LEGISLATIVE COUNCIL

Wednesday, November 22, 1972

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

QUESTIONS

DUPLICATING INK

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

Leave granted.

The Hon. M. B. CAMERON: The *South Australian Teachers Journal* dated June 14 contained an article which indicated that new tenders were to be called for the supply of duplicating ink for use in departmental schools. The article stated that many teachers would be glad to hear the news that new tenders were being called for duplicating ink for the Education Department, the Senior Stores Officer (Mr. Huddlestone) said recently. As complaints about the quality of the current contract supply of duplicating ink go back many months, careful consideration would be given to the quality of supplies in accepting a new tender. I understand that over the years there have been many complaints concerning the quality of duplicating ink, which has been supplied by a company called Morgan Inks Limited, Botany, New South Wales. I understand that, despite the indication that new tenders would be called and that the quality of the ink would be examined, the new contract has been let to the same company for a further two years. Will the Minister ascertain from his colleague whether stipulations were made regarding the quality of the ink and whether the teachers can look forward to an improvement in the quality of the ink?

The Hon. T. M. CASEY: I will refer the question to my colleague, who I am sure will inform the honourable member in due course.

RURAL UNEMPLOYMENT ASSISTANCE

The Hon. R. A. GEDDES: I seek leave to make a statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. R. A. GEDDES: Many district councils have complained to me that there is a long delay in the dispatch by the Lands Department to them of rural unemployment grant cheques. This means that the men receiving unemployment assistance from these councils are having to be paid from council overdrafts, which is an embarrassment to councils. I assure the Minister that in the instance I have in mind it did not involve a grant in which the council had over-spent its allocation. Will the Minister examine this matter to see whether the dispatch of cheques to district councils could be speeded up so as not to cause embarrassment, as has occurred in the past?

The Hon. A. F. KNEEBONE: The honourable member having spoken to me about this matter yesterday, when I said I would examine the situation, I have obtained the following reply for him. As the Commonwealth Government has specified that the scheme be one of reimbursement, there is necessarily some delay in the processing of claims and reimbursements made against expenditure incurred. Generally, the time lapse from date of receipt of claim to payment is about one month. To ensure that councils are not unnecessarily inconvenienced by this delay, advance cheques have been made available that approximate, or average, one month's expenditure. However, should the honourable member have some specific query in mind I shall be pleased to have the matter investigated if he can provide me with details.

Grants under the scheme are determined on the basis of unemployment in individual council areas supplied by the Commonwealth Department of Labour and National Service. In this regard, grants made to a district council in the honourable member's district, to which I thought he would have referred, are no exception. Again, should the honourable member have any specific query regarding the grant made to this council, I should be pleased to have it investigated. This was one of the councils to which the honourable member referred when he spoke privately to me. Having examined the situation regarding this council, I find that the last claim made by it was received on October 26. A cheque has been sent out, and should be received by the council tomorrow. This lines up with what I have said previously: it takes about a month to process the applications. Most councils are experiencing a delay of about that time between the time of lodging the claim for reimbursement and the cheques being received. It is about the best we can do in the circumstances.

EGGS

The Hon. E. K. RUSSACK: Has the Minister of Agriculture a reply to my recent question concerning eggs?

The Hon. T. M. CASEY: The Acting Chairman of the South Australian Egg Board reports that under section 21 of the Marketing of Eggs Act a shopkeeper is prohibited from selling unstamped eggs, irrespective of whether the shopkeeper purchased the eggs from a producer or from a person who keeps less than 20 fowls. Although many eating houses would no doubt fall within the category of a shop, it is doubtful whether eggs which have been processed or cooked and supplied to a customer with a meal would constitute a sale of eggs within the meaning of this section. Furthermore, if the supply of a fried egg did in fact constitute a sale, it would, in the opinion of the Acting Chairman, be absurd to allege that a sale of unstamped eggs was made. It would appear, therefore, that the proprietor of an eating house may use unstamped eggs in the course of his business of supplying meals provided that the eggs were not purchased by him contrary to section 21 of the Act. Under this section it is an offence to purchase eggs from a producer who is not the holder of a producer agent licence granted by the board under section 20 of the Act.

BOLIVAR WATER

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked recently concerning the distribution of Bolivar water?

The Hon. T. M. CASEY: No, I have not a reply for the honourable member, but yesterday I gave him a detailed report from the Minister of Works. If that has not covered the situation I will have another look at it.

The Hon. H. K. KEMP: I ask for your ruling, Mr. President. A question asked in this House should be answered in this House.

The PRESIDENT: In regard to the honourable member's question, the Minister is not compelled to answer a question should he decide otherwise.

The Hon. T. M. CASEY (Minister of Agriculture): I ask leave to make a statement.

Leave granted.

The Hon. T. M. CASEY: The Hon. Mr. Kemp asked whether a reply to his question about Bolivar water could be given. An answer was given along the lines indicated by the Minister of Works yesterday in another place.

The Hon. A. J. Shard: It was a Ministerial statement.

The Hon. T. M. CASEY: Yes. I should like to give the same report to this Council. My colleague the Minister of Works states:

I wish to begin this statement by completely and utterly refuting allegations by an honourable member in another place that there is a possibility of graft involved in the allocation of water from the Bolivar Sewage Treatment Works. The *Oxford Dictionary* defines graft as "a means of making illicit profit, dishonest gains or illicit profits, especially in connection with political or municipal business". The honourable member concerned would be aware of the meaning of the word, yet he deliberately chose to use it from a position of privilege, without any evidence to substantiate his claim. It was a cowardly and unwarranted attack on the integrity of the Public Service of South Australia. It is an allegation that the honourable member, if he is a man worthy of his position, should withdraw unreservedly. I have had his claim thoroughly investigated and say here and now that it does not contain one iota of truth. I am sure that former Ministers of Works on the Parliamentary benches opposite (and there are three such Ministers) will join with me in vouching for the integrity of the officers of the Engineering and Water Supply Department.

Broadly speaking, Government policy on Bolivar effluent has been to fully investigate the practicability of supplementing the water supply available to small farm irrigators on the northern Adelaide Plains using effluent water; to supply water under agreement for a charge to Property Management Proprietary Limited and the Copanapra Pastoral Company, not precluding either company from negotiating an extension of its system or planned system by exercising the right to do so as provided in the agreements, subject to Ministerial approval; and to refuse any other use of effluent water, except on a minor or experimental scale, pending the outcome of investigations.

With regard to Copanapra, the Government entered into an agreement with the company in January, 1971 (this has since been revised) to allow eventually for irrigation to be distributed over 2,780 acres. The agreement provides for the supply of effluent to land owned or leased by the company with a provision for the sale of reclaimed water to adjoining owners. It is not possible to forecast what proportion of the land will be under irrigation at the one time. It is estimated that the total demand by the company will be 560,000,000gall. a year. The supplies negotiated with Property Management Proprietary Limited and the Copanapra Pastoral Company do not preclude the development of a reticulation system to serve small growers. The 1966 report of the committee of inquiry stated that the effluent flow was estimated to be 25,000,000gall. a day by 1981. This can be equated to an irrigation availability of 5,060,000,000gall. a year. The present availability of water is 4,000,000,000gall., and present estimates set the 1981 figure at 5,000,000,000gall. a year.

The requirements of Property Management Proprietary Limited are estimated to rise to possibly 300,000,000gall. The estimate for the Copanapra complex has been made at 560,000,000gall. This leaves over 3,500,000,000gall., and probably 4,000,000,000

gall., available. This would adequately serve the development of an irrigation system. I told a deputation from representative growers of the Virginia-northern Adelaide Plains area in March, 1971, that they would not be denied the use of water and no single group would utilize water from Bolivar. I reiterate this assurance. I replied recently to an application from a large organization that the Government is committed to exploring fully the technical and financial implications of making the effluent available to the people of the northern Adelaide Plains. This possibility will need to be resolved before entering into further arrangements to supply effluent. From time to time suggestions have been made that Commonwealth backing should be sought. To these suggestions I say that grants under the Commonwealth Water Scheme must be supported by complete details of the proposal, with full evidence of feasibility and practical benefit cost information. A further requirement is a complete environmental impact statement. In the case of Bolivar water, it would be completely impossible to provide this information without a full and favourable report arising from the present tests being carried out by the Agriculture Department. This indicates that at present no application could receive serious consideration by the Commonwealth.

The Hon. H. K. KEMP: I seek leave to make a short statement before asking two questions of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. H. K. KEMP: Recently the Chairman of the vegetable section of the Fruitgrowers and Market Gardeners Society was informed by a very senior officer of the Engineering and Water Supply Department that vegetable growers in the Virginia district would never be given water to use. Earlier this afternoon the Minister said that he recently received a request that a larger scheme be provided in the northern area, making use of this water, for which approval had not yet been granted. A consortium in which some very respected firms are involved is already spending much money in the area, money involving the purchase of land, the installation of power lines and the laying out of pipes. A well-respected firm would not be involved in expenditure on this scale without a promise of some kind having been given. Can the Minister say whether he was aware of this commitment, which must have been given to these people before the inquiry was instituted following my question the other day, and what is the authority by which the Engineering and Water Supply Department's officers are circulating that water will never be given to vegetable growers in the Virginia district?

The Hon. T. M. CASEY: I will convey the honourable member's questions to my colleague and I can assure him that he will receive a reply by letter.

ROAD MAINTENANCE TAX

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

Leave granted.

The Hon. A. M. WHYTE: I have asked a number of questions regarding the road maintenance contribution legislation, some of which have not yet been answered. I now ask a further question of the Minister: will he obtain from his colleague information as to the number of employees engaged to collect road maintenance tax which, in this last financial year, amounted to $3,287,241, of which it is estimated that only 70 per cent was collected; how many vehicles are used in collecting the tax; finally, what is the total cost to the State of collecting this sum of $3,287,241?

The Hon. A. F. KNEEBONE: I will convey the honourable member's question to my colleague. Owing to the shortness of time with the session winding up, if I am not able to get it for him tomorrow, I will ask my colleague to post the reply.

CONSTITUTION CONVENTION

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

Leave granted.

The Hon. C. M. HILL: I refer to the proposed convention to review the Australian Constitution and to the preliminary meetings that have already been held in preparation for the principal meetings of the convention, in which representatives of the Commonwealth Government and all State Governments will take part. The view has recently been expressed throughout Australia that local government ought to be given some opportunity to take part in that convention. If the question of local government participation arises at the early meetings, will the South Australian Government support the principle of local government being represented at the convention?

The Hon. A. J. SHARD: I am unable to reply now to the honourable member's question, because it involves a matter of policy, as the honourable member would realize.

However, I shall refer it to the Minister in charge of the convention in South Australia, the Attorney-General, and I shall request that the matter be considered by Cabinet. If and when a reply is available, I shall see that the honourable member gets it in writing.

BARYTES MINE

The Hon. R. A. GEDDES: Has the Chief Secretary, representing the Minister of Development and Mines, a reply to my question of November 8 concerning possible closing of the barytes mine at Oraparinna?

The Hon. A. J. SHARD: S.A. Barytes Limited holds several mineral leases over barytes deposits in the Oraparinna area. The currency of these varies, but one group recently due to expire was renewed until September, 1979. The deposit contains high-grade barytes used as an industrial filler as well as the lower grades used in drilling muds. The company has not given any indication to the Mines Department of its intention to close the mine.

GAME POACHERS

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Lands, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. M. B. CAMERON: In the November 6 edition of the *Southern Review* the Minister of Environment and Conservation is reported as saying that a hovercraft stationed at Salt Creek was helping to control game poachers. Will the Minister ascertain whether the hovercraft has proved successful in the apprehension of game poachers and, if so, how many game poachers have been apprehended? Will the Minister also ascertain whether weather conditions curtail the use of the hovercraft in the apprehension of people who offend against the Act; and when a game warden uses the hovercraft when he arrives at the Coorong, where game poachers carry out their activities, what means of transport are available to him to apprehend the game poachers?

The Hon. A. F. KNEEBONE: I will try to obtain a reply for the honourable member before the end of the session. However, if that cannot be done, I will arrange to have it posted to him.

SLOW-MOVING VEHICLES

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the provision, or lack of provision, of a third lane for slow-moving vehicles in hilly country, such as is provided in some of the Eastern States but which, by and large, is not provided in South Australia. I have noticed, and no doubt all other honourable members have noticed, dangerous situations when an impatient driver has tried to pass a slow-moving vehicle going up an incline. I am aware that where four-lane highways exist it is only a matter of ensuring that the slow-moving vehicle travels in the left lane. On many of our main country roads there is no probability of four-lane highways being provided for a very considerable time. Will the Minister ascertain from his colleague whether the Highways Department has in these cases considered providing a lane for slow-moving traffic and, if it has not, will the department consider this matter in cases where there is no likelihood in the foreseeable future of providing four-lane highways?

The Hon. A. F. KNEEBONE: I will convey the question to my colleague and obtain a report for the honourable member.

ABATTOIRS

The Hon. L. R. HART: On October 24, I asked the Minister of Agriculture a question about priority killing at the Metropolitan and Export Abattoirs Board works at Gepps Cross. In his reply he said:

> I am examining the situation and will inform the honourable member exactly what transpires when the situation is finalized.

As that was a month ago, can the Minister give me a reply now or before the end of the session?

The Hon. T. M. CASEY: I do not wish to be unkind to the honourable member, but during his absence from the Chamber I gave a detailed reply to the Hon. Sir Arthur Rymill and also to another honourable member, if my memory serves me correctly. Therefore, I think the Hon. Mr. Hart will find the reply to his question in *Hansard*.

MOTION FOR ADJOURNMENT: BOLIVAR WATER

The PRESIDENT: The Hon. Mr. Kemp has informed me in writing that he wishes to discuss as a matter of urgency the distribution of reclaimed water from the Bolivar treatment works. According to Standing Order No. 116, it will be necessary for three

honourable members to rise in their places to prove the urgency of the matter.

Several honourable members having risen:

The PRESIDENT: The Hon. Mr. Kemp.

The Hon. H. K. KEMP (Southern): I move:

That the Council at its rising do adjourn until 1.30 p.m. tomorrow.

This is the form in which I must move to discuss a matter of urgency which has arisen in connection with the distribution of reclaimed water from Bolivar. This subject has been before the Council many times. It is apparent from the replies we have been given so frequently that the Ministers responsible have not been told the truth to give when replying to Parliamentary questions. That is the reason why I cast my question the other day in the form in which I did. I am proud to say that I have spent nearly 20 years in the Public Service of this State, and I know the workings of both the Public Service and of the Parliament. In latter years, chiefly through the inexperience of Ministers who have charge of the huge departments under their control, it has become more and more obvious that the departments are finding that they can control through their Ministers, and that is a tragic thing.

I have no doubt whatever that the Minister, as he is on record last March before a deputation of growers from the Virginia district, was speaking what he believed the case to be. He said that the distribution of reclaimed water from the treatment works would be frozen and that it would be equitably distributed for the purposes for which it was fit. That statement was made in the presence of the Chief Engineer of the Engineering and Water Supply Department. It could not possibly have been otherwise than that the Minister had not been informed, when the reply was given to me recently, of the details of the distribution involving the irrigation of 2,780 acres in this area and the use of a large flow of water. That information could not possibly have been in the Minister's mind when he was talking to growers at that time.

Also involved was the purchase of a large tract of land comprising 1,200 acres near the drain, as well as a large area of land variously estimated at between 700 and 800 acres. This has been taken over by a consortium for pasture purposes. That consortium has spent a large sum of money installing powerlines and pumping equipment for sumps and, indeed, it has already purchased and laid pipes for water distribution.

However, the Minister says, "I replied recently to a delegation of Virginia people in March concerning reclaimed water, and making it available to the people of the northern Adelaide Plains". These firms cannot spend huge sums of money without knowing where they are going.

We must review what has occurred in the past regarding the Bolivar treatment works, and we must examine its history from the beginning. It stems originally from the fact that the old mode of disposal in relation to the northern Adelaide Plains area became grossly overloaded, and the development of Elizabeth, the northern suburbs and the whole area through to Tea Tree Gully, which has now occurred, was going to increase greatly the amount of outflow of waste water from this whole area.

Right back in the late 1940's and the early 1950's the Government posed the question regarding what could be done with the effluent from this area. Most of the work carried out at Bolivar was referred to the Public Works Standing Committee, as is necessary with such a huge scheme. It was stated clearly that the water from the scheme would be available for use on the land in this area. It does not take any great thinking to see the necessity for this.

At the same time, huge development was occurring in the metropolitan area, and we witnessed the displacement of Adelaide's market gardens from along the Torrens and Sturt Rivers, and elsewhere. These were being established outside of the metropolitan area on the water beds associated with the Para, Little Para, and Wakefield Rivers. It was also realized that the water intake of the beds below this rich area of soil could not possibly have been as great as that which fed the Torrens and Sturt Rivers and the nearer southern streams.

It was made clear, therefore, that wherever possible the Bolivar water, after it had been reclaimed, would be made available to establish these industries that moved to the area. As a result, the movement was huge, and we experienced a growth in the industry associated with the growth in this State's population—a growth that has been remarkable until now.

In a comparatively small area we now have many families producing many millions of dollars worth of produce of all kinds each year, supplying not only Adelaide's markets but also those in other States. Also, they are earning a sizable income from oversea exports.

Latterly, this huge industry (and it is huge indeed, because thousands of people are involved, and its output is measured not in hundreds of thousands of dollars but in millions of dollars) has a prospect of expansion on a major scale. Now, we are approaching the position in which the industry can no longer be sustained by the water in the beds below it.

The last authentic report to which I had access (and only back-yard access, I admit) showed that the present pumping rate was five times greater than that which the beds could sustain. This means that unless some aid can be given to the people in the Virginia district the industry must dwindle to one-fifth of its present size.

The Minister is at present playing around, trying in all sorts of ways to avoid the use of this water by these people. If one considers closely the reply given to me, one will find that it was wholly rigmarole. The Bolivar works was built to turn out water of a quality that would enable it to be used for irrigation in the district. We have been assured that this plant is equal to those in other States and in other parts of the world. However, we have the spectacle that although the State has spent the huge sums involved we have not, in the opinion of the Engineering and Water Supply Department, water of a quality sufficient to enable it to sustain industries in the area. This is a tragic state of affairs.

In South Africa, there is a water shortage problem similar to that here. That country is taking effluent, cleaning it, and returning it to the public supply. In the Salinas Valley, in California, similar water from an urban area is being cleaned up sufficiently for people to swim in it or to use it for any purpose whatsoever, yet we have a Ministerial statement saying that the water is not fit for use, and that is all.

Let us look further into the circumstances that have bedevilled the Virginia district for the past five years. It was accepted that water from Virginia, when reclaimed, could be used, and so more than five years ago the district set up a small flower farm, which has been running for that period, and which has proved without question that the water can be used profitably and without any sign of trouble; in fact, in the five-year period the salinity has declined and the crops have increased greatly.

It is necessary for a person to apply to use the Virginia water, but if the person is a member of Copanapra or the other firm, Pastoral Management Proprietary Limited, he can take the water and use it, grow potatoes and tomatoes, and various other crops of that kind. He could grow lucerne, if he wished, provided the cattle fed on that lucerne were slaughtered under supervision, which is good enough, because there is always some possibility of beef measles being transmitted when sewage water is involved. However, if an ordinary person or the community as a whole tries to do this, they are told they will pump their own water and they will sell it to no-one else on any account, unless they belong to Copanapra or Pastoral Management.

This is the way in which the use of the water has been obstructed. I do not think for one minute that the Minister understands the obstruction and the frustration these people face in being severely and savagely rationed regarding the quantity of underground water they can use. They have this water beside them, but they cannot touch it.

When they put up a feasibility study about its use and distribution among themselves, under a system widely employed on the Murray River, a water trust, after deep study of the problems involved and preliminary advances to the Commonwealth Government for money to finance it, they were given the simple blanket reply: this scheme is not acceptable to the Government.

The Minister of Works had been in office only a week or two when I accompanied the delegation which put forward the scheme for the study. At the same time, copies of the scheme were sent to Canberra through the Parliamentary representative for the district. It was indicated that Canberra could see nothing wrong with the proposal, yet we have here this Ministerial statement that says that grants under the Commonwealth water scheme must be supported by complete details of the proposal, with full evidence of feasibility and practical benefit-cost information. A further requirement is a complete environmental impact statement.

In the case of Bolivar, it would be completely impossible to provide this information without a full and detailed report arising from the present tests carried out by the Agriculture Department. Only recently, the Minister of Agriculture kindly gave the Hon. Boyd Dawkins and me an opportunity to visit the area, and we saw what was going on. We saw water being poured out in huge quantities on very small patches of ground without any complications whatsoever.

We visited the experimental garden and saw how the crops were growing after five years

use of this water. We saw where a person closely connected with the Bolivar treatment works was growing commercial vegetables, and growing them extremely well. The officers who are doing this work were asked whether they had run into any snags, and they said they had not.

The scheme has been going for only a short time, but water of quality considerably lower than that reclaimed from Bolivar has been used in the district for more than 30 years without complications arising. The restrictions placed on this water are absolutely meaningless to the scientists of South Australia. I do not intend to quote these people in detail, but they are people interested in health, and are the most highly qualified people on the medical side in South Australia to whom we have access.

The statement is that, if chlorinated, the water at present coming from Bolivar can be used for all purposes, including kitchen use. As it is now, certainly it can be used for irrigation. Another statement that has been made is that the situation is preposterous, and there should be a Royal Commission to inquire about the waste that is going on.

There is not time at this stage of the session to have a Royal Commission or a Select Committee to inquire into the subject, but we have the prospect of South Australia, the driest State in the driest continent, wasting daily to seaward 25,000,000gall. of fresh water. We have a community of no mean value to the State dying on its feet because it cannot get water from underground.

Since this question has arisen, I have had a call from a person who apparently has an axe to grind in the matter of underground water and who seems to be quite sure that there is no immediate prospect of this aquifer beneath the Salisbury district running short of water. But he does state clearly that, if the pressure on that aquifer is reduced much further, there may not be enough underground water to replenish it and it will suffer the grave danger of invasion from the high-pressure beds underlying the area.

I have had many references to householders being kicked around for many years. I am sure the Minister is still being fed misinformation. I do not think he has consciously done anything wrong, but what the Minister has to decide and what we, too, have to decide is whether a person sitting in a Government department office has the power, as seems to be the case here, of determining just what is done to affect such a huge community as this one.

Here, we have Ministerial statements that were engendered only because I used the word "graft" in my question. That it should be necessary to use that word to get a partial unveiling of the truth indicates that something is gravely wrong; that we should have the whole district, an important district, running into trouble apparently on the sole decision of people so placed that they are not answerable to anyone else means that it is time we asked for a revision of the situation.

The simple fact is that the money was given to the Engineering and Water Supply Department to turn the waste water north of Adelaide into usable water. The money was granted without stint. It is on record in the Public Works Committee that the works would be fully paid for, that the job would be done, a job that is being done not once or twice but many times in many places. Now, some department says, "That water cannot be used; it is not fit for use." If that is so, who has not done his job?

Much play has been made of my use of the word "graft" in respect of money made available to do a job that has not been done. Surely, that sort of thing is dishonest. The department has taken the money to do work at Bolivar but it has not spent it. Over the years, the department has gradually become more and more reluctant to release water for the use of many people in the district. People in the Virginia area are going around saying, "It is obvious the Government is determined not to allow the water to be used, so that it can be given to a few big people."

The only possible way of getting out of this debacle is for the whole matter to be ventilated, but that is being said in Virginia today—"The Government does not want to give us this water so that it can release it to a few people and so make more money." I told honourable members at the beginning of my remarks that I am proud of my 20 years spent as a public servant in this State, but I do know the danger of a big department getting out of control. We have now had nine years of departments being out of control of the Ministers, who should be keeping them in line.

No great purpose will be served by continuing this debate. Mr. Beaney is quoted as stating in a minute that the money would not be available from Canberra for a scheme of this nature. Of course it cannot be available from Canberra while Mr. Beaney himself takes this attitude. But this money is available in Canberra. We have had this assurance from

so many sides and from senior civil servants in Canberra that the money merely awaits an approach being made, but Mr. Beaney, as Chief Engineer in South Australia, will not sign the docket stating that this water is fit for use, although his department was given the job of making it fit for use. Of course we cannot get Commonwealth money if that is the case.

I do not intend to deal with all the other aspects of this matter, because there will be a lot of fuss and bother before we get it put right; but there is a snake in the grass here and it is time we did something about it. As it seems that no other honourable member wishes to contribute to this debate, I ask leave to withdraw my motion.

Leave granted; motion withdrawn.

PEST CONTROL REGULATIONS

The Hon. F. J. POTTER (Central No. 2): I move:

That the regulations made under the Builders Licensing Act, 1966-1971, *re* pest control, on June 29, 1972, and laid on the table of this Council on July 18, 1972, be disallowed.

