LEGISLATIVE COUNCIL

Wednesday, November 15, 1972

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

QUESTIONS

BETTING

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

Leave granted.

The Hon. R. A. GEDDES: Recently, the Australian Broadcasting Commission featured the betting facilities that are available to the citizens of Port Pirie, where betting shops as well as Totalizator Agency Board facilities are available. That programme produced much favourable comment on the extended betting facilities that the citizens of that city have. Does the Government intend altering the betting facilities at Port Pirie as far as the bookmakers and T.A.B. are concerned?

The Hon. A. J. SHARD: At the moment, the Government has no intention of taking action to alter the situation regarding betting shops. The Totalizator Agency Board has the right to have more T.A.B. shops at Port Pirie if it wants to have them. I have no objection to the T.A.B. doing so if it wishes to.

ORANGE JUICE

The Hon. V. G. SPRINGETT: Has the Minister of Agriculture a reply to my recent question about the provision of orange juice for schoolchildren?

The Hon. T. M. CASEY: My colleague states that the administration of the States Grants (Milk for School Children) Act makes provision for financial assistance to States for the supply of milk to schoolchildren. There is no provision in the Act for the supply of alternatives such as fruit juices. The arrangements for the administration of the Act by the States on behalf of the Commonwealth are renewed every 10 years. The current arrangement expires in 1980. The repeated refusal of the Commonwealth to provide fruit juices in response to previous approaches suggests that no good purpose would be served by raising the matter again at the present time.

ROSEWORTHY COLLEGE

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

Leave granted.

The Hon. M. B. DAWKINS: We have on the Notice Paper at present in this Chamber two Bills—one for the incorporation of the Torrens College of Advanced Education and another for the establishment of colleges of advanced education. I believe the Minister of Agriculture stated earlier that it would be necessary to have a Bill to alter the status of Roseworthy Agricultural College, which, too, will become a college of advanced education under the supervision or oversight of the Board of Advanced Education. Can the Minister say whether the Government intends to introduce such a Bill this session?

The Hon. T. M. CASEY: I can reply to that question without referring it to my colleague: the answer is "No". During this session it is not intended to introduce a Bill to alter the present situation at Roseworthy Agricultural College, but one will be introduced early in the life of the new Parliament.

PENAL REFORM COMMITTEE

The Hon. M. B. CAMERON: Has the Chief Secretary a reply from the Attorney-General to my recent question about penal reform?

The Hon. A. J. SHARD: The Attorney-General states that the Criminal Law and Penal Methods Reform Committee has studied, as its first project, the question of penal methods. This section of the inquiry has been virtually completed and the report is being prepared. It is hoped that it will be available by the end of the year. The report will be published and will, therefore, be available to members.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the South-Eastern Drainage Act, 1931-1971. Read a first time.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

The amendments that this Bill introduces to the principal Act are for two principal purposes. First, the Bill introduces amendments that are consequential upon the Valuation of Land Act. This Act came into operation on June 1, 1972, and consequently the amendments made by the Bill are retrospective to that date. The amendments in this connection are very nearly identical to the amendments made to other rating and taxing Acts by the Statutes Amendment (Valuation of Land) Bill earlier in this session.

Secondly, the Bill modifies the provisions of the principal Act dealing with the powers of the Appeal Board. When the previous amendment was considered by Parliament in 1971, it was recognized that the Appeal Board's function would be a very important one and that the provisions that were then proposed might very well require modification in view of actual experience of the operation and effect of its provisions. Modification has in fact proved desirable. The Government considers it unjust that a landholder whose property has been benefited by the drains and drainage works only in a relatively small area, should be ratable as if the whole of the property had received a benefit from the drainage works. Consequently, the Bill provides that the Appeal Board may declare sections, part-sections or blocks comprised within a landholding not to be ratable for the purposes of the principal Act. If non-ratable land does not constitute a separate section, part-section or block, the Appeal Board is empowered to declare a proportionate rebate on the rates payable in respect of that land. This proportionate rebate is the proportion of the rates that would otherwise be payable on the land that the unimproved value of the non-ratable part of the holding bears to the unimproved value of the whole of the holding.

Clauses 1 and 2 are formal. Clause 3 inserts a definition in the principal Act that is required for the purpose of the new provisions. Clause 4 repeals and re-enacts section 49 of the principal Act. The new section contains the necessary consequential amendments to the Valuation of Land Act and provides in the definition of "ratable land" that it does not include land declared by the Appeal Board not to be ratable for the purposes of the principal Act. The new section also provides that in calculating rates the amount of any proportionate rebate declared on the subject land should be subtracted from the amount of the rates calculated on the basis of unimproved value.

Clause 5 inserts new provisions in section 53 of the principal Act. Under the new provisions, the Appeal Board is empowered to declare either that the whole of the landholding is not ratable or that a separate part, part-section or block is not ratable. Where the non-ratable land does not constitute a complete part, part-section or block, the Appeal Board declares a proportionate rebate in the manner that I have previously described. Where ratable land to which a proportionate rebate applies is subdivided and becomes subject to separate tenure, the South-Eastern Drainage Board is empowered to apportion the rebate to the separate parts of the land in such manner as it considers just. Where new drainage works are constructed and it is just in the opinion of the board that a rebate should be varied or revoked because of the benefit that the land receives from the new drainage works, it may revoke or vary a determination of the Appeal Board. In that event the landholder is given a fresh right of appeal to the Appeal Board.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (FEES)

(Second reading debate adjourned on November 14. Page 2964.)

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. T. M. CASEY (Minister of Agriculture): As amendments are being drafted, I ask that progress be reported and the Committee have leave to sit again.

Clause passed.

Progress reported; Committee to sit again.

Later:

Clause 2—"Commencement."

The Hon. T. M. CASEY: I move:

After "2" to insert "(1)"; and to insert the following new subclause:

(2) Notwithstanding the provisions of subsection (1) of this section, the Governor may in the proclamation made for the purpose of that subsection suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or until a day to be fixed by subsequent proclamation.

Honourable members will be aware that this Bill deals with two separate and distinct matters. First, it provides for the rationalization of fees under the principal Act which were previously covered by the regulations under the Fees Regulation Act, 1927. Secondly, it makes certain amendments consequential upon the enactment of the Land and Business Agents Bill, 1972. It is quite clear that it will be some time before the Act proposed by the Land and Business Agents Bill will be brought into force since certain boards must be established and certain regulations must be made. Therefore, as the Government is anxious to proceed with the rationalization of fees as soon as possible, the purpose of this amendment is to enable the provisions of the Bill to be put into operation on different dates. This is achieved by bringing the Act into force and then suspending the operation of certain sections until the coming into force of the Land and Business Agents Act.

Amendment carried; clause as amended passed.

Clauses 3 to 8 passed.

Clause 9—"Regulations."

The Hon. C. M. HILL: During the second reading debate I asked whether the Government intended to prescribe the same amount of charges recoverable by solicitors as those recoverable by licensed land agents and brokers. Has the Minister a reply?

The Hon. T. M. CASEY: As far as I am able to ascertain, the answer is still "Yes".

The Hon. A. J. Shard: The charges would be governed by regulation and they would be identical.

Clause passed.

Remaining clauses (10 to 12) and title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 14. Page 2971.)

The Hon. M. B. CAMERON (Southern): This Bill raises in my mind a number of questions as to the future of local government if all the measures proposed become law. It seems to me that in many ways the power of local government is cut across by the provisions of the Bill. I understand the reasoning behind the Government's moves to freeze development, wherever possible, in the Hills area between Murray New Town and the metropolitan area. However, this is a step I would not like to see taken too far. The Bill is introduced not just for that purpose, but, as was stated by the Minister in his second reading explanation, it is introduced to cover country areas not already included within the Metropolitan Development Plan, so that local government areas can be brought under what will be virtually the control of the authority. It will mean that country areas that at present do not have a development plan can be put under interim control. However, as I read the Bill, this interim control will not be so much in the hands of local government as under the control of the authority.

Almost all sections of the plan, even after a plan is finally decided on, will be in the hands of the authority and the council will be acting almost on the basis of a servant of the authority in matters relating to planning and development. Clause 13 reads as follows:

> Section 38 of the principal Act is amended by inserting after subsection (2) the following subsection:—
>
> (2a) Before a council gives public notice of a recommendation under subsection (2) of this section, it shall submit that recommendation to the Authority for approval of the form of the proposed planning regulations and the Authority may, before giving its approval, direct the council to make such alterations to those regulations as it thinks necessary for the purpose of achieving uniformity with any draft planning regulation issued by the Authority as a model.

It seems that the council, even if it does not agree with what the authority decides, has not the right to take the disagreement or its own thoughts to the Minister. The final decision-making lies in the hands of the authority, with the council having nowhere to go with its own views. I am not happy with that proposed new subsection, and once country councils realize that this provision cuts across their authority I suspect we will hear representations from them. Perhaps this provision should not be in existence.

Right through the Bill, wherever a power is given, it is given to the authority or the council. I believe that, wherever possible, local planning and development should be controlled, particularly in country areas, by the council. While I understand the need for some liaison between neighbouring councils, this is more likely to occur in the metropolitan area than in country areas.

Interim development plans are a good thing, because we know there are several areas not yet under a plan and it is difficult without interim control for the council to control activities within its area. In the same way, there are several councils that will appreciate not having to wait for the final plans to be passed and become law and having some form of interim control. Once again, I believe that this interim control should be in the hands of the council, as it has been up until now.

There are several problems associated with the Hills area, of course, in relation to the 20-acre blocks. I know that some concern is expressed that the Adelaide Hills area will eventually become subdivided, almost in its entirety, into 20-acre blocks, which is thought to be undesirable. I do not disagree with that, although an interesting thought was voiced at a meeting on Monday night at which this Bill was discussed by a local resident who said that a person buying 20 acres of land rather than destroying the environment often improved it by the planting of trees.

I am sure the Minister of Forests will know that the demand for trees in that area has increased tremendously over the last four or

five years, and much of this demand can be associated with people who are developing 20-acre blocks or smaller blocks within the Hills area and planting, in many cases, hundreds or thousands of trees on each block, which undoubtedly must lead in the future to an improvement of that area. So, although 20-acre blocks can have some adverse effects some arguments can be adduced to indicate that there could be an improvement in the area by cutting it up into these smaller blocks. I think that wherever possible we should retain farming activities. Of course, that has become difficult these days in the Hills area by the increasing effects of regulations controlling pollution within the Hills watershed zone.

This Bill creates great uncertainty in this area about what the future holds. For the life of me, I cannot understand how any person will be able to establish the value of a block, because in many areas permission will be given for cutting up land into a 70-acre block for one area, and in an immediately adjacent area people may not apply for a similar cutting up; and yet within the valuation some notice must be taken of the value put on the block next-door when it was cut up into smaller blocks and sold. It seems to me that the problems of the valuer will be increased, because he and the owner will not know, if they apply for a cutting up into smaller blocks, with the obvious increase in value that will occur, whether this will be successful with the authority under this legislation, because the authority will be able to decide whether or not the block can be split up into smaller areas.

I am pleased to note that the Minister in his second reading explanation used the expression "economic farming unit" rather than "viable farming unit". I wish him luck in deciding what an economic farming unit is.

The Hon. A. F. Kneebone: The other matter that was before us was a Commonwealth concern; it was the Commonwealth that used the word "viable".

The Hon. M. B. CAMERON: I do not think that clears up the matter because I do not see how one could ever decide what was an economic farming unit, particularly in view of the plight in which farm production is today, when the price of wool can increase 200 per cent or 300 per cent in one year.

The Hon. A. F. Kneebone: The Commonwealth expects us to do so.

The Hon. M. B. CAMERON: Yes, and you expect the valuers to do so as well. You are not clearing up the problem: you are increasing it.

The Hon. T. M. Casey: This is done at the direction of the Commonwealth.

The Hon. M. B. CAMERON: Not in this case; not under this Bill.

The Hon. T. M. Casey: We are talking on different subjects.

The Hon. M. B. CAMERON: You go back to the old bogy that you always bring up when you have a problem—the Commonwealth; but in this Bill it does not work. This is one of your Bills, not the Commonwealth's. I do not see how one can ever decide what is an "economic farming unit". I wish the Minister luck in deciding this; I am sure there will be some heartaches associated with the decisions in this matter.

The Hon. R. A. Geddes: Will it be the Minister or the authority that will have the right?

The Hon. M. B. CAMERON: As I understand it, it will be the authority, but it will have to set up a department of its own and get some staff trained in these matters because, from what I have seen of the economic or viable farming units in the past, not many people can determine the matter. If they can, they must be economic geniuses, because it is difficult for anyone to decide whether a unit is viable or economic. In my area a person with a son has started growing gladioli bulbs, and that is an economic unit of 10 acres. Over the years, some little blocks can become economic. Unless we are going to specify what is grown in an area, we cannot come to any satisfactory conclusion about what is or what is not an economic farming unit.

This legislation, as the Minister says, will lead to many more appeals. There is a right of appeal under this measure, and this will lead to an increase in the number of boards, which are being established rapidly. The appeals will be from any person aggrieved by a decision of either the council or the authority. I am interested to know what is meant by "aggrieved"—whether an aggrieved person can be a person other than the person directly associated with the block or whether it can be an objection from a body or group outside the area which claims to have an interest in the area through the normal citizen's right of trying to maintain what is described as the proper environment for an entire area or city.

Clause 11 deals with appeals. I ask whether a council will have to consider objections after the expiration of the period of the right to appeal. As I understand it, people have

14 days in which to appeal, but there is a normal extension of time of two months for any appellant. Will the council have to hear objections after the expiration of the 14 days and within two months? If that is so, that will lead to considerable delay in the hearing of objections. I question whether a council's decisions can be made before or after notice is placed in the *Government Gazette*. This is rather important for councils and is a question I should like answered. I hope there will be some amendments to this Bill, particularly where it is taking away the rights of local government in relation to planning and development.

