the introduction of the Industrial Conciliation and Arbitration Bill. As that Bill is still before this Council, we should know what happens to it before we come to a final decision on this Bill. I therefore hope that some other honourable member will secure the adjournment of this debate, so that the two measures may be considered later. I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2391.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is another Bill that introduces new concepts into our South Australian legislation, and it amalgamates several Acts. The first major change occurs in Part II, which brings land agents, land salesmen, business agents, business salesmen, and auctioneers under the control of one licensing board. This approach appears to be reasonable. The board will comprise one nominee of the Real Estate Institute and three nominees of the Government, one of whom must be a legal practitioner with at least seven years experience. Once again, we seem to have a board that is fairly well controlled by the Government. I do not object to that, but it is a pattern that is evident in most of the boards appointed lately.

Part VII deals with the Land Brokers Licensing Board. As we are setting up a board to deal with the licensing of land agents, land salesmen, business agents, business salesmen and auctioneers, it appears strange that we should be setting up a separate board to be

responsible for land brokers. It may be reasonable to have a combination including only one board, as in the case of the Environmental Protection Council Bill. There was a recommendation for two boards—an advisory board and a main board. This Bill provides for two boards—one board for one section and another board for the other section, and I think that is an unnecessary duplication. Surely one highly-skilled board could handle both sections satisfactorily. This Bill has only recently been placed on the files, and I do not desire a situation similar to that in connection with the Industrial Conciliation and Arbitration Bill; I said that "twenty-one days" should be inserted in one of the clauses, but the Chief Secretary quickly convinced me that that would not be reasonable. When the reprinted Bill reached the Council, "twenty-one days" had been inserted in another place, and I do not want to be in the same position again.

The system of allowing land brokers to handle all property transfer documents has served the public extremely well over a long period. The cost to the consumer, if one could use that word in this context, has been about 25 per cent of the cost to the consumer in other States. Not only has the cost been less in South Australia but, by comparison with the other States, our system has allowed for more speed and, I believe, more efficiency in land transfer matters. If we prevent the preparation of documents by a broker in the employ of a land agent, then inevitably this must lead to an increase in cost, and obviously that would be against the interests of the consumer.

The change proposed in the Bill is contained in one or two clauses which provide that the land broker shall be completely separate from the agent. The change itself will affect practically every person in South Australia. In South Australia, the purchaser has enjoyed a system which his counterpart in the other States of Australia envies. The remarkable record of our system over such a long period, and the fact that no case of malpractice concerning a licensed land broker employed by a land agent has occurred in the total history of the system, substantiates the argument that we should be very cautious in making any changes in the existing system.

Under the present system in South Australia, the purchaser has a freedom of choice, a three-way choice: he can choose an independent broker, a broker employed by the agent with whom he is dealing, or a solicitor. This Bill restricts his choice to an independent broker or a solicitor. Many agents have brokers on their staff, on salaries, very often in family businesses which have enjoyed a high reputation in this State for many years. There is more likely to be malpractice where the broker is not associated directly with or employed by the agent, because there will be a certain amount of pressure for business between the broker and the solicitor if a separation occurs. This set of circumstances will, I am sure, lead to the probability of greater malpractice than exists at present. In relation to the licensed land brokers employed by land agents, to my knowledge there has not been one case—

The Hon. A. J. Shard: You had better read *Hansard*.

The Hon. R. C. DeGARIS: I am speaking of my own knowledge.

The Hon. A. J. Shard: Read *Hansard* and the comments made by the Attorney-General this week.

The Hon. R. C. DeGARIS: I will do that, but I know of no case of malpractice. Perhaps I can read a cutting from an interstate newspaper dealing with an article by Dr. Paul Wilson, a Professor of the Queensland University and the Acting Head of Sociology. He says:

State Governments can cut housing prices by $500 by taking land conveyancing out of solicitors' hands.

The Hon. T. M. Casey: That is in Queensland.

The Hon. R. C. DeGARIS: Yes.

The Hon. A. J. Shard: We agree with that.

The Hon. R. C. DeGARIS: The report continues:

Dr. Wilson, Queensland University's acting Head of Sociology, said the States would merely have to introduce South Australia's system of licensed land brokers.

The doctor, who is researching Australia's legal costs, has just spent five days studying the State's land system.

Dr. Wilson said it was "hogwash" for solicitors in other States to talk about the complexity of conveyancing given South Australia's example.

There, he said, people were allowed to buy and sell land without lawyers by using the State's 111-year-old Torrens land system.

But in other States, only solicitors were allowed by law to do conveyancing even though the Torrens system also was in operation.

Dr. Wilson said the State's land brokers charged about one-sixth of the price charged by solicitors in other States.

I said 25 per cent, so I am probably a bit out. The article continues with Dr. Wilson giving examples of legal costs for the sale of

a $20,000 house with a $12,000 mortgage. In New South Wales the buyer pays $366 and the seller $132, making a total of almost $500; in Victoria the buyer pays $296 and the seller $109, making a total of over $400; and in South Australia the buyer pays $50 and the seller nil. If we consider a house probably worth $40,000, in New South Wales the total cost is more than $700, in Victoria more than $650, and in South Australia the cost is $50. Dr. Wilson said the figures showed that South Australia's land brokers charged the same amount for the same work done, irrespective of the cost of the home. There has been less malpractice in South Australia in this regard than in any other State.