This matter comes before the Council following a consideration of these regulations by the Joint Committee on Subordinate Legislation. It concerns the regulation requiring persons engaged in the trade of pest control relating to building construction, maintenance or repair to take out licences under the Builders Licensing Act. Honourable members may ask, as I think initially the members of the committee asked themselves: what has pest control to do with builders licensing? Honourable members will know that builders licensing requires persons engaged in the building industry to be licensed under the Act if they are involved in building work; and "building work", under the Builders Licensing Act, is defined as "work in the nature of the erection, construction, alteration of, addition to, or the repair or improvement of, any building". Honourable members will also probably recall that it is only in connection with work involving the expenditure of more than $250 that the Act applies.

The initial question facing the committee was: is the extermination or control of pests "work in the nature of the erection, construction, alteration of, addition to, or the repair or improvement of, any building"? Immediately, one will notice the difference between that definition in the Act and the definition in the regulations, which states "pest control relating to building construction, maintenance or repair". Nowhere in the Act is the word "maintenance" used. So one would naturally tend to doubt whether or not the regulation was valid, because of the importation of an entirely new word. Therefore, an opinion was sought on this matter and evidence was given by the Crown Solicitor. I think I can summarize what he said, which was to the effect that the word "maintenance" used in the regulation had to be read down to mean "repair". Another question is involved: is maintenance a matter of improvement? This is a somewhat difficult matter.

The Crown Solicitor gave the committee the opinion that the regulation was probably valid because of the two points I have mentioned—that "maintenance" must be read down to mean "repair" and that the word "improvement" is anything at all that can be said to improve a building. He claimed that the removal of pests would come under this heading; so, it would be covered by the Act and regulations. He was willing to concede that the mere elimination of pests alone is probably in the doubtful category.

It was made clear by the Chairman of the Builders Licensing Board that the alleged difficulty was not involved in the actual destruction of pests, although that could probably be claimed to be an improvement to the building; rather, it was involved in the fact that sometimes the destruction of pests required the actual repair of buildings—for example, the replacement of floor boards and door frames. It was in connection with this aspect of the work that the licensing people were particularly concerned. On balance, the committee was uncertain as to what the strict legal position was or would be. Probably the matter would have to be dealt with through a case before a court before this tricky legal point could finally be resolved; that was one aspect that confronted the committee.

We then had evidence before the committee that, in connection with construction, in the case of almost all new buildings, particularly houses, the cost of eliminating pests would never come to more than $250; so, that was an area in which the regulation would not operate, because of the limiting factor. In fact, the cost I have referred to would average out at no more than $50 or $60. The United Pest Control Association claimed that it represented about 75 per cent of all persons engaged in pest control in this State. It then came down to a question of whether pest control should really be dealt with in another way.

A submission was made to the committee that the most appropriate way in which this matter could be dealt with was by licensing under the Health Act, as is done in Western Australia and Victoria and as is contemplated in New South Wales. It is not just a question of licensing the person doing the pest control work: it also involves controlling the kinds of chemical used in the work and the application of the chemicals. A submission was strongly made (and, prior to the framing of this regulation, it had been made to the Minister of Health) concerning the desirability of licensing under the Health Act.

There is also an allied problem: what do we mean by "pest control"? That term could be interpreted to include the control of weeds. Although weed control is not generally considered to be pest control, it was noted that the provisions in Western Australia extended to all forms of pest control, including weed control, and they dealt in some way with the various types of chemical used for all those purposes. In view of this evidence, the committee concluded that these regulations were premature and that the whole matter should be reconsidered by the Government in a much more systematic way; accordingly, representations were made to the Minister in this connection. I have seen a copy of the letter that the Minister has sent to the committee, stating that he intends to bring down regulations under the Health Act for controlling people engaged in this kind of work. In spite of that, it is considered by the Government that these regulations should proceed as a kind of holding measure. It is unsatisfactory that this situation should be created.

It seems to me that if these people are to be controlled (and they are not in any way resisting licensing, although they are resisting licensing under this Act, because they believe that it is inappropriate), it is a patchwork job if these regulations are allowed as an interim control. The whole matter should be more deeply considered by the Government. It does not matter very much whether these people are licensed under the Health Act or under another appropriate Act, but certainly the Builders Licensing Act seems to the committee to be the most inappropriate Act for the purpose.

A number of these people are not in any way engaged in building work: their job is merely the extermination of pests. A few people are incidentally engaged on some minor consequential repair work; to catch up with those people, the Government is really getting out a big sledge hammer to crack a nut. For the reasons I have given, I hope honourable members will disallow the regulations, which will have very limited application; they probably will not apply to new buildings, because of the cost factor.

The other aspect concerns minor repairs, which are often done by outside contractors, anyway. It seems to me that to require a person to obtain a licence *pro tem* under this Act or a licence under the Health Act (or licences under both Acts) is unsatisfactory. I ask honourable members to support the motion.

The Hon. A. J. SHARD (Chief Secretary): This regulation authorizes the Builders Licensing Board to issue licences covering what is virtually the occupation of white ant eradicator. On the advice of the Crown Solicitor the trade has been described in a legal sense as "pest control relating to building construction, maintenance and repair", which would also take in treatment for borers, which attack the building, but leaves free work involved in the destruction of rodents, lice and opossums. The Builders Licensing Board is looking to control unsatisfactory workmanship by firms engaged in white ant eradication: it is not concerned with the safe use of poisons by all persons in the industry, be they employees or employers. There has been some confusion on this aspect on the part of the United Pest Control Association, because Western Australia has recently embarked on a testing and registering programme in connection with the poison safety aspect. If the latter action should be taken in South Australia by the Public Health Department, the board would expect persons applying for a licence in the trade of "pest control relating to building construction, maintenance and repairs" to first obtain a certificate from the Public Health Department that they have been registered to handle the poisons customarily used, but they would still require the applicant to establish his skill in carrying out both treatment and repair work. In the absence of such a certificate at present, the Builders Licensing Advisory Committee, having examined witnesses in the trade, has recommended that new entrants be required to have served three years in the trade as an employee, including one year in a supervisory capacity. This length of experience is necessary principally to ensure a knowledge of repair work.

The board's attenion was first drawn to the need for some form of licensing following

complaints directed to it by the public regarding work carried out by firms undertaking treatment for white ant infestations and subsequent repair work. As the matter did not lie within the jurisdiction of the Builders Licensing Act, the complaints were referred to the Commissioner for Prices and Consumer Affairs. Prior to submitting the proposed legislation for the Government's consideration, evidence was taken from representatives of the United Pest Control Association, and it became clear from these (and subsequent) discussions that the association considered registration under the Health Act to be more appropriate; in particular, recent Western Australian legislation made under that State's Health Act was cited as a model for any proposed South Australian entry into this field. However, this legislation concerns only the handling and control of noxious chemicals and substances; acceptance of this proposal would have ignored the aspect that was of particular concern to the board, namely, the standard of workmanship which was carried out.

The association also argued that the cost of ancillary work (cutting of traps, panelling, etc., and their restoration) in treating existing buildings rarely exceeded the financial limitations imposed by the Act. The average cost of a treatment was stated to be between $150 and $350, of which between $15 and $40 related to removal and restoration of woodwork, etc. For the pre-treatment of new buildings, contracts ranged from as low as $10 to $2,000 or $3,000—the upper cost bracket being extremely rare; as new buildings are treated during construction there is little (if any) ancillary work involved. On this premise, it was considered that members of the association were not under an obligation to hold licences, provided that restoration work did not exceed $250. It was further claimed that the work of pest eradication and control did not fall within the ambit of "building work" as defined under the terms of the Act.

In respect to the question of whether pest control activities should properly come under the Act if the total cost for both spraying and ancillary work exceeded $250, the board's view was that "building work" as defined included the "improvement of any building", and it would be reasonable to assume that, whether it was pre-treatment or the eradication of existing pests, an improvement was effected to a building so treated. This view was sustained by the Crown Solicitor, who considered that pest control as provided for under the proposed amendment to the regulations could properly be scheduled as a classified trade. Subsequently, the Chairman appeared before the Subordinate Legislation Committee on September 12, 1972, and gave further evidence regarding the above matter. At the committee hearing, the question of "maintenance" (as contained in the amendment) being *ultra vires* was also raised, as the Act relates to building work as defined in section 4 (1) and is silent on the point of maintenance.

The Chairman pointed out that in other classified trades (for example, painting and decorating) maintenance is implied, as it would be difficult not to sustain the fact that much painting work is of a preventative nature rather than restorative. Licensing of white ant eradicators under the Builders Licensing Act will cover work valued at more than $250 but, although most contracts are below this sum, most firms will need a licence to cover the occasional large jobs. Such licensed firms could then be expected to have regard to the Builders Licensing Board requests even if the particular job was below the minimum $250, as this has been the experience in other trades, such as ceramics and glass tiles. I suggest that the Council allow this regulation to stand, because it provides a measure of protection for people living in older houses. It is expected that few complaints will relate to preventive spraying on buildings under construction.

In discussing this matter I have been led to believe that only a small percentage of the preventive work would involve more than $250—the bulk of it would be in the maintenance of the building; that is the reason why the board wants to license these people. I believe that the people who do the smaller parts of the work for less than $250 should also be licensed and controlled. The Health Department is examining the position; but it would need an amendment to the Health Act before the regulations could be given effect to. The Government believes that it would be a worthwhile step to license all the pest control eradicators so that the community at large would be protected in some way or other. I ask honourable members not to vote for the motion.

Motion negatived.

MEADOWS ZONING

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That the Metropolitan Development Plan District Council of Meadows Planning Regulations—Zoning, made under the Planning and Development Act, 1966-1971, on July 6, 1972,

and laid on the table of this Council on July 18, 1972, be disallowed.

(Continued from November 1. Page 2575.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In placing this motion for disallowance on the Notice Paper, I was originally concerned about the future of Craigburn. Since then, other matters have come to my attention that must cause this Council much concern. I should like the opportunity of replying to the statement made by the Minister when speaking to matters raised in the debate. I refer, first, to page 1948 of *Hansard*, where the Minister said:

I raise two main issues: first, whether the regulations are consistent with the intention and effect of the Metropolitan Development Plan—

that is, the 1962 development plan—

and, secondly, whether the regulations could be held to be legally valid.

The Minister appears to agree with my contention that the 1962 development plan shows the Craigburn property as, to use his exact words, "private open space". This is essentially the case made out by honourable members in this debate, including myself and other members of Southern District. The Minister then went on to discuss the 1962 development plan in the context of the repealed Town Planning Act.

Although what he says in this regard may well be true, I make the point that it is now irrelevant because the Planning and Development Act, 1967-1972, is now on the Statute Book, and the 1962 Metropolitan Development Plan is specifically referred to in that Act as being an authorized development plan under it. The zoning regulations have been made under section 36 of the 1967 Act, under which they should implement and give effect to the 1962 development plan.

This is my main point regarding consistency with the 1962 development plan. Since 1967, the public, whether buying adjacent blocks of land or thinking of the general plan that Adelaide would follow in its development, have reasonably considered that the Craigburn area should remain open space for all time. The Minister referred also to advice that had been received from the National Parks and Wildlife Service, and I ask that, if it has been received, the Minister table that advice, as I am certain that it would make interesting reading for honourable members. The Minister also said I suggested that the Government should purchase the area, and said that the Government could not afford it because it would take six years of the total allocation to the National Parks Commission.

If one examined what I said about this matter at page 1342 of *Hansard*, one would see that I said the present use was satisfactory in the short term and perhaps (and I stress "perhaps") in the long term it could be considered for acquisition for public recreational purposes. The immediate concern is whether the zoning implements the 1962 development plan. That was enshrined in the 1967 Town Planning Act.

The Government seems completely unconcerned about this aspect of the regulations. The Minister also said that councils have taken the not unreasonable attitude that the portion of the land not physically incapable of development should be treated for zoning purposes the same as adjoining land in other ownership; to do otherwise would encourage a discriminatory basis for the valuation of any land that might be required for recreational open-space purposes. That statement totally misses the point: Craigburn is not only under part ownership (which is now irrelevant altogether, even if it is historically important) but is also zoned differently in the development plan. That is the main issue.

If the plan is to be implemented as required by the 1967 Act, it must be treated differently for zoning purposes. The matter of a discriminatory basis for valuation is interesting when it comes from a Government that is trying to peg land values in relation to the new township of Murray. All zoning restricts land use and affects land value. The Meadows zoning regulations show several district shopping, district commercial, local shopping and local commercial zones, which will surely affect land values in that council's area. Why does not the Minister call this a discriminatory basis for land valuation?

Since 1967 Craigburn has been set aside as an open-space area in a buffer strip. This is clearly marked on the 1962 plan. In many ways it resembles the nearby hills face zone. In both cases, land values have been affected, and this principle must surely be accepted as right and proper; otherwise, we should have no zoning at all.

I turn now to the validity of the regulations, which deviate as far as possible from the authorized development plan. I find that the Solicitor-General's conclusion, quoted by the Minister, is remarkable. At page 1949 of *Hansard*, the Minister said:

. . . the Solicitor-General came to the conclusion that the contention as to invalidity was

not sustainable, and that, in so far as the regulations reduced, even very drastically, the size of the Craigburn Special Use Zone from the area which was obviously contemplated by the authors of the 1962 Metropolitan Development Plan, they did so no more than section 36 of the Planning and Development Act permitted. That is the Solicitor-General's opinion: that the new zoning regulations in relation to Meadows (which the Council is now discussing) and Mitcham did no more than section 36 of the Planning and Development Act permitted. Let us examine that section, subsection (7) of which provides:

No planning regulation shall be regarded as invalid on the ground—

(*a*) that it delegates to or confers upon any person or persons of a class a discretion or a discretionary power or authority; or

(*b*) that it varies or reconstitutes the boundaries or location of any zone or other locality or any road shown in an authorized development plan.

Surely that provision does not allow a zone to be reduced to about 15 per cent of its size in the authorized plan. Section 36 allows the variation or the reconstruction of boundaries in any location or zone. The zoning regulations reduce the size of this buffer strip to about 15 per cent of that in the original authorized plan. What limits are there then on the question of the reduction of size of any zone? Are there any limits at all on the zoning of an area removed from a zone under this subclause? If one carries this argument to its logical conclusion (and under the 1962 development plan one can vary areas by 85 per cent of the total area) the 1962 development plan has not been enshrined at all in the 1967 Act. In short, do the regulations before the Council implement the 1962 development plan? I have obtained a legal opinion on this matter, and I shall quote it, as follows:

I cannot imagine that this paragraph is intended to give a free hand in creating various zones by regulation as this would make nonsense of the requirement that the regulations must implement or give effect to the authorized development plan. If regulations were able to completely rezone large areas without substantial compliance with the authorized development plan then the result would appear to be that although a supplementary development plan is expected to be "consistent with, or . . . a suitable variation of, the authorized development plan" (section 35 (6) of the Act) regulations purporting to implement or give effect to the authorized development plan need not satisfy this requirement.

That is a far more realistic interpretation of section 36 (7) than that of the Solicitor-General. There seems every need to disallow these regulations. The Government seems to want to override the clear intention of the law and, according to one legal opinion I have quoted, if not that of the Solicitor-General, the strict interpretation of the law.

It seems unfortunate that, in attempting to overcome this problem, the whole of the regulations must be disallowed because of one point. In effect the Government is using this, I believe, to force Parliament to accept what is certainly contrary to the spirit of the Planning and Development Act and to the Act the Government itself introduced into this Parliament. If the regulations are disallowed, the councils can continue to use interim control, even though that is unsatisfactory in some ways. They can then introduce new regulations, or the existing regulations can be amended regarding Craigburn and one or two other matters to which I will refer later. It would be simpler if the Government had immediately introduced regulations to amend the existing regulations by altering the zoning of the Craigburn area to a special uses zone. If this had been done at once and Parliament assured that the Government eventually intended to proclaim the amending regulations, there would be no need for any disallowance.

Finally, the present Government, and the previous Government, should receive a commendation. Both Governments have a record deserving of commendation in relation to the national park acquisition programme outlined by the Minister. However, virtue in this regard is no excuse for not implementing the open space and buffer strip concept of the authorized plan. I mentioned that the Government appears to be assuming a position where it is the law, what it says is the law, and the law as it stands does not apply to the Government. I refer to the question of implementing the development plan. Earlier this year the Premier said that the proposed Port Adelaide shopping centre could not be built because it was not shown on the development plan, and the Minister of Environment and Conservation said that the Penfold winery area was zoned as residential on the 1962 development plan. The Minister said this in reply to many people who requested that the area should be acquired as a park.

Is it not surprising, then, to hear the Government now saying that, in relation to Craigburn, the 1962 plan does not exist? On the one hand, the Government is insisting on preventing the development of Queenstown, and preventing the acquisition of areas in the hills face zone because those areas were not

declared open spaces in the 1962 plan; on the other hand, when it suits the Government, when it feels it necessary, it can throw away the 1962 plan and adopt regulations that will reduce an area to 15 per cent of its original size. On that score, the regulations deserve the strongest possible protest from this Chamber.

Since I placed this notice of disallowance on the Notice Paper, a number of people have contacted me on other matters concerning these regulations. I have had representations from one company, which is in an industrial area and employs a large number of people, and which has sought permission to put a canopy over a certain area for employee car parking. Under the regulations it is unable to do so, yet it is in an industrial area. Another firm wishes to buy four houses and intends demolishing two of them to make available car parking space for employees, who at present park their cars on the road. The firm wishes to extend its factory area, develop a car park area for employees, and use two of the houses referred to in order to accommodate employees, but under these regulations it cannot be done.

Any person wishing to make alterations to his property, no matter how small (even building a fowl house) must deposit $36 with the local council so that the alterations can be advertised and a call made for objections to the proposed changes, irrespective of how small they may be. The local government authority has absolutely no discretion. The fault lies in the regulations; in the fact that the planning authority is completely inflexible. It has these model zoning regulations and the councils must buckle down and accept the model, otherwise they cannot adopt any zoning regulations. At present the councils have complete flexibility. When such problems arise a council can come to a decision, but these regulations are rigid and inflexible. If they are not disallowed, we will see in future a great deal more concern being expressed in the community about their rigidity and inflexibility. I ask that the Council vote for the disallowance of the regulations.

The Council divided on the motion:

Ayes (8)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, and E. K. Russack.

Noes (11)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, C. M. Hill, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 3 for the Noes.

Motion thus negatived.

MITCHAM ZONING

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That the Metropolitan Development Plan Corporation of the City of Mitcham Planning Regulations—Zoning, made under the Planning and Development Act, 1966-71, on July 13, 1972, and laid on the table of this Council on July 18, 1972, be disallowed.

(Continued from October 18. Page 2144.)

The Hon. M. B. CAMERON (Southern): I listened with interest to the debate on the motion that has just been defeated. Obviously, this motion deals with a similar matter. I express the concern that I showed previously, that an area that was initially designated by the council concerned for special purposes is now subject to subdivision. However, I see the problem of disallowing an entire set of regulations for the purpose of correcting only one fault. I shall listen with interest to the explanation given by the Leader.

The Hon. R. C. DeGARIS (Leader of the Opposition): Following the defeat of the last motion, I shall not debate this motion fully, as the matters dealt with in the two motions are similar; but I feel deeply about this matter. I see no reason why these regulations should not be disallowed. As I have pointed out, these councils are operating satisfactorily at present; they have interim control measures that are working satisfactorily. There is no reason why these regulations should not be disallowed. However, in view of the defeat of the previous motion, I move that this Order of the Day be now discharged.

Order of the Day discharged.

CONSTITUTION ACT AMENDMENT BILL (COUNCIL)

Adjourned debate on second reading.

(Continued from November 8. Page 2799.)

The Hon. G. J. GILFILLAN (Northern): It is most unfortunate that we have to consider a Bill of this kind now when so much important material remains before the Council. I agree with much of what the Hon. Sir Arthur Rymill has said, because I believe this is largely an irresponsible piece of legislation brought before Parliament as a public relations exercise rather than for deep consideration. I am in accord with many people who uphold the ability of people in the 18 years to 21 years

age group. I have a family in that age group, and older, and I do not challenge the statement that many young people today have greater knowledge in some things than their predecessors had; but it is interesting to note how they mature over these two or three years and how often their attitudes towards different issues change.

Members are elected to Parliament to make laws for the wellbeing of the State. As the Hon. Sir Arthur Rymill has said, there is one thing that cannot be learnt at an early age—the benefits to be gained from experience. Some prerequisites are essential for a person to sit in Parliament and deliberate on legislation affecting the lives of others. Many of these things can be learnt only by the experience of life. In my capacity as Whip in this Council, I am well aware of the different specialities and knowledge that honourable members possess. I am aware of the different talents of honourable members when Bills have to be thoroughly researched, but most of all it is the experience of life that matters. There are those who have served in local government, on school committees and on hospital boards, who have experienced life and the problems of people at the grass roots and understand largely what effect certain legislation will have when it becomes law. To the list of those people I have just mentioned we must add those people who have had an executive position in the trade union movement, because they, too, have a special understanding of the problems of people in making a living and overcoming the difficulties that arise where limited incomes are sometimes involved. To lower the minimum age of people eligible to become members of this Council would be completely irresponsible. I fully realize that it is unlikely that 18-year-olds would become members of this Council, because of the problems of preselection and election, but I agree with the Hon. Sir Arthur Rymill that it is largely an insult to the House of Assembly that the age of 18 years should be considered by some people to be a proper age for members who will have to review legislation coming from that House. I find it difficult to follow the reasoning of some people on measures like this. Earlier this afternoon I read the Hon. Sir Arthur Rymill's speech on this Bill and also the speech of the Hon. Mr. Potter, who took the opposite view; that honourable member said that it was absurd to deny people the right provided for in this Bill. I also read the Hon. Mr. Potter's speech on the Industrial Conciliation and Arbitration Bill, in which he spoke most strongly against the right of women to approach the courts for equal pay. I cannot reconcile the two ideas.

The Hon. F. J. Potter: You must have misread my speech.

The Hon. G. J. GILFILLAN: The right of 18-year-olds to vote in elections for this Council is already provided for in the Constitution, but minimum age standards for members of this Council must be set at a reasonable level. I therefore oppose the Bill.

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

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 3190.)

The Hon. M. B. DAWKINS (Midland): I support the Bill. The three changes provided for in this Bill are necessary at present. The whole concept of wheat delivery quotas arose because of the 1967 drought, which was followed by a year of plenty. Large sowings were made in 1967, but the crop failed, and the land was virtually fallow afterwards. That land, which had received a dressing of superphosphate, was resown in 1968, when we saw an Australian harvest of about 568,000,000 bushels, as against a normal harvest of about 300,000,000 bushels, which was the quantity we were capable of selling. Therefore, something had to be done about the situation.

The principal Act came into force in 1969, when the Hon. Mr. Story was Minister of Agriculture. Now, the wheel has turned full circle, because we are reaching the stage where we do not have adequate reserves to ensure that our regular customers will receive their requirements. It is therefore necessary to allow all the wheat we can get into the pool and to have it available for sale. However, I suggest that it is not impossible that next year could be a repetition of 1968, if quotas were not maintained. Some people have suggested that quotas should be eliminated completely for the time being, but I do not believe that that would be a wise move; if that suggestion were adopted, some people who do not normally sow wheat would get on the band waggon. A large area where crops have failed this year would be virtually fallow and it would have the advantage of a dressing of superphosphate. That area would be sown next year, in addition to sowings on other land. In that case, if 1973 is a good year, we could well have a repetition of 1968

if wheat quotas were not maintained. I therefore believe that the Government is wise in maintaining control over wheat production.

In 1969 the then Minister of Agriculture, the Hon. Mr. Story, introduced legislation that provided for wheat quotas, an advisory committee and a review committee. I commend the members of those committees for the work they have done. Of course, there have been some anomalies, and a considerable amount of correction has had to be done; that was inevitable, because of the very complex job of trying to fix adequate wheat quotas. In his second reading explanation, the Minister summarized the changes to the principal Act as follows:

(*a*) provisions are proposed to be inserted to deal with the cases where excessively large amounts of wheat are being carried forward from season to season by way of short-falls;

(*b*) a provision relating to this season's abnormally low harvest is proposed and is intended to ensure that all grain delivered this season together with over-quota wheat of previous seasons will be taken up as quota wheat.

In the present circumstances, I believe that every honourable member who knows anything about the wheat industry will support those provisions. Also, the Bill contains a provision relating to special hard wheat allocations, which the Minister has been trying to secure for some time. By and large, I support the objects of the Bill. The Minister's explanation deals with some instances where no wheat has ever been planted on production units, in respect of which quotas were allocated, since quotas were first allocated. That means that some of the anomalies that have occurred have yet to be corrected. In a season such as the present season, quite a large area has been sown to wheat, but some farmers have found it a better proposition to sell their crop as hay, and some quotas have not been taken up. I therefore believe that the objects of the Bill are in line with present requirements. The Hon. Mr. Whyte, who foreshadowed a valuable amendment, referred to people in the inside country who had the opportunity to grow barley and rear what he called fat lambs, although perhaps they should be called "prime lambs".