I do not believe it is necessary to go as far as this Bill goes in the transfer of that power. I hope that honourable members will study this Bill closely because, in the words of a gentleman to whom I was speaking this morning, if this Bill goes through in its present form, local government will have to pack up its planning and development activities and forget all about them. That would be most unfortunate, because councils have much to contribute towards planning and development. I support the second reading.

The Hon. H. K. KEMP (Southern): I cannot say that I am in any way prepared to talk on this Bill in the sense that I am aware of all the implications it contains, because the further I have gone into the Bill the more difficult I have found it to reconcile the smaller items in it with the original legislation passed in 1967 and the two amending Acts passed in 1969 and 1971. We should have a much longer time to consider the Bill and its implications. This is an important Bill, which seems unexpected in unexpected ways. By deleting "Adelaide planning area" or "metropolitan planning area", the Bill embraces town planning over the whole of the State from the upper border to Port MacDonnell and from the Glenelg River to Eucla. If the Bill is passed in its present form we will be answerable to the Town Planner for every detail contained therein.

No doubt we must face an increase in the Town Planner's authority. The Bill which we have just passed and which deals with Murray New Town has brought planning and development to a climax. Unless unregulated land dealing is checked there is no doubt that, with the concept of Murray New Town on the other side of the Hills in an area of well below 20in. rainfall and with Adelaide on this side of the Hills with a 20in. rainfall, the area in between will become a desert of housing and urban development. I do not think I am letting anyone in the Adelaide Hills down when I say that almost every resident in the Hills is dedicated to keeping the Hills in their present state of verdure and beauty.

I do not believe there is anyone in the Adelaide Hills who is not willing to take his full responsibility in safeguarding the water supplies on which the State is so dependent. When it comes to giving the powers contained in the Bill, we must realize just what powers are being passed to an authority which unfortunately today is becoming completely out of the control of Parliament and answerable to no-one. We must appreciate that when a large Government department is set up which is not answerable to Parliament we have a monster that is becoming more and more difficult to control. In this case, the monster's whiskers are beginning to show in a very fiery tone. The Bill will set up an authority to which an appeal can be made, and I should like to give some idea of the power that will be given to this body. Under clauses 5, 6 and 7 the appeal board is more or less answerable to itself, and to no-one else. New section 26 (1) provides:

> Any person who applies for the consent, permission or approval of the authority, the director or a council under any provision of this Act that provides for the granting of that consent, permission or approval may, if he is aggrieved by the decision of the authority the director or the council to refuse that consent, permission or approval or to grant that consent, permission or approval subject to conditions, appeal to the board.

The board itself determines whether any appeal before it is trivial, and the board itself decides whether a matter can even be brought to its notice. I hope honourable members will look carefully at the board's powers. I cannot help thinking that this Bill has not been honestly presented. The area of 20 acres provided in the principal Act is changed to 30 ha; that sounds pretty reasonable if we are not used to thinking in terms of the metric system, but 30 ha is really equivalent to 74 acres.

So, throughout the State there will be severe restrictions on any sales involving areas of less than that size, unless they are for the purpose of providing a small area on which a son can build a house or for a workman's cottage. In that case, 1 ha has been very generously provided! People outside this Council must carefully consider the implications of this Bill. In future there will be very strict control over the development of areas of less

than 74 acres. Across the State in the last few years a patchwork has developed of local government areas that are to come under the State Planning Authority. Some councils have requested that that be done, but some have been dragged in.

In some parts of the State, councils are beginning to realize what is involved when planning is imposed on an area. If the regulations in connection with Kangaroo Island are not strongly opposed, a man who wants to change the position of a dog kennel will have to come to King William Street to get a permit to do that. Certainly, if a person wants to change the location of shearers' toilets, he will have to obtain a permit from King William Street and approval from the Public Health Department.

Through striking out the words "within the metropolitan planning area", the whole of the State will become answerable to the State Planning Authority, regardless of the wishes of local government. There is a real need for an alternative appeal against development plans, in addition to the type of appeal that now exists.

One of the things that has bedevilled the Joint Committee on Subordinate Legislation has been the continual parade of appeals against planning regulations. The only thing that that committee and this Council can do, if we object to regulations, is to disallow the regulations as a whole, but in some cases a great deal of the area involved needs planning. It is undoubtedly necessary to restrain the development of the area between here and Murray Bridge.

No-one will question the need for the Director of Planning to prevent undue exploitation of the Adelaide Hills. It must be recognized, however, that the authority needs to be restricted to the immediate requirements, and its control must not extend more widely than is necessary. There must be common sense in the administration of the legislation. Surely some responsibility can be retained by the local councils, which are very responsible bodies. Here they are going to be overridden completely by civil servants answerable to no-one, and only a theoretical concept conferred upon them. I do not understand the implications of many of the minor clauses in this Bill. I have not had time to chase them back in detail. Clause 16, for example, repeals section 42 of the principal Act. I have not had time to see what is involved in that section of the principal Act.

Throughout the whole Bill we have this matter of the repeal within the metropolitan planning area. This has very serious consequences, and usually appears in one or two sentences, as in clause 14, which states:

The heading to Part V of the principal Act is amended by striking out the passage "WITHIN THE METROPOLITAN PLANNING AREA".

When such tremendous consequences flow from two lines of words I suggest we cannot, in the limited time allotted to us, chase out the result of six words, as in clause 14. Inevitably this must be a long-fought Committee Bill, a Bill which must not come through the Committee stage until we have had time to see what is involved.

The Hon. R. A. GEDDES secured the adjournment of the debate.

APPROPRIATION BILL (No. 3)

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

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

That this Bill be now read a second time.

It provides for the appropriation of $6,150,000. In the normal course, the Government would not need to submit a Supplementary Appropriation Bill until much later in the year, and on previous occasions it has been customary at that later stage of the presentation to provide Parliament with a summary of trends on Revenue Account, and to indicate a possible result for the full year. In this instance, however, the need for additional appropriation authority has arisen from major decisions made within two months of the presentation of the main Budget for 1972-73, and, except in the matter of the increased costs arising specifically from these decisions, it is as yet too early for significant variations and trends to have become clear.

I do not intend at this time to repeat the explanations given previously on the subject of the various appropriation authorities available to a Government, but I refer those members who would like to refresh their memories in this regard to the comments made when Appropriation Bill (No. 1), 1972, was submitted during March of this year. These may be found at page 4104 of *Hansard*. Suffice to say that the proposals now being made could not be funded within the limits of the principal Appropriation Act, as supplemented by the amount of about $4,000,000 of the Governor's Appropriation Fund, and difficulties in appropriation could arise before Parliament meets again late in the financial

year. Accordingly, the Government has decided to introduce a Supplementary Appropriation Bill now, designed to cover the excess expenditure in major areas of the Budget, leaving the Governor's Appropriation Fund to cover unforeseen expenditures and the excesses expected to arise from the present proposals in relation to departments where the impact will be relatively small.

I now deal with details of appropriation. Over-award and service payments for the Government's weekly-paid employees were first introduced in 1965. The extent of these payments was last reviewed in August, 1970, and, following a request from the United Trades and Labor Council of South Australia, the Government recently agreed to a further review. After investigation, two alternatives were offered. The first contemplated payments would be substantially in line with those granted recently to similar categories of employees by the Commonwealth and Victorian Governments and the New South Wales Railways, while the second, designed to cost about the same in total, would have the effect of narrowing the margin between tradesmen and non-tradesmen.

The latter alternative was accepted by the Trades and Labor Council, and has resulted in increases for tradesmen ranging from $5.75 a week in the first year to $7.25 a week in the third year, and for non-tradesmen from $5.25 in the first year to $6.75 in the third year. The previously operative fourth-year increase has now been absorbed into the third-year rate. The new rates, to operate from the first pay week commencing on or after October 29, 1972, are as follows:

	Tradesmen Amount a week $	Non-tradesmen Amount a week $
First year	9.50	8.00
Second year . . .	11.75	10.25
Third and subsequent years .	14.00	12.50

The cost of the increased payments to the Government in a full year is estimated to be about $8,000,000, inclusive of the effect of overtime and other penalty payments. In 1972-73 the cost is expected to be about two-thirds of a full year's cost: that is, about $5,300,000. Of this, about $4,000,000 will impact on Revenue Account and about $1,300,000 on other accounts, including Loan Account, the roads funds, the Forestry Fund, and various departmental reimbursement and working accounts. The Bill provides an aggregate of $3,850,000 for the 11 larger departments and authorities within Revenue Account for this purpose, and the estimated costs are as follows:

	$
Departments:	
Hospitals	840,000
Lands	50,000
Engineering and Water Supply	515,000
Public Buildings	345,000
Education	65,000
Agriculture	27,000
Produce	48,000
Marine and Harbors . . .	75,000
Railways	1,570,000
Community Welfare . . .	75,000
Other authorities:	
Municipal Tramways Trust	240,000
Total	$3,850,000

The remaining amount of about $150,000 which may fall on Revenue Account this year for a large number of smaller departments will be covered as necessary by appropriations from the Governor's Appropriation Fund.

The Government has been concerned for some time at the continued high level of unemployment in the metropolitan area. Although Commonwealth funds to the extent of $360,000 a month are being made available to relieve unemployment in non-metropolitan areas, no assistance has been forthcoming as yet from the Commonwealth for the metropolitan area. The Government has decided, therefore, to provide $2,000,000 to promote employment opportunities in the Adelaide metropolitan area, and funds to this extent will be made available through councils and certain Government departments. Commitments estimated to cost about $1,440,000 have already been made. As is the case with non-metropolitan unemployment relief grants, the Government intends to concentrate as much of the available finance as possible on labour-intensive works. To this end the same objective of a minimum two-thirds labour cost component has been adopted for projects approved under this scheme.

The Government has been particularly concerned in that the Commonwealth non-metropolitan unemployment relief funds, because of definitions of what is to be regarded as metropolitan, have been distributed on a basis particularly unfavourable to this State. In certain other States the more favourable distribution of Commonwealth moneys has naturally been more effective in reducing the proportion of unemployment than in this State, and the Commonwealth is now drawing the

unwarranted conclusion that the present proportion is higher in South Australia as a consequence of its Labor Administration.

Regarding drought relief, $100,000 was included in the Estimates of Expenditure for 1972-73 to meet expenditures that it was thought might arise because of drought conditions. Seasonal conditions, particularly in the Murray Mallee and Murray lands areas, have since deteriorated to such an extent that additional measures may need to be undertaken, and the Government intends that a further $300,000 be provided for purposes such as subsidies on the cost of moving fodder and stock, together with support by way of grants for local employment works as may be found appropriate.

These expenditures are separate from and will be additional to repayable advances towards carry-on expenses that may be made available under the provisions of the Primary Producers Emergency Assistance Act. It is likely that the greater portion of drought relief provisions will be made available as advances, and these will be to farmers whose security or situation is such that they cannot secure adequate support through the normal banking channels but nevertheless, given financial support, would have a reasonable chance of overcoming their difficulties. Advances will be made at the rate of interest normally charged by the State Bank for carry-on finance, but in appropriate cases, where that rate may be shown to involve great hardship, the Minister will be willing to exercise his authority to grant some rebate of interest. To the extent that additional funds may be required to make advances pursuant to that Act, a special appropriation will be sought from the Governor from Loan Account under the provisions of section 32b of the Public Finance Act.

The clauses of the Bill give the same kind of authority as in the past. Clause 2 authorizes the issue of a further $6,150,000 from the general revenue. Clause 3 appropriates that sum for the purposes set out in the schedule. Clause 4 provides that the Treasurer shall have available to spend only such amounts as are authorized by a warrant from His Excellency the Governor and that the receipts of the payees shall be accepted as evidence that the payments have been duly made. Clause 5 gives power to issue money out of Loan funds, other public funds or bank overdraft, if the moneys received from the Commonwealth Government and the general revenue of the State are insufficient to meet the payments authorized by this Bill. Clause 6 gives authority to make payments in respect of a period prior to July 1, 1972. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly apropriated.

The Hon. R. C. DeGARIS (Leader of the Opposition): Although this Bill has only just been introduced, I am prepared to speak to it now and support it, although I have no doubt that many honourable members will be a little concerned about the appropriation of a further $6,150,000 at this stage in the financial year. In his second reading explanation the Chief Secretary said:

In the normal course, the Government would not need to submit a supplementary Appropriation Bill until much later in the year, and on previous occasions it has been customary at that later stage of the presentation to provide Parliament with a summary of trends on Revenue Account, and to indicate a possible result for the full year.

We are now in November and we have this Appropriation Bill to appropriate a further $6,150,000. I know that Parliament will be prorogued shortly and that it may not be called together again until later in the financial year, but this matter is still causing some concern. I cannot recall (the Chief Secretary may correct me here, for I am relying on my memory) an Appropriation Bill of this magnitude coming before Parliament at this stage in a financial year. The details of the increased appropriations have been stated in the second reading explanation, and most of them relate to over-award wages and service pay. If we look at the figures given by the Chief Secretary, we see that these items amount to some $4,000,000 of the total money to be appropriated.

Service pay in the first year for a non-tradesman comes close to the tradesman's service pay, and in the third and subsequent years the service pay for a tradesman is $14 a week and for a non-tradesman $12.50 a week. Departments will be affected by these increases, because the extra cost to the Hospitals Department will be about $1,000,000 and to the Railways Department about $1,500,000. Further money is required to overcome a problem in metropolitan unemployment. I have no accurate information, but I have received many reports about the use to which this money is being put and the difficulties of councils in keeping in employment people who have been given jobs.