The Hon. D. H. L. Banfield: What are the figures?

The Hon. R. C. DeGARIS: I do not know. I am making the statement. There is another statement here made by Dr. Wilson who researched this question. He said:

It should, of course, be pointed out that the land broker attached to the agent is wholly responsible to the purchaser already. Under the Real Property Act of 1886, section 272 and 232, every land broker in South Australia is personally liable to the Registrar-General. As well as losing his licence and his bond, the broker can be sued by the purchaser or vendor for negligence, error or mistake.

He goes on to say:

The fact that during the past 111 years no cases of malpractice by a licensed land broker attached to an agent's office have been reported would indicate that the system and its back-up legislation have worked well.

Not one case of malpractice by a licensed land broker employed by a land agent has occurred in South Australia.

The Hon. D. H. L. Banfield: That is different from what the Attorney said, and he would be in a better position to know.

The Hon. R. C. DeGARIS: It may be different; I know the Attorney-General and I have a high regard for him. Also, I know Dr. Wilson extremely well and I have a very high regard for him. Dr. Wilson made a very long examination of the South Australian system, and, if he says, after his examination, that in South Australia there has been no malpractice in 111 years where a licensed land broker has been employed by an agent, then I think this Council must take some notice of that, and prove to me—

The Hon. A. J. Shard: Over the weekend you read what the Attorney-General said, and tell us on Tuesday.

The Hon. R. C. DeGARIS: I will want to do more than just read what he said.

The Hon. A. J. Shard: You're quoting Dr. Wilson. The Attorney-General has quoted cases that have occurred in this State.

The Hon. C. M. Hill: It's up to you to quote them here.

The PRESIDENT: Order!

The Hon. A. J. Shard: Don't quote just one source; be fair and quote them all.

The Hon. R. C. DeGARIS: Even if a few cases of negligence or error—

The Hon. T. M. Casey: Or malpractice.

The Hon. R. C. DeGARIS: —or malpractice are reported in future that will not be sufficient to condemn the present system or to prove that it should be changed. Such cases would have to be compared to similar cases occurring amongst other people, including solicitors who conduct conveyancing in South Australia and in other States. I believe that it is inconceivable that now or in future land brokers would have a worse record than would have other groups that handle these transactions. The critical point in this argument is that we have the cheapest, quickest, and most efficient system in Australia, if not in the world.

A comparison of the costs in South Australia, Victoria, and New South Wales (which I have made) shows that the cost in other States is 13 times as great as the cost in South Australia. We should consider that and consider also a comparison of cases of malpractice in this State and other States. Only then can we say whether the South Australian system is better or worse than the systems in other States. Over the last two or three days, having examined this matter, I have come down absolutely solidly on the side of maintaining a system that has worked so well, over such a long period and at such a low cost, that I think we would be foolish to change it. The Hon. Mr. Banfield may call me conservative.

The Hon. D. H. L. Banfield: I wouldn't do that!

The Hon. R. C. DeGARIS: Because this system is 111 years old, it is said that it must be old hat and must be changed. I prefer to be conservative in South Australia in the hope that our conservatism may lead other States to be progressive and follow our example.

The Hon. D. H. L. Banfield: Yesterday you went back 600 years, and today you are going back only 111 years. You are improving.

The Hon. R. C. DeGARIS: The common law goes back at least 1,000 years. The whole basis of common law is usage, practice and precedent, there being no Statute in relation to

common law. The common law goes back to the beginning of our legal system in the days of King Alfred, and we find this basis of usage and precedent still applies. However, that is another matter. It has also been said that a licensed land broker should not handle the affairs of the two principal parties. A few years ago, a close friend of mine sold a South Australian property and, from memory, the transfer and brokerage costs were $80. He bought a property in Victoria, everyone involved having legal representation, and the brokerage costs in that case were $2,200. As it is argued that a broker cannot represent the two principal parties, it must therefore be assumed that there is some conflict between a vendor and a purchaser. However, in practically all cases where a property is sold, there is no conflict between the vendor and the purchaser.

It is rather strange that, in New South Wales, with its *ad valorem* system in relation to charges for land brokerage, the Law Society of New South Wales has set a special fee for cases in which a solicitor acts for both parties in respect of conveyancing or title transfer. Yet in this State it is now being said a land broker must not act for the two principal parties; each party must have separate representation. These are the arguments that have been used against the South Australian system. I have no doubt that solicitors in South Australia are envious of the position of their brethren in the Eastern States. Nevertheless, I believe that in this sphere a person with specialized knowledge can not only streamline the transfer but, as has been proved, also do the work more efficiently and at less cost. Indeed, the whole Torrens system was designed to produce a simple system of land transfer at low cost and without the need for expert legal advice. We have been talking about consumer protection. I believe that this measure means preserving the land brokerage system that South Australia now enjoys. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Tuesday, October 31, at 2.15 p.m.