The Hon. T. M. Casey: Is "rear" the correct word?

The Hon. M. B. DAWKINS: Rear, I think it is, but I stand to be corrected. Some of us in the inside country are able to follow these alternatives to growing wheat. I accept the point the Hon. Mr. Whyte has made that there are large areas of South Australia in the marginal country, which could not be described either as inside or as pastoral country, where wheatgrowing is by far the main occupation and where it is necessary that farmers should not be restricted in a year of plenty, because in these areas, as honourable members are aware, often there are two or three bad years, then one good year. I believe that the Hon. Mr. Whyte, in bringing these matters forward, has a point, and I accept the validity of his case.

I realize that it is improper to discuss a foreshadowed amendment in detail in the second reading debate. However, I believe that the amendment foreshadowed by the Hon. Mr. Whyte is necessary to improve the Bill, and I trust that the Minister will accept it. The Hon. Mr. Whyte has given us a comprehensive run-down on the facilities that have been provided in the relatively short term, because this State was somewhat late in starting bulk handling. I think he has said that we have 109 centres at which silos are located, and we have a very comprehensive set-up that has been made available by Co-operative Bulk Handling Limited in a very efficient manner and in a relatively short time.

The Hon. T. M. Casey: It's the most efficient in Australia.

The Hon. M. B. DAWKINS: I would not disagree with the Minister. There are occasions when I do disagree with him, but in this case I hasten to agree. I believe that the legislation is necessary and that the point raised by the Hon. Mr. Whyte is valid. I support the second reading.

The Hon. C. R. STORY (Midland): I support the Bill. I believe that what happened in the period between the time when we found ourselves in the difficulty of having too much wheat and the present time was most interesting. We have had tremendous co-operation from the farming community, although some people have been somewhat apprehensive about whether we did business the right way. I do not think that any traditional wheat farmer who built up his own quota (the quota of an individual farmer, less 10 per cent across the board) could be angry about that. There have been many problems as a result of people who have been affected by drought, who have not planted in normal years, but who have done various things which have made it difficult for the wheat quota committee to deal with. As Minister, I know that we had many complaints, and I know that

the present Minister has had the same kinds of problem.

I think that the whole scheme has worked very well—$1.10 a bushel, provided that not too much wheat is given away to illegitimate farmers. By "illegitimate" I mean not those who have born out of wedlock but those people who are planting wheat now because they think that it is a better thing to do than to plant barley or to raise prime lambs. That is a very real proposition. The price of $1.10 a bushel is good money if the country can produce, but we are in great trouble this year in certain areas of the State.

What the Murray Mallee is suffering this year is an average season, because the average in those areas is about one very good crop in five; then they get a couple in between to keep the farmers going. Farmers in the period between 1944 and 1961 did not have a trough year. By "trough", I mean that they did not run down to the bottom of the scale. An average year in wheatgrowing in South Australia must be viewed on the basis of whether a farmer is inside or outside Goyder's line of rainfall, which is still one of the most wonderful criteria on which people can buy land. The farmers inside the line are traditional wheat farmers, and they are entitled, I believe, to have a wheat quota from which they can have the 10 per cent deducted and not have more taken from them.

There is a tendency for the Wheat Quota Appeals Committee to rob away from the traditional wheat farmer what is a natural increment over the years. If a farmer wants to go into areas outside Goyder's line of rainfall and grow wheat, he must expect to get one year in five as a bonanza, or perhaps a little better. It seems to me that what has happened since we have had wheat quotas has not been unjust, but I know that there have been some real problems regarding farmers who have grown wheat regularly over a period of 20-odd years and who have suddenly found that their quotas have been reduced.

When I was Minister of Agriculture and set up the committees at the instigation of the industry (and I pay every compliment to the industry, because it was very good in the way in which it approached the whole situation), they were set up to hear appeals. I think that probably too generous an amount of wheat was given to them for redistribution, and that caused a certain number of problems to the traditional wheat farmer inside Goyder's line of rainfall. Although those farmers are chancy and want to do their own production as they think fit (and that is all right), I do not think other people should be disadvantaged by having to reduce the amount of wheat they can produce in a good year. I have no objections to the Bill, and I will support the Hon. Mr. Whyte's amendment, as I believe it is necessary to make the matter clear.

I would not like to see quotas absolutely dissipated at this stage. I know that under the Act the Minister can at any time make a declaration and I think that power should remain with the Minister. When one considers the wonderful sales we have made, including those to China this year, one realizes that, in order to try to increase quotas, the position should be kept under review and not crushed with an iron hand. The matter is therefore better left in the Minister's hands at this stage than in those of the Commonwealth Government which, after all, must guarantee the $1.10 first payment. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Amendment of principal Act, s. 49—short falls."

The Hon. A. M. WHYTE: I move:

In new section 49 (7) after "that" to insert "a short fall referred to in subsection (2) of this section has occurred in relation to a production unit for three or more consecutive quota seasons (whether or not some or all of those quota seasons occurred before the commencement of the Wheat Delivery Quotas Act Amendment Act, 1972) and that"; in new section 49 (7) (*a*) after "occurred" to insert "in the third or last of those consecutive quota seasons"; and in new section 49 (7) (*b*) to strike out "season" and insert "third or last of those consecutive quota seasons".

The purpose of my amendment is to safeguard short falls throughout the State. Other honourable members have in the second reading debate supported my suggestion, realizing as they do that, although many areas cannot fulfil a quota in a given season, they have no difficulty in doing so generally. The Hon. Mr. Story referred to a period of five years; I should have liked my amendment to cover such a period. However, since the Bill is designed to do something about short falls that are never likely to be filled, it would be unfair to allow them to go forward. Honourable members must remember that two years would pass before the advisory committee could adjust short falls.

I have faith in the advisory committee, and I do not believe it intends to remove genuine short falls. However, it is not our function

to legislate regarding a certain advisory committee. I therefore believe it is logical to write this safeguard into the Act. I said yesterday that some people who would like to grow wheat or to expand their quotas would like to have access to the short falls of people such as those in the Murray Mallee who this year will grow very little wheat. This is what my amendment does: it will not inhibit the advisory committee from dealing with short falls.

Of the 8,548 wheatgrowers in this State, 190 have never grown wheat since quotas were introduced but they were by a fluke able to obtain a quota in the early stages and have built up short falls. Various organizations have discussed the possibility of negotiating short falls—an aspect that is well worth further consideration. Perhaps these people who have a short-fall they do not intend to fill should in some way be able to receive financial assistance from them. After all, the rural economy could benefit by an adjustment in its own sphere to enable it to manage its own affairs.

It is wise that quotas should remain on the Statute Book, no matter how much they are increased, because if they are removed many large firms that have played a major part in producing so much over-quota wheat may in future again have the opportunity, when the small producer cannot afford the necessary machinery or superphosphate, to capitalize on a buoyant situation. I hope my amendment achieves its desired purpose to safeguard the genuine grower.

The Hon. T. M. CASEY (Minister of Agriculture): The main purpose of this clause is to do something about the people who have not grown wheat in this State since the quota system was introduced. It has been brought to my attention that 191 growers have not grown wheat since being granted a quota. This involves over 202,000 bushels of wheat. The advisory committee wisely asked, "What is the point of people having a quota if they do not attempt to fill it?" That was the basis of the clause before the Committee. The amendments of the Hon. Mr. Whyte is a good one and will spell out in more detail exactly what the advisory committee can do and cannot do. Advisory committees come and go, and perhaps it is better that it should be written in rather than leaving the matter to a committee. I am quite happy to accept the amendments.

Amendments carried; clause as amended passed.

Clause 7 and title passed.

Bill read a third time and passed.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 3193.)

The Hon. H. K. KEMP (Southern): I have no intention of holding up this legislation. The Bill as it stands is clearly designed to do specific things, and will do them. I take the opportunity of underlining once more the need for the whole of the drainage system in the South-East and the water supplies underground to be reconsidered. In many cases it would be found that the purposes for which the drains were installed have been fulfilled completely and there would be no need for their retention in future years.

I know I will run into a great deal of argument on this subject, but I speak with knowledge derived from this type of country right around the world, and there seems no doubt whatever that where a drain has fulfilled its purpose in opening up land its yield of water must be watched closely because the consequences of overdrainage are as dangerous as those of allowing water to remain lying around.

I have no doubt that if a considerable area of the South-East could be looked over and checked now the drains presently maintained would be found redundant and unable to fulfil any purpose in the future. This is the subject of the Drainage Act as a whole, and I think it will not be long before it is necessary for the entire subject to be reconsidered. Many statements have been made about the wastage of the Coorong area. It is inevitable because of the diversion of the water which has to find its way from the South-East and out through the Murray mouth. It cannot be otherwise because of the interference we have installed in the South-East area with the essential purpose, in the first place, of bringing this land into production.

There has been a rethinking of the need for the drains to be maintained on the basis that every drainage rate had to carry a portion of the cost of replacement of bridges and installations necessary for running a drainage system across country. This is an unjust charge on people in the South-East. There should be no charge attached to the land for road bridges and their replacement. I support the Bill in its entirety and I hope the other matters I have

mentioned will get the attention of the people responsible for these productive projects.

The Hon. M. B. CAMERON (Southern): This Bill tidies up those sections of the principal Act that needed amending; there was a gentlemen's agreement to this effect. While it is said that the rating system has been changed so that those people who receive direct or indirect benefit from drainage pay for the maintainance of that drainage, it is almost impossible to tell which areas have received direct or indirect benefit; further, it is almost impossible to tell which areas have been detrimentally affected; we do not allow for that in this Bill. It is unfortunate that drainage was decided on when our knowledge of the area was insufficient.

I am certain that future generations will look back on what we have done in relation to South-East drainage and wonder what we were about. In many areas there was no scientific evidence to prove that there should be drainage, yet drainage was put in willy-nilly at the request of landowners, who were often not aware of the final effect of drainage on their land. They had no idea of the amount of water that would be taken off their land through development. Obviously, a pasture in full growth will take off much surplus water. In many cases, drainage was carried out for the purpose of bringing into production land that should have remained out of production altogether.

Landowners are now appealing against their assessments, but this entails a considerable delay, because there are many appeals. Somehow or other, we are doing what should have been done by the Valuation Department—valuing betterment. The appeal board is deciding which land has received betterment. It is because it was virtually impossible for any valuer to decide about betterment that this Bill was introduced. I fully subscribe to the view of the Hon. Mr. DeGaris on the previous Bill—that eventually the whole system will become unworkable. There is no way in which the rates can be increased, except by Act of Parliament. So, inflation alone will take care of most of the money that will be raised through rates. It will therefore not be very long before the cost of collecting the rates will use up much of the money that will be raised. I am certain that side-effects are now turning up that were not contemplated earlier. On November 6 the Minister of Environment and Conservation said:

What happened to the Coorong stemmed almost entirely from the development of South-East drainage.

So, it can be seen that we have upset the balance of nature in the area to a degree which has not been assessed and which will not be assessed for many years. The end result will be shown to be detrimental to various parts of the South-East, not necessarily those parts that are directly in the drainage area. I have received complaints from Padthaway and as far away as Tintinara that the water table levels are falling. Whilst that to some extent may be due to irrigation or simply to the use of water, I am certain that much of it is associated with the general taking away of water from the South-East. The drainage itself and the geography of the drains will prove to be unwisely planned, but only future generations will realize that. In the meantime, we have set up a system that has to be maintained.

One of the reasons why we have this huge system is that in the past some areas were not maintained, with the result that water built up; this, in turn, led to agitation for more drainage. However, I consider that this agitation was wrongly based. I trust that we will not see any further extension of drainage in the South-East until the matter is decided from the viewpoint of the whole of the South-East, rather than from the viewpoint of a little section that has much water on it at a specific time. I support the Bill because it is the only way in which rebates can be arranged for the people affected. I stress that urgent attention should be given to cutting out the payment of rates by the considerable number of people who obviously are not affected by drainage within the proclaimed area. There is much confusion and much complaint about the fact that such people are faced with paying rates until their appeals are heard. I am certain that neither the Government nor anyone else will want those people to develop a resentment towards the Government and the department in connection with this matter. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): Yesterday I made available officers of my department to discuss this matter with honourable members who had spoken or intended to speak on the Bill. I believe that most of the points were cleared up at that time but, if any further points need clarifying, I shall deal with them in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Liability to drainage rates."

The Hon. R. C. DeGARIS (Leader of the Opposition): In the Bill, in cases where a

property has been subdivided and the drainage board allocates drainage rates to each block, there is no appeal to the board on that apportionment of drainage rates. Can the Minister say whether he would accept an amendment along these lines? I do not intend to press it if the Minister says "No". When the original Bill passed this Chamber many people studied it and decided that an appeal had to be based on whether the land received a direct or indirect benefit, and they did not lodge an appeal. The appeal board has been operating on a premise different from that established in the original legislation. Can the Minister say whether the appeal board will be able to accept appeals from people who have not appealed against their drainage rates because they thought the original legislation did not give them grounds for appeal? However, as the board has been operating, they have legitimate grounds for appeal.

The Hon. A. F. KNEEBONE (Minister of Lands): There is no change in the basis on which an appeal can be lodged. All the Bill does is give the board the ability to make a more acceptable decision.

The Hon. R. C. DeGaris: Only for those who have appealed.

The Hon. A. F. KNEEBONE: I should have thought that everyone in the area who was rated would appeal.

The Hon. R. C. DeGaris: No.

The Hon. A. F. KNEEBONE: If they did not appeal, they must have agreed that what was done was reasonable.

The Hon. R. C. DeGARIS: Originally, a person could appeal if, in his opinion, he received no direct or indirect benefit. I said previously that any reasonable person might say, "I have no grounds for appeal, because I cannot prove that I do not receive any indirect benefit from the drainage." In discussions with the Minister of Lands and the Minister of Works it was agreed that there should be some change in the grounds for appeal. We tried to draft a provision but we found that we could not do so. However, we came to an agreement with the Ministers that the board would look at things in a slightly different light from what the legislation provided. Meanwhile, many people in the South-East who studied the legislation said, "We have no grounds for appeal." Those who have appealed will receive some benefit from their appeals. As the legislation was drawn, I would not expect those who did not appeal to receive any alleviation from the board. Will these people be allowed to appeal?

The Hon. M. B. CAMERON: People who did not appeal were given to understand that the definition of "indirect benefit" covered roads, electricity, etc. Many people who were told this by their representatives decided that they did receive some indirect benefit, so they did not appeal. As I understand the situation, this was only an opinion, which has not been accepted by the board. I do not yet know what are the grounds for appeal regarding indirect benefit.

The Hon. A. F. KNEEBONE: When we discussed this matter previously we agreed that the board would have the right to exclude high land.

The Hon. R. C. DeGaris: Yes, but the public couldn't have known that.

The Hon. A. F. KNEEBONE: This matter has nothing to do with the Bill, which does not alter any of the grounds for appeal.

The Hon. R. C. DeGaris: I understand that.

The Hon. A. F. KNEEBONE: What the Leader is asking me to do, as Minister, is to direct the board to reopen appeals. I cannot give that assurance now.

The Hon. C. R. Story: Couldn't you grant retrospectivity?

The Hon. A. F. KNEEBONE: I cannot answer that now. Members who live in the South-East know how many appeals are lodged and how hard the appeal board is working to keep up with them. If we are continually to reopen the time for lodging appeals, the process will never be completed. I will examine the matter, although I cannot give an assurance that I will allow a retrospective right of appeal.

The Hon. R. C. DeGARIS: I realize that the Minister is an upright person and that, when he looks at the situation that has been described, he may decide that some people, who possibly should have been able to, have not been able to lodge an appeal. I think the Minister will agree that an anomaly exists when two properties are alongside each other, the owner of one property having lodged an appeal and paying drainage rates of $10 and the owner of the other property not having lodged an appeal and paying $50 drainage rates. Surely in circumstances such as those the Minister would permit an appeal to be lodged. The original provision gave people in the South-East virtually no grounds on which to appeal. If the Minister will consider giving these people a right of appeal, I will accept that.

The Hon. A. F. KNEEBONE: I will consider the matter.

Clause passed.

Clause 5 and title passed.

Bill read a third time and passed.

EDUCATION BILL

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

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

That this Bill be now read a second time.

Detailed work on the revision of the existing Education Act has been in process for a number of years. This Bill, together with a Further Education Bill to be introduced next year, represents the culmination of that detailed work. It has not been possible in the time available to complete the preparation of the proposed Further Education Bill. The continued functioning of the Department of Further Education is provided for either through this Bill or the Public Service Act. Members will be aware that the Government proposes to provide for the registration of non-government schools. The details of the scheme for such registration have not been finalized, and full consultation with independent school organizations has not been possible. As a consequence, the proposals for the registration of independent schools have been deferred until next year.

There are a number of significant changes in the legislation provisions proposed in this Bill. The composition and powers of the Teachers Appeal Board have been widened so that an appeal will lie against disciplinary actions imposed by the Director-General on teachers. In addition, it is provided that an appeal will exist to the appeal board against any decision of the Minister acting on the recommendation of the Director-General to dismiss a permanent member of the teaching service. The Bill contains provisions for the registration of teachers. The scheme proposed involves the establishment of a teachers registration board representative of the department, the Institute of Teachers, and the independent schools. The purpose of the registration of teachers is to ensure the safeguarding of the public interest through the employment only of competent persons.

The scheme contemplates the establishment of appropriate qualifications and experience before any person can be registered as a teacher. Exit students from teachers colleges will be provisionally registered as initially they will possess only the requisite qualifications. Provision is made for the registration of all existing teachers who may not have appropriate qualifications but who have given two years satisfactory service. It is proposed that, two years after the commencement of the relevant portion of the Act, no person can be a teacher in a Government or non-government school who is not registered by the board. Provision is made in the Bill to ensure that the Minister has power to enable unregistered teachers to be employed in Government and non-government schools should that be necessary or expedient in the public interest.

The Bill provides for a common retiring age for men and women teachers. Once the provisions of the Bill come into force, any teacher will be able to retire on the last day of the school year in which that teacher reaches the age of 60 years or on the last day of any subsequent school year up to the year in which the teacher reaches the age of 65. The Bill thus ensures equality of treatment under the legislation of male and female teachers. The new Bill repeals the provisions of the existing Education Act with respect to religious instruction. It provides instead a simple provision that regular provision shall be made for religious education at a Governmental school under such conditions as may be prescribed. Appropriate arrangements must be made for exemption from such education on conscientious grounds. Honourable members will be aware that with the agreement of the heads of churches a special committee has been established under the Chairmanship of the Assistant Director-General, Mr. Steinle, to devise a new system of religious education in Government schools.

When the work of that committee is complete and the heads of churches have agreed, appropriate provision will be made in the regulations. I have written to the heads of churches with respect to the proposed provision for religious education in the Bill, which was the unanimous suggestion of the Steinle committee, and they have signified their agreement. Honourable members will be aware that one recommendation of the Karmel committee report was that all officers of the Education Department below the level of Deputy Director-General should cease to be public servants and therefore cease to be appointed by the Public Service Board. The Bill does not implement that particular recommendation. An arrangement has been reached with the Public Service Board whereby the board has delegated its power of appointment of all professional educators who have a Public Service position

of inspector of schools or below. The department in carrying out this delegation will establish appropriate selection committees to interview and consider applications for any position. Should this process of delegation prove to be successful, it is conceivable that it will be extended further.

I turn now to the provisions of the Bill. Clause 2 provides a means whereby different portions of the Act can be brought into operation at various times. This is an important provision—for example, with respect to the Teachers Registration Board or the new Teachers Salaries Board. Clauses 1 and 3 are formal. Clause 4 sets out the repeals of various Acts effected by this Bill. The remaining subclauses of this clause are concerned with various saving provisions to ensure continuity between the old Act and the new. It is provided in subclause (4) that a person holding the position of Assistant Director-General shall become one of the Deputy Directors-General. Clause 5 is definitional. Clauses 6 to 10 deal with the powers of the Minister. Clause 8 repeats the provision in the existing Act whereby the Minister is able to delegate any of his powers, duties, responsibilities or functions other than his power to dismiss an officer of the teaching service. Clause 10 enables the Minister to appoint such advisory committees as he considers necessary to investigate any matters affecting either the administration of the Act or the provision of primary and secondary education in the State.

Clauses 11 to 14 provide for the Education Department. The main change from the existing Act is that more than one Deputy Director-General can be appointed. With the translation of Mr. Steinle's office from that of Assistant Director-General to that of Deputy Director-General, the Education Department will be staffed by two deputies—one responsible for schools and the other for resources. Clause 13 provides that the Director-General shall have a general power of delegation. It is hoped that the administrative practice of the department will be for decisions to be taken at an appropriate level in terms of the broad policies laid down. Clauses 15 to 17 provide for the teaching service. Under Clause 15 an officer appointed on a temporary basis or appointed on probation shall hold office at the pleasure of the Minister. Separate provision is made under Division V for the procedures involved in the dismissal of a permanent officer.

Clause 16 enacts new provisions relating to the retrenchment of officers of the teaching service. The clause requires that at least 12 weeks notice be given or, where the notice is less than 12 weeks, that an equivalent salary payment be made. The decision to retrench an officer of the teaching service is subject to appeal. Clause 17 provides for the retirement of officers by reason of invalidity or physical or mental incapacity. Again, an appeal is provided against the decision of the Minister to retire an officer from the teaching service. Division III re-enacts the provisions with respect to long service leave. One or two minor changes are involved in the re-enactment. Pro rata leave has been extended to provide for a female teacher who resigns to care for an adopted child under the age of two years. The opportunity has also been taken to clarify the provision of pro rata leave for a teacher who resigns on account of pregnancy.

Clause 22 provides for continuity of service for the purposes of long service leave for officers whose service has been interrupted by retirement on grounds of invalidity or by situations that arise other than by resignation, or dismissal for misconduct. This provision is relevant to many teachers who had an interruption of service through the depression years as a consequence of the failure of the department to offer a teaching position immediately on their completion of teacher training. Clause 25 provides for retirement provisions and enables any teacher to retire on the last day of the school year in which the teacher reaches any age between 60 years and 65 years. The clause thus provides for a common retiring age for male and female teachers. Subclause (3) permits all female teachers above the age of 45 years to be given a right to elect whether they wish to exercise the right provided under the existing Act to retire at the age of 55 years. After the day determined by the Minister for this purpose, no female teacher will be able to retire at the age of 55 unless an appropriate election has been made.

Clause 26 sets out the circumstances in which the Director-General may take disciplinary action against an officer of the teaching service. The Director-General is given power to reprimand the officer, impose a fine not exceeding $50 or reduce the classification of the officer. In any of these circumstances, the officer affected by the decision may appeal to the Appeal Board. The Director-General is also given power to recommend to the Minister that the officer be dismissed. Should the Minister accept the recommendation, the officer affected is again able to appeal to the Appeal Board. Under the existing Act the appeal against the dismissal is made to the

Chairman of the Public Service Board. Clause 27 provides the power for the Director-General to suspend an officer. A person so suspended is entitled to salary in respect of the period of suspension unless the Minister otherwise directs.

Division VI, covering clauses 28 to 33, re-establishes the classification board. The board is given power to advise the Director-General on the classification of any teacher and to review classifications on application. A decision of the classification board is subject to appeal. Clause 30 constitutes the board, while clause 31 sets out the terms and conditions under which members of the board hold office. A feature of this clause, which is repeated in a number of other cases in the Bill, is that provision is made for the appointment of deputy members and for temporary members. It is envisaged that the Institute of Teachers in arranging for the election of members of the board under clause 32 (*c*) would also arrange for the election of deputy members. The provision for the appointment of a temporary member is considered necessary in case there should be any dispute at any stage in relation to the validity of the election of a member or deputy member.

Division VII, covering clauses 34 to 44, reconstitutes the Teachers Salaries Board. In the reconstitution the membership of the board has been reduced from five to three. This change has been thought desirable in view of the lengthy sittings of the board and the difficulties in arranging meetings when five different members have to be accommodated. As with the classification board, provision is made for both deputy and temporary members. Clause 38 gives effectively legislative recognition to the South Australian Institute of Teachers. Under this clause, the Institute of Teachers will be the only teacher organization or association of teachers capable of applying to the board for an award. Clause 39 (4) provides a new power to the board, in that in special circumstances the board may fix an earlier starting date for an award than the date of application.

Clause 40 sets out other powers of the board in detail. Under this clause the board is able to make an interim award, appoint a board of reference, correct irregularities in documents and declare how the award is to be interpreted. Clause 41 deals with the powers of the board to issue summonses, to inspect books, papers and documents and to require answers to questions on oath or affirmation. Subclause (2) sets out offences in relation to these powers. Clause 42 permits legal representation before the board, while clause 43 provides that the board shall not be bound by the ordinary rules of evidence. Clause 44 repeats the provision of the existing Act and gives priority to the Industrial Commission of South Australia should there be any inconsistency between an award of the board and an award of the commission.