An allocation for drought relief is included also, and one must appreciate the fact that in the Murray Mallee area seasonal conditions are

such that farmers will require assistance. In the last few months I have asked several questions about this matter, requesting that the extensions of work for rural unemployment be considered, with special emphasis placed on the situation in that district. The Government intends to spend an additional $300,000 for these purposes in the form of subsidies to move stock and support local employment. Although I view with some concern an appropriation of such magnitude at this stage of the financial year, I support the second reading.

The Hon. C. M. HILL (Central No. 2): I speak to that part of the Bill in which the Government seeks a further $1,570,000 allocation for the Railways Department, and it concerns me to see the need for such an allocation at this time. I stress the great concern that the public has about the financial position of our railways. The Auditor-General's Report indicates that the total deficit for the Railways Department for the year ended June 30, 1971, was $16,124,101, and in the year ended June 30, 1972, the total deficit had increased to $19,477,475.

Each year there is a further increase in this deficit, which is the most serious drain on the finances of this State. I want to know what plans the Government has to check this ever-increasing loss. The public would be reasonably satisfied if they could hear an announcement about this form of transport by which the Government was genuinely trying to check this ever-increasing loss, but months go by and sittings of Parliament continue without any announcement being made of new plans and methods by which the Government will tackle this most serious problem.

A large part of the loss is caused in the metropolitan system. Metropolitan passenger traffic is running at a considerable loss, although there were original plans that the Government could accept, reject, or amend, but it has not made any decision about what it intends to do to improve the suburban railway system so that more passengers would result and the loss would decrease, and this at a time when no decisions are being made and no announcements are being made.

The Hon. A. F. Kneebone: The Prime Minister is going to do something!

The Hon. C. M. HILL: That is one attitude this Government is taking: because it does not have the money it cannot do anything. I remind the Minister of the position in other States where they have their financial problems and where there is a lack of capital funds for railway development, but decisions are being made and actions are afoot so that people in metropolitan areas will be given a first-rate service, and, at the same time, losses will be checked. One reads in the railway publication *Network* of September, 1972, about construction work on Melbourne's underground railway which began in June, 1971, and work is now progressing at several points along the route. There will be three underground stations, one in Spring Street near Parliament House and two in Latrobe Street.

The Melbourne underground loop will double the capacity of Melbourne's suburban network at peak hours, and city passengers will be delivered closer to their destinations and travelling time will be reduced. That situation is evidence of action in Melbourne. Financial problems existed there, but plans were made and put into effect, and construction work is being undertaken.

It seems that the Government in this State is too frightened to make a decision about the proposed underground railway service here. If members believe that a city the size of Melbourne can afford this development and Adelaide cannot, it is interesting to note in the *Network* of August, 1972, an article under the heading "Government Bill for Perth Underground", which states:

> The Perth Regional Railway Bill, recently introduced by the Western Australian Minister for Works, Mr. C. J. Jamieson, provides for the construction of an underground rail link through the centre of Perth.

Action is being taken in Perth, and we know that the eastern suburbs underground railway network in Sydney is being constructed. Why is it that in all these cities commuters are being given reasonable services and provided with facilities, but in South Australia no action is being taken, although the railway deficit has increased by more than $3,000,000 a year and, at the same time, the Government is coming to Parliament and asking for more than $1,500,000 to allocate to the Railways Department until the end of June next year?

The Government has no excuse for not making decisions about upgrading the railway system in metropolitan Adelaide, particularly in regard to the King William Street underground service. Four years ago the proposal for the King William Street underground service was announced by the Government of the day by way of the Metropolitan Adelaide Transportation Study Report, and this report took three years to prepare. Therefore, the matter has been considered for at least seven years.

The Hon. A. F. Kneebone: How could they provide the money: do you remember what they suggested about providing the money for this?

The Hon. C. M. HILL: I do not know whether the Minister is referring to the $32,000,000, which was the estimated cost for the underground service, or the total sum to implement the M.A.T.S. Report. I remember him using the same words when in Opposition between 1968 and 1970. It is not good enough to say that we are not going to do anything about transport because we do not have the money.

If that is the Government's opinion, why did it appoint a senior officer as Director-General of Transport in this State, an appointment that carried a salary of about $18,000 a year? If the Government did not intend to do anything (because it did not have enough money), why did it appoint an officer of that calibre? A report in the *Advertiser* of June 12, 1972, states:

> In a "Sunday Focus" broadcast, Dr. Scrafton said it would be hard to find anything better than a subway to provide the link that would ultimately be needed across the city.

In that statement Dr. Scrafton was referring, of course, to Adelaide. Time and time again questions have been asked regarding what the Government intends to do in this connection. The terms of reference for a detailed feasibility study for the underground railway project were laid down before the present Government came to office. The Government was faced with an increased deficit in the Railways Department of more than $3,000,000 last year, and it is now seeking $1,500,000 to carry it through this financial year. What does the Government intend to do about the underground railway project that was mentioned in the M.A.T.S. Report? Surely the time has come when we can get a reply to that question.

The Hon. Mr. Hart broached this subject a few weeks ago but he, like other questioners on this subject, was fobbed off without a direct reply. The statement that the Government does not have the money is not good enough, because other Australian capital cities are getting underground railway services. Why are those cities getting such services while Adelaide people are not treated in the same way? The time must come for the Government to face up to the question of where it stands in relation to the last major project in the M.A.T.S. Report that the Government has not accepted.

The Hon. T. M. Casey: What will the underground railway project cost in Victoria?

The Hon. C. M. HILL: I do not know.

The Hon. T. M. Casey: The figure has risen to $80,000,000. Where will Victoria get the money from?

The Hon. C. M. HILL: It is really a question of where Victoria is getting the money from at this very moment, because the work is under way. So, that State must be getting some of the necessary money. However, before we can reach that stage, plans must be accepted and a detailed feasability study must be made. There must be decision: that is what this State has not got from the Government. Unless the people hear of a decision from the Government, they will revolt against it on the question of transport.

The Hon. A. J. SHARD (Chief Secretary): I thank those honourable members who have spoken to this Bill at short notice. Unfortunately, I cannot reply to the Hon. Mr. Hill, because I am perhaps not as well informed as he is on the subject he raised. I must agree with the Leader that my mind would have to go back many years to find an instance of an Appropriation Bill of this magnitude being introduced at this stage of the financial year. Of course, there will be an election next year, and the new Parliament may not assemble until May or early June. I believe that exceptional circumstances have caused the introduction of the Bill at this stage. The factors involved include over-award payments that could not be foreseen, the expenditure of $2,000,000 for unemployment relief and drought relief payments.

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

LONG SERVICE LEAVE ACT AMENDMENT BILL

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

OMBUDSMAN BILL

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

CONSTITUTION ACT AMENDMENT BILL (FRANCHISE)

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

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

That this Bill be now read a second time.

This Bill, which is the same in form as a measure introduced into this Council last year which failed to become law, is designed to widen the field of Legislative Council electors from the narrow confines of land and leasehold owners and their spouses to the broad field of House of Assembly electors. Since its inception, the Constitution Act has provided

that, notwithstanding the vastly wider provisions of that Act embracing House of Assembly electors, no person shall be entitled to vote at a Legislative Council election unless he or she owns or leases land in this State or is the tenant of a dwellinghouse in this State. Apart from the addition, in 1943, of servicemen actively engaged in war, and the addition, in 1969, of electors' spouses, the field of Legislative Council electors has not been altered. It is still the opinion of this Government that property qualifications are artificial and outmoded as conditions attaching to any franchise, and that it is desirable to amend the Constitution Act so as to entitle all House of Assembly electors to vote at a Legislative Council election.

As was said at the time the earlier measure was introduced, I believe that, in this day and age, it is scarcely necessary to address to this Chamber argument in favour of the proposition that all of the adult residents of this State should have an equal say in the Government of the State and in the election of their Parliamentary representatives. This restricted franchise for the Legislative Council has its origin in a society in which there was a notion that ownership and occupancy of property gave to the owner and, in some limited instances, to the occupier a special stake in the country, so that those persons, it was said, had the right to exercise political control over policies of Government. As the years have passed, the emphasis has shifted from property to persons. The tone and outlook of society have gradually altered and become more democratic.

That being the case, at this point in history it is quite remarkable that we still have a franchise for one of the Houses of Parliament of this State that is restricted to persons who qualify in one way or another in relation to property (that is, whether they be owners or occupiers of property, or the spouses of the owners or occupiers of property) and to those who qualify as servicemen and ex-servicemen. Therefore, it is again submitted that the only proper franchise and the only proper method of electing members of Parliament is the vote of all the people of the State expressed in a way that gives to them an equal say in the make-up of the Parliament that makes the laws for them. For this reason, I look forward, when the vote is taken on the Bill, to a degree of unanimity in this Council, for I find it difficult to believe that any honourable member of this Council who professes faith in democracy, which is at the very basis of the society in which we live, could possibly support the continuance of a restricted and privileged franchise that has the effect of giving one section of citizens of the State political privileges that the rest do not enjoy.

Clause 1 is formal. Clause 2 fixes the commencement of the Act on a day to be fixed by proclamation. Clause 3 repeals section 20 of the principal Act which deals with the qualifications of Legislative Council electors. New section 20, enacted by this clause, provides that a person who is entitled to vote at a House of Assembly election shall be qualified to have his name placed on the Legislative Council electoral roll and shall be entitled to vote at a Legislative Council election. Clause 4 repeals sections 20a, 21 and 22 of the principal Act. Section 20a includes servicemen on active service as Council electors. Sections 21 and 22 set out various disqualifications for Council voting. These three sections are redundant, as they appear in almost identical form in sections 33 and 33a, relating to House of Assembly elections.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 2940.)

The Hon. M. B. DAWKINS (Midland): Clause 3 of this Bill extends the life of the principal Act. I fully support the object of the Bill to extend the Barley Marketing Act beyond 1972-73 to 1977-78. The Australian Barley Board, which was set up in 1947, has done a really remarkable job in my opinion in marketing barley and in advancing barley production in this State over the last 25 years. The original board was under the Chairmanship of the late Mr. W. J. Spafford, who was the then Director of Agriculture, and who continued as Chairman for a number of years after he retired as Director.

More recently the board had as Chairman a subsequent Director of Agriculture in the late Mr. A. G. Strickland. Now, Mr. A. J. K. Walker, who is at present a Deputy Director, is Chairman of the board. The board has, by and large, had an excellent record over this period. It is unfortunate that it is not an all-Australia board. As the Minister said, the board covers South Australia and Victoria, and has done its job admirably over the years. Probably the greatest challenge to the work of the board and the measure of its efficiency came in 1969 when, as a result of the large

harvest in 1968 following the 1967 drought, wheat quotas were imposed and many people switched some of their cropping to barley.

It was considered that the board, operating in these two States, and the other barley marketing authorities in Australia could have an almost insurmountable task in marketing the barley that would be produced as a result of the wheat quotas and a consequent considerable increase in barley acreages. The board has done a remarkable job in being able to keep ahead of production and in being able to sell the product at reasonable prices on world markets. I pay a tribute to the previous Chairmen, the present Chairman and the members of the board for the work they have done over the years. As I believe it essential that the legislation should be continued, I give my full support to the Bill.

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

CROWN LANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 2973.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill, which I hope will not be delayed in its passage through the Council. The Bill, which provides no more than $138,000 worth of assistance to the Lyrup Village Association, is urgently needed for the rehabilitation of irrigation and drainage works in the district. I was originally associated with the representations made to the Minister and I think I took part in most of the negotiations that have taken place for assistance in this area and for the financial assistance needed to change the open channel irrigation system to a pipe watering system to enable more efficient use to be made of water in the area. As the present system needs upgrading, I trust that the passage of this Bill will allow this work to be carried out without delay. I compliment the Government on the Bill, which was referred to a House of Assembly Select Committee, whose report is available to honourable members.

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

TORRENS COLLEGE OF ADVANCED EDUCATION BILL

Adjourned debate on second reading.

(Continued from November 14. Page 2963.)

The Hon. JESSIE COOPER (Central No. 2): I support this Bill only in part. The concept of autonomy for a major tertiary education institution has been supported by the Karmel report. It is a concept that is sensible and perhaps necessary provided, however, that reasonable safeguards are written into the constitution of such an institution to maintain its worth, keeping in mind the object for which it was established by Parliament. Autonomy will be an excellent thing in this case, provided that the council of the Torrens College of Advanced Education can be so constructed that it remains truly autonomous; that is, provided that it remains free to control and develop the college as it considers necessary for the good of South Australia, and provided that it is protected against domination by pressure groups within the staff and student organizations.

I, like many other people, cannot understand the action of the Government in ignoring Parliament for so long in this matter and in hastening to do so many things in the matter of appointments for which it had no Parliamentary mandate. I believe that Parliament is entitled to an explanation from the Minister as to why the Government found it necessary to anticipate so many sections of the proposed Act.

I now wish to refer to the maintenance of the unity and reputation of the South Australian School of Art section of this new organization. The South Australian School of Art, as the Hon. Mr. Springett said last evening, has held a very high reputation built over many years by the loyal and assiduous work of its staff and students. When a structure of national repute has been established it should not be swamped by change purely in the interests of perhaps imaginary and organizational advantages. Whilst the combination proposed might reduce capital and administrative overhead costs, I think the cultural loss to South Australia will be great indeed.

If this Bill passes, and if this measure becomes fact, then the Minister and the Government will have a duty to make every effort to maintain the standing of this quite famous school of art and, so far as is possible in the new set-up, ensure that it retains its unity of structure and public recognition. However, so that honourable members may have a clear idea of what is at stake, I shall review the history of this proposed merger which has been, and still is, opposed by the staff association of the South Australian School of Art.

It goes back, of course, to 1963, when in July of that year the school was opened in North Adelaide. It was designed by the man who became Sir James Irwin and it was

described at that time as ideal in terms of concrete facilities, the best art school in Australia, and one of the finest in the world. These are glowing words but, as I have so often driven past it, I have come to regard it as a beautiful building and one that is pulsing with life.

Within seven years it was obvious that it would have to be extended. Immediately concern was expressed in various quarters that if the art school were to be extended it was a potential danger, first, to the park lands, and also to the residents of the area. So, although properties became vacant and could have been used for this purpose, both the Government and the council of the college apparently decided to leave the matter and they took notice of the Government's saying that there was an alternative; the alternative was a new art school somewhere in the south part of the metropolitan area.

In May, 1971, the Premier (Hon. D. A. Dunstan) announced that this School of Art would be extended greatly. He said that in six years the school would expand in such a way that it would cover every major area of contemporary aesthetic development, and that the potential value for South Australia of such a wide-ranging curriculum was inestimable. I hope honourable members will recall the words "the potential value of such a wide-ranging curriculum", because within a year this has been changed completely and five different courses are to be dropped once this merger occurs.

On June 3, 1971, the Minister of Education (Hon. Hugh Hudson) met the staff of the School of Art and explained his proposals for the amalgamation of the art school with the Western Teachers College at Underdale, and eight days later he announced the plans to establish a new college of advanced education. Thus, within one week of his announcement to the staff of the art school the plans for the establishment of the Torrens College of Advanced Education and the amalgamation of Western Teachers College and the art school were made public.

Within three months the Public Buildings Department proposed to the Minister of Works a means of providing architectural services for the Torrens college. Subsequently, a building committee was proposed to go on with the work. It was a fairly swiftly moving project.

The Hon. D. H. L. Banfield: Naturally, coming from the Public Works Committee.

The Hon. JESSIE COOPER: Most unexpected. Then, by December of last year, Judge Roder, Chairman of the Joint Planning Committee, announced the composition of the building committee, and he announced that the firm of Pak-Poy and Associates had been engaged as planners for the project. The Minister of Education would be the client, not the councils or the Joint Planning Committee. From that moment on the history of the building has been one of difficulty in that the School of Art people have felt they were not getting all the things they desired. For instance, they had difficulty in seeing how they were going to expand; rather, it was the opposite thing. It was felt that so many of the courses would be deleted, and this was a grief to them—understandably so.

So we come to the present situation where the Bill for an Act to establish the college is introduced, and where the whole matter is really a *fait accompli,* and it is most difficult to see what can be done other than to accept it. I ask leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. JESSIE COOPER: I now revert to the question of true autonomy and the operation of the college in the best interests of South Australia. I note that the constituents of the proposed council are largely academics (members of the staff and student body, and other academics). That is well and good: people who have given their life to education should understand education.

The following 26 members will constitute the council: the Director, who shall be a member of the council *ex officio;* the Principal of the school, department or division established within the college known as the South Australian School of Art who shall be a member of the council *ex officio;* three members of the academic staff of the college elected by the academic staff; three students of the college elected by the students; one member of the ancillary staff elected by the ancillary staff; one person appointed by the Governor on the nomination of the Director-General of Education; one person appointed by the Governor on the nomination of the Director of Further Education; three persons with extensive experience in education appointed by the Governor (of whom two will be nominated by the Minister after consultation with the South Australian Institute of Teachers; one a person with extensive knowledge of, or experience in, independent schools in this State, nominated by the Minister); two persons employed on the academic staff of any other

college of advanced education, or of any university established in South Australia, appointed by the Governor on the nomination of the Minister; and eight other persons appointed by the Governor on the nomination of the Minister of whom at least two will be, in the opinion of the Minister, persons of established competence in fine arts. Finally, any persons, no more than two in number, can be co-opted to the membership of the council under this clause. I note that the council is to make the statutes and rules of the college, subject to appropriate Parliamentary rights. These rules and statutes will give *inter alia* direction to the Director on how he should operate and will circumscribe his rights.

This council will itself elect the Director. This is a vital point. I suggest that honourable members should consider the fact that, if the Minister, in a moment of altruism to the staff of the college, were to make a number of his eight appointees employees of the college, the Director might well find himself being dominated by his own staff, and indeed allowed to continue in office only on their sufferance. Therefore, I consider that a slight amendment should be made to clause 8 (2) (*j*), under which other persons are to be appointed by the Governor on the nomination of the Minister. I should like to see that provision amended so that none of the eight shall be members of the staff or students of any of the colleges of advanced education. This, I believe, would relieve the Minister from constant pressure to give greater representation to the staff and students of the college, and would leave him free to select persons whom he considered would be able to bring wider knowledge in other spheres to the advantage of the college. With those few remarks, I support the Bill in part.

The Hon. M. B. DAWKINS (Midland): This Bill seeks to establish the Torrens College of Advanced Education. First, I am pleased to see that Western Teachers College, which has worked under such difficulties in several different locations for some years, is to be replaced by a college on an adequate campus in one location. As a country member, I have sought the replacement of Western Teachers College for some years, because even though it is not in my district, it has provided the facilities for many students from my district to become teachers, and I know from what I have been told that they have worked under great difficulties, in situations where they have had to move from one location to another. The replacement of the college, as every honourable member will agree, is long overdue.

I question, as did the Hon. Mr. Springett and the Hon. Mrs. Cooper, the amalgamation on one campus of the South Australian School of Art and Western Teachers College. I am reminded of another recommendation which the Government, I am pleased to say, did not accept and which could have resulted in a fairly unhappy marriage and a rather unequal partnership. I refer to the suggestion by the Committee on Agricultural Education that Roseworthy Agricultural College should become part of the South Australian Institute of Technology. The Government is to be commended for not accepting that recommendation. I have great respect for members of the Committee on Agricultural Education, but that was not, in my view, one of its better moments.

Roseworthy Agricultural College would have lost its identity and would have tended to be swallowed up within the South Australian Institute of Technology. Therefore, the Government was wise not to accept that recommendation. This proposal has some similarity to that suggestion. I do not believe it is a good move that the School of Art and Western Teachers College should be combined in the one organization. If the area is 45 acres, it may be quite feasible for both institutions to be placed at that location independently, but here we have a situation in which the School of Art, which has a fine reputation, will tend to be swamped by the size of the other uniting body, Western Teachers College. This is not the best solution that could have been found.

I query, as I think did the Hon. Mr. Springett, what I consider to be the premature appointment of Dr. Gregor Ramsey as Director-designate of the Torrens College of Advanced Education. I do not query in any way the person to be appointed, but I believe the appointment itself was premature in that it showed almost a contempt for Parliament. I do not think for one moment that the Minister meant it that way, but the appointment was made before Parliament had had the opportunity to look at this legislation and pass it or not, as it considered appropriate. The timing of the appointment was not wise and did not show the proper respect for the institution of Parliament and the fact that in the final analysis Parliament should have the say on what happens in situations such as this reconstruction, before any appointments are made.

However, I should like to say a word of commendation of Dr. Ramsey. I have known him since he was a young lad commencing his secondary education at Gawler High School. I know him as a young man who has gained in stature and in his academic career, and gained also something which is not given to every one of us and which does not necessarily come with academic success: Dr. Ramsey, in my view, has acquired a considerable amount of wisdom for a relatively young man. If anyone can make a success of this rather unequal partnership and, to some extent (on one side at all events) unhappy marriage, he could well be the man to do it. I place on record my misgivings about this rather unfortunate combination of academic institutions. With some misgivings, I support the second reading.

The Hon. C. M. HILL (Central No. 2): I see one alarming feature about this measure: the Government has seen fit to combine the Western Teachers College with the School of Art in the proposed new Torrens College of Advanced Education. I have looked in detail through the Minister's explanation to find the reason why the Government has made this decision, and I cannot see that the reasons expressed in general terms in that explanation are very convincing.

The School of Art, as the Hon. Mr. Springett said yesterday, holds a very proud and successful place in the history of this State. It has been a successful art school during the 111 years of its history. In this city we are proud that we pay special attention to the arts. I pursue that point by recalling to honourable members that we have a regular Festival of Arts and that Adelaide is regarded in Australia and throughout the world as being a city of culture and art. In this environment our School of Art has a proud and successful role.

Yet the Government, by one stroke of the pen, is going to dispense with this school and intermingle it with a numerically superior teachers college. In that new college of advanced education it will play in the future a minor role. It is a great pity that traditional Adelaide institutions of this kind, no matter whether they are associated with the arts or any other discipline in the training of young South Australians, come to the stage when such autonomy is lost. I take strong objection to the change.

I am not satisfied that it is in the best interests of education in this State, and I intend to place on file a testing amendment to see whether or not this Council supports my contention that the two institutions involved in this proposed multi-purpose college should stay as they are on the mono-purpose principle, or whether the Government's decision to amalgamate them under one heading is a better one.

If that testing amendment is carried, I understand a series of amendments will have to follow to have the effect in totality of cutting out the School of Art from this measure. In that way this Council is not restricting the setting up and the general formation of the proposed college. The planning, in providing new and proper facilities for students who are in poor accommodation at the moment in the Western Teachers College in various parts of the city and suburbs, should not be affected by such a decision.

I come now to the question of overcrowding in the School of Art. If the Council decides that these two institutions should retain their present autonomy, the question must be decided as to the real future of the South Australian School of Art and how the needed expansion can take place in that school so that it, in turn, can take its place as one of our colleges of advanced education. Of course, it could take its place in the general professional area of drama, television, music, film-making, and all the other art areas being taught at present.

I realize that the Government has been faced over the past few years with the need for further expansion of the art school building in North Adelaide. I am only too well aware of the local government objection to the further acquisition of adjacent land between Stanley Street and Kingston Terrace, and I have an intimate knowledge of the problem facing the Adelaide City Council regarding the refusal of permission for expansion to take place in that area.

I am interested in the theatre that is being constructed in the festival hall complex. At considerable cost, a separate theatre building is being constructed, and that building, together with the open-air facilities for drama and theatre, will be used principally by the South Australian Theatre Company. That company is a relatively new institution in its expanding form, but it is not new in its formation: indeed, I can recall being a member of the council of that company.

The Hon. F. J. Potter: It has had a checkered career.

The Hon. C. M. HILL: Yes, mainly because of the financial problems it has encountered.

Now, a wise decision has been made by the Government that it should be expanded. I have read recently, with great interest, about some of the first-rate staff the Government has appointed and is appointing to the theatre. It seems to me that a building of that kind should be used to a certain extent by an institution such as the School of Art.

The Hon. V. G. Springett: Is it big enough?

The Hon. C. M. HILL: I will discuss that point later. Certainly, there is a new theatre building, although the theatre company will not use its full potential. Because of its nearness to the headquarters of the School of Art in North Adelaide, because it is naturally an arts theatre, and because of the nearness of other facilities such as the library, museum, and facilities associated with the university, it may well be that this building could be used to advantage by an expanded School of Art.

I understand that this school is interested in expanding into music teaching, and I believe the old building on the corner of Frome Road and North Terrace, which was once used as the School of Mines, may be able to provide accommodation for an expanded School of Art. Because of the proposed expansion into the realm of music, perhaps discussions could be held with the Elder Conservatorium of Music to ascertain whether the School of Art could, in some way, be interwoven with that organization.

The present building in North Adelaide, the second theatre being constructed behind Parliament House, and the university facilities are all equidistant from the Art Gallery, and here again we see the siting of facilities that should be of great benefit to an expanded School of Art. Indeed, it could become one of the most progressive, if not the most progressive, and most well-established school of its kind in Australia.

I understand that there have been recent moves in Melbourne towards expanding the comparable school in that city, and that the police barracks near the Melbourne Cultural Centre is being taken over for such a facility. Moves are being made in Melbourne not to extinguish the art school under the shadow of a teachers college. That is what the Government is trying to do here, but the moves in Melbourne are in the other direction and are to set it up with more autonomy under its own council and to have the role of a college of advanced education, so that ultimately the community must benefit from such a provision.

In Adelaide and in South Australia we are proud of our association with the arts, and surely a move of this kind is worthy of the utmost consideration by the Government. I do not believe that the School of Art should be deprived of its independence by this legislation. I stress that I am not in any way trying to curb the progress of planning or construction of the new Torrens College of Advanced Education. Students and staff at the Western Teachers College need and should have a first-class college.

The site was purchased at Underdale for a teachers college to be constructed. If we adhere to the original decision, and are not carried away by the present trend of amalgamation of entities and keep the School of Art in the area of the arts, that will be best for the school now and in future.

I read the Minister's speech, because I wanted to know why the Government was adopting this move, but I could not find any impressive reasons for it. Perhaps the Minister can say whether the Karmel report recommended this amalgamation. In his speech the Minister said:

> The Karmel report recommended that teachers colleges should cease to be the responsibility of the Education Department and should be incorporated under an Act of Parliament as an independent institution subject to the general supervision of a State co-ordinating authority.

If this is as far as the Karmel report recommended on this matter, the Government should carry out that recommendation. It is doing that by proceeding with the Torrens College of Advanced Education and transferring Western Teachers College to the new development. The Minister summarized his general reasons for this amalgamation by saying:

> Various reports have emphasized the benefits to be derived from multi-purpose as distinct from mono-purpose institutions. The latest of these was the report of the Standing Committee of the Senate which emphasized that teacher education should, where practicable, no longer be undertaken in mono-purpose colleges.

That is certainly giving evidence that reports have been received that mono-purpose colleges have some advantage, but it gives no details for the reasons explained in the report, and I am not convinced, because the Minister has put his reasons in that way and simply relies on outside reports and their recommendations (but not the Karmel report), that this is in the best interests of our situation in this State.

Therefore, I cannot agree that the School of Art in future should be numerically overwhelmed by a teacher training division, and I believe that the Government's proposal denies the legitimate aspirations of the School of Art

to operate in the professional areas of art education, including film-making, drama, television, and music. I understand that the Government is interested in entering the film-making industry and has made announcements along these lines. Surely a Government move in that direction should be associated clearly with an expanded School of Art.