Division VIII covers clauses 45 to 54 and constitutes the Teachers Appeal Board. The board is constituted by a Chairman (who shall be either a Local Court judge or special magistrate), a panel of officers of the department and of the teaching service nominated by the Minister, and a panel of elected officers of the teaching service nominated by the Institute of Teachers. For the purpose of hearing any appeal, the appeal board shall consist of three members—the Chairman, a member of the Minister's panel to be selected by the Director-General, and a member of the institute panel selected by the appellant. Clauses 46 and 47 set out the terms and conditions under which members of the board shall hold office.

Under clause 50 the board is given the powers to issue a summons, inspect books, papers and documents and to require answers to questions on oath or affirmation. The jurisdiction of the Appeal Board is very much wider than the jurisdiction of the Appeal Board under the existing Act. The matter had very limited jurisdiction in relation to appeals by a teacher against his exclusion from a promotion list, against an appointment made to a special position, or against a teacher's position on a special promotion list. Under the new arrangement the right of appeal for the teacher is extended to cover appeals against dismissal, retrenchment, retirement on grounds of invalidity, disciplinary action by the Director-General or classification decisions by the Classification Board. In addition, clause 54 provides that an appeal will lie against any administrative action or decision affecting an officer in relation to which a right of appeal is conferred by regulations.

Part IV of the Bill provides for the registration of teachers. The proposed Teachers Registration Board will consist of eight members, of whom seven will have the experience and qualifications to be registered teachers. The Chairman is appointed on the nomination of the Minister, and two members are nominated by the Director-General. The Institute of Teachers is given the right to elect two members while the independent schools gain two members, one nominated by the Director

of Catholic Education and the second nominated by the head teachers of those non-government schools that do not come under the control or oversight of the Director of Catholic Education. A further member is to be nominated by the Board of Advanced Education from the academic staff of a college of advanced education in which courses of instruction for the education of teachers are provided.

Clause 56 provides for the terms and conditions upon which members of the board hold office and provides also for the appointment of deputy and temporary members. Clause 60 sets out the functions of the board. The board must operate a system of registration so that the public interest in primary and secondary education is safeguarded by ensuring that such education is undertaken only by competent persons. The board is required to collaborate with the Board of Advanced Education and with tertiary institutions concerned with teacher education. Under clause 60 (3) the board must collaborate with interstate authorities exercising similar functions.

Clause 61 sets out qualifications required for registration. The board is given power to determine certain qualifications and experience either in South Australia or in other States that will be necessary before a teacher can be registered. It provides also that a person who applies for registration within two years of the commencement of this Part of the Bill and who has had satisfactory experience as a teacher for two years immediately preceding the date of his application shall be registered. The wording of this subclause will ensure that all existing teachers who have had two years satisfactory service as a teacher will be able to gain registration. Subclause (2) provides for provisional registration, while subclause (3) provides that such provisional registration shall be effective for no longer than five years. Subclause (4) permits the board to grant registration or provisional registration subject to terms or conditions that restrict the subjects that may be taught and the academic levels at which they may be taught.

Clause 62 provides for a fee to be charged for registration. Clause 63 provides that, after the expiration of two years from the establishment of the board, no person shall, without authority of the board, be able to administer or teach any course in primary or secondary education without being registered. Subclause (3) permits the Minister to suspend the operation of this provision to such extent as he may consider necessary or expedient in the public interest. This subclause enables emergency measures to be adopted to overcome an acute shortage of teachers.

Clause 64 sets out the various offences. Clause 65 sets out the circumstances in which the board may cancel the registration of any teacher, while clause 66 sets out the powers of the board in carrying out an inquiry prior to the cancellation of registration. Clause 68 gives the right of appeal to a local court of full jurisdiction against any decision of the Registration Board, while clause 69 requires that the board give reason for any decision.

Clause 70 provides for the position of Registrar, while clause 71 sets out the requirement for the keeping of a register of teachers registered by the board. The register must be available for public inspection. Part V, covering clauses 72 and 73, re-enacts provisions with respect to non-government schools from the existing Act.

Part VI of the Bill sets out the provisions for compulsory attendance and for zoning. Clause 74 enables the Minister to zone in relation to enrolment for any secondary school. Clause 75 sets out the provisions for compulsory enrolment, while clause 76 deals with compulsory attendance. The new Bill provides for compulsory enrolment and attendance at school in appropriate circumstances for handicapped children. This enacts a provision that has been recommended most strongly by the Psychology Branch of the Education Department. It is felt that there are many cases where parents of a handicapped child act mistakenly in not permitting a child to attend school when considerable benefit could be gained by so doing. Clearly, there will be circumstances in which on medical grounds the Minister will grant an exemption for a handicapped child. However, with transport arrangements for handicapped children greatly modernized and with the vast bulk of the cost being borne by the Government, it is considered that the new arrangements with respect to handicapped children can work effectively in the interests of all concerned.

Clause 77 provides the Minister with the power to exempt a child from attendance at school. Clause 78 deals with the employment of children of compulsory school age, while clause 79 provides for the problems of habitual truancy to be dealt with in accordance with the provisions of the Juvenile Courts Act.

Clause 80 deals with Attendance Officers, while clause 81 is evidentiary provision. Part VII of the Bill sets out provisions with respect to courses of instruction and provides

that the Director-General be responsible for the curriculum for Government schools.

Under clause 82 the provisions for Advisory Curriculum Boards are re-enacted. Part VIII of the Bill sets out provisions with respect to school councils. Clause 83 deals with the power of the Minister to establish councils whose membership would be prescribed in regulations. It is proposed that under this provision primary school councils will be established with representation similar to that of high and technical high school councils but without student representation.

Clauses 84, 85 and 86 re-enact provisions of the existing Act with respect to the borrowing powers of councils and the establishment of the School Loans Advisory Committee.

Clause 87 gives the Minister power to make grants to any council. Clause 88 provides for the keeping of accounts which may be inspected by the Auditor-General. Clause 89 provides for affiliated committees, while clause 90 dea's with the power of the Minister to abolish councils.

Part IX of the Bill re-enacts provisions with respect to licensing of private technical schools. These provisions will be removed from the Education Act and revised completely when the Further Education Bill is presented to Parliament next year. Clause 102 of the Bill sets out the provision with respect to religious education to which I referred at the beginning of this speech. The provision is in the form agreeable to the heads of churches.

Clause 103 re-enacts section 70 of the existing Act which gives the Minister powers to take a census of a school district. Clause 104 provides for an offence against any person who acts in an offensive or insulting manner to a teacher in the course of his duties. Clause 105 provides for the summary disposal of offences. Clause 106 is the financial provision, while clause 107 sets out the regulation-making powers.

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

MOTOR VEHICLES 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.

It introduces miscellaneous amendments to various parts of this Act. One significant amendment is the exempting of motorized wheelchairs from the requirements of the Act. With today's increase in mechanization, many incapacited people are finding a degree of independence through motorized wheelchairs. The granting of licences to drive motorized wheelchairs, and the requirement to register them, result from the definition of a motor vehicle in the principal Act. No practical purpose is served by this. With their limited speed and use, motorized wheelchairs appear to be no greater danger to the public than a bicycle or unmotorized wheelchair, whilst obviously of immense benefit to handicapped persons. Therefore, exempted vehicles used by invalids or incapacited persons are exempted from all licensing, registration and insurance provisions of the Act. As many of the persons who could benefit from these chairs are under the age of 16 years, the Registrar is given a discretionary power to grant licences to incapacited persons under that age who, though invalids, show themselves capable of handling a motorized wheelchair in a safe manner.

This exemption from licensing, registration and insurance is further extended to cover the larger power mowers. Where the operator does not control the mower as he walks behind it, but is carried on the machine, it becomes a "motor vehicle" for the purposes of the principal Act. Operators of these mowers have occasion to go on the roadway or footpath with their machine. Private lawn often extends on to the footpath, and a grassy median strip is often cut by private persons in the street. Similarly, the larger machines are regularly on the road moving from place to place in pursuance of a council's duty to keep the area under its control in a tidy state. It is quite unnecessary to require these vehicles to be fitted with equipment normally required for a motor vehicle on the road.

To overcome certain anomalies in the issuing of general and limited trader's plates, certain amendments have been made. Caravan and trailer dealers, who previously have had to purchase general trader plates for which they had no use, are placed in the class requiring only limited trader plates. The plates may be issued singly or in pairs, and made out in the name of either a private individual or business. The Registrar is given a discretionary power to issue temporary driving licences to persons who, for reasons he deems satisfactory, are unable to complete their licence applications before the expiry of the licence. This most frequently occurs where the renewal falls due while the holder of the licence is in another State or abroad. The Minister is also granted a discretionary power

in relation to applications for approval as an "approved insurer", where the application cannot be made at the appropriate time.

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act by widening the interpretation of "motor vehicle" to include "caravan". Clause 4 amends section 12a of the principal Act. This extends the class of vehicle exempted from registration and insurance to include a self-propelled wheelchair used by a person who because of physical infirmity requires its use, and a self-propelled lawnmower which is used to cut grass, or is being driven to or from a place for this purpose. Clause 5 amends section 31 of the principal Act by striking out paragraph (1), which required self-propelled invalid chairs to be registered without fee.

Clause 6 amends section 62 of the principal Act by enlarging the class of persons eligible for the issue of a limited trader's licence. The class of persons now includes all persons engaged in the caravan or trailer trade, whether as manufacturers, repairers or dealers. To come under the amendment, however, the caravan and trailer trade must be separated from trade in motor vehicles of other kinds. The plates may be issued singly or in pairs to any person who carries on business under a name registered under the Business Names Act, 1963, and the Registrar shall determine the date on which they are deemed to have been issued.

Clause 7 repeals section 63 of the principal Act and enacts a new section in its place that concerns the fees payable for trader's plates. Clauses 8 to 15 enact amendments consequential on the enactment of clause 6. Clause 16 contains a consequential drafting amendment. Clause 17 amends section 75 of the principal Act by providing that, on failure to renew a licence in time, the Registrar may issue a temporary licence if he sees fit in the circumstances. An application for renewal of the previous licence may be made before the expiration of the temporary licence. Where it is granted, the term of renewal runs from the expiry of the previous licence.

Clause 18 amends section 76 of the principal Act. This provides that the Registrar may issue a licence, subject to whatever restrictions he sees fit to impose, authorizing a person to drive a self-propelled wheelchair. Clause 19 amends section 78 of the principal Act. It provides that a licence to drive a self-propelled wheelchair only may be issued to a person under the age of 16 years. Clause 20 is a consequential drafting amendment. Clause 21 amends section 98b of the principal Act by providing that, where a person is convicted of an offence that carries demerit points, those demerit points are not to be recorded against him until the time for applying for a rehearing has expired or, where there is such an application, until the determination of the rehearing.

Clause 22 amends section 99a of the principal Act. This provides that the application for transfer of trader's plates shall be deemed to be an application for transfer of registration. Therefore, as soon as the application has been made, all motor vehicles driven in pursuance of these trader's plates, whether or not they have been transferred, are covered by third party insurance. Clause 23 amends section 101 of the principal Act. It empowers the Minister, where he is satisfied that special circumstances exist, to grant, or withdraw, approval as an approved insurer at a time other than July 1. In this event, the grant or withdrawal is effective from the date determined by the Minister.

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

LIFTS AND CRANES 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.

It is entirely consequential on the Bill for an Industrial Safety, Health and Welfare Act that was introduced last week. When that Bill becomes law there will be for the first time one comprehensive Act dealing with the safety of employed persons in the State. This will concern the safe working of employees, whereas the Lifts and Cranes Act is primarily concerned with the safety of the equipment to which that Act applies. The Lifts and Cranes Act provides that the designs of all cranes and lifts must be approved before they are manufactured or installed and that they must be registered with the Department of Labour and Industry and subject to inspection. However, because in the past the Industrial Code and the Construction Safety Act have also contained provisions regarding the safety of cranes, the Lifts and Cranes Act has not applied in respect of cranes in factories or on building sites.

As there is now no reason to have different Acts apply to the safety of cranes, depending on the situation where they are installed or

used, this Bill is introduced to ensure that all provisions of the Lifts and Cranes Act, except those concerned with the registration of a crane, will apply to all cranes used in industrial premises and on construction work to which the Industrial Safety, Health and Welfare Act applies. As industrial premises and construction works will be registered under that Act, there is no need for separate registration of cranes in or on those places. Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed, which will be the same day as the Industrial Safety, Health and Welfare Act is proclaimed to come into operation.

Clause 3 removes from the Act the exemptions in respect of cranes or hoists currently subject to the Industrial Code and the Construction Safety Act but provides that the Act will not apply to a lift or crane in any mine. Clause 4 is a consequential amendment on the change of title of the Chief Inspector made by the Industrial Safety, Health and Welfare Act. Clause 5 also effects some consequential amendments and simplifies the system of giving approvals so that both an approval and a permit are not necessary. Clause 6 will exempt from registration any crane other than a mobile crane which is installed in or on industrial premises or on construction works or on mines. Clauses 7 and 8 make further consequential amendments.

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

INDUSTRIAL CODE AMENDMENT BILL (GENERAL)

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.

With one exception, all the amendments made by this Bill are consequential on the Bill for an Industrial Safety, Health and Welfare Act that was introduced recently. With the repeal of Parts II to XI of the Industrial Code effected by the Bill for an Industrial Conciliation and Arbitration Act, and the replacement of the safety, health and welfare provisions of the Industrial Code by the Bill for an Industrial Safety, Health and Welfare Act, only three matters will be dealt with in the Industrial Code. They are sections 168 and 169, which require outside workers to be registered and factory occupiers to keep records of work done by out-workers, section 194 regulating the hours of baking of bread in the metropolitan area, and sections 220 to 227 concerning shop trading hours.

Although the Bill appears to be complicated, its purpose is simply to repeal all of the redundant definitions and sections in the Industrial Code and, where necessary, either to amend the remaining provisions or to include new provisions in existing sections in respect of the subject matters with which they now deal. The one amendment that is not consequential on the other two Bills to which I have already referred is the amendment of the definition of "shop" to ensure that used car yards come within that definition. This matter has already been the subject of questions and discussion in this Council, and the amendment is needed to remedy a possible defect in the present definition.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed, which will be the same day as the Industrial Safety, Health and Welfare Act is proclaimed to come into operation. Clauses 3 and 4 are formal. With one exception, clause 5 contains formal amendments by striking out 40 definitions from the Act. The exception is the amendment to the definition of "shop", to which I have already referred. Clauses 6 and 7 are formal. Clause 8, as well as repealing redundant provisions regarding registrations, includes a new section that repeats that part of the present section 165a that is needed to determine whether a shop is an exempt shop or not within the meaning of the Act.

Clauses 9 to 18 are all formal. Clause 19 makes consequential amendments to section 197. Clause 20 is formal. Clause 21 enacts in an amended form a new section 202 regarding the recovery of fines. Clauses 22 to 25 are consequential. Clause 26 enacts in an amended form two sections regarding the powers and obligations of inspectors. They are intended to be similar to clauses contained in the Bill for an Industrial Safety, Health and Welfare Act. Clauses 27 and 28 are both formal.

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

BARLEY MARKETING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 3197.)

The Hon. V. G. SPRINGETT (Southern): This Bill deals with the subject of narcotic and psychotropic drugs. The narcotic drug induces drowsiness, sleep, stupor and insensibility. Psychotropic drugs affect the mental state in various ways. I turn first to narcotic drugs. There is a variety of ways of illegally getting narcotics into a country like Australia. There is also the official way of doing so; they can come in officially for their legal purposes. Unfortunately, however, these narcotics form the hard core drugs of those who push and peddle them to the detriment of many people in society.

The Hon. R. C. DeGaris: We produce some here.

The Hon. V. G. SPRINGETT: That is so, both legally and illegally, perhaps. It is disturbing that a report made to the United Nations Narcotic Commission earlier this year showed that the following methods are being used in Australia for the illegal importation of narcotics: cargo dropped from cargo vessels and from other vessels that come not just from overseas; frogmen who swim out to sea and pick up packages from ships; false compartments in new cars; light aircraft drops; and even in one case the use of a diplomatic courier.

These methods were all described as having been used in this country in the previous 12 months, and they were all debated in the twenty-fourth session of the United Nations Narcotic Commission. Interpol, at the same meeting, confirmed that there are small groups of highly organized and criminal syndicates, some involving very young people. The plant cannabis, which is one of the hard drugs, has a life of about five years, and at certain times during that period it is possible to take steps to eradicate the drug seeds from the soil. Once they get into the soil they are very resistant. However, at certain times during the plant's life cycle, it is possible to attack it and to get rid of the seeds.

Bearing in mind that some of this drug has been grown in Australia, it is important not only that it should be impossible to be grown but also that the source of the drug should be eradicated. In Canada, a country not dissimilar to Australia in many ways, heroin addiction has taken on in "startling and alarming proportions" (the words used in the report to the United Nations Narcotic Commission).

In Saigon, a wellknown brand of cigarette has its tobacco removed and replaced by drugs. Lysergic acid diethylamide (L.S.D.) and other synthetic products and hallucinogenic drugs are being manufactured in increasing quantities in various parts of the world and, as far as we know, Australia is no exception. Addicts are continually looking for an artificial form of paradise. This is an age of false prophets. The sight of a patient suffering from withdrawal symptoms leaves no sane thinking person other than being quite convinced that there is no paradise about it, and that there is nothing beautiful about the man, woman, boy or girl who is hooked on drugs.

In Piccadilly in London, in the Circus and in the streets, many people who are suffering from the effects, both immediate and remote, of excessive drug taking can be seen. It is important, therefore, that legislation in countries such as ours should be used extensively and vigorously (and when I say "vigorously" I do not mean harshly) to keep the country as free as possible from these soul-destroying and brain-sapping drugs.

This is a small Bill, which has two main purposes regarding the Narcotic and Psychotropic Drugs Act. The first is the appointment of a certified analyst under the Food and Drugs Act. The analyst may be available and provided to examine and analyse a substance and come up with a conclusion as to what drug is contained within the appropriate substance. Up until now the provision of the Act has been deficient because there has been no evidentiary provision for the identification of the drug discovered by the analyst, and the Bill overcomes the deficiency by providing for a certification to be given by a botanist as to the genus of the plant submitted to him for identification; in other words, he receives the plant for study, examines it and reaches his conclusions, and can give an appropriate certificate as to what he has been studying and what the drug is.

Secondly, the Bill repeals section 14a of the principal Act, which was inserted by an amending Act in 1970. This has led to problems in the sentencing of drug offenders in the courts. Some judges have thought that this amendment required a court to impose a suspended sentence upon an offender in almost every case. It has been decided now that it is better for this provision to be removed and that the sentencing of a person in connection with drug offences should be left to the ordinary discretion of the court.

This is right and reasonable. There are so many cases in which drug takers need sympathy as well as control, so many cases in which drug pushers and pedlars need the harshest penalty of the law that could possibly be incurred. It is right that these points should be left in the hands of the court. The Bill contains four clauses, the first two of which are formal. Clause 3 amends the principal Act by striking out the areas which make analysis difficult or of no value because the report was not called for. Under the provisions of clause 3 the analyst appointed will submit his report on the drug or substance and a further subclause ensures that he gives a certificate as well as describing the genus of the plant with which he has been concerned. Clause 4 repeals section 14a of the principal Act, which is concerned with the courts. I see no reason why this Bill should not go straight through, and I support it.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (PORT ADELAIDE)

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 provide the State Planning Authority with specific powers of acquisition in connection with redevelopment of the Port Adelaide centre. The Metropolitan Development Plan provides the background for this legislation. The plan at present provides that the Port Adelaide centre should be the hub of a district extending through the north-western suburbs. As such, the centre would comprise not only shops and commercial premises but also offices of local administration and cultural facilities. It was recognized in the Metropolitan Development Plan that redevelopment of substandard property would have to occur in order for the district centre to function effectively.

Interest in redevelopment in the Port Adelaide centre has been shown by private interests, notably Port Adelaide Plaza Limited, following publicity of proposals made by the Myer organization for the redevelopment of a major shopping complex at Queenstown, 1½ miles distant. The Queenstown proposal was the subject of investigation by a special Government committee and has also been the subject of various meetings between representatives of the Myer organization, the Government and the council. Its future still remains undetermined pending an official application under the planning regulations. In the meantime, a joint council and Government committee has been established to consider the preparation and implementation of a scheme of redevelopment for the Port Adelaide centre.

The Government has endorsed a recommendation of the committee that powers of compulsory acquisition should be available to the State Planning Authority in respect of land within the district business zone for the purposes of the Port Adelaide centre. It is expected that a great amount of redevelopment will be secured by negotiation between private interests and that the compulsory powers would be invoked only as a last resort. Clauses 1 and 2 of the Bill are formal. Clause 3 provides that the State Planning Authority may acquire land, in accordance with a joint scheme between the authority and the council, within the Port Adelaide district business zone.

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

SUPERANNUATION 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.

This short Bill, which amends the principal Act, the Superannuation Act, makes an amendment to that Act consequential on the enactment of the Act proposed by the Education Bill, 1972. The amendment proposed is to ensure that female teachers who are contributors to the Superannuation Fund and who desire to take advantage of an extended period of service past the age of 60 years, which is provided for in the Education Bill, will receive an appropriate lump sum in addition to their pension.

Clauses 1 and 2 are formal. Clause 3 provides that a female contributor who continues in employment after attaining the age of 60 years shall not be required to make any further contribution to the fund other than contributions referred to in subsection (4) of section 25 of this Act, these contributions being those necessary to complete a full year's payment for a unit.

Her right to a pension will, of course, be suspended until she actually retires but, if she continues past the age of 61 years, she will be entitled to receive a sum in addition to her pension, calculated by the board, having regard

to (*a*) the length of the period during which her contributions have remained in the fund; and (*b*) the length of the period during which payment of the proportion of pension that relates to those contributions has been postponed. It follows, therefore, that the longer she defers her retirement the larger will be this lump sum. To some extent, this amendment follows the existing provisions in the principal Act relating to the position of persons who, though they have elected to retire early, have later decided to continue their service past the age at which they elected to retire.

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

[*Sitting suspended from* 5.43 *to* 7.45 *p.m.*]

INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

Adjourned debate on second reading.

(Continued from November 21. Page 3199.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill, which widens considerably the scope of industries in this State that will be covered by the legislation. I do not oppose this concept, provided that it is administered with common sense, as I believe it will be. Many accidents happen, often in remote areas away from medical help, that could have been prevented with a little common sense and if employers and employees had some guidelines regarding their responsibility to observe certain precautions.

The Bill has been described at length and, as the Hon. Mr. Potter has said, it is essentially a Committee Bill. Amendments that the Minister has placed on file will cover most of the objections that have been raised. The Bill contains one or two provisions that will cause people some concern, one of which is the right of an inspector to enter any property and to take with him anyone whom he thinks he needs to assist him. He can search and take copies of records and other papers. The Bill also provides that an inspector is bound by the Act not to disclose any of this information to unauthorized people.

The legislation provides that certain premises can be proclaimed as industrial premises for the purposes of the Act and, their having been proclaimed, plans must be lodged if additional alterations are to be made. I hope much discretion will be used in the administration of this provision, because in many areas of the State, particularly the rural areas where such things as shearing sheds need altering from time to time, the facilities are not readily available for the drawing up of plans. I do not believe it is intended to apply the provisions of the legislation in this field. I am sure many aspects of the Bill, if administered harshly, could cause some people real discomfort. However, on a closer examination of the Bill I find that, although certain things may be proclaimed, the operation of the measure will be by regulation, which means that Parliament will have the opportunity of examining the regulations and of disallowing them if it sees fit.

The Minister has placed on file an amendment dealing with machinery. I think it is a fair one. In the form in which the Bill came to us, it would have been impossible for a person to sell or hire machinery other than that covered under the existing Industrial Code, and most machinery has things such as protruding set screws, teeth cogs and open pulleys. This would have had a detrimental effect on the value of the machinery, but the proposed amendment makes it clear that this provision will apply only to machinery manufactured after January 1, 1975, which should give machinery manufacturers time to comply with the requirements of this and any other legislation introduced in another place.

In the field of primary industry, all types of problems could occur which would be outside the experience of the present inspectors within the Department of Labour and Industry. I have in mind, for instance, safety features on cattle yards. I have seen cattle yards where, if a person wanted to get out in a hurry, his only hope would have been if he could fly. Personally, I would like to see rails of a type that a person could scramble through. In many spheres no protection can be given because of the nature of the work involved, particularly where people are working with large stock and having to carry out work which entails some risk. It is not unfair in many fields not covered by this type of legislation to expect that some move should be made to ensure the safety of people engaged in those occupations. The safety feature concerns not only employees. It is also for the protection of the employer, who usually works alongside his employee in the various occupations involved with primary production. Without further ado, I support the Bill.