I think members know the points I am making. I respect the Government's intention in trying to look after the financial side of things, but I am not convinced that depriving the School of Art in future of its independence will make any difference to the question of Commonwealth finance towards the development and maintenance of such colleges.

I believe that, now that the two institutions have been set up with their own council and have cut away from the Education Department, it will be possible either now or in the future for both institutions to be classified and accepted by the Commonwealth as colleges of advanced education. In that case, Commonwealth funding will benefit both of them, so there is no financial advantage, if that is the case, in the proposed amalgamation. It is well-known that the entire academic staff of the School of Art is strongly opposed to this measure.

The Hon. T. M. Casey: Not the Principal or the Vice-Principal.

The Hon. C. M. HILL: I am saying the entire academic staff.

The Hon. T. M. Casey: That is not quite right. The Hon. Mr. Springett indicated that when he spoke.

The Hon. C. M. HILL: I see; I will accept that comment, although the information supplied to me was different from that.

The Hon. F. J. Potter: It does not take away the force of what you are saying.

The Hon. C. M. HILL: No. What concerns me is that the Labor Party is paying scant attention to the interests of these institutions. It should be a Party that should take notice of what employees say, especially in the general realm of academic institutions today. There is a modern trend that academic staff representation must be given full consideration by those who have some power to direct or control these institutions.

The Hon. T. M. Casey: I am glad to know you are championing the cause of the employee.

The Hon. C. M. HILL: I always do. The Minister should well know that on this side of the Chamber we look at the interests of all sections of the community. We look at the interests of the employees as much as, if not more than, the interests of other people. That is why they have come to us on this occasion. They have turned to us and put their case because they have been treated poorly by this Government.

I have in front of me what the Minister said to the representatives of the staff in this general area on this matter. They have lost confidence, because of the representation and statements made to them in the past, in the present Minister and the present Government. I place credence in and weight upon what the academic staff representatives say. I do not accept it without question, but I believe that the success of a School of Art of this kind or of a minor division of the proposed new Torrens College of Advanced Education, which is what it will be if the Government is successful in transferring it, will depend mainly on the co-operation of the staff. It is as simple as that, and the Government will not have the co-operation of the present staff if the amalgamation takes place.

An amendment with which I am seeking to test the feeling of the Council is still being prepared, but I undertake to have it on honourable members' files as quickly as possible. I propose to move that one amendment, and that will be the test amendment to see whether the Council agrees that this division should take place—and it can take place so that the Government can proceed with planning the Torrens College of Advanced Education for the benefit of all concerned in the Western Teachers College. I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I, too, support the second reading. I think the Hon. Mr. Hill has touched on the few important matters that are causing me, and I think other honourable members, some disquiet. When we know that almost the entire academic staff of the present School of Art is opposed to the idea of the school's becoming a part of a college of advanced education, which will be primarily concerned with training teachers, when that staff sees its function as a much more important part of the life of this community, we must take notice. When we hear this, it must make us pause and wonder whether or not the Government has really thought through this problem. It will be calamitous if, as the Hon. Mr. Hill says, we find that, if this move is persisted in and the School of Art is integrated into this teaching college, the staff, many of whom are highly competent in their own fields, are dissatisfied and unhappy.

From my own observation, I say that people who are sometimes colloquially known as "arty" people in our community are most temperamental. Indeed, the very nature of their talents and their abilities makes them this way. Consequently, it does not take very much to upset them or make them say, "Well, I will resign" rather than perhaps having the patience to see things through. In these circumstances, the Government may well pause and wonder whether it is making the right decision. The basic problem that should be considered by the Government is, as it were, the philosophy of this whole matter—whether it is right and what are the purposes and functions of a proper School of Art within our community.

Even if I cannot answer that in detail, I can say that one matter that the school should not be bothering about primarily is the training of teachers. It may well be that the School of Art can assist a training institution such as Western Teachers College in the latter years of a teacher's course. The Government is always actively seeking trained art teachers to go out into the schools, for the teaching of art these days is becoming more and more an item on the curriculum of secondary schools, and indeed of primary schools. I do not in any way criticize that, because there has been a new, enlightened, and revolutionary approach to this kind of training in our schools.

The department is ever anxious to maintain the number of teachers. I think it is probably true, although I have no statistics to prove this, that the wastage of art teachers is great, for the same temperamental reason I mentioned earlier. I know this from inquiries I made some years ago. These people are anxious to go out, try their hand and use their talent in other ways than teaching, in an attempt to gain further experience. I do not blame them for that. It is a problem for the department which, consequently, is anxious to train as many teachers as possible in this category. In the past, it has worked in with the School of Art, which has provided courses to assist in the training of art teachers. At one time, all the training for the art teacher course was done at the School of Art, except for the educational subjects, which were handled by the college. That has changed over recent years; the college has taken on staff to cope with art teaching as well, and it has been left to the School of Art to provide additional training in the latter years of the art teacher course.

It may well be that that should continue in the future because, after all, within the scope of the School of Art there is opportunity for experimentation of one kind or another and it is necessary that the results of that experimentation be passed on to people who are going to teach art subjects. The Government ought to be asking itself where it sees the School of Art fitting into the total concept of art training. People get the idea that the School of Art is a place where people go to be taught the techniques and skills of painting, perhaps needlework, pottery and sculpture; these are the mainstream of the courses the school has provided in the past. However, there is also the important aspect of industrial design, which has now come in and which is becoming one of the most important courses now being taught.

The Hon. C. M. Hill: And it's expanding.

The Hon. F. J. POTTER: Yes, but it seems to me that to stop short and think of the School of Art as merely doing that is to have a very narrow horizon. I think the Hon. Mr. Hill made a good point when he said that there was room for integrating (although I think he used the word expanding) its work with other art activity in the community, such as the important work being undertaken by the South Australian Theatre Company. Obviously an important part of theatrical work has a direct link with art work. I speak of the matter of decor and costume design for stage productions. These aspects clearly come within the ambit of the School of Art in which some work would be necessary to gain experience for interested students.

Indeed, there is also a link with music, as the Hon. Mr. Hill also mentioned. Although it is not such a direct link as with theatre, one knows that art patterns and the development of such are not unrelated to themes in music, etc. Consequently, although it may not be necessary for some section to be set up within the School of Art, I think there should be facilities whereby selected students might be able to gain experience in the techniques and theory of music. This means that, if we think of an expanding activity for the School of Art integrated in some way with theatre and music, it is necessary to see that the school has adequate and proper facilities close to those other forms of art activity.

To site the school at Underdale seems to me to be not necessarily doing the right thing, because it will be a long way from our theatre complex, the Elder Conservatorium of Music and the State Library. I should like to see the school set up as an autonomous

body. At present it is not completely autonomous, because its council has more than a tenuous affiliation to the Education Department; in fact, a strong umbilical cord runs between the department and the school.

The Hon. R. C. DeGaris: A pretty strong one, too.

The Hon. F. J. POTTER: And one that has not been able to be cut until now. It seems to me that the whole concept of removing the school to Underdale because of the difficulties that have arisen in North Adelaide in regard to zoning regulations may not necessarily be the right thing. I think the school could carry on where it is for the time being (with some difficulty I know, because the accommodation is rapidly becoming unsatisfactory). However, what is proposed for the school at Underdale will not last long either. I have been told that by 1980 the new school will be overflowing and that the same problems of zoning as have been encountered at North Adelaide may well be encountered at Underdale.

I think that in all these circumstances we ought to pause and the Government ought to think about whether it is doing the right thing. When very important people who know what they are talking about are expressing unhappiness about the move, which I think was primarily motivated by the need to attract Commonwealth Government money to a college of advanced education (a need which no longer exists since the announcement made in the last Commonwealth Budget), I think we ought to have another look at the Bill. As most of the points were ably covered by the Hon. Mr. Hill, I shall not reiterate them. However, I urge the Government to take another look at the Bill before this definite move is made, which may very well prove to be impossible to reverse in the future, even though it may subsequently turn out that the wrong decision was made. Now is the time to look at it, before the legislation gets on to the Statute Book.

The Hon. R. C. DeGARIS (Leader of the Opposition): I consider that the Bill in its present form is a disaster. When the Bill first came in, two people who usually look at matters concerning universities and teachers training colleges (the Hon. Mrs. Cooper and the Hon. Mr. Springett) took the Bill, made their observations, and yesterday I had an approach from members of the staff association of the present School of Art. They put forward certain views and I asked the Hon. Mrs. Cooper and the Hon. Mr. Springett, together with the Hon. Mr. Hill and the Hon. Mr. Potter, to look at the question more closely.

As it has been examined by these good people, they tonight have put forward their views on the Bill. I totally back the views they have expressed. I do not want to reiterate all that has been said by the previous speakers, except to make my own position quite clear. I believe this Bill is a disaster. It does not matter where one goes in Australia in relation to art schools (I cannot speak for the whole of Australia, but I know the position in New South Wales and Victoria), no such move has been made.

The Hon. T. M. Casey: That doesn't say it is not the right thing.

The Hon. R. C. DeGARIS: To say what is done in other States is not always a good argument, I agree, but added to the arguments put forward by previous speakers it is just a further reason for us to examine this move more closely. In both New South Wales and Victoria recently two moves have been made to extend art schools, and both have been separated completely from any other institution.

One could only assume from looking at the Bill that the School of Art will be submerged altogether in the new college. The amalgamation, therefore, will be at the expense of the independence of the present art school, and it is totally opposed to what the Minister himself said, not long ago, would happen. This is what the Minister said in June of last year:

> Indeed, I am prepared to write into legislation establishing such a college the requirement to foster the type of training you wish to see so that there is Parliamentary backing for your areas of concern.

That statement was made in relation to the present School of Art. I add my few words of support to the views put forward by previous speakers on the Bill. I hope that, in its wisdom, the Government will re-examine the position and, if possible, make some change in the legislation before it is too late. I support the second reading, but I will support very strongly any amendments that may be moved, and I hope the Government will rethink the position and accept some of the amendments that may be put forward.

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

COLLEGES OF ADVANCED EDUCATION BILL

Adjourned debate on second reading.

(Continued from November 14. Page 2963.)

The Hon. JESSIE COOPER (Central No. 2): I have nothing further to add to the

remarks of the Hon. Mr. Springett last night. This Bill is similar to the one we have just been dealing with. It is a perfectly straightforward Bill changing the names from teachers colleges to colleges of advanced education. I can see nothing against the Bill, and I have pleasure in supporting it.

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

Later:

The Hon. M. B. DAWKINS (Midland): I sought an adjournment earlier this afternoon in an endeavour to find out a little more about this Bill. I have satisfied myself that there is no objection to the Bill, which has been dealt with adequately by previous speakers. Therefore, I support the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (ALCOHOL)

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

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

That this Bill be now read a second time.

Its purpose is to reintroduce with certain minor modifications the provisions of a Bill introduced into Parliament earlier this year. The Bill is an important measure designed primarily to ensure that adequate statistical evidence is available to assess the importance of alcohol as a causative factor in road accidents. The major provision of the Bill consists of a new provision under which a medical practitioner is required to take a sample of blood from any person apparently over the age of 14 years who attends at or is admitted into a hospital after a road accident. After the previous Bill had lapsed the Government established an *ad hoc* committee to advise it upon the adequacy of the provisions proposed by that Bill. The committee consisted of Mr. D. A. Simpson, Dr. Robert Hecker, Dr. P. R. Hodge, Supt. J. B. Giles, Mr. L. K. Gordon (Crown Solicitor), Mr. John Perry (representing the Law Society of South Australia) and Mr. M. C. Johnson.

I should like to acknowledge the Government's debt to these gentlemen, who went to a great deal of time and trouble to examine in detail the implications of the previous measure and to bring their own extensive experience to bear upon aspects of the proposed legislation in which some modification was desirable. The committee was in general agreement with the major principles of the Bill and made certain recommendations on ancillary matters which have now been incorporated in the present measure. For example, the committee recommended that the compulsory blood test should be extended to all victims of road accidents who are apparently over the age of 14 years, instead of the previous provision that only the driver of the motor vehicle involved in the accident should be subjected to the test. Thus the degree of intoxication of pedestrians who are run down by motor vehicles will also be subject to assessment.

The Bill also provides for the administration of alcotests by members of the Police Force. These are screening tests that may be conducted in the field by members of the force so that they can ascertain whether the degree of intoxication of the driver of a motor vehicle justifies requiring him to submit to the more accurate breathalyser test. The alcotest is given no evidentiary value by the Bill; it is merely used to prevent a driver being submitted to unnecessary trouble where he has been apprehended for careless driving or has been involved in an accident. The Bill also makes a number of other amendments of a technical nature to the principal Act.

Clauses 1 and 2 are formal. Clause 3 repeals and re-enacts section 47a of the principal Act. The purpose of this amendment is to insert a definition of an alcotest. Clause 4 amends section 47b of the principal Act. This section relates to the offence of driving with the prescribed concentration of alcohol in the blood. The purpose of this amendment is to provide that, when the court is determining whether an offence is a first, second, third or subsequent offence for the purpose of determining penalty, previous offences of driving under the influence of liquor or refusing to obey a requirement to submit to a breath test shall be taken into account as previous convictions.

Clause 5 repeals and re-enacts section 47e of the principal Act. The purpose of this amendment is to enable a member of the Police Force to require a driver to submit to an alcotest or a breath analysis where the driver has behaved in a manner that indicates that his ability to drive a motor vehicle is impaired as he has been involved in an accident. Where a driver refuses to submit to an alcotest or breath analysis, the new section provides for compulsory minimum periods of disqualification to be imposed by the court. These minimum disqualifications are necessary because of legal difficulties that have been raised by the courts in assessing the period

of disqualification where there is no direct evidence of intoxication but the driver has merely refused to submit to the test. The new section contains a provision that previous convictions for drunken driving or driving with a prescribed concentration of alcohol in the blood are to be taken into consideration as previous offences when assessing the punishment to be imposed for refusing to submit to an alcotest or breath analysis.