The Hon. C. R. STORY (Midland): I must express some gratitude to the Minister handling the Bill and to his opposite number in another place for giving us the opportunity to discuss with them certain parts of the Bill which have far-reaching ramifications. I am grateful to them for meeting us over the evening meal

period to discuss these matters. We have probably saved the Council and Parliament a good deal of time by having a little discussion—

The Hon. D. H. L. Banfield: It must have been a good dinner.

The Hon. C. R. STORY: —before dinner.

The Hon. A. J. Shard: You think the 15 minutes was worth while?

The Hon. C. R. STORY: The last 15 minutes was even better. There is quite an amount of importance in this Bill, but when one is dealing with proclamations it is always rather dangerous. I have always held that view. I would rather deal with regulations, because at least members have the opportunity to have a good look at whatever is put into a Bill. We have agreed that certain parts of this measure will be done by regulation, whereas originally it was thought those parts should be carried out by proclamation.

The most important feature is that South Australia as a whole is very flat country and it is far better to regulate for certain areas of the State to be brought under the provisions of the Act rather than to bring in the whole of the State and then try to exempt certain areas. One could not find much flatter country than the Riverland area of South Australia, and when we speak about roll bars, and so on, we are speaking in terms of expenditure of $400, $500, or $600 to be incurred by all the farmers and all the agriculturists, horticulturists, and viticulturists throughout the State. whereas it would be much better to make a basic machine and then add to it the various parts necessary for the areas in which it is to operate.

In certain areas in the Adelaide Hills, around Clare, and in other places, it might be necessary to put on a set of roll bars to protect the operator, but it seems an unnecessary imposition upon the number of people involved in the use of tractors to have roll bars as standard equipment and then try to exempt them in the areas in which they are operating. I ask the Minister again to give me the consideration I know he is quite capable of giving in that we need not have in this State an overall embargo and then try to opt out. That is going to involve all other pieces of farm machinery in excessive costs. If South Australia is the only State with this legislation, any machinery we buy from any other State will have to have these additions, and this is an imposition. I do not think we can get a rebate for removing a piece of necessary equipment. That is my first point.

My other point is that we have done very well in this State as regards safety. We have had safety conferences at Barmera, which I have attended, and at various other places. It is important that we do all we can to cover grub screws and things like that which are likely to catch a man's overalls and hook him up; but, where it is not necessary, we are only asking that no further costs be incurred for no good reason at all. I ask the Minister for an assurance that the Government will look carefully at this matter of excluding from the Act certain areas and do it in the way I suggest: not bring the whole State under one cover but bring various areas under regulation where necessary.

The Hon. A. F. KNEEBONE (Minister of Lands): I appreciate the fact that we have been able to get together and discuss this Bill, which was time well spent. I recall that, when I was Minister of Labour and Industry, we held some good safety conventions that were well attended by both employers and employees; we had some good discussions at those conventions, and I appreciate the fact that there have been various discussions on this matter. This Bill covers the safety of all people in industry. I have endeavoured, as a result of the discussions we have had and the submissions made by various people, to have amendments drafted that will go a long way towards satisfying their criticism of some of the clauses. I hope those amendments will be accepted.

The Hon. Mr. Story suggested bringing various areas under control by regulation. The Bill provides for that. Clause 39 (2) provides:

> The regulations may provide that all or any of the regulations shall apply to—
> (*a*) the whole State or any part thereof;
> (*b*) industry generally or to a specified industry or an industry of a class or kind.

The regulations will provide for that. That is the answer to the Hon. Mr. Story. In addition to that, as a result of an amendment that I have on file, clause 16 will be amended. Clause 8 (4) provides that the permanent head of the board shall also be the Chairman of the board and there will be representatives from three employer organizations and three employee organizations. The permanent head, whom all honourable members know and respect as a very impartial officer, will be the Chairman.

The Hon. A. M. Whyte: Will all the industries in the State be subject to control by regulation?

The Hon. A. F. KNEEBONE: Under the provisions of the Bill, control will be extended to various industries in various parts of the State by regulation and, as a result of an amendment to be made to clause 16:

The board shall investigate, report and make recommendations to the Minister on any matter referred to the board by him in relation to the prevention of work injuries or to the safety, health or welfare of workers in any industry or of persons affected by any industry including, without limiting the generality of the foregoing, any proposals for regulations or proclamations to be made under this Act.

So, wherever regulations are to be made, they must be recommended by the board. I think that will satisfy the Hon. Mr. Story.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—"Duties and powers of board."

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

In subclause (1) after "regulations" to insert "or proclamations".

I referred to this matter just now. Some honourable members have expressed concern that industrial premises can be made subject to the Act by proclamation. I have already explained that, although this can be done, all of the safety requirements to be complied with can be covered only by regulation. As clause 16 of the Act provides for the Minister to refer to the Industrial Safety, Health and Welfare Board any proposal for regulations to be made under this Act, I am willing for proposals for proclamations proposed to be made under this Act to be referred to the board, which will report and recommend to the Minister thereon. So nothing will be done about regulations without the board's knowledge.

Amendment carried; clause as amended passed.

Clauses 17 to 19 passed.

Clause 20—"Directions by an Inspector."

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

In subclause (3) to strike out "be lodged in writing at" and insert "made to".

The amendment means that an appeal to the Minister need not necessarily be in writing.

Amendment carried; clause as amended passed.

Clause 21—"Obligation on Inspectors, etc."

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

In subclause (3) to strike out "inspector" and insert "person".

Subclause (1) refers to an inspector, former inspector or any person, but at present subclause (3) refers only to "any inspector". The purpose of the amendment is to cover the people to whom the clause refers.

Amendment carried; clause as amended passed.

Clause 22 passed.

Clause 23—"Industrial premises not to be erected without approval."

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

In subclause (7) to strike out "person" and insert "owner".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 24—"Registration of industrial premises."

The Hon. A. F. KNEEBONE moved:

In subclause (2) to strike out "A person" and insert "An occupier".

Amendment carried; clause as amended passed.

Clause 25—"Change of occupier."

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

To strike out "forthwith on" and insert "as soon as possible after".

This amendment makes the clause more acceptable to those honourable members who raised questions about it.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27—"Work injuries."

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

In subclause (4) to strike out "forthwith" and insert "as soon as possible".

The *Oxford Dictionary* states that the meaning of "forthwith" is "immediately, at once, without delay". Given the normal dictionary meaning of the word, the subclause requires the employer of an injured person to take action without delay after the employer becomes aware of the injury. It is considered that the term "as soon as possible" is preferable in these circumstances.

Amendment carried; clause as amended passed.

Clause 28—"Reports of certain accidents."

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

In subclause (1) to strike out "forthwith" and insert "as soon as possible"; and in subclause (2) after "shall not" to insert "except for the purpose of preventing injury to persons or damage to property,".

The Hon. Mr. Potter objected to the prohibition against removal of scaffolding or shoring after an accident without the permission of an inspector. The honourable member said that a dangerous situation could be created if, in some circumstances, scaffolding or shoring was not removed immediately.

If it is necessary for a person to take action to prevent further damage or injury, that would be a defence in the unlikely event of a prosecution being contemplated in such circumstances. If an accident occurs and it is necessary to remove scaffolding or shoring to prevent further damage or injury, no offence is committed. The amendment removes any doubt about the matter.

Amendments carried; clause as amended passed.

Clauses 29 to 31 passed.

Clause 32—"Construction and sale of machinery."

The Hon. A. F. KNEEBONE: I move to insert the following new subclause:

(2) Subsection (1) of this section shall not apply to or in relation to any machinery or transmission machinery (not being a machine or transmission machinery to which section 171 of the Industrial Code, 1967-72, would have applied if that section were in force) manufactured before the first day of January, 1975.

My attention was drawn to the fact that a date of manufacture should be provided, before which date subclause (1) will not apply in respect of machinery or transmission machinery. A similar provision was in the Industrial Code.

Amendment carried; clause as amended passed.

Remaining clauses (33 to 39), schedule and title passed.

Bill recommitted.

Clause 5—"Act not to apply to mines"—reconsidered.

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

After "in relation to" to insert "(*a*)"; and to insert the following new paragraphs:

(*b*) any mine as defined for the purposes of the Mines and Works Inspection Act, 1920-1970;

(*c*) any activity carried on under and in accordance with the Petroleum Act, 1940-1971, or the Petroleum (Submerged Lands) Act, 1967-1969.

This clause concerns me and I know that you, Mr. Chairman, as a former Minister of Mines, would also be concerned. This clause provides that this Act shall not apply to or in relation to any mine as defined for the purposes of the Mining Act, 1971. The definition of "mine" in the Mining Act is very limited. Hitherto, matters concerning safety in mining have been set out in the Mines and Works Inspection Act. Two other Acts should come under the control of the Mines Department as far as safety is concerned: the Petroleum Act and, more important, the Petroleum (Submerged Lands) Act, which is uniform legislation between the States. The Mining Act deals entirely with tenure of land in relation to a mine. There have been three commissions on safety, two of which related to the mining industry. Over the years there has been a much greater concern for safety in the mining industry than in any other industry in this State.

If the clause remains as drafted, there will be a duality of control in almost every operating mine in the State. For example, at the Kanmantoo mine, safety matters in relation to part of the area will be under the control of the Mines Department and part will be under the control of the Labour and Industry Department. The same will apply at Burra and at other places where mines operate. Mines safety inspectors are not appointed until they have had 10 years experience in the mining industry, and to hand this inspection over to the Labour and Industry Department would be tragic and not in the best interests of safety. The Canadian legislation provides that practically all safety matters are under the control of the Mines Department, and the Queensland Mines Regulation Act contains similar provisions. A move was made in Great Britain recently to amalgamate all safety matters under a separate safety department.

One would expect the mining industry to have a high accident rate, but this is not the case. Forestry, fishing and trapping industries had an accident frequency of 88 to each 1,000 employees. Mining and quarrying industries had an accident frequency rate of 30 to each 1,000. In cement and brick manufacturing, the accident frequency rate was 40 to each 1,000. Clothing and knitted goods industries had an accident frequency rate of nine to each 1,000. Sawmilling and wool products industries had an accident rate of 47 to each 1,000. Building and construction, which involves the Labour and Industry Department, had an accident frequency rate of 40 for each 1,000. These figures show that a wonderful job has been done in relation to safety measures where mines come under the Mines and Works Inspection Act, the Petroleum Act, and the Petroleum (Submerged Lands) Act. At present the Mines Departments of all States are working together to obtain uniform regulations in relation to safety measures regarding submerged land drilling for oil and gas. This is a specialized field, and should be under the control of the Mines Department.

The Hon. A. F. KNEEBONE: I oppose the amendment. This matter has been debated in another place and it was explained there

why mines as defined in the Mining Act were to be excluded from this Act; this means mines and quarries. The only qualification the Select Committee made to its recommendation when it recommended unanimously that all workers within the State should be brought under the one Act rather than fragmented was that it recommended that the inspection of mines and quarries should continue to be undertaken by inspectors of mines. The Government considered that, by making the exclusion in clause 5, it was giving effect to the principle behind the Select Committee's recommendation that the responsibility for ensuring safe working conditions in mines would continue to be with inspectors of mines. The only possible alternative is to delete clause 5 and have the one comprehensive Act, but the Bill cannot be made more restrictive in scope. The Minister of Labour and Industry had discussions with the Minister of Environment and Conservation in his capacity as Minister Assisting the Premier, the Director and Deputy-Director of Mines, and the Secretary for Labour and Industry, and it was clear that the Bill in its present form would not present any administrative problems. There is, therefore, no reason why the unanimous recommendations of the Select Committee should not be adopted.

The people to whom the Leader has referred, who will be experienced in inspectorial duties relating to mines, will be doing the same job that they have always done. Other aspects associated with the work, such as the treatment of ore, will be taken care of in the same way as they are now. When I was Minister of Labour and Industry the departmental inspectors used to inspect the treatment work and the Mines Department inspectors inspected the mining operations.

The Hon. R. C. DeGARIS: As the Minister knows, this wrangle has been continuing for some time, and, indeed, it has been before Cabinet for many years. Certain people from another department have been trying to remove from the Mines Department its responsibility regarding safety measures. As Minister, I objected to this, and I am certain that the Select Committee did not understand or consider the importance of this matter. The safety record of mines defined under the Mines and Works Inspection Act is the best of any industry in the State. If this matter is removed from the ambit of the mining experts and placed under the Labour and Industry Department, accidents in the mining industry will increase, because that department simply does not have the expertise to handle the matter.

The Minister must admit that in existing mines there will be a duplicity of control that does not exist today. This will occur at Kanmantoo between the mine and the treatment works alongside it: the Labour and Industry Department will be responsible for the treatment works, and the Mines Department will be responsible for inspectors relating to the digging of the mine and the carting of material from the mine. There is at present a duplicity of control at Port Pirie and Whyalla, in which areas efforts have been made to remove this matter from the scope of the Mines Department.

If one compares the safety record regarding the two areas, one will see that the record in relation to works under the control of the Mines Department is excellent. If the amendment is not accepted, duplicity of control will be increased, to the detriment of safety. I cannot accept the Minister's explanation regarding this most important amendment affecting the future safety of these operations in South Australia.

The Hon. A. F. KNEEBONE: I realize that the Leader was formerly Minister of Mines and that you, Sir, were also a Minister of Mines. I realize, too, that there was a dispute between the two departments.

The Hon. R. C. DeGaris: A take-over bid.

The Hon. A. F. KNEEBONE: There was a difference of opinion between the two departments and the two Ministers. However, the departments have got together and have reached agreement on what is provided in the Bill.

The Hon. R. C. DeGaris: No, they haven't.

The Hon. A. F. KNEEBONE: That is my information. It is clear that the Bill in its present form will not present any administrative problems. There is, therefore, no reason why the unanimous recommendation of the Select Committee should not be implemented.

The Hon. R. C. DeGARIS: I assure the Minister that the officers of the Mines Department who know this business are horrified about it. Indeed, those involved in the mining industry are also horrified about the change and do not want it. The employees in the mining industry appreciate the protection they have received from experts over the years and would be opposed to the change. If it is necessary for the Mines Department to relinquish some of its inspection work in relation to what is now determined a mine under the Mines and Works Inspection Act, it can do so, if it considers that this work comes more properly within the ambit of the

Labour and Industry Department. I refer to two instances in Queensland, at Gladstone and Townsville, where there is a smelting plant for the treatment of minerals at Mount Isa. In that case, the Queensland Mines Department relinquished its inspection rights.

To have duplicity of control in areas such as this is ridiculous. The Labour and Industry Department cannot provide the expertise required under the Petroleum (Submerged Lands) Act, as inspections involve drilling and diving, perhaps to 600ft. This is a field in which this department cannot assist. If we in this State want to continue our excellent safety record in the mining industry, I implore the Committee to accept the amendment. I have already mentioned the excellent safety record of the mining industry compared to many other industries. One would assume the opposite would be the case.

The Hon. V. G. SPRINGETT: The Leader has referred to the need for the mining industry to have its own independent control and inspection. I have the impression that the Minister suggested that this is going to exist. Could the Minister explain, in the light of the Bill, how this will exist?

The Hon. A. F. KNEEBONE: The mining industry, as defined in the Mining Act, is excluded from the Bill. The inspectorial staff will continue to do the work it has done previously.

The Hon. R. C. DeGARIS: The Mining Act does not define a mine: it deals with tenure of land in relation to a mine. A mine is defined in the Mines and Works Inspection Act, but there is no definition in the Petroleum Act or in the Petroleum (Submerged Lands) Act.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, H. K. Kemp, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, A. F. Kneebone (teller), F. J. Potter, and A. J. Shard.

Pair—Aye—The Hon. G. J. Gilfillan. No —The Hon. T. M. Casey.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from November 21. Page 3220.)

The Hon. R. C. DeGARIS (Leader of the Opposition): At this stage, Mr. President, I seek your ruling. When I sought leave to conclude my remarks yesterday, I sought advice from you about the Standing Orders.

The PRESIDENT: The Leader spoke to me about this matter ouside the Chamber and I gave him certain views then. When he informed the Council yesterday that he was going to seek a ruling on this matter, I went deeply into it and got confirmation of my views. I understand the honourable member desires to reintroduce into this Bill identical matter to that contained in the Constitution Act Amendment Bill (No. 10) passed by this Council on August 30, 1972, and rejected on November 18, 1972, by the House of Assembly. Council Standing Order No. 124 states:

No question shall be proposed which is the same in substance as any question or amendment which during the same session has been resolved in the affirmative or negative unless the resolution of the Council shall have been first read and rescinded. This Standing Order shall not be suspended.

Council Standing Order No. 139 makes identical provision in respect of the same amendment. Standing Order No. 274 states:

A Bill may amend or repeal an Act of the same Session.

Standing Order No. 275 permits the Council to decide which Bills are to be withdrawn or deferred when there is more than one Bill dealing with the same subject on the Notice Paper. President Stirling, on December 8, 1925, when asked to rule on the matter of a second Bill in the same session on the same question stated, *inter alia*:

It is provided in our Standing Orders, and is a practice of Parliament, that the objects or intentions of a Bill which has been rejected cannot, in the same session, be accomplished by the passing of a Bill having similar objects and intentions. If I permit the consideration of the proposed Bill, I feel that I should be acting contrary to the spirit and intention of our Standing Orders and practice of Parliament, and by so doing would permit the principle that, by varying the scope of an enactment in ever so small a degree, the time of Parliament could be taken up by the introduction and consideration of Bills having practically the same intention, but varied only by the extension or contraction of the effect of its provision. For these reasons I rule that the Bill cannot be considered.

That appears in Council Minutes of 1925, page 176. I am fortified in the ruling given by Mr. President Givens quoted in Odgers'

Australian Senate Practice at page 143. The Senate Standing Order No. 133 was in identical terms to that of the Council. He stated, *inter alia*:

The point therefore to be decided by him was whether this is a question that has already been dealt with by the Senate during the present Session within the meaning of Standing Order No. 133; and in his opinion it is. . . . The practice of the Imperial Parliament is also clearly laid down in the eleventh edition of *May's Parliamentary Practice*, page 300, where it is stated: "It is a rule in both Houses, which is esssential for the due performance of their duties, that no question or Bill shall be offered that is subs'antially the same as one on which their judgment has already been expressed during the present session."

In my opinion, the reintroduction of portion of the previous Bill into the Bill now before the Council would be irregular under Council Standing Orders, and I so rule.

The Hon. R. C. DeGARIS: I thank you, Sir, for that ruling, although it alters completely the direction I shall have to take on this Bill. When I sought leave to conclude my remarks, I had intended to place on file amendments concerning proportional representation and voluntary voting, in practice as well as in theory. We are now left with a situation in which this Chamber has passed a measure concerned with proportional representation and voluntary voting for this Chamber. I think honourable members appreciate the fact, as I pointed out before when I sought leave to conclude my remarks, that there is voluntary voting for this Chamber, but it is in theory only, because of elections for this Council being held on the same day as elections for another place.

I am now in the position where I cannot proceed with my amendments, but I reiterate strongly that, as far as this Chamber is concerned, whilst there has been disagreement between the two Parties over the years on the matter whether or not there should be the same franchise for this place as for another place, nevertheless the fundamental position has been that most honourable members in this Chamber want to see preserved an Upper House in this State capable of fulfilling its historical role. As I have pointed out on many occasions previously, it is the opinion of most honourable members of this Council that, if the franchise here is the same as for the House of Assembly, if the method of voting is the same as for the House of Assembly, if the voting is compulsory and if enrolment is compulsory, we shall produce in this Council a mirror image of the political opinions or decisions of the Lower House. That would not be in the best interests of Parliamentary democracy in this State.

I believe that this Council has performed an excellent function over many years. Also (and I say this knowing that what I say is true) I think that, in the heart of hearts of most Labor members of this Parliament, both in this Council and in another place, they would grant that this Chamber had done a fairly good job over the last four or five years, both under a Liberal and Country League and under an Australian Labor Party Administration. I do not think anyone wants to see this Council becoming merely a rubber stamp or a mirror image of another place. However, as you have ruled on this matter, Sir, all I can do is to say that I strongly support the fact that, if there is to be the same franchise for this Council as there is for another place, it is imperative that we accept the most democratic form of voting available to us, a form of voting that will produce in this Chamber a cross-section of political opinion that will not rely absolutely on the two major Parties, that will allow people who are independent of political Parties to come into this place, and that will allow a greater variety of political opinion—which is what is wanted in a Chamber of this nature. I regret that I shall be unable to move my amendments. I cannot support the Bill as it stands but am willing to accept its principles provided we can come to some arrangement in relation to the other matters about which I have spoken.

The Hon. D. H. L. BANFIELD (Central No. 1): I support this Bill and look forward to all honourable members of this Chamber who have any leanings towards democratic government also supporting this Bill, without hedging limitations or conditions as suggested by the Leader. We either believe that people for whom we make laws are entitled to vote for the people making those laws, or we do not. That is the only issue. The Hon. Mr. DeGaris would have us believe that there is a change of heart in the Liberal and Country League and that it is now prepared to accept adult franchise—but, of course, subject to several limitations and conditions. The honourable member mentioned them yesterday and he wanted to have another go at them this evening. In connection with another Bill before this Council earlier, the Hon. Mr. Potter said that the L.C.L. had adopted full adult franchise as its policy and that at that time it had been its policy for well over six months. He also

said that that Bill was complementary to this one. When questioned as to whether they would support this one, the Hon. Mr. DeGaris and the Hon. Mr. Potter said that they were not so sure about it. I am not sure, either. It is now obvious that the earlier Bill was not complementary; rather, this Bill is conditional upon the L.C.L.'s earlier Bill. So much for the generous policy of the L.C.L. in connection with granting full adult franchise!

The Hon. Mr. DeGaris and the Hon. Mr. Potter, in putting forward their new policy, assured us that it was the accepted policy of the L.C.L., but on the morning after the vote had been taken and after one leading L.C.L. member of this Council had voted against the Bill and another L.C.L. member of this Council had been absent when the vote was taken, it was reported in the press that the Hon. Mr. Hill and the Hon. Mr. Cameron had said that their reason for voting against the Bill was that it was not in accordance with L.C.L. policy. Whom should we believe? What is the policy of the L.C.L.? Members opposite do not know, and there is disagreement among them.

The Hon. R. C. DeGaris: Follow the leader, and you cannot go far wrong.

The Hon. D. H. L. BANFIELD: If members of the L.C.L. cannot agree among themselves, how is the public to know what the position is? One wonders what honourable members opposite are afraid of. Is the permanent will of the people being challenged after 100 years of dominance by people with the same political philosophy, but with differing names over the years? We cannot say that the L.C.L. has had control over this place for 100 years, because the anti-Labor Party has changed its name many times, and it will not be long before it does so again. For many years honourable members opposite opposed the idea of full adult franchise by saying that it could not work. At one stage the spouses of those on the electoral roll were not allowed to vote; the L.C.L. said that to allow them to vote would not work in South Australia, although it worked in every other State.

The Hon. R. C. DeGaris: Did it work in New South Wales?

The Hon. D. H. L. BANFIELD: Yesterday the Leader said that we were not looking at New South Wales or Victoria; we were looking only at South Australia. Yet today he wants to go to New South Wales, where the Upper House is not an elected House. Does he want that kind of House here? Now, the Leader wants to go beyond the borders, because something else suits him, although it did not suit him yesterday. We have gradually been able to get the L.C.L. to accept the principle of full adult franchise. Now, only about 15 per cent of the people of South Australia are excluded from voting in Legislative Council elections. Why can we not give that 15 per cent the right to vote in elections for this most undemocratic House? There is no valid reason why we should not do so. Why has there been a change of heart in the L.C.L.? Or is it really a change of heart? Perhaps the conditions that have been suggested are meant to operate in the same way as has the restricted franchise over the years. From time to time honourable members have referred us to many countries and have suggested that, because some conditions apply in those countries, the same conditions should apply here. However, on this matter they have become very parochial and are no longer interested in what goes on beyond their own borders. Perhaps we are witnessing a change of heart by the Leader through his interjection; perhaps he has broadened his mind a little.

The Hon. A. J. Shard: He should go to Queensland.

The Hon. D. H. L. BANFIELD: Yes, but that might be too much for the Leader. I do not believe that the Leader was really fair dinkum when he said that he was looking only at South Australia. Members opposite have failed to tell us what is so special about South Australia in connection with the franchise for this conservative-dominated House. Why must we have so-called safeguards that do not operate in other States and have never existed in the Senate? I have never heard members opposite say that the Senate does not work well. Many years ago Queensland dispensed entirely with the so-called safeguard of an Upper House, and it has not seen fit to revert to a system that the Hon. Mr. DeGaris regards as a must. New Zealand also seems to get along very well without an Upper House. So, why should there be so much concern about so-called safeguards in connection with those eligible to vote in Legislative Council elections?

This Bill does not seek to abolish this Council; all it does is provide for full adult franchise. Honourable members opposite are failing badly in their attempts to show why there should be any encumbrances on the right to vote. The Leader and probably the Hon. Mr. Gilfillan have said very often that there should be safeguards, and perhaps they have convinced themselves, but they are the only ones who have been convinced. True, they

may get votes from others, but those honourable members will be voting because they have received instructions from North Terrace.

The Hon. M. B. Dawkins: Wake me up when you have finished.

The Hon. D. H. L. BANFIELD: The honourable member should have awakened 30 years ago, because he is 30 years behind the times. We all know what has happened in the last 30 years. What action did L.C.L. members take to alter the position during that period? They took no action at all. In South Australia there could be only two kinds of Chamber: one with an A.L.P. majority elected by popular choice and the other with an L.C.L. majority, not elected by a majority popular vote. The Hon. Mr. DeGaris now falls back on the fact that perhaps proportional representation will cure all these evils. Of course, it will not do so.

The Hon. M. B. Dawkins: Who introduced proportional representation in the Senate?

The Hon. D. H. L. BANFIELD: Like the Hon. Mr. DeGaris, the honourable member has now gone beyond the borders. The Hon. Mr. Dawkins, who I understand will follow me in this debate, will have his opportunity to tell the people that they are denied the right to vote and why we have been lagging behind all the other States all this time. He will not be convincing and he has not convinced the people that they should not have the right to vote for their representatives in this place. Proportional representation will not alter the situation. The Leader believes that the system of proportional representation which he envisages will allow an influx of Independents or minor Party candidates, but it will not. It should not be necessary for me to remind the Opposition that it will still be necessary under proportional representation for Independents or minor Party candidates to obtain a quota of votes. For example, if there are six vacancies in a division under the Droop quota used for this system of voting, the candidate must get one-seventh of the votes cast. Has the D.L.P., the Communist Party or the Social Credit League ever managed to gain that support in South Australia?

The Hon. R. C. DeGaris: Have the Independents?

The Hon. D. H. L. BANFIELD: Yes, the Independents have been in this place under the present set-up. The Leader knows that this has happened and he knows that it has happened in another place under the present system of voting, but not under proportional representation.

The Hon. R. C. DeGaris: Would the D.L.P. make it in this Council?

The Hon. D. H. L. BANFIELD: It could never make it under proportional representation.

The Hon. R. C. DeGaris: That's what they said in the Senate, too.

The Hon. D. H. L. BANFIELD: The Leader has now gone to Canberra. He is moving around. I knew that he would broaden his mind and that I would get him to go beyond the borders before the evening was out: he has gone from Sydney to Canberra. I am doing very well. The D.L.P., the Communist Party and the Social Credit League have not managed to get the quota required under the system suggested by the Leader, and they are never likely to. Who will the Leader get in this place under his idea? There is the possibility that the Country Party might break through. Why will the Country Party break through? Because of the row existing within the L.C.L., which has become disillusioned with some of its supporters. The Country Party might be able to sneak through on the proportional representation quota.

The Hon. R. C. DeGaris: The way you're going, the D.L.P. is bound to win in the city.

The Hon. D. H. L. BANFIELD: Yes—probably at Millicent, but it will not be in Adelaide. The Country Party may reach the required quota. Perhaps this is what the Leader has in mind. Rumour is circulating to the effect that the Leader has lost the votes of the L.C.L. boys on North Terrace. His rumoured switch to the Country Party may be true, and no longer a rumour. It is not time for proportional representation in this place. As people know, there is little difference between the Country Party and the L.C.L. It will make very little difference in this place, except that we will have the Hon. Mr. Cameron as Leader instead of the Hon. Mr. DeGaris. Worse things than that have happened: we nearly had the Hon. Mr. Story as Leader, and think what a mess that would have been. A well-placed Independent candidate probably has a better chance to be elected to either House under the present system than he would under proportional representation.

The Hon. A. M. Whyte: Rubbish!

The Hon. D. H. L. BANFIELD: We know that members opposite are still back in the dim dark ages in certain other matters, but they cannot take themselves back to 1938, when many Independents were elected to another

place. The Hon. Mr. Whyte has not caught up yet; he is far behind.

The Hon. R. C. DeGaris: How many seats did the A.L.P. win in that election?

The Hon. D. H. L. BANFIELD: Very odd things have been going on for years, and it has taken television and the A.L.P. to get the message over to the people. That has all gone now, and even the press is willing to come out and tell the people the true situation. We do not worry about how many A.L.P. members were here in 1938. The Hon. Mr. Whyte and the Leader said that these people could not be elected under the present system of voting, but I point out to them that it has already been accomplished. When the Leader speaks of protecting this Council and its not becoming a mirror image of the other place, what he means is that if there is an A.L.P. majority in the House of Assembly there should be an L.C.L. majority here. If there is an L.C.L. majority in the House of Assembly, he means that there should still be an L.C.L. majority in the Council. For many years the L.C.L. members in this Chamber tried to be independent. They claimed that they did not caucus with their colleagues in another place. Sometimes we wondered whether they even talked to them, let alone caucused with them. They attempted to express themselves as Independents.

What is the position now? The recent problems in the Liberal Party have cast this sham aside. We are witnessing in this State a Gotterdammerung, a twilight of the gods. Valhallah is in flames; and in this evening period of L.C.L. dominance in the State, honourable members opposite and most of their colleagues in another place have hit on the tactics of joint Party meetings to forestall the Liberal Movement. Where is this so-called independence? How can they keep honourable members away from the people in the other place? The Leader said that we should be Independents and have nothing to do with what goes on in another place. Does the Leader deny that it has been suggested by him that honourable members should meet with members of another place? How can he justify independence under those circumstances? He cannot. It is only because of the row in the ranks of the L.C.L. that this has been brought out into the open. No longer will the people be fooled into thinking that this is a place of independence that will not at any time mirror the image of the other place. Members opposite want to select the Cabinet Ministers and the Leader, and they will mirror what they are told, but members here will not mirror what they do in another place! So much for the pretence of independence and freedom from Party control.

I understand that on Friday morning there will be an announcement that the new constitution of the Party has been accepted and that members in the Council have tipped Mr. Millhouse from his position as Deputy Leader. What did we find when the Hon. Mr. Potter decided that he would become a proud member of the Liberal Movement? The Leader and a few other members of his Party immediately found that they had a set of rules that they did not know existed two days before, and they were able to remove the Hon. Mr. Potter from the constitutional committee. It is as simple as that. Although they had previously elected the Hon. Mr. Potter, they found that they were able to dismiss him in that way. So much for their independence. It does not mean a thing. When an honourable member was willing to announce his independence regarding the Liberal Movement, he was smartly shown that he would not hold office in this place, despite his being the only practising lawyer in this Chamber and although he would have been the greatest asset on that committee from this Chamber, apart from myself. Despite that, they sacked him—simply because he had the cheek to show his independence.

The Hon. C. R. Story: Has the Labor Party any sort of policy?

The Hon. D. H. L. BANFIELD: Honourable members know why the Hon. Mr. Story and the Leader of the Opposition are not happy with full adult franchise and with voting under the system that has worked in relation to another place—because they both tried it and missed out. The people did not want them. I give credit to the Hon. Mr. Russack, because he can no longer satisfy his conscience that he has been elected by the majority of people in his district and is, therefore, trying himself out in another place.

The Hon. R. C. DeGaris: Even the Minister of Agriculture had to move.

The Hon. D. H. L. BANFIELD: The Leader has moved more than once. Indeed, on this issue alone he has moved many times. Once, he said that one definitely had to be a landowner before one could vote for this Chamber. Then he moved again and brought the spouse into the matter. Then he allowed ex-servicemen to have a vote, and now he has practically made another move to allow nearly everyone to vote under certain conditions. It is no

good the Leader's saying that other people have moved, because no-one has moved more than he has.

The Leader talks in peculiar ways about Party machines and says that the second Chamber must be so structured that it can perform its historic function and not be a tool of the Party machine. Those were the words he used yesterday. Let me remind him that he was preselected by a Party machine, that he was returned to this place by the votes of those who support that Party machine, and that without that preselection and support in future he has about as much chance of being re-elected as has Mickey Mouse in New Zealand or Dagwood Bumstead in this place. True, it is possible that the Leader is on the skids regarding his preselection. No wonder he is going crook about the Party machine, because it is moving against him. When it was not doing so, he was happy. However, he now considers that it should not exist, despite his having accepted the privileges under the Party machine for many years.

The Leader's speech was full of inconsistencies. When I interjected about Victoria, he said, "No-one is talking about Victoria or any place other than South Australia." However, that is not good enough for the Leader. He then went on to quote the British Lord Chancellor, Lord Gardiner. He was happy enough to refer to the situation in Britain but was not happy to tell us about Victoria. The Leader said that this State alone must guide its destiny without following anyone else. Despite his saying that, he still saw fit to quote Lord Gardiner. He said that the franchise for this Chamber was not narrow in relation to some Upper Houses. Of which Upper Houses is he thinking? Is he thinking of nominated Chambers? Is the Leader aware that the most prestigious nominated Upper Chamber in the democratic world, the House of Lords, has powers that are in no way commensurate with those of this Chamber? I know that the Leader has in the past regarded nominated Upper Houses with admiration, not unmixed with envy, but is he willing to support legislation that will restrict the powers of this place to those of delay rather than those of veto?

The Hon. R. C. DeGaris: The House of Lords has power of veto.

The Hon. D. H. L. BANFIELD: It has only a power of delay. The Leader has not caught up with the present position. This exposes the whole set-up regarding the Opposition: it is just that little bit behind. The Leader has in the past opposed legislation in this place that would have done just that, yet he points to that sort of place. We were told that voluntary enrolment for this Council was most important—more important, if I recall correctly, than voluntary voting. I think they were his words.

The Hon. R. C. DeGaris: You have taken it out of context. Have a look at the matter again and speak to me again tomorrow.

The Hon. D. H. L. BANFIELD: At least I have got the Leader moving. However, if I wait until tomorrow he may not be in the mood to move. I still believe the Leader said that voluntary enrolment for this Council was more important than voluntary voting. Why is voluntary enrolment so important to him? Why do we seek to exempt this Council from a provision which has worked so well in the Commonwealth sphere for many years and which is fair to all? Voluntary enrolment is obviously biased against the itinerant person and against that political Party that tends to obtain a majority of the votes of those who, by reason of their employment, must move around fairly often. That is, of course, the Government Party, and it is the reason why the Leader seeks to make it as difficult as possible for all these people to be enrolled.

The Leader charges us with wanting not only the same franchise but also the same boundaries. Of course, this is totally untrue, as the Leader well knows. There is not a word about that in this Bill. The present boundaries for the Legislative Council are different from what obtains for the Assembly, each Council district being made up of a certain number of House of Assembly districts. That in itself, along with six-year terms and the expiration of these terms in rotation, ensures that there can be no exact mirror image of Party strengths between the two Houses.

The Hon. T. M. Casey: Even Bolte gave the franchise to everyone in Victoria.

The Hon. D. H. L. BANFIELD: He has moved that much more ahead than the Leader, who I suggest will be out after the next election. It can be clearly seen that the Leader was trying to throw a red herring across the trail when he said the Council would mirror another place, because Council districts consist of a various number of Assembly districts and because it has six-year terms. The Leader was not therefore correct when he said that this Bill would do all those terrible things. One or the other Party could well have a majority in both Houses. This

occurred for many years under a Liberal Government, and obviously it is the intention of members opposite that the Labor Government now in office should not be afforded the same facilities that they enjoyed for 30 years. I am totally at a loss to understand the Leader's comments on one vote one value. By that we mean that, as nearly as is practicable, electoral divisions should have an equality of electors. As I recall the Leader's last try, his concept of proportional representation would be a complete denial of such a system.

I believe that he wanted to weight the country vote so that it would be worth roughly 2½ times the value of a city vote. The Leader has now moved, because he knew that I was hitting hard and hitting correctly. This is a denial not only of one vote one value but also of the true spirit of proportional representation. As to the recent Liberal concept of having a poll for this place on a different day from that of the House of Assembly so as to ensure voluntary voting, we regard that as nothing more than a potentially costly farce. I hope that the incoming Commonwealth Labor Government, after December 2, will turn its attention as soon as practicable to bringing the Senate elections into line with those for the House of Representatives. Let us not bequeath something akin to this unfortunate Menzies legacy to the electors of South Australia. Already they are complaining that there are too many elections, yet the Leader wants to insist that we have a separate election day for this Council.

The Hon. T. M. Casey: What about the cost to the State?

The Hon. D. H. L. BANFIELD: It does not matter to the Opposition when its members want an extra voting day, but it means a lot to them when we are going to give something to the workers. When the workers might get some benefit from the Government, down comes the wrath of the Legislative Council. But by all means let us have a separate election day for this august body! That is the attitude of the Opposition. I support the Bill and I urge all honourable members to do likewise. Never mind about the extra bit of baloney thrown in. If full adult franchise is Liberal and Country League policy, as someone has said, let them now indicate that by voting for this Bill.

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

NORTH HAVEN DEVELOPMENT 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.

Some days ago, the Premier and the Minister of Marine, on behalf of the Government of South Australia, executed an indenture with the Australian Mutual Provident Society to provide for the establishment of a low-cost housing development in the area near Outer Harbour known as North Haven. The purpose of this Bill is, therefore, first, to ratify and give effect to the indenture as executed, and secondly, to enact into law certain undertakings that are contained in the indenture. The indenture effectuates the desire of the Government to make land available to the average income earner in a pleasant environment and conveniently situated in relation to the Port Adelaide industrial area. For its part, the Government is making available to the society land at somewhat below market value though without loss to itself, and the society for its part is required to subdivide the land and to provide some major and quite expensive works, the most important of which are an enclosed boat harbour and launching ramp for trailer boats. In addition, other recreational facilities, including a golf course, will be provided by the society.

Honourable members will be aware that the eastern shore of St. Vincent Gulf provides few sheltered anchorages for yachts and, in addition, launching facilities for trailer boats at the northern end of the Outer Harbour wharf are badly needed. It is envisaged that the development undertaken by the society in this area will supply these facilities at no great cost to the public purse. The development, which is described in detail in the indenture, includes a considerable amount of open space, new picnic beaches inside the harbour, and considerable recreation areas. In addition, the project itself lies very close to a natural beach that is already in existence. In the interests of conservation of the natural flora and fauna of the area, as large a part as possible will also be left in its natural state.

In general, the society will be obliged to comply with most of the obligations usually placed on a subdivider, although, in some areas which will be explained in detail when I deal with the specific clauses of the Bill, these obligations are somewhat modified. It is appreciated that all developments of this nature to a greater or lesser extent disturb the existing environment, and it follows that some modification of the environment cannot be avoided

here. Nevertheless, it is clear that the environmental background of North Haven will be enhanced by the development. There is, however, a steady demand for land and houses in the general vicinity of Port Adelaide and, if access to reasonably low-cost land is not provided, we may expect a steady increase in the price of land in this area. The Government considers that the provision of this kind of development will, to some extent at least, contain these price rises.

Clauses 1 and 2 are formal. Clause 3 provides the definitions necessary for the purposes of the measure. I would draw honourable members' particular attention to the provisions relating to the registration of amendments to the indenture. These provisions, when read with those relating to the deposit and registration of the original indenture, mean that the indenture as amended from time to time will be, in effect, a public document. Clause 4 provides that any agreements that have the effect of amending the indenture will not have any effect so far as the statute law of the State is concerned until they have been approved and ratified by Parliament. This will ensure continuous Parliamentary oversight with respect to any variations of the scheme. Clause 5 formally approves and ratifies the indenture, and subclause (2) of this clause formally charges the Premier, the Minister of Marine and the Government with the responsibility of carrying out the provisions of the indenture.

Clause 6 gives the Minister power to acquire land for the purposes of the scheme of development. Acquisitions under this clause are, of course, subject to the Land Acquisition Act, 1969. Provision is made in this clause for title to be passed to the Minister from the former owners of the land. Here it might be mentioned that, since the majority of the land in the area is already vested in the Crown or an instrumentality of the Crown or the Port Adelaide council, substantially no acquisition from private persons will be involved. Clause 7 will enable the Minister of Marine, who will be the Minister responsible for the general oversight of the project, to close roads without recourse to the Roads (Opening and Closing) Act. It is generally agreed that action under this Act is inappropriate where a whole new subdivision is contemplated. Clause 8 provides for the vesting in the Minister of Lands of lands within the areas that are not vested in him and which were, immediately before the commencement of the Act proposed by this Bill, vested in the Crown, a Minister of the Crown or the council. This vesting is, of course, a necessary prerequisite to the Minister disposing of the land to the society for development.

Clause 9 provides for the Minister to be registered, under the Real Property Act, as the proprietor of the land vested in him. Clause 10 formally provides for the bringing of any land, vested or to be vested in the Minister, under the Real Property Act. Clause 11 gives effect to an agreement with the society that it shall have full and free access over the lands comprised in North Haven for the purposes of carrying out the development. For this limited purpose this clause confers on the Minister power to modify any Act or law that would prevent this access. Clause 12 is intended to ensure that the lands proposed to be subdivided will be zoned as residential R 2, notwithstanding the fact that portion of the lands proposed to be subdivided are not at present subject to planning regulations since they lie outside the area of the Port Adelaide council. Clause 13 is proposed partly in aid of clause 12 and partly to ensure that, until the expiration of a period commencing on the commencement of the Act proposed by the Bill and concluding at the end of the third year after the subdivision is completed, the society will be able to ensure that no "land use" of the subdivided lands is permitted until it has been agreed to by the society. It is submitted that this restriction is a reasonable one having regard to the objects of the development, which could be frustrated if certain undesirable land uses were permitted.

Clause 14 relieves the society of the obligation to provide reserves in the proportions required under the Planning and Development Act since, having regard to the reserves that the society has under the indenture covenanted to provide and also having regard to the nearness of the development to the open beach frontage, it is considered that reserves available will be adequate. Clauses 15 and 16 together vest in the Minister and the society certain rights to control the movements of persons in and about North Haven until the completion of the works. In all the circumstances, this power seems a reasonable one since the works proposed are of a substantial nature and the risk of injury to unauthorized persons who come upon the land is always present.

Clause 17 makes a formal appropriation to ensure that money will be available to satisfy any payments required to be made under the indemnity provision of the indenture. These provisions will be found in clause 11 of the indenture and relate to the provision of an

indemnity to the society after the major works have been handed over to the Minister. Subclause (2) of this clause also ensures that other persons in whom control of the major works are vested will also be obligated, by Statute, to indemnify the society in appropriate circumstances. Clause 18 limits the society's road-making responsibilities in the manner set out in the clause. It is suggested that the obligations here imposed on the society are, in all respects, reasonable ones in the circumstances.

Clause 13 of the indenture enjoins the Premier to cause the South Australian Railways Commissioner and the Commissioner of Highways to construct two railway crossings, at the expense of the society, and clause 19 of the Bill merely acts in aid of that provision by formally requiring those authorities to carry out the necessary work. Clause 8 of the indenture empowers the Minister to carry out and complete the major works at the cost of the society if the society does not carry out its part of the indenture. Clause 20 of the Bill provides that such works shall not be a "public work" within the meaning of the Public Works Standing Committee Act since it is not likely that the works will ultimately be a charge on public moneys.

Clause 14 of the indenture confers on the society certain temporary rights over roads and railways with the area of development, and clause 21 of the Bill ensures that those rights may, at law, be freely exercised. Clause 22 provides that the Mining Act shall not apply to or in relation to any mining or quarrying operations carried out pursuant to the indenture which are specifically referred to in clause 15 of the indenture. However, subclause (2) of this clause is intended to ensure that all other Acts relating to mining—for example, the Mines and Works Inspection Act—shall apply to the operations. Clause 23 gives statutory protection for the society against proceedings by way of injunction while it is carrying out the works incidental to the scheme. Works of this nature often do in fact create a "nuisance" at law, and it seems reasonable that this protection should be provided. Clause 17 of the indenture requires the authorities named in clause 24 of the Bill to dispose of certain property to the Minister of Marine, and clause 24 specifically empowers those authorities to do all things necessary to give effect to clause 17 of the indenture.

Clause 25 merely confirms certain exemptions from stamp duty and certain rates and fees that are provided for in the indenture. Clause 26 is a formal provision and provides that the Act proposed by this Bill shall apply to land that is subject to the Real Property Act. Clause 27 is intended to give full effect to clause 27 of the indenture, which contains a provision for arbitration and is also intended to ensure that all parties to the indenture and persons named therein shall be bound by the "arbitration clause". This Bill was referred to and approved by a Select Committee in another place.

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

SCIENTOLOGY (PROHIBITION) ACT, 1968, REPEAL BILL

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

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

That this Bill be now read a second time.

It repeals the Scientology (Prohibition) Act, which was passed by this Parliament in 1968. As honourable members are aware, that Act prohibits the teaching and practice of scientology and prohibits the use of an instrument known as an E-meter, which is used by scientologists in the course of practising scientology. The Act requires scientological records to be delivered to the Attorney-General, who is empowered to destroy those records. The Attorney-General is empowered to issue warrants authorizing the searching of premises where he has reason to believe scientological records are kept and the seizure of such scientological records. The Government of the day stated, on the introduction of the Bill, that the beliefs of the scientologists were misguided and that the system was essentially ill-conceived and, as such, was capable of causing and had caused untold distress and harm to the mental health and social fabric of the community.

This Government believes that, whatever complaints may be made about scientology (and it may be that some were well grounded), the approach adopted in the Scientology (Prohibition) Act was entirely misconceived. People in the community should be allowed to practise what they believe in, even if we disagree with it. Even if they are in the minority, they should have the right to their own views and the practice of them, so long as those views do not interfere with others in society. Where such interference occurs, it should be proscribed by a rule of law relating specifically to the harm involved and not to a system of belief or its private practice.

What is suggested against scientologists is that they have provided services in the nature of psychological services for reward, that they are unqualified to do this, and that this has been harmful to those who have been involved in the practice of scientology. The Government's view is that psychological services should be provided for fee or reward only by people who are qualified to provide them, and only by people who have registered and are subject to the discipline of a properly constituted tribunal. A Bill to provide for the registration of psychologists and also to provide for the regulation of psychological practice for fee or reward will be introduced. In the view of the Government, that is the only proper approach to the matter in a society that abides by the principles of freedom and professes to protect the rights of minorities to hold and practise their beliefs, no matter how obnoxious or ridiculous some of us may consider those beliefs to be. If scientologists regulate their activities so that they do not infringe any law applying generally to all people, the Government believes it is wrong that they should be prohibited from professing their beliefs and carrying on their activities.

Clause 1 is formal. Clause 2 provides that the Act proposed by this Bill shall come into operation on a day to be fixed by proclamation. Subclause (2) of this clause is intended to ensure that the Act will not be brought into operation until the Governor is satisfied that an Act regulating psychological practices of the nature referred to earlier has been passed and is in force. Clause 3 repeals the Scientology (Prohibition) Act, 1968.

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

LAW OF PROPERTY 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.

Earlier this year amendments, based largely upon a report of the Law Reform Committee of South Australia, were made to the Law of Property Act. The purpose of the amendments was to provide protection for mortgagors against harsh or unscrupulous conduct by mortgagees. This protection was afforded by providing, in effect, that before a mortgagee proceeds to enforce rights that he has pursuant to the mortgage he must give proper notice to the mortgagor. The Government believes that this legislation is very sound in principle. However, since the passing of the legislation certain bodies that are interested in the provision of credit have pointed to difficulties that may arise, especially where the mortgage is granted over a commercial undertaking. The purpose of the present Bill, therefore, is to limit the effect of the new legislation to mortgages given by natural persons in cases where the land is to be applied for the private use of the mortgagor. In addition to the foregoing amendments, the Bill makes a few amendments of a minor nature, some of which have arisen from a report of the Common Law Committee of the Law Society.

Clauses 1 and 2 are formal. Clause 3 amends section 41 of the principal Act. The purpose of this amendment is to make clear that section 41 requires that the signature of each party to a deed must be independently attested. In addition, it provides that the provisions of section 41 apply to the execution of a deed by an agent. Clause 4 amends section 55a of the principal Act. The provisions of this section are restricted to the case of a mortgage under which the mortgagor is a natural person. In addition, where the mortgagor has made a statutory declaration that he does not propose to use the land as a place of dwelling for his own personal occupation and, in the case of land exceeding 2 ha in area, that he does not propose to use the land for primary production, the provisions of section 55a do not apply. New subsections are inserted to enable a mortgagee to obtain a dispensation from the court from the requirement to give notice under the new provision. Clauses 5 and 6 make minor drafting amendments to the principal Act.

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

BREAD ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Returned from the House of Assembly with an amendment.

Consideration in Committee.

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

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

Under the old Act there were five committee members, with a quorum of three. Under the

new legislation there will be seven committee members, and the House of Assembly's amendment increases the quorum from three to four. I became aware of the need for this very minor amendment after the Bill had been passed by this Council, and I referred the matter to the House of Assembly so that the alteration could be made.

The Hon. C. M. HILL: I support the motion, although I believe that the question of the quorum should have been more carefully considered earlier. However, the Minister has finally caught up with this matter. It is unrealistic to have a quorum of three, now that the number of committee members has been increased from five to seven. The increase in the quorum from three to four is therefore reasonable.