Clause 6 makes a consequential amendment to section 47f of the principal Act. Clause 7 amends section 47g of the principal Act. The amendments are inserted to overcome problems that have been experienced by the courts in interpreting the expression "*prima facie* evidence" which was previously used in the section. Clause 8 makes a consequential amendment to section 47h of the principal Act enabling the Governor to approve apparatus for the purpose of conducting alcotests.

Clause 9 enacts new section 47i of the principal Act. This new section provides that, where a driver attends at or his admitted into a hospital for the purpose of receiving treatment for an injury sustained in a vehicular accident, the medical practitioner by whom he is attended must take a sample of his blood. The sample is not to be taken where it would be injurious to the medical condition of the patient to do so. The medical practitioner is not obliged to take a sample where the patient objects to the taking of the sample and persists in that objection after the medical practitioner has informed him that unless his objection is made on genuine medical grounds it may constitute an offence against this section. Where the patient is dead on arrival at the hospital a sample of blood is to be taken from the body of the deceased person. The medical practitioner is obliged to divide the sample of blood into two equal portions and make available one container of blood to a member of the Police Force and one to the person from whom the blood was taken or, if he is dead, a relative or personal representative of the deceased. A notice must be attached to the container that is forwarded to a member of the Police Force. This notice must contain details of the time at which the sample of blood was taken, and on analysis of the blood the pathologist must endorse certain information on the notice, including a statement of the amount of alcohol found to be present in the blood. A copy of the completed notice is to be sent to the Commissioner of Police, the medical practitioner by whom the sample of blood was taken, and the person from whom the sample of blood was taken or, if he is dead, a relative or personal representative of the deceased. This notice is to be available in legal proceedings (subject to the discretion of a court to exclude it from evidence on the grounds that it is not relevant or that its probative value is outweighed by the prejudice that it could cause to the defendant) as evidence of any fact stated in the notice.

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

MURRAY NEW TOWN (LAND ACQUISITION) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The Murray New Town (Land Acquisition) Act, 1972, will authorize the acquisition by the State Planning Authority of not more than 10,000 ha of land for the purpose of establishing a new town in the vicinity of Murray Bridge. The 10,000 ha proposed for designation as the new town site would be capable of housing a population of between 100,000 and 150,000 people on the basis of 10 to 15 persons a hectare. Such a figure could be reached within about 20 years after construction begins, if sufficient finance and employment opportunities are forthcoming.

Some studies have indicated that a city needs to reach a population of about that size before it becomes "self-generating". The experience at Canberra and new towns overseas substantiates this theory. Lack of foresight in setting aside and acquiring adequate lands for further long-term city development could eventually result in high prices having to be paid to acquire land for further expansion, if such expansion was desired. A larger area would also provide for greater flexibility in planning in the design of the new town, particularly if it was found that a large lake or series of small lagoons could be established as a focal point in the design of the town.

The Government has studied various reports and recommendations received from both the State Planning Authority and the Murray New Town Steering Committee that the Act should be amended to enable more land to be acquired, for the reasons already outlined. It is proposed, therefore, that the figure of 10,000 ha be increased to 16,000 ha. Some flexibility is also necessary in the Act to enable the State

Planning Authority to purchase land by agreement outside but in the vicinity of the designated site. Such a provision may avoid costly severance claims where land that lies partly within the designated site and partly outside is to be acquired.

The principal Act enables the Director of Planning to refuse applications to subdivide land within the "establishment area" if the proposal would be prejudicial to the establishment of the new town. The Act also provides for the State Planning Authority to control all changes of land use and building development within the designated site when that site is proclaimed. The State Planning Authority has recommended that powers to control land use should apply to land outside but in the vicinity of the designated site and that control over land subdivision should also be exercised over that land. After the site is designated, the 30 km radius establishment area will have served its purpose. The important areas for controlling land use and land subdivision will then be the designated area and the land adjoining.

It is expected that some additional powers will be available under the amended Planning and Development Act. However, the extent to which they can be used to safeguard the new town will be limited, as that Act makes no reference to the new town and, at this stage, there is no authorized development plan for the Murray Mallee planning area, in which the new town site is situated. The Bill therefore provides that, following designation of the site, the control of land use and building development and the control of land subdivision will apply to the designated site and within 10 km of the boundary.

Clauses 1 and 2 are formal. Clause 3 amends the definition section of the principal Act and provides a definition of "adjoining area". In substance this adjoining area comprises a belt of land 10 km wide surrounding the designated site. Clause 4 amends section 3 of the principal Act and increases the amount of land that may be declared as the designated site from 10,000 ha to 16,000 ha. The reason for this extension has been adverted to earlier.

Clause 5 amends section 4 of the principal Act by permitting the authority to acquire land, in the adjoining area, by agreement. Generally, this power will be used to obviate the need for claims for severance when part of the land being within the designated site has been acquired. Clause 6 amends section 5 of the principal Act by limiting the control over land subdivision that at present extends throughout the establishment area to the designated site and the adjoining area, as defined. Clause 7 amends section 6 of the principal Act by somewhat extending the control over land use outwards to cover land use in the adjoining area. At present under section 6 this control is limited to the designated site. The need for this additional measure of control has again been adverted to earlier and is, briefly, to ensure that the proper development of the new town is not prejudiced.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill, which is urgently required for the purpose of protecting the area on which the Murray New Town will be built. I do not wish to speak at length but propose to ask the Minister some questions. As I understand the position in the original legislation, within a radius of 19 km from the proposed site the area is frozen until such time as the necessary acquisition has been made for the site of the new town, which site, according to the original legislation, was to be 10,000 ha of land. This Bill proposes to increase the area of the designated site from 10,000 ha to 16,000 ha of land.

When the original Bill went through at the beginning of last session, an undertaking was given, I think, that as soon as the area had been purchased the remainder of the frozen area would immediately be released from the provisions of the Act. Once again, I ask the Minister whether, as soon as the area has been purchased for the site of the new town, the land not required will be released from the provisions of the Act. There is probably something that the Council does not know but that the Government does know to make the passing of this measure urgent. I have been informed that the Government requires a speedy passage of the Bill. Therefore, I do not propose to delay its passage through this Council. I support the second reading.

The Hon. C. M. HILL (Central No. 2): I understand the Government believes there is some urgency about this measure, because it wishes to exercise as soon as possible the controls within the provisions of the Bill. I am prepared to support the Bill, although I repeat the fears I expressed earlier about the wisdom of the initial planning steps the Government has taken regarding the proposed new town.

My fears extend not only to this specific town to be developed, but they go much deeper, to the investigation that should have been carried out in public as to the best

means of accommodating future increased population in South Australia. However, I do not intend to go into that at this stage.

It appears that the Government has already made the decision that its initial planning is insufficient and that more land needs to be controlled surrounding the original parcel. The decision was made by the Government to introduce this measure after the Government had studied various reports and recommendations from the State Planning Authority and the Murray New Town Steering Committee.

My views, which I repeat, are that initially one person must be in charge of planning when it is decided to put a town in a specific region, and all recommendations should go through that one person or entity. From what the Minister has said, the Government does not seem to have reached the stage where one person has been placed in charge of the initial planning. It has become necessary for a further decision to be made, and the Government needs to expand the area so that further land can be purchased and land use and subdivision can be controlled in an area surrounding the original site.

I support the Government's approach, because there is a need to control subdivision in order to avoid speculation and development in this region. Undoubtedly, there is a need for some flexibility, because the Minister said that the question of severance should be avoided in future acquisitions in this region. Members understand that if a farmer has 500 acres of farmland, and 250 acres is required in the specific area, the balance of 250 acres can be re-sold if not needed in future.

It will be practically useless as an economic unit, and if he is left with it, it is fair and reasonable (and part of the Land Acquisition Act provides for this) that he should be able to claim for severance because of loss of income and capital. If the State Planning Authority is given the right to acquire all the land, this avoids the question of severance, and, ultimately, if land on the fringes is not needed it can be fashioned into one parcel that will be a viable unit as rural land and can be resold if not needed in future.

Flexibility of this kind should be available to the State Planning Authority in its process of acquiring land in this region. I think the clauses are straight-forward, but I repeat my plea that at some stage a town planner of professional worth and fame must be appointed, and I hope the time will arrive when the public will be able to participate more in contributing towards the future planning of this new town.

The Hon. H. K. KEMP (Southern): Murray New Town has brought to a head many of the difficulties that face us as Parliamentarians in working out what is a fair go for the man who is involved as a landowner in that area. There seems to be no alternative but to pass the Bill as quickly as possible without any questions.

Much intense activity has occurred among people interested in land dealings who have been ringing everyone between Murray Bridge and Adelaide in order to find land that is available for purchase and resale, because they realize that because of the projected establishment of this new town there must be a tremendous rise in land values along the route and near the new town to be established. At this stage we say advisedly that the new town is a project development.

Whether it will be viable is still open to question, because we have had bitter experience in this State with development, and obviously the dispersion of development can be a precarious idea unless there is real native reason for the development to occur. In South Australia we have some of the best examples of decentralization in Australia, and they should not be discounted.

We have in Whyalla, Port Augusta, Mount Gambier, and Millicent decentralization that counts, and it will be vital in Murray New Town, because we have a completely new concept for this project. It is a town to be established, but we have no real reason for its existence. However, it will occur if good thought is given in sufficient time, and the industry to sustain it is found and established in the area, but, unless that happens, the whole project will fall to the ground.

Because of the number of telephone calls made to ascertain where land is available, several shrewd people have been able to pinpoint with some accuracy where the new development is proposed, and by trying to buy land immediately around that area they are disturbing the community and obstructing the purpose of the project.

If Murray New Town can be made to go, it will be a tremendously important development for this State. To increase the radius, which is put in cold storage, from 10 km to 16 km means that the area is of a pretty solid size, and we must ask the Government to complete its negotiations with the people with

whom it is involved as soon as possible in order to again free this area, because many legitimate land sales must proceed.

Unfortunately, this is one of the most adversely affected areas in the State regarding seasons. People here have their land completely tied up in financing businesses and trying to keep going, because the Murray Plain is terribly dry, and much of the stock will have to be taken off. A blanket of this nature sitting on top of anything he wants to do with his land can be a killer for a man who has to carry on as a farmer. I do not think anything can be added to the debate but to underline the requirement (and we should make it a requirement) that the Government retains such a blanket of prohibition for as little time as possible, because it will interfere with the living of the people in that area.

The Hon. V. G. SPRINGETT (Southern): I emphasize the comments of the Hon. Mr. Kemp, particularly when he referred to the importance of revealing as soon as possible (for the good of the community in the district) how much land is being acquired, and where, for this new town. I assure honourable members that in this area much anxiety is being expressed about where things will be in the future—whether one should buy or sell or build or what one should do. This is a very real problem. Having seen it exist and having gone through this experience in Britain, as is happening with the Murray New Town now, I think the same sort of problems will arise.

I am sure that, the sooner the Government takes the people of the district into its confidence, the happier everyone will be and the less risk there will be of black marketing and profiteering in the future. From past experience, I am sure that the Government loses nothing by taking the people into its confidence and telling them what is happening. When people know what is happening they know how to plan and, what is more important, they know how to stop spivs from working as they do. I hope that with the minimum of delay this area will be developed openly and in the interests of everyone.

The Hon. A. M. WHYTE (Northern): As previous speakers have said, this area should be put under regulations at the moment to prevent groups of people investing in and capitalizing on the acquisition of land that is intended. Although so much has been said about Murray New Town, why has it not been said about a Port Pirie new town? If we are to build a new town (and I have canvassed this many times and advanced this argument) why do we not build it in country where there is so much space and the land is not productive for any real purpose, taking into consideration the climate? Country of that sort could provide all the dwelling places necessary for a city.

We keep on talking about the Murray New Town. No-one knows where the new town will be, which is a good thing. (I should like to know exactly where it will be but not tell anyone else!) In the Murray basin there is always the problem of drainage. When we build a new town in that area, we shall find that one of the great problems will be where to dispose of all the effluent and waste material from the new town. Will it all go straight into the Murray River? It will, but with a new town at Port Pirie these problems could be overcome.

The Hon. A. J. Shard: I admire your loyalty to your district.

The Hon. A. M. WHYTE: I do not want to prolong the debate but I appeal to the Government to reconsider the site of a new town. As I have said for many years, there is plenty of land in South Australia on which to build a new town that would not interfere with our waterways and roads, and it would aid decentralization, the very thing that Governments have talked about for so many years at election time but have done nothing about.

The Hon. R. A. GEDDES (Northern): We have before us another measure, the Planning and Development Act Amendment Bill, designed to try to prevent ribbon development between Adelaide and Murray New Town, a problem that will become more relevant as people become more aware of the existence of a new town and its location becomes known. The fact that a modern, first-class freeway is being built through the Hills indicates that there will be ribbon development, whether or not we like it. Obviously, the Government does not like it, because the Planning and Development Act Amendment Bill is designed to slow it down.

As the Hon. Mr. Whyte has said, the northern areas, and particularly the Port Pirie and Port Augusta region, afford great scope for the development of a decentralized type of town or city. We have there the meeting of the great railway systems of Australia and close proximity to the natural gas pipeline. We have the prospect, as the Mayor of Port Pirie has been trying to get the Government to agree to, of a desalination plant at Port Pirie in connection with the rare earth plant, to solve the water problem. The cost of the

land in that area is minimal compared with the problems that will occur if Murray New Town is built.