Motion carried.

ELECTORAL ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the principal Act. First, it provides for the appointment of an assistant returning officer, to whom the Returning Officer for the State may delegate any of his statutory powers, duties or functions. At present the principal Act provides for the appointment of a deputy returning officer. This position is, however, occupied by a Commonwealth officer in accordance with an agreement between the Commonwealth and the State. The deputy returning officer does not in fact exercise any statutory functions under the Electoral Act, and, consequently, there is no need for provision to be made in that Act for his appointment.

The Bill expands the powers of an electoral registrar under the principal Act. Where a claim for enrolment or transfer of enrolment is made, it frequently happens that the application is not in order because the applicant has omitted a reference to the subdivision in which enrolment should be made, or has inserted a reference that does not accord with the applicant's place of residence. The purpose of the amendment is to enable a registrar to correct a wrong reference or to insert a reference to the correct subdivision where this has been omitted. Where a claim has been amended under the new provision it may be dealt with in all respects as if it had been made by the claimant in its amended form.

A new provision is inserted dealing with the time at which enrolment takes effect. Where it is necessary for the registrar to investigate the entitlement of an applicant for enrolment to be enrolled, some considerable time may elapse between the time at which the application is made and the time at which the enrolment is actually registered. A new amendment is inserted to provide that, where the enrolment is subsequently registered, it shall date back to the time at which the application was received. Provision is also made by the Bill to assist a candidate for election. Where the nomination is lodged with the returning officer, the returning officer is required by the Bill to inform the candidate as soon as practicable after receipt of the nomination whether the nomination is in order. The Bill slightly expands the grounds on which a returning officer may reject postal votes. In the past it has happened that more than one envelope relating to the same elector has been received by the returning officer. No specific power exists at the moment in the Act to enable the returning officer to reject these votes. The Bill therefore inserts a specific provision enabling the returning officer to reject all such votes except the vote contained in the envelope first examined by him.

The Bill amends section 110 of the principal Act. This is the section dealing with assistance to voters who are illiterate or who are subject to some physical disability or infirmity that prevents them from voting without assistance. At present the section provides for the presiding officer to mark the ballot-paper in accordance with the voter's direction. This provision has been criticized on the ground that it deprives the disabled voter of the privacy to which he is entitled. The new provision therefore enables the voter to take advantage of the services of the presiding officer or of some other person whom he has brought into the booth for the purpose of assisting him to exercise his vote.

Finally, the Bill provides for the exhibition of how-to-vote cards in polling booths. It is considered that this provision will be of valuable assistance to voters. The new provision provides for the form of how-to-vote cards to be prescribed. They must be lodged with the presiding officer at least 48 hours before the commencement of polling. The presiding officer is to be responsible for affixing the how-to-vote cards in the various voting compartments. It is contemplated that the relative position that the cards occupy will be determined by lot.

Clauses 1 and 2 of the Bill are formal. Clause 3 makes a drafting amendment to the principal Act. Clause 4 provides for the appointment of an assistant returning officer for the State. Clause 5 empowers an electoral registrar to correct an application for enrolment by inserting a reference to the correct subdivision. Clause 6 provides that, where the registrar is not satisfied with the validity of a claim for enrolment, he is to refer the application to the Returning Officer for the State. Clause 7 deals with the time at which enrolment is to take effect. Clause 8 makes an amendment consequential on the Age of Majority (Reduction) Act.

Clause 9 provides that the returning officer is to inform a candidate as soon as practicable after receiving a nomination whether the nomination is in order. Clause 10 makes a metric conversion. Clause 11 makes an amendment consequential on the Age of Majority (Reduction) Act. Clause 12 provides for the disallowance of postal votes where more than one envelope relating to the same elector has been received. Clauses 13 and 14 make amendments consequential on the Age of Majority (Reduction) Act. Clause 15 provides that a voter who is unable to vote without assistance may be assisted either by the presiding officer or by some other person to exercise his vote. Clause 16 makes a drafting amendment to the principal Act. Clauses 17 and 18 make metric conversions. Clause 19 provides for the exhibition of how-to-vote cards in polling booths.

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

ACTS INTERPRETATION 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 amends the Acts Interpretation Act in so far as that Act relates to matters of nationality and citizenship. Its purpose is to give effect in State law to certain changes in Commonwealth legislation. All other States have passed legislation for a similar purpose. In 1969, the Commonwealth Government amended and changed the title of the Nationality and Citizenship Act, 1948. It is now the Citizenship Act, 1948-1969. The Commonwealth Government considers it desirable to give (progressively, and by whatever means that are reasonably possible) primacy to the status of Australian citizenship. One of the amendments made provided that a citizen of a Commonwealth country (including an Australian citizen) "shall have the status of a British subject"; that is, he shall have the status of, but shall not be declared to be, a British subject. It was hoped that this terminological change would help clarify the idea of citizenship, which had in the past been confused by misunderstandings arising from the fact that Australian citizens were, under the Act of 1948, declared to be British subjects.

It must be stressed, however, that neither the Commonwealth nor the States' legislation affects in any way the rights and duties of any person. Only a change in terminology has been made. Clause 1 is formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation. Clause 3 alters the reference to Commonwealth legislation in the definition of "Australian citizen" contained in section 4 of the Acts Interpretation Act, an alteration made necessary by the change of title of that legislation. This clause also strikes out the definition of "British subject" from that section. Clause 4 enacts and inserts in the Acts Interpretation Act a new section, section 33c, that gives effect for the purposes of the legislation of this State to the intentions that underlie the Citizenship Act, 1948-1969, of the Commonwealth. A reference to a British subject in a law of this State shall in future be read as a reference to an Australian citizen and to any other person who has the status of a British subject or has the status of a British subject without citizenship; and a rule of law applying to a British subject shall have a similar application.

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

CONSUMER CREDIT BILL

In Committee.

(Continued from November 21. Page 3196.)

Clause 45—"Prohibition of procurement charges, etc."—reconsidered, to which the Hon. A. J. Shard had moved to strike out subclause (8) and insert the following new subclauses:

(8) For the purpose of this section, a fee or other consideration for the procurement of credit is recovered by a person to or upon whom any fee, commission, or other consideration or benefit, is paid, given or conferred by a credit provider, consumer or other person—

(*a*) for the procurement of credit;

(*b*) for the negotiation of a contract for the provision of credit between a person who seeks to obtain, and a

person who is prepared to provide, credit; or

(*c*) for the referral of a person who seeks to obtain credit to a person who is prepared to provide credit.

(9) Notwithstanding the foregoing provisions of this section, where the vendor under a contract for the sale of chattels (not being a contract that includes provision for the sale of land), or any person who has negotiated any such contract, has referred to a credit provider a person who seeks credit in order to discharge his obligations under that contract, it shall be lawful for the credit provider to pay or provide a fee or other consideration to the person by whom the applicant for credit was so referred not exceeding in amount or value 10 per centum of the total credit charge or interest to which the credit provider is entitled under a contract for the provision of that credit.

The Hon. F. J. POTTER moved:

In subclause (2) to strike out "under this section" and insert "by regulation".

The CHAIRMAN: As the Chief Secretary has moved an amendment to this provision, it will be necessary for him to withdraw it.

The Hon. A. J. SHARD (Chief Secretary): I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. Mr. Potter's amendment carried.

The Hon. F. J. POTTER: I move to strike out subclauses (3), (4), (5) and (6) and insert the following new subclause:

(3) The Governor may, by regulation, fix a scale of procurement charges for the purposes of this section.

When this matter was last before the Committee, I asked for certain assurances from the Minister about the proposed promulgation of the new scale of procurement charges. The Minister said he thought it was unlikely that the Commissioner would contemplate fixing a scale less than the current fees being charged under the commission scale devised by the Chamber of Commerce and adopted by the Real Estate Institute. It seems to me that, in spite of the assurance the Minister gave, the matter is still unsatisfactory and that, as this matter of the scale of procurement charges is causing grave concern to those brokers and agents engaging in this work, the matter is sufficiently important for the scale of charges to be brought before Parliament for its perusal. I suggest this should be done by providing that the Governor may, by regulation, fix a scale of procurement charges for the purposes of clause 45, so that Parliament will have an opportunity of scrutinizing the scale from time to time.

Amendment carried.

The Hon. A. J. SHARD: I move to strike out subclause (8) and insert the following new subclauses:

(8) For the purposes of this section, a person recovers a fee or other consideration in respect of the procurement of credit where he receives any fee, commission, or other consideration or benefit from a credit provider, consumer or other person—

(*a*) for the procurement of credit;

(*b*) for the negotiation of a contract for the provision of credit between a person who seeks to obtain, and a person who is prepared to provide, credit; or

(*c*) for the referral of a person who seeks to obtain credit to a person who is prepared to provide credit.

(9) Notwithstanding the foregoing provisions of this section, where the vendor under a contract for the sale of chattels (not being a contract that includes provision for the sale of land), or any person who has negotiated any such contract, has referred to a credit provider a person who seeks credit in order to discharge his obligations under that contract, it shall be lawful for the credit provider to pay or provide a fee or other consideration to the person by whom the applicant for credit was so referred not exceeding in amount or value ten per centum of the total credit charge or interest to which the credit provider is entitled under a contract for the provision of that credit.

The Hon. Mr. Potter's amendment having been carried, the new subclauses (8) and (9) will now be numbered (5) and (6). Subclause (7) now becomes subclause (4). I believe assurances can be given that will satisfy honourable members on the various points that have been raised. First, let me assure honourable members that this clause is not intended to limit or affect in any way legitimate business practice. The Government is well aware that procurement charges and commissions form an important and necessary part of the existing commercial structure. A measure of the Government's good faith in this matter is subclause (9) of the amendments, which now becomes subclause (6), that I have moved. That subclause, which reproduces and extends the effect of clause 20 of the Consumer Transactions Bill, assures the vendor of goods who refers an applicant for credit to a credit provider of the right to negotiate with the credit provider for a commission of up to 10 per cent of the total credit charge. The Government has in fact rejected the proposals of certain committees which have advocated the total abolition of procurement charges and commissions in favour of a proposal based upon the economic and commercial reality that these charges exist and

will continue to exist within the present organization of trade and commerce.

However, cases have been brought to the attention of the Government by representatives of financial interests (who can be accused of no particular bias in favour of the Government's proposals for consumer protection) in which financiers have been virtually held to ransom on this matter of procurement charges. No useful or justifiable social or commercial purpose is served by excessive and unlimited competition between financiers as to which will offer the largest procurement fees.

The Government has gone to considerable lengths to ensure that all persons interested in this matter of procurement charges are fairly treated. Let me assure honourable members that, in the first place, no scale will be fixed by the Commissioner until he has thoroughly investigated the matter and held exhaustive discussions with interested parties. When the scale has been fixed any aggrieved person may apply to the tribunal for a review of the Commissioner's decision. An appeal lies against the decision of the tribunal to the Full Supreme Court. Every possible precaution has been taken to ensure against unfairness and injustice.

I believe that all honourable members can support this clause in the confident assurance that it poses no threat to ordinary legitimate business practice. It will affect only those whose avaricious and exorbitant demands cannot be met otherwise than by a reward out of all proportion to anything that can be considered fair and reasonable, and whose behaviour thus militates both against the welfare of consumers and against the proper conduct of business.

The Hon. F. J. POTTER: I support the amendment, which goes a long way toward clearing up the problems mentioned by other members. This will resolve the difficulties that have arisen over clause 45, which has occupied the attention of the Committee for some time. I am satisfied that this is preferable.

Amendment carried.

The Hon. R. C. DeGARIS: We have had a long battle over this clause, but I think the Committee can now vote for it. It satisfies me, and I am certain it satisfies, to the best of our ability, all other honourable members. A Bill such as this, coming in in the closing hours of the session, puts great strain on everyone in understanding the exact position.

Clause as amended passed.

Clause 61—"Regulations."

The Hon. F. J. POTTER: I move:

In subclause (2), after paragraph (*g*), to insert the following new paragraph:

(*ga*) provided that charges that are made of a consumer under a credit contract upon default by the consumer in due compliance with the terms of the contract are not to be taken into account in determining rates of interest for the purposes of this Act;

It is more common than not for loans by mortgage to provide for a rate of interest reducing to a lower rate on due conformity with all the terms of the mortgage and the payment of interest on the due date; in other words, it would not be uncommon for a mortage to provide interest at 11 per cent, which would reduce to 9 per cent on due payment at the correct time of the principal and interest due. This would be a common procedure of most finance companies, and certainly it is common for all insurance companies to provide for terms of mortgage in this way. If this happened, the true rate of interest would be 9 per cent and therefore the transaction would be taken out of the provisions of the Bill; 11 per cent might bring the matter within the terms of the Bill. This matter is best dealt with by regulation.

The Hon. A. J. SHARD: I have no objection to the amendment.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

CONSUMER TRANSACTIONS BILL

In Committee.

(Continued from November 21. Page 3203.)

Postponed clause 20—"Prohibition of commissions."

The Hon. A. J. SHARD (Chief Secretary): I ask honourable members to vote against the clause, which is tied up with clause 45 of the Consumer Credit Bill and which it is unnecessary to have in this Bill.

Clause negatived.

Bill recommitted.

Clause 37—"*Bona fide* purchase for value" —reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): This clause was deleted earlier and I voted for the deletion because I could not see that the amendments moved by the Hon. Murray Hill would do what he thought they would do. When the amendments were negatived, the clause was still confusing to me. However, it is a most important clause and, in voting against it, I did not intend to leave the matter there. As I have pointed out, we must note the change of philosophy in this

Bill. By subclause (1), where a person, in good faith, acquires goods and pays for them, he acquires a good title to the goods, irrespective of whether there is a consumer lease or mortgage on the goods.

However, an anomaly is created by subclause (2), which provides that the clause does not apply to the acquisition of title to goods by a person who carries on a trade or business in which he trades in goods of that description. For the sake of uniformity, the best thing to do is strike out subclause (2). That would allow the new philosophy to apply to all persons equally. I think that, if I move for the total reinstatement of clause 37, we can debate the clause again.

The CHAIRMAN: There is no difficulty about it. The clause was amended, so the honourable Leader is not dealing with the clause. All that is necessary is to move for the reinstatement of the clause as amended, with subclause (2) deleted.

The Hon. R. C. DeGARIS: I think the Chief Secretary would like the clause reinstated but would like to oppose the deletion of subclause (2), and to give reasons for his attitude. If it were done that way, it would facilitate debate.

The CHAIRMAN: The clause was amended before it was deleted.

The Hon. R. C. DeGARIS: It must be reinstated in its amended form.

The CHAIRMAN: The question is "That the clause be reinstated in its amended form."

Motion carried.

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

That subclause (2) be struck out from reinstated clause 37, as amended.

I think every honourable member has difficulty in understanding what the clause does. It contains a principle in one case and denies that principle in another.

The Hon. A. J. SHARD (Chief Secretary): I cannot take the matter any further than I took it when we dealt with this clause previously. In the Government's opinion, the deletion of the clause takes away necessary protection for the consumer. The second reading explanation, dealing with this clause, states:

Clause 37 protects an innocent purchaser for value of goods which are subject to a consumer mortgage or a consumer lease by providing that he obtains good title to the goods, free of any charge over them. A purchaser does not, however, obtain a good title to the goods if there is reason to suspect a deficiency in the seller's title or if he is a dealer in goods of that kind. The Rogerson committee considered that this "watering down" of the security interest will not be the cause of significant loss to credit providers.

The committee was convinced that the hardship that an innocent third party may suffer in the case of a fraudulent disposition of secured goods far outweighs the slight diminution of profit that a credit provider might suffer if the legislation were designed to protect the individual purchaser. The individual has no sure way of finding out that a charge exists, and commonly has too few resources to sue the (probably indigent) defaulting consumer, who has been able to get the goods, and therefore to sell them only because he has been given credit.

If we strike out subclause (2), it will affect the whole concept of the clause.

The Hon. C. M. HILL: I am sorry that the amendment that I moved previously to this clause, dealing with business sales and the security available to widows and other small people, was not carried. However, I accept the Committee's decision on that. If subclause (2) is deleted, a retailer of machinery who acquired it (and it came to his showroom floor from a wholesaler) would obtain clear title to the machinery whilst it remained on his showroom floor, even though it was possible for the wholesaler to hold a consumer mortgage or a consumer lease over it. That is not in the best interests of commerce and trade. The retailer knows that he owes money on that machinery and that the debt must be paid when he, as a retailer, in turn sends it on to a customer. To allow him to hold a clear title to such machinery whilst money is owing on it is ridiculous. We are damaging the clause by supporting the amendment, and I oppose it.

The CHAIRMAN: I have been looking at this amendment to strike out subclause (2), and I notice that it affects the first line of subclause (1). We are getting away from Parliamentary procedure because, having decided to reinstate the clause, we cannot strike out a part of it in the same Committee. We should make a fresh start by recommitting the Bill again. I therefore ask the Leader to withdraw his amendment so that we can start afresh.

The Hon. R. C. DeGARIS: In the circumstances, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Bill again recommitted.

Clause 37—"*Bona fide* purchase for value"—again reconsidered.

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

In subclause (1) to strike out "Subject to subsection (2) of this section".

I need not restate my reasons for this amendment, which is moved to test the feelings of

honourable members to the amendment that I withdrew.

The Hon. F. J. POTTER: I appreciate that this amendment has been moved as a preliminary to striking out subclause (2). I think that some unnecessarily firm attitudes have been taken on both sides of this argument. I cannot see that the amendment proposed by the Hon. Mr. DeGaris is very important; nor can I understand the Minister's saying that subclause (2) is vital to the Bill. I do not think there is any real truth in either of those assertions. Subclause (2) simply means that, if a person is in the business of dealing in certain goods, in effect he is supposed to know what his business is about and, if he purchases goods or has goods in his possession that he has acquired from a wholesaler or some supplier in the circumstances in which he appears to be the owner (and most retailers would appear to be in that position), it is too bad if he has not inquired whether there was a mortgage over the goods. It does not matter whether the subclause goes out or stays in. I would be inclined to leave it where it is.

The Hon. R. C. DeGARIS: I agree that the subclause is not vital to the clause, but it produces an anomaly in the clause. Whether or not that anomaly is important is debatable. In some ways I think it is important. We have argued about 50 amendments, but it all boils down to the one point. Some of the Hon. Mr. Hill's contentions are correct and some are not; I think that some of my contentions are correct and some are not. That applies to every honourable member of this Committee, on this clause, because none of us completely understands how it will be applied. There is an anomaly in that to one section of the community a certain rule applies and to another section it does not. However, I agree generally with what the Hon. Mr. Potter has said. I am somewhat suspicious of a clause that provides that the way people are treated depends on their occupation.

Amendment negatived; clause passed.

Bill read a third time and passed.

BILLS OF SALE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3142.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The statement I made during the Committee stage of the Consumer Transactions Bill illustrates my main point in connection with this Bill. During the second reading debates on the Consumer Credit Bill and the Consumer Transactions Bill, one honourable member suggested that it would be necessary to amend the Bills of Sale Act, and this Bill implements that suggestion. The purpose of the Bill is to exempt an unregistered bill of sale that constitutes a consumer mortgage within the meaning of the Consumer Transactions Bill from the provisions of section 28 of the Bills of Sale Act. The effect of that section is to avoid an unregistered bill of sale as against the Official Receiver and judgment creditors. This is part and parcel of the general reappraisal of credit transactions, and I support the second reading.

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

FOOD AND DRUGS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 6, line 36 (clause 36)—Leave out "be recovered from" and insert "if".

No. 2. Page 6, line 37 (clause 36)—After "proceedings" insert "is convicted of an offence, be recovered from that defendant".

Consideration in Committee.

The Hon. A. J. SHARD (Minister of Health): I move:

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

The effect of the amendments is to make clear that a person can be compelled to pay the cost of an analysis under the principal Act only where he has been convicted of an offence in proceedings in which the result of the analysis has been tendered.

The Hon. V. G. SPRINGETT: I support the amendments.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (ALCOHOL)

Adjourned debate on second reading.

(Continued from November 21. Page 3222.)

The Hon. V. G. SPRINGETT (Southern): The cost of motor accidents in South Australia is about $500,000,000 a year. About one-third of all the police reports on fatal accidents in Victoria identified alcohol as one of the most important factors in those accidents. Newspaper reports emphasize speed, horse-power of cars, roadworthiness (or lack of it), and vehicle design, but we do not hear much about the alcoholic who is driving the car. About 33 per cent of people who have breathalyser tests are under the age of 25 years, although the number of drivers under that age is only 17 per cent

of the total number of drivers. About 98 per cent of those who have breathalyser tests are males, and about 75 per cent are blue-collar workers. In addition, 10 per cent of people who have breathalyser tests give their occupation as that of driver. The average blood alcohol level of people tested is found to be .17 per cent, a third of the people having a greater concentration than .2 per cent. Of course, the level at which a person can be convicted for driving under the influence of alcohol is .08 per cent.

The figures I have given relate to people who have escaped serious injury. People who have been injured seriously have been taken to hospital, not having been tested by the police at the site of the accident. In 43 per cent of the cases to which I have referred, the result of the accident has been death, injury, or property damage to the vehicle driven by the affected person or to another vehicle involved in the accident. Of the people who have had breathalyser tests, 70 per cent have had the test taken on Fridays, Saturdays, or early Sunday mornings. I was surprised when I first saw these figures. Of the people tested, 37 per cent had entries on the crime record sheet, while 62 per cent had committed one or more traffic offences, offences other than those listed on the crime sheet. When one considers the lives that are lost, the vehicles and property that are damaged, and the 92 victims of road accidents admitted to major hospitals in this State each week (these patients occupy beds that we can ill afford to spare), one can get some idea of the immensity of this problem. The terms "social drinking" and "problem drinking" are used, although they mean different things to different people. The imbibing of alcohol leads to an endless belt of degrees from inhibition of behaviour to slight loss of memory and confusion, to loss of control and co-ordination, leading to slurred speech, impairment of hearing and vision, stumbling, and, ultimately, to coma. Up to half of the total fatal accidents that occur in this State have alcohol as a main contributing factor.

Under the Bill, all people of apparently 14 years of age and over who are injured in an accident will be tested on the spot, by law, by means of an alcotest, which is a form of breathalyser test. People taken to hospital will have a blood alcohol test taken by the doctor. Until now, in accident cases only the driver has been tested. Under the Bill, passengers will also be tested. Therefore, if there are four people in a car and the policeman at the scene has reason to think that they are suffering from the effects of alcohol, the four people can be tested. This sounds a bit high-handed, but one must bear in mind that the alcoholic back-seat driver or comedian can be as big a menace as an alcoholic driver. Therefore, I think there are reasonable grounds for testing all concerned. It is tragic to think that an age as low as 14 years should be the minimum age under the Bill at which these tests can be performed, but this is necessary because people of that age at times drive, and at times they certainly drink.

Under clause 5, within two hours of an accident the police can require an alcotest from people. The result of an alcotest can be taken as the equivalent to the blood-alcohol concentration if the victim of the accident does not wish to be tested further. A person involved in an accident does not have to submit to a blood-alcohol test being taken by the doctor at the hospital, but the doctor has a duty to warn the patient that, if he or she refuses the test, they are liable, for a first offence, to a penalty of six months to 12 months imprisonment, and also a monetary penalty. These are harsh terms, but these are hard days, when one considers the deaths and other tragedies that occur on the road simply because people mix driving and drinking. Clause 9 is a sobering provision by which compulsory blood tests are required even after a person's death. I support the Bill reluctantly, because I do not like its compulsory elements. However, I recognize the importance of doing all we can to reduce the death rate on the roads, the number of accidents, and the cost to society.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Requirement that a person submit to alcotest or breath analysis."

The Hon. R. C. DeGARIS (Leader of the Opposition): Under this provision, passengers as well as the driver of a car can be required to have a blood alcohol test. What will happen to the information that is collected in this way? In the case of an accident, perhaps the driver should be subjected to this test, but I think it is probably going too far to require passengers to be tested as well. In other words, I look on this as an unnecessary invasion of a person's privacy. However, there may be good grounds to test the driver or the presumed driver of the vehicle. Will the Minister comment?

The Hon. A. F. KNEEBONE (Minister of Lands): I think the Hon. Mr. Springett has answered the question the Leader has asked. In the circumstances, I think it is necessary to test all the occupants of the vehicle.

The Hon. C. M. HILL: Police inquiries sometimes reveal that the person thought to be the driver of the vehicle is not the driver. The driver of the vehicle involved in the accident tells the police at the scene and the doctor at the hospital that he or she was a passenger, but ultimately he or she becomes the driver after police investigations. I know a case of a man who put his wife behind the wheel immediately after an accident. If police inquiries are to be carried through in the proper way, it is necessary for all the occupants of the vehicle to be tested.