The Hon. T. M. Casey: What will desalination cost?

The Hon. R. A. GEDDES: What is a city of 400,000 people going to cost? That should be answered by the Government, with all its plans and promises.

The Hon. A. F. Kneebone: Billy McMahon will help us, too.

The Hon. R. A. GEDDES: I am glad to hear that the Prime Minister of Australia will help the State Government in the formation of a satellite city.

The PRESIDENT: Order! One speaker at a time.

The Hon. R. A. GEDDES: Let it not be forgotten that already the Jordan report has referred to the fact that the next city should be in the northern areas of the State, in the Port Pirie and Port Augusta region. Although this Bill deals with Murray New Town, that mythical place that one presumes is in the Murray Valley area, I support the Hon. Mr. Whyte in his concept that the Government should think further, more broadly and more widely about the future of this type of satellite or decentralized population spread within the State.

The Hon. A. F. KNEEBONE (Minister of Lands): As the Minister in charge of this Bill and of other Bills with which we have dealt this week, I thank honourable members for their co-operation in helping me to get through this Council Bills in which we were particularly interested. Last night we had the example of a Bill being passed quickly. This is another important Bill in which honourable members have co-operated well in speeding its passage through this Council.

I have listened with interest to honourable members in their approaches to the Bill. Starting with the last speaker and working backwards through the previous speakers, I want to say this in answer to the Hon. Mr. Geddes and the Hon. Mr. Whyte, that I have sufficient faith in the future of this State to believe that more towns of this nature will be developed in South Australia. I agree with what they have said, that possibly the next development of this nature could be in the northern areas of the State. I agree, too, with them in the matters they have put forward so loyally on behalf of their districts. Even if they have not faith in the State, I have faith that this will happen.

The Hon. H. K. Kemp: As long as there is not too much in the Murray area.

The Hon. A. F. KNEEBONE: The situation here is that I have discussed this Bill with honourable members opposite during the afternoon, and one main query they have raised concerns an assurance given last April. Does this Bill mean further assurances have to be given? It does not. I have discussed the matters put forward by honourable members, and I reiterate what I said at page 4671 of *Hansard* on April 6 last:

> The intention is that as soon as the designated site is declared (and we would hope this will be within a period of 12 months), those parts of the establishment area that do not lie in the immediate vicinity of the boundaries of the designated site will, for practical purposes, not be affected at all. Those that lie in the immediate vicinity of the designated site will be affected only to the extent that subdivisions that may affect the establishment of the new town within the designated site will be subject to approval by the Director of Planning.

That assurance stands in regard to this Bill. In discussions with the Minister in another place this afternoon in which the Hon. Sir Arthur Rymill participated, we discussed this matter and it was agreed that, as soon as possible after the designated site had been decided, these areas would be freed.

I thank the Hons. Mr. Kemp, Mr. Hill and the Leader for their contributions to the debate. Some of the matters mentioned by each of them are important in the designing and planning of this new town, and I assure them that the matters they have put forward in regard to the area of planning and the fact that the planners should listen to people who have knowledge in this respect will be considered. If the suggestions they have made can be carried out, they will be incorporated in the consideration of the establishment of the new town.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

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

SWIMMING POOLS (SAFETY) BILL

Bill recommitted.

In Committee.

Clause 3—"Interpretation"—reconsidered.

The Hon. M. B. DAWKINS: I have sought the reconsideration of this clause because over the weekend some constituents of mine have been in touch with the Hon. Mr. Story who,

as honourable members are aware, is unfortunately sick and cannot be in the Chamber today. They are particularly concerned with regard to opaque fences around swimming pools. It might be safer to have a fence around the swimming pool that consisted of a fine mesh which would not enable children to climb over it yet it would be possible for adults to see what was going on inside the pool area. The amendment will in no way lessen the safety provisions of the Bill. I move:

After "3" to insert "(1)" and to insert the following new subclause:

(2) For the purposes of this Act a fence, wall or building or any combination thereof that has apertures not greater in area than ten square centimetres shall be deemed not to afford foot or hand holds to a small child attempting to climb the fence, wall or building.

The Hon. H. K. KEMP: As the Minister has promised that a local government Bill will be before us soon, there will be time then to consider this amendment and other representations that have been made to him. Anything done to keep a swimming pool from clear view would greatly increase the hazards that attach to it. Teenagers probably make the most dangerous use of swimming pools and elderly people must be protected, too; but this cannot be done unless the pool has free access and is open to view. An active five-year-old child could climb a fence that had 10 square cm. holes in it.

The Hon. T. M. CASEY (Minister of Agriculture): As much as I appreciate the motives behind the amendment, I cannot accept it. The prime object of the Bill is to ensure that swimming pools will not be accessible to small children. The Minister has ample power to use his discretion to exempt pools that are rendered safe by other methods. Even with the amendment the Bill might not provide sufficient protection, but it would be difficult to write into the legislation exactly what the minimum and maximum requirements for protection must be. I ask the Committee not to accept the amendment.

The Hon. G. J. GILFILLAN: On a quick check of the Bill I cannot see any reference to the type of material that must be used. If the material for the fence is not specified, pool owners will seek guidance on what type of fence they should erect.

The Hon. T. M. Casey: Clause 6 covers the situation.

The Hon. G. J. GILFILLAN: The clause does not specify the type of fence, except that it shall not have hand-holds for a small child. It should be spelt out more specifically. An owner could put up a fence he considered quite safe, but if an accident occurred he could be sued by the parents of the child for not complying with the provisions of the Act. The definition is too vague, and a minimum standard should be specified.

The Hon. R. C. DeGaris: Even if it removed the risk of civil action.

The Hon. G. J. GILFILLAN: Yes.

The Committee divided on the amendment:

Ayes (6)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, G. J. Gilfillan, E. K. Russack, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey (teller), R. A. Geddes, C. M. Hill, A. F. Kneebone, A. J. Shard, and V. G. Springett.

Pair—Aye—The Hon. C. R. Story. No—The Hon. H. K. Kemp.

Majority of 1 for the Noes.

Amendment thus negatived.

Bill read a third time and passed.

LAND AND BUSINESS AGENTS BILL

Read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 4, 6, 10, 12 and 13, and disagreed to amendments Nos. 1, 5, 7 to 9, 11 and 14 to 25.

Consideration in Committee.

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

That the Council do not insist on its amendments.

The amendments would destroy an essential part of the measure. I draw honourable members' attention to the discussions that took place in this Chamber on this Bill and also the arguments advanced by the Government in defence of its legislation. I remind honourable members briefly that the Government has no intention, and never had any intention, of wiping out the land brokers. That was never intended. Many words have been spoken and published to that effect.

The Hon. R. C. DeGaris: No-one indicated that the Bill would do that.

The Hon. T. M. CASEY: Many words have been spoken and written to the effect that the land broker would be put at an extreme disadvantage, in that all the transactions that normally go to land brokers would be channelled to solicitors. Some people went so far as to say that the Bill would be responsible for charges rising to exorbitant levels, which

would destroy the whole Torrens title procedure in such transactions. That was never the intention of the Government. The position has been explained so many times that honourable members must realize by now that this Bill will work for the benefit of all people in the State. I ask the Council not to insist on its amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot agree to the motion; nor can I agree with some things that the Minister has said. I do not think it was ever said in debate that the Government intended to wipe out land brokers. We all understood that the Government did not intend doing that, but of the effect of what the Government is doing honourable members take a different view. I suggest that the Council stands by its amendments. I do not know whether any trouble has arisen to cause the Government in another place to disagree to our amendments. However, it does not matter very much. In some ways it is a good thing to see this happen. I see no reason why our amendments should not be accepted. The matter has been debated fully and I cannot agree with the Minister's view on it.

The Hon. M. B. CAMERON: I accept the Minister's statement that it was not the intention of the Government to wipe out land brokers. It probably was not, but it seems to me that that would have been the inevitable result from the working of clause 88. It is quite clear that, if a person has an independent legal adviser and receives legal advice and so is not subject to what is called a cooling-off period, inevitably there will be a channelling of business into the hands of the legal advisers, with a consequent loss of business to those people who have been engaged in this business for years. With the 48 hours cooling-off period there are many problems. A person may want to sell a farm. The person next-door goes down the road and says, "I have signed a contract and I have 48 hours grace. If you do not reduce your price I will accept the contract I have already entered into." That sort of practice is inevitable. I support the Hon. Mr. DeGaris in his insistence on our amendments. For the life of me, I cannot see how they destroy the Bill. It has its good parts, but the parts that would have taken away business from land brokers has been struck out.

The Hon. D. H. L. BANFIELD: I support the motion. I ask the Hon. Mr. DeGaris whether he would care to comment on a letter he received from the Law Society of South Australia over the signature of S. J. Jacobs, President, in which he says:

> I was surprised and disappointed to read in the paper this morning that you had in effect repeated the false allegations that the Real Estate Institute has been making in connection with proposed amendments to the Land Agents Act.

I need read no more of it.

The Hon. R. C. DeGARIS: I suggest that the Hon. Mr. Banfield contact the gentleman who wrote the letter. I intend to reply to him. That gentleman may tell him what my reply is. I said that this was the thin end of the wedge in this matter and that the cost of conveyancing in South Australia would over a period of time increase to the consuming public. If the honourable member cares to look at *Hansard,* he will see that that is what I said. I believe that to be the position.

The Hon. T. M. Casey: But it is still a supposition.

Motion negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 5 p.m. on Thursday, November 16, at which it would be represented by the Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, C. M. Hill, and F. J. Potter.

REAL PROPERTY ACT AMENDMENT BILL (FEES)

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

LISTENING DEVICES BILL

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

BUSH FIRES ACT AMENDMENT BILL

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

INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

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

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

That this Bill be now read a second time.

It gives effect to the recommendations made by a Select Committee of the House of

Assembly on occupational safety and welfare in industry and commerce that was laid on the table on April 6, 1972. As the Select Committee indicated in its report, it was the first comprehensive inquiry of its kind in South Australia during this century. Although there are laws concerning the safety, health and welfare of persons employed in factories, shops, offices and warehouses, in mines and on building sites, about one-quarter of the South Australian work force is not at present subject to any legislation that regulates their safety, health and welfare during their employment. In other words, about 100,000 persons in South Australia do not have this protection.

The Select Committee recommended that one Act should contain general principles applicable to all employed persons in industry (primary as well as secondary) and in commerce, and in Government employment, and that the Act should authorize the making of detailed provisions by regulations. The Select Committee further recommended that the regulation-making power of the Act should enable separate regulations to be made for different industries and different processes, and that the Act should be so framed that it can be proclaimed to come into operation with respect to different industries at different times as the regulations are prepared.

This has been done by so framing the definitions of industrial premises and construction work that it will be possible to bring all work places in the State within one of those definitions. The measure authorizes the making of regulations to give effect to the objects of the Act, so in practice proclamations will not be made that have the effect of applying the Act to a particular industry until regulations have been prepared in respect of that industry.

In accordance with the recommendations of the Select Committee, the proposed Act, which is to be called the Industrial Safety, Health and Welfare Act, is to provide for the safety, health and welfare of persons employed or engaged in industry, for the safety of persons affected by industry and for other purposes. Although the committee recommended that it should regulate the safety, health and welfare of all employed persons in South Australia, the Bill excludes from its scope mines as defined in the Mining Act, which in simple terms means mines and quarries.

In paragraph 27 of its report the Select Committee recommended that the provisions of the Mines and Works Inspection Act relating to the safety, health and welfare of persons employed in mining, quarrying and smelting should be incorporated in the proposed legislation, but expressed the opinion that the inspection of mines and quarries, as distinct from treatment plants and other industries associated therewith, should continue to be undertaken by inspectors of the Mines Department, who have other inspectorial responsibilities under both the Mines Act and the Mines and Works Inspection Act.

When the Bill was being drafted it became clear that because the Mines and Works Inspection Act, which was originally an Act concerned with the safety of persons employed in mines and works, is now so inter-related with matters concerning the environment, etc., it would be necessary to repeal the Mines and Works Inspection Act and re-enact a new Act dealing only with those matters that do not concern safety of workers. In view of the fact that, in accordance with the recommendation of the Select Committee, the inspectors of mines would still be making inspections to ensure compliance with those regulations under the Industrial Safety, Health and Welfare Act that related to mines and quarries, it appeared far simpler from a legislative and an administrative point of view to leave the provisions relating to safe working in mines as they are, and for the Industrial Safety, Health and Welfare Act to specifically not apply to, or in relation to, any mine (meaning a mine or quarry), and the Bill so provides. The Bill will enable works associated with a mine to be proclaimed as industrial premises, and for regulations to be made in respect thereof.

The other recommendations of the Select Committee are given effect to in the Bill, which will have application throughout the State and will bind the Crown. The Bill authorizes the making of regulations, and in the schedule 40 subject matters for regulation are listed. This schedule does not include the making of regulations in respect of radioactive substances, as the Secretary for Labour and Industry and Director-General of Public Health have arranged that inspectors of the Department of Labour and Industry, who normally make inspections of premises in secondary industry where any irradiating apparatus is used, will be appointed to be inspectors under the present radioactive substances and irradiating apparatus regulations. The Bill also provides for the repeal of the Construction Safety Act. Separate Bills will be introduced shortly to repeal those parts of the Industrial Code that the provisions of this Bill will replace, and to make consequential amendments to the Lifts and Cranes Act.

I believe it is appropriate to refer to the fact that in May, 1970, the Hon. Barbara Castles (then Minister of Employment and Productivity in the United Kingdom) appointed an eight-member committee under the chairmanship of Lord Robens to review the provisions made in that country for the safety and health of persons in the course of their employment. The Robens committee presented its report in July of this year; that is, three months after the Select Committee of the House of Assembly had reported on a somewhat similar inquiry. Many of its recommendations were along the same lines as those of our Select Committee, although in some respects they went further. The Robens committee recommended the establishment of a national authority for safety and health at work, and that the present safety and health legislation dealing separately with factories, mines, agriculture, explosives, petroleum, nuclear installations and alkali works should be revised, unified and administered by the new authority, which should play a promotional and co-ordinating role in safety training.

The report of the Robens committee also recommended that the existing statutory provisions should be replaced with a comprehensive and orderly set of revised provisions of a new enabling Act. The new Act should contain a clear statement of the basic principles of safety responsibility and should be supported by regulations and codes of practice. A further recommendation was that the scope of the new legislation should extend to all employers and employees, except for a limited range of specific exclusions (for example, domestic workers) and should cover the self-employed in circumstances where their acts or omissions could endanger other workers and the general public. The existing separate inspectorates should be amalgamated to form a unified inspection service. Another important recommendation of the Robens committee was that there should be a general statutory obligation on employers to consult with their work people on measures for promoting safety and health.

South Australia is leading the way in this country by being the first Australian State to introduce legislation that concerns the safety and health of all employed persons and not just employees in selected industries. In doing so we have the unanimous recommendation of a Select Committee of the House of Assembly and now the support of similar recommendations from a committee of inquiry that has made an extremely thorough and comprehensive investigation in the United Kingdom.

Clauses 1 to 3 are formal. Clause 4 repeals the Construction Safety Act, as all provisions therein contained will be covered by this new Act and the regulations to be made under it. Clause 5 provides in effect that this Bill shall not apply to, or in relation to, any mine or quarry. Clause 6 provides that the Act binds the Crown. Clause 7 is the definitions clause. In some cases definitions at present contained in the Industrial Code or in the Construction Safety Act are repeated either in their present form or with some variation. As I mentioned earlier, the definitions of construction work and industrial premises have been so framed that it will be possible to bring all work places in the State within either one or the other of those definitions. This can be done by proclamation in accordance with the power given in subclause (2) of this clause.

Clauses 8 to 16 provide for the constitution of an Industrial Safety, Health and Welfare Board on a somewhat expanded basis when compared to the Industrial Welfare Board presently constituted under the Industrial Code. The purpose of the board is to investigate, report and make recommendations to the Minister on any matter which he refers to the board (including proposals for regulations to be made under this Act) relating to the prevention of work injuries or to the safety, health and welfare of workmen in any industry or of persons affected by any industry. Clauses 17 to 22 concern the appointment and powers of inspectors and are in general self-explanatory. However, I would draw honourable members' particular attention to clause 20, which gives power to an inspector to give directions for the purposes of reducing the risk of injuries and of enhancing safety generally.

Clause 23 continues the present requirement in the Industrial Code relating to factories by requiring that the plans and specifications of buildings intended for use as industrial premises will be approved before these buildings are constructed. The purpose of the clause, which will apply to industrial premises of classes declared by proclamation, is to ensure that new buildings comply with the prescribed safety requirements, and that the necessary amenities for employees required by regulation are provided.

Clauses 24 and 25 concern the registration of industrial premises of prescribed classes. This is necessary to ensure that premises conform to the prescribed requirements, and that

premises that do not so comply are not registered. The Industrial Code at present requires only the registration of factories, shops and warehouses. Clause 26 repeats the present requirement in the Construction Safety Act requiring contractors to give notification prior to the commencement of construction work, so that the inspectorate can have notice of the commencement of that work. Clause 27 continues the requirement now contained in both the Industrial Code and the Construction Safety Act that employers must keep a record of industrial accidents (now called "work injuries") suffered by their employees and for the more serious ones to be reported.

Clause 28 repeats a requirement of the Construction Safety Act for the reporting of accidents that involve any load-bearing part of scaffolding or shoring being broken, distorted or damaged. Clause 29 requires employers to take all reasonable precautions to ensure the safety and to protect the health of workers while they are engaged at work and to ensure that the provisions of the Act are complied with. Clause 30 ensures that a worker shall not render less effective any action his employer has taken to ensure the safety of his employees. Clause 31 will enable a representative of the workers to be elected at any work place where more than 10 persons are employed, so that the employees may have a recognized person who can act for them in discussions with the employer to ensure that the purposes of this Act are complied with. In a number of companies and Government departments there are already safety committees on which representatives of workers are members, and in these cases there will be no need for the appointment of a further workers' safety representative.

Clause 32 repeats the present section of the Industrial Code requiring machinery to be adequately safeguarded at the point of manufacture; this conforms to an International Labour Convention. Clause 33 provides that it shall not be possible for persons to contract out of the provisions of the Act and also ensures that no person shall be liable for any penalty under a contract for complying with the Act. Clause 34 provides for the submission of an annual report to Parliament. Clauses 35, 36 and 37 relate to offences against the Act, clause 37 setting out what, it is suggested, is a reasonable evidentiary provision.

Clause 38 is really the operative clause of the Bill. It provides for the making of regulations to give effect to the provisions and objects of the Act. The schedule to the Act sets out the specific subject matters in respect of which regulations may be made. It is the intention that this clause will enable the production of complete safety codes in relation to each industry. In the nature of things regulations made under this provision will be subject to disallowance by this Council.

The Hon. F. J. POTTER secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Licensing Act. The Bill provides for the grant of a licence to a person nominated by the Adelaide Festival Centre Trust enabling him to sell and supply liquor in accordance with special terms and conditions determined by the court within the premises of the Adelaide Festival Centre. New provisions are inserted in the section of the principal Act dealing with wine licences. The five-year period in which licensees were enabled to continue to serve wine unaccompanied by food has now expired. Licences cannot therefore be renewed unless the conditions relating to the provisions of food stipulated by the principal Act are fulfilled. It appears that some licensees do not propose to seek renewal of their licences. The Government feels that it should be possible to grant new wine licences to replace the licences that are not renewed and provision is accordingly made for this to be done.

Under section 23 (3) the holder of a wine licence renewed after September, 1972, is prevented from selling wine unaccompanied by food. It is considered that the present system under which the licensee may sell wine by the bottle or sell wine unaccompanied by food during the same hours as are applicable to hotels should continue. If, however, the licensee seeks to sell and dispose of wine during the hours applicable to a hotel dining-room, the wine must be disposed of in association with food. Under the proposed provisions, food must be available for consumption on the premises if the licensee is to be entitled to carry on business in pursuance of the licence. The Bill provides for the purchase of liquor by the holder of a club licence from a retail storekeeper. This amendment brings the club licence provision into conformity with other provisions of the principal Act.

Administrative changes are made relating to the time at which licences are to expire and

the time at which quarterly instalments of licence fees are to be paid. This will greatly improve the administration of the principal Act by providing uniformity between all licences and thus removing many administrative complexities. The Bill also provides for the grant of special permits under section 66 of the principal Act to the holders of wine licences and cabaret licences. The provisions of the principal Act dealing with the grant of a packet certificate are amended to enable the court to grant such a certificate over an extended period. Where the service provided by the holder of a certificate is of an exceptionally high standard, he may be authorized by the court to purchase the supplies of liquor he requires for the purpose of his certificate from a wholesaler.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 provides for the grant of a special licence in respect of the Adelaide Festival Centre. Clause 4 amends section 23 of the principal Act. The effect of these amendments it to enable the holder of a wine licence to continue to dispose of wine in the usual manner. No wine licence will be granted or renewed unless the licensee provides substantial food on the premises. Where a wine licence is forfeited, or not renewed, a new wine licence may be granted to replace it.

Clause 5 amends section 27 of the principal Act. The holder of a club licence is authorized to purchase liquor from the holder of a retail storekeeper's licence. The trading rights of certain clubs which are entitled to sell liquor at any time of the day or night are extended by removing the requirement that the liquor must be supplied to visitors at the expense of members. Clause 6 amends the provision of the principal Act dealing with cabaret licences. The amendment is inserted merely to make it clear that a certificate under section 66 may be granted to the holder of such a licence. Clause 7 amends section 34 of the principal Act to provide a uniform expiry date for licences.

Clause 8 removes an unnecessary exception from section 27 of the principal Act. Clause 9 amends section 38 of the principal Act by deleting the requirement that percentage licence fees be shown on the licence. Many licensees desire this information to be confidential. Clause 10 provides for the payment of licence fees, or instalments of licence fees, on the first day of each quarter. Clause 11 amends section 66 of the principal Act to provide for the grant of special occasion permits to the holders of wine licences and cabaret licences.

Clause 12 provides for the grant of a packet certificate to the owner, agent, charterer or master of any vessel that plies in South Australian waters. The duration of the certificate is not limited to one day as previously. Where the service provided by the holder of the certificate is of an exceptionally high standard, the court may authorize him to purchase liquor by wholesale. Clause 13 amends section 87 of the principal Act to make it clear that clubs are not entitled to sell liquor to visitors for consumption off the premises. Clause 14 amends section 118 of the principal Act. The previous amending Act purported to amend subsection (2) of this section. In fact the amendments were appropriate to subsection (1a). This clause inserts the amendments in the appropriate subsection.

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

STATE BANK ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is a Bill to clarify and codify the application to the State Bank of the provisions of the Public Service Act. It has been the practice for many years to apply the provisions of the Public Service Act to the employment conditions and arrangements of officers of the State Bank, and section 19 of the State Bank Act was originally enacted to provide for this. However, with amendments of the Public Service Act subsequent to enactment of the existing provisions of section 19, and with the complete re-enactment of the Public Service Act in 1967, some features of the procedures as affecting the State Bank have become somewhat difficult of application and others rather unclear and possibly anomalous.

Under the former Public Service Act, the administrative and employment functions were vested in the Public Service Commissioner, and the Public Service Board carried out classification of offices and heard appeals against appointments, whilst a special separate authority was set up to deal with disciplinary appeals. For the State Bank those functions which for the Public Service fell upon the Commissioner and the Public Service Board were placed with the State Bank Board, whilst the disciplinary appeal authority remained as with the Public Service. It is a matter of record that there has never been an occasion to call for the operation of the disciplinary appeals tribunal for a State Bank officer.

With the new Public Service Act the administrative and employment function was transferred from the Commissioner to the Public Service Board, which retained also its previous classification function, but the promotions appeal function was transferred to separately constituted appeals committees. With the State Bank the promotions appeal function has continued to be handled directly by the State Bank Board. As appointments are recommended and forwarded to the Governor by the board after considering nominations from the bank's management, it may appear somewhat like appealing from Caesar to Caesar with the promotions appeals in the hands of the board. Notwithstanding that the present procedures have appeared to have worked quite satisfactorily for a long period, the State Bank Board has indicated that it sees both merit and consistency with the new Public Service Act approach, if a separate appeals committee should now be set up. This is the principal new feature introduced by this amending Bill.

The other significant provision is for the constitution of a classification committee or committees to advise the State Bank Board upon classification of offices. The function of such a committee would ordinarily be to advise whether, having regard to the duties of any particular office, that office is ranked appropriately relative to other offices, or whether it should be raised or lowered in relative ranking. Actually, there is no comparable provision in the Public Service Act, but under its general managerial powers the Public Service Board has set up such committees to advise it. It would, of course, be competent for the State Bank Board likewise to set up such committees to advise it, without the necessity for legislation. However, the board has indicated its preparedness to set up such a committee or committees which have been sought by the Australian Bank Officials' Association, and it has therefore seemed desirable to set out the constitution of such committees should they be adopted.

Whilst such committees will necessarily be advisory, because final determination of such an important managerial function cannot properly be taken entirely out of the hands of the board, there is every reason to expect that the recommendations or findings of the committees will be followed by the board. That has been the experience in the Public Service, and also has been the experience with similar committees which presently operate in the railways, the Savings Bank of South Australia, and the Electricity Trust. In accordance with practice which has now become widespread and virtually standard, both the appeals committee and the classification committees will have nominees of management and of the officers association with a mutually acceptable chairman, independent of management and the association.

Clauses 1 and 2 of the Bill are formal. Clause 3 adds two definitions convenient for the purposes of the amendments proposed. Clause 4 makes amendments to section 19 of the principal Act by deleting subsection (2) and inserting in its place new subsections (2) to (13). New subsection (2) is a necessary preliminary to succeeding subsections which are designed to assure to officers of the bank the same rights and privileges which they would have as public servants, but at the same time providing for some variations in procedures which are convenient and practicable in a separately operated and administered undertaking so as to make those rights and privileges effective.

New subsection (3) provides for effectively the same rights and privileges for bank officers as for Public Service officers, whilst the necessary specific variations in detailed procedures are set out in subsequent subsections. New subsection (4) provides for a variant from Public Service procedure that will be convenient for the bank where it may be necessary from time to time to make a series of transfers of officers simultaneously, particularly as between branches. It may not be convenient to call applications separately and successively for each move to be made, for that would be too time consuming. Accordingly, the bank board would be authorized, if it thought fit, to dispense with formal calling for applications, but the rights of all potential applicants where promotions are concerned would be fully preserved by the provisions of subsection (5).

The rights would, in fact, be widened in such circumstances, because, where applications are called before nominations, only applicants are given appeal rights under the Public Service Act, whilst under this alternative procedure any officer whatsoever may appeal, if he considers he has a better claim than the officer nominated. New subsections (6) to (8) provide for the constitution of an Appointments Appeal Committee for bank officers in substantially comparable fashion as under the Public Service Act, whilst new subsection (9) similarly provides for a Disciplinary Appeal Tribunal.

New subsection (10) provides for the constitution by the State Bank Board of a classification committee or committees to make recommendations on classification of offices within the bank. As already explained, such committees are already actually operative as advisory bodies within the Public Service, but they are set up under the managerial powers vested in the Public Service Board and not by specific enactment.

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

ADJOURNMENT

At 10.38 p.m. the Council adjourned until Thursday, November 16, at 2.15 p.m.