The second reason why I support the Government in this matter is that the principal reason for the Bill is to help the scientific approach to the reasons for road accidents and fatalities. Science has been handicapped because it has lacked any statistics in the past. Even such minor causative effects as frustration brought on the driver by passengers being under the influence of alcohol should be statistically analysed. Unless we do everything possible to provide the scientists with the machinery by which they can complete their tests and investigations into the drinking driver problem, we are not being fair to the scientists; in fact, we are restricting the most important investigations that must take place if we are to save lives. For these reasons, I support the Minister's view.

The Hon. A. M. WHYTE: This is necessary legislation, but it seems harsh. Clause 5 provides severe penalties for driving under the influence, exceeding the prescribed concentration of alcohol, and refusing to take a breath test. Should the defendant fail to establish a defence, he faces a minimum disqualification of six months, in addition to a fine. If a person who pleads guilty to driving under the influence appears before a lenient magistrate he may suffer only six months licence disqualification. The effect of the legislation is that any accident victim over the age of 14 years, within eight hours of attending or being admitted to a prescribed hospital, must submit to a blood test. I believe this requirement should be restricted to the driver or to the person believed to be the driver.

A parent might reverse the family sedan out of the driveway, hit a stobie pole on the other side of the road, and that would be an accident. If his child passenger was 14½ years of age and was later to complain of symptoms that required medical attention on attending a prescribed hospital for treatment, that child might have to submit to a blood test. This would be inconvenient not only to the child but also to other people waiting to be given more urgent treatment at the hospital. If one opposes this sort of legislation too strongly, one is held up to ridicule, because no-one wants to delay legislation that will save lives. However, the penalties for not submitting to tests are ridiculous.

The Hon. A. F. KNEEBONE: The Leader and the Hon. Mr. Whyte referred mainly to clause 9, not clause 5 which refers to breath tests. The Hon. Mr. Whyte referred to the penalty for a breach of clause 5 but, because that penalty is not exorbitant, I ask the Committee to pass the clause.

Clause passed.

Clauses 6 to 8 passed.

Clause 9—"Compulsory blood tests."

The Hon. A. F. KNEEBONE: Some honourable members have said the Bill provides that all people involved in a car accident who are taken to hospital will have to submit themselves to a blood test, even though they are as young as 14 years of age. The Hon. Mr. Springett said in the second reading debate that, although he did not like doing so, he agreed this was necessary because young children of 14 years of age do drink and, in some cases, drive. It is important that all passengers should take such a test, because a medical practitioner attending an accident victim has only limited means of identifying the driver, and it would be unsatisfactory if the medical practitioner was obliged to rely on a combination of hearsay statements given by people other than the patient.

Some might attempt to avoid the taking of a sample by denying that they were driving a motor vehicle, and it would be difficult, if not impossible, for a medical practitioner, whose attention is primarily concentrated on attending to the patient's physical condition, to make such inquiries as might be necessary to establish whether a patient was a driver, pedestrian or other road user. Therefore, the best solution is to provide for the compulsory taking of blood samples from all victims of vehicular accidents, apparently over the age of 14 years, on their admission to hospital. Not only would this eliminate the difficulty of identification but also it would result in a much wider range of statistical material becoming available. That answers the points raised by honourable members who spoke on this clause.

The Hon. R. C. DeGARIS: I want to raise three points regarding the Bill but, because I have thought of one only at present and have mislaid my notes, I ask the Minister to report progress.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 21. Page 3227.)

The Hon. E. K. RUSSACK (Midland): The Minister said in his second reading explanation that the Bill makes several unconnected but important amendments to the Local Government Act. Because of this, the Bill, which contains 71 clauses, is really a Committee Bill. In the main, I support the Bill and, indeed, I will support the second reading, because the Government intends to improve the lot of local government and to iron out some of the difficulties facing it. However, I should like to comment on the clauses, the first of which is clause 3, which makes it possible for a councillor, without the licence of the council, to resign for the purpose of contesting another office in the council. I agree with this because, local govermnent work being voluntary, a person must like the task he is trying to carry out, and he must feel capable of performing any task. This provision is therefore an improvement on the existing situation.

Clause 4 provides for the appointment of a qualified auditor. Obviously, some councils have requested that the Auditor-General should be able to audit their books. It is appreciated that this aspect is to be left to the council to decide. The clause has widened the scope for the procedure of auditing council affairs and it meets with the approval of most, if not all, concerned. Clause 8 provides that any defect in the nomination for election to a council can be corrected. I am certain that at times genuine mistakes are made, and it will be helpful if a nomination paper can be corrected and presented in its correct form prior to the close of nominations.

Clause 10 enables the returning officer for a council election to act in a definite manner when an equal number of votes is cast in favour of both a candidate submitting himself for re election and another candidate. It is suggested that the deciding vote shall be cast in favour of the sitting member because, as the Minister said in his second reading explanation, the sitting candidate would not really have been defeated if there had been strictly an equality of votes. Where neither candidate had been a sitting member, the choice is to be decided by lot, and this situation will be most helpful to the returning officer. Clause 11 provides for the council to appoint committees involved in planning and development, a most important facet of council activities today. Clause 13 covers superannuation benefits for officers of councils and also provides for long service leave.

Foreshadowed amendments have been placed on file by the Minister, and one deletes new subsection (9). I would have suggested that it was not necessary to tie superannaution to the Public Service Act and that long service leave be not retrospective. Again, an amendment is foreshadowed in this latter respect. I commend the fact that, as is the practice in commerce wherever people are employed, this type of benefit should be enjoyed by employees, and council officers should not be excepted. I favour some type of superannuation and long service leave schemes that could be implemented for these officers. I see some difficulties in introducing a method of calculation, because where an employee moves from one council to another he takes the credit for his service that would contribute towards long service leave.

I quote an example: if an officer worked for No. 1 council for three years and went to No. 2 council for three years, a total of six years, and then resigned to go into private industry, it would be difficult for an adjustment to be made when he transferred, because at the conclusion of his council service he would not have been eligible for long service leave, as he had not served for seven years, if this is the formula to be used. Perhaps this adjustment should not be effective until the employee has at least become eligible for long service leave, otherwise if No. 1 council at the termination of his three years service made adjustments with No. 2 council and he then resigned before being eligible for long service leave, No. 2 council would have to repay money to No. 1 council. The adjustment should be made when the employee becomes eligible for long service leave, and then after each 10 years of service.

The Hon. D. H. L. Banfield: At what rate of pay would No. 1 council make the adjustment?

The Hon. E. K. RUSSACK: I expect that the employee would receive for long service leave the amount of weekly salary that was ruling at the time he took the leave.

The Hon. D. H. L. Banfield: But he may have been paid $10 a week less at No. 1 council.

[*Midnight*]

The Hon. E. K. RUSSACK: I do not understand how the system will work, because it seems to me that someone must lose. Again, No. 1 council may have amalgamated with another council before the adjustment was made. Perhaps some formula will be worked out that will be satisfactory. In principle I believe in a superannuation scheme and long service leave provisions, and I accept the fact that those responsible will work out a satisfactory scheme. I refer to clause 17 under which the valuation of property by both systems can be applied in one council's area. I suggest that difficulties have been experienced by some corporations and councils which, no doubt, have asked that something be done to overcome the problems. There will be a problem in putting this scheme into practice, but that will be the responsibility of the council. It is commendable that the council will have the option and no doubt some councils will overcome the difficulty. Perhaps they may wish to apply the annual value system to flats and high-rise buildings, and the unimproved value system can be applied in an area in which there is undeveloped land. That decision will be left to the council and, although there may be some difficulties in practice, I consider this scheme an advantage.

I know from my experience of councils in which there is situated a commercial centre with houses abutting that centre that they will benefit from having a differential rate, and once again it is the option of the council to apply a rate. Only one general rate a year can be applied, but each council can act, if necessary, according to its own situation. I understand that clause 31 provides for rebates for some historical buildings, which otherwise would have no particular use, and by application there may be a rebate for such buildings. Clause 32 provides for minimum rates in various parts of a council area, and we should examine the advantages of such a rate. If a minimum rate is applied for an amount that covers only the administration costs of the rate, that scheme may not serve any particular purpose, but I think a minimum rate applied to keep up a standard of administration and responsibility is sensible. Some district councils have quite an area of land that would be assessed at a certain value while in another part of the same district land could be of a much greater value. The minimum rate could be applied according to the relative value of the areas within the council. Applied sensibly, it could be of great help to people living in an area and able to afford only a certain sum for rates. On the other hand, this assists the council. It could be difficult to apply, but I am sure where the need arises councils will apply it in a beneficial manner.

Clause 41 contains a most commendable provision enabling needy people who have found it necessary to make application for deferment of rates to retain their voting power. Clause 42 allows for the repayment to a ratepayer of rates incorrectly accepted by a council. I know of one case that occurred within the last 18 months where, just before purchasing a block of land, a ratepayer paid $40 for rates in arrears on the block, and could not get the $40 refunded. I am pleased to see that, under this provision, it will be possible for over-payment of rates to be refunded. Clause 46 contains a provision supplementary to that in another measure which recently passed this Council relating to swimming pools and safety fences. This provision originally went through in the Local Government Act in 1968.

The Hon. D. H. L. Banfield: What part of 1968?

The Hon. E. K. RUSSACK: In the days of Liberal Government in South Australia. Clause 49 allows a council to raise a loan for the purposes of paying off an overdraft used (unwisely, as suggested in the second reading explanation) for capital expenditure. Councils have done this and found themselves without working capital; therefore, provision is made so that, with the permission of the Minister, a loan can be raised to enable the council to have liquid funds to carry on its normal business.

Clause 55 considers the clearances of aerial conductors. The provision is outdated, because transports and loads are much different nowadays and instead of clearances being spelled out in the Act they will now be controlled by regulation. This is a worthy innovation. Clause 56 deals with schemes concerning sewage effluent disposal. I have had some experience with such schemes and it is possible for ratepayers not directly involved to outvote the scheme. This provision will permit only the ratepayers involved in such a scheme to be responsible for its establishment. I see great benefit in clause 56.

Clause 57 deals with the keeping of cattle, pigs, and other animals and extends the control of a corporation to 100 m from its borders or the borders of a township. I suppose this provision would apply to a township within a district council area as well as

to a corporation. This must be controlled, and the council will be assisted by this clause. The new section 666b proposed to be inserted in the principal Act provides, in subclause (1), as follows:

If a council is of the opinion that any structure or object on land within a municipality or township is unsightly and detracts significantly from the amenity of the locality in which the land is situated, the council may, by notice in writing served on the owner or occupier of the land, direct him to demolish or remove the unsightly structure or object, or to take such other action as the council considers necessary to ameliorate the unsightly condition created by the structure or object.

Can the Minister say why this applies only to a municipality or a township? Could it not apply to a district council or just an area in respect of a municipality or township? Even district councils would like to remove any disfigurement to the countryside.

Turning to the principal Act, we find that section 669 (16) II enables a council to make by-laws to license sellers of newspapers who must be males of not less than 13 years of age. Clause 59 allows females of 13 years of age and over to sell papers in the street. I think Women's Liberation has had some effect on the Government. The principal Act provides as follows:

For the periodical licensing of male persons of not less than thirteen years of age to sell newspapers, books, pamphlets, magazines, racecards, or other printed matter, or matches, flowers, or merchandise of any kind whatsoever in the streets, roads, or public places of the municipality; and for preventing sales by unlicensed persons: Provided that if any female person has at any time before the thirtieth day of October, nineteen hundred and twenty-nine, been licensed as aforesaid, she shall be eligible to be licensed as aforesaid in the same manner as a male person is so eligible:

According to that, the female person would be 42 years of age, plus the age she was when this provision came into operation in 1929. I cannot say that I wholeheartedly support the inclusion of females of 13 years of age, as that is too young. At the present time many members of the public are expressing concern about this provision.

Clause 60 allows relief in matters concerning council officers but, by new subsection (4), a council shall not employ a person who has been convicted of an offence under section 776. An officer may have had a minor conviction that perhaps could be overlooked to allow him to continue his employment. Under this provision, he would be finished in local government forever, and that may be too harsh. The remaining clauses deal mainly with particular councils, such as the Adelaide City Council and the Burnside council, in respect of some parochial matters. Doubtless, those councils have agreed to or requested these provisions.

It is a pity that such a measure has been introduced so late in the session. I and, I am sure, other honourable members would have appreciated having more time to do research on the Bill. In general, it will help local government. There has been a genuine attempt to overcome some of the difficulties that corporations and councils are facing at present. I repeat that it is commendable that many of the measures will be implemented by the choice of councils. They are not given a directive but will be able to choose the avenue to follow. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): The Hon. Mr. Russack and other honourable members have asked questions about various clauses and, if they will repeat their questions in the Committee stage, I will try to reply to them.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Officers of council."

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

To strike out new subsection (9).

The Hon. C. M. HILL: Can the Minister give the reasons for striking out this new subsection? I thought that ultimately the Superannuation Act might have to be considered. In new subsection (7) the words "superannuation rights" are used and new subsection (9) really deletes the words used earlier.

The Hon. A. F. KNEEBONE: The amendment removes the definition of "superannuation rights" from the new provisions, assuring council officers of the benefit of a superannuation scheme. These rights are at present defined in the Bill as rights of a kind available under the Superannuation Act. It is considered that this definition could be unduly restrictive, as most superannuation schemes in use by councils involve lump sum payments rather than continuing pensions as provided under the Superannuation Act. The amendment removes the restrictive definition.

Amendment carried.

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

In new subsection (11), after "may", to insert ", subject to subsection (12) of this section,"; and to insert the following new subsection:

(12) No contribution shall be recoverable under subsection (11) of this section in respect of a period of service before the commencement of the Local Government Act Amendment Bill, 1972.

The two amendments deal with long service leave. Where a person who has been in the service of one council enters the service of another, his total service is to be aggregated for the purpose of long service leave, but the council by which leave is granted may recover a proportionate contribution towards the cost of granting the leave where his entitlement is based on a period of service with another council. The amendment limits this right of contribution to cover only a period after the commencement of the new legislation. Thus, a council will be able in future to set aside portion of its revenue to cover possible liability under the new provisions.

The Hon. C. M. HILL: In the second reading debate I emphasized the need for some assurance being given that a council would pass on the credits held on behalf of an employee going to work for another council. I have had a further look at the Bill and some discussions on the matter. In view of the Minister's amendments, I am now satisfied.

The Hon. E. K. RUSSACK: At what point would the financial adjustment between two councils be made? Is there any provision for that?

The Hon. A. F. KNEEBONE: No. The Bill does not stipulate when; it would have to be worked out between the two councils involved.

Amendments carried; clause as amended passed.

Clauses 14 to 16 passed.

Clause 17—"Operation of this Division."

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

In new section 179 (3), after "or", to insert "by planning regulation, or planning directive under".

This amendment is consequential on the legislation establishing the City of Adelaide Development Committee, which was passed earlier in this session. Under that legislation the committee is entitled to establish a zone by means of a planning directive. The amendment, therefore, includes a reference to zones established by planning directives.

The Hon. C. M. HILL: Can the Minister say whether "any zone" includes any zone or part thereof?

The Hon. A. F. KNEEBONE: I see no reference to part of a zone, and I am informed by the Parliamentary Counsel that the provision does not include part of a zone.

Amendment carried; clause as amended passed.

Clauses 18 to 50 passed.

Clause 51—"Exclusion of the Corporation of the City of Adelaide from provisions of this Part."

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

In new section 449d (1), after "Part", to insert "(except sections 434, 435, 449, 449a, 449aa, 449b and this section)".

The purpose of this clause is to transfer the borrowing powers of the Corporation of the City of Adelaide to the Part of the Act giving the Corporation of the City of Adelaide special borrowing powers. However, the Adelaide City Council will still require power to incur overdrafts under Part XXI. The purpose of this amendment is to make it clear that these powers will continue to exist.

Amendment carried; clause as amended passed.

Clauses 52 to 56 passed.

Clause 57—"Keeping of cattle, etc."

The Hon. L. R. HART: I have no objection to this clause as it stands. My only worry is that in some circumstances it probably does not go far enough. Large piggeries are being developed and they would need to be a distance of 1,000 m, not 100 m, from a township for that township to be free from any obnoxious odours from them. Indeed, I know of cases where large piggeries have moved away from township areas into open country, yet the obnoxious odours emanating from them cause some concern to people within two miles of the area. In the development of these large piggeries, we face the serious problem of obnoxious odours. I suggest that district councils in particular exercise considerable care about their location when they give permission, under the Building Act, for the establishment of piggeries.

The Hon. A. F. KNEEBONE: Of course, 100 m is only the minimum distance: councils have it within their power to deal with individual cases as they arise.

Clause passed.

Clause 58—"Unsightly condition of land."

The Hon. A. F. KNEEBONE: The Hon. Mr. Russack wanted to know why this clause applied only to municipal councils and not to district councils. The Government thinks it is going too far to extend it to include district councils. Most honourable members will have seen unused machinery lying untidily around farms. If we extended this clause to include district councils, many farming people would be most annoyed if they were told to tidy up their unused machinery. If honourable members want to extend the provision, that is all right. We are trying to help the farmers.

The Hon. C. M. HILL: I referred earlier to an example where unsightly chattels had been sold by a council. After defraying the cost of sale, the council had money in hand, but it could not find the person who was entitled to it. Because of the strict financial controls under the principal Act, the council did not know what to do with the balance of the money. At a time like this, when we are amending the principal Act, we ought to insert a provision telling councils what they should do with money of that kind. Has the Minister considered this point?

The Hon. A. F. KNEEBONE: I am sorry; the matter escaped my attention, and I have not done anything about it.

The Hon. E. K. RUSSACK: I thank the Minister for his reply to the question I raised. An officer of a district council near the metropolitan area originally raised the question. I can fully understand the problems of district councils in more remote areas.

The Hon. C. M. HILL: Will the Minister seek advice in regard to including in the legislation a provision telling councils what they should do with the kind of money to which I referred? The matter is not hypothetical. After a council has made reasonable efforts to ascertain the person who is entitled to the money, it may still be unaware of the identity of that person. In that case, perhaps the council should be instructed, under the legislation, to pay the money into general revenue. All financial transactions of local government are subject to a strict audit. Indeed, under this Bill the Auditor-General is given the opportunity to audit a council's books if the council requests that that be done.

The Hon. A. F. KNEEBONE: I can understand the problem that the honourable member has referred to, and I agree that it is not hypothetical. Rather than delay the Bill at this late stage, I shall draw the attention of the Minister of Local Government to the problem. I am sure that another amending Bill will be introduced in the first session of the next Parliament.

The Hon. C. M. HILL: Because Parliament will prorogue later today, I agree that this Bill should not be delayed further, but I hope that the matter will be considered within 12 months.

The Hon. L. R. HART: Under this provision, a council can take action against car-wrecking yards, but such yards may be permitted under zoning regulations under the Planning and Development Act. Can the Minister say whether this clause is at variance with regulations under the Planning and Development Act?

The Hon. A. F. KNEEBONE: Regulations under the Planning and Development Act provide for zoning, whereas this clause deals with specific cases.

The Hon. L. R. HART: That may be so, but a council can order that a car-wrecking yard be moved completely from its area, and there is no provision for a right of appeal against the council's decision other than through the court. A car-wrecking yard may be set up because the proprietor believes that that is permitted under the zoning regulations; the area may be zoned industrial. However, under this clause the council could still order that the yard be moved from the area.

The Hon. A. F. KNEEBONE: I am assured that there is a right of appeal against the council's decision.

Clause passed.

Clause 59—"Power to make by-laws."

The Hon. A. F. KNEEBONE: The Hon. Mr. Russack drew attention to the fact that females as well as males could get a licence to sell papers. However, that can be done only under a council by-law. So, a council has the situation under its control. If a council does not want to make a by-law in this respect, it does not have to do so.

Clause passed.

Remaining clauses (60 to 71) and title passed.

Bill reported with amendments; Committee's report adopted.

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 3204.)

The Hon. A. M. WHYTE (Northern): I support the Bill, which is designed to give protection to miners in certain areas. It applies to the opal fields where, over the years, many people have together extracted from the earth opals worth millions of dollars. Generally speaking, this is a law-abiding and enterprising group of people, many of whom have suffered from tyranny in other countries and are not willing to sacrifice what they have won to roughnecks, who have in some cases used violence and other means unlawfully to deprive these people, who have developed the fields, of their profits. I sympathize with these people, who need the protection afforded them under the Bill. Clause 3 amends section 19 of the Act. I remember that previously we have had much discussion about this section. As I

understand it, the Minister will now be able to give further protection to a person who has land subject to a mining tenement.

The Hon. A. F. Kneebone: That's right.

The Hon. A. M. WHYTE: Under new subsection (1c) of section 65, the warden's court may have the powers of a court of summary jurisdiction. This may be a rather unusual procedure, but I do not oppose it, because in these extraordinary circumstances the rights of good citizens in this area are being affected, and offenders must be dealt with. I suppose that, if it is necessary, and if the regulation is declared, the warden's court on the spot will be able to exercise the powers of a court of summary jurisdiction.

The penalty provided for an offence against new subsection (3) of section 74 is extremely high. This provision deals with a person who has been prohibited from entering or remaining on any precious stones field, and the penalty will be a fine not exceeding $2,000 or imprisonment for two years. Although this may seem to be a harsh penalty, I think it is necessary. When we consider that a person can be sent to prison for 12 months for refusing to have a breathalyser test or for an offence of that kind, I guess that the penalty in this case is not so tough after all. By the provisions of new subsection (4) of section 74, I presume that after 12 months the powers under the Act will not operate in respect of new subsection (3), as this legislation will have to be reviewed.

The Hon. A. F. Kneebone: The Minister can issue orders under this provision for only 12 months, but this is only in regard to new subsection (3).

The Hon. F. J. Potter: The Minister has the right for only 12 months.

The Hon. A. M. WHYTE: Yet the warden's court can gaol a person for two years. I commend the Government for the Bill, for it will protect people against the small minority in the community that has been imposing its unscrupulous tactics on an otherwise splendid community. I support the second reading.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 21. Page 3218.)

The Hon. L. R. HART (Midland): Although I agree in general with the principle of planning, there are several aspects in this Bill about which I am not happy and, at this early hour of the morning, I find it difficult to apply myself to them. The Bill sets out to take certain powers from councils and, if it does not take the powers from them, it gives the authority overriding powers. This is the type of regimentation that one expects from a Labor Government. Therefore, it is necessary that we should look closely at many of the aspects of the Bill. The basic ingredients in the Bill are the control of subdivision, land usage, preservation of the environment, pollution, conservation and tourism.

Although tourism is not specifically mentioned in the Bill, the mere fact that we have set out to protect the environment means that this has been done to encourage tourism. There is no question that tourism is a flourishing industry today, but there are no greater despoilers of the environment than the tourists. Indeed, tourism in some areas is causing just as much havoc as the rabbit and the over-stocking of sheep have caused in the past. The mere padding of human feet causes erosion, without the added amount of wear and tear caused by motor vehicles and other means of transport. If tourism is to be fostered, we will need to control the tourist just as much as we are trying to preserve the environment. Another aspect of the Bill that concerns me is the powers in it that virtually give control over land usage. No doubt there must be some control over land usage in some areas, but I always have the fear that over-zealous officials may carry these powers too far.

In the main, this is a Committee Bill, but I think it would be better if I discussed some of its clauses rather than wait until we are in Committee. New section 18b (1) provides that the authority may delegate to its Chairman or secretary any of the powers, duties and functions of the authority and any act done by the Chairman or secretary in pursuance of any delegation under this section shall be deemed for all purposes to be an act of the authority. These are wide powers. The persons to whom the power of authority is given should refer back to the authority, as is the case with new section 18b (2), wherein the authority may delegate its powers to the Chairman and any two members of the authority.

In this case, the decisions of the delegates must be referred back to the authority itself. I believe there should be an oversight of any action taken within the delegation of powers. To me, clause 7 (*c*) has overtones of the Queenstown situation, because it takes from the principal Act the provision dealing with land, the subject of an appeal, that is situated within

the area of a certain council. Consequently, an objection can be lodged against an application in any area. New Paragraph (*d*) provides:

. . . the amenity of the locality within which the land, the subject of the appeal, is situated—

that was in the principal Act, but the additional words have been added—

the conservation of its environment and the prevention of pollution in or arising from that locality.

This means that spelt out in clear terms are the circumstances in which an application may be rejected by the board. I question whether the amendments to which I have referred are necessary. Clause 10 amends section 36 of the Act and deals with the delegation of powers. Paragraph (*a*) of this clause amends section 36 (4) (*g*) by inserting after "subdivision" the passage "or re-subdivision". Section 36 (5) is amended by inserting after "The Authority" the passage "may, by writing, delegate any of its powers and functions under a planning regulation to any person or group of persons whom it thinks fit", and so on.

The purpose of this amendment is to delegate powers so that certain people can investigate the situation in a remote area. As I understand it, this provision has been included to take care of the situation in which there is no local government body. If that is so, this clause should be amended so that paragraph (*b*) is prefaced by the words "Where no local government body exists". That would cover the situation where there is no council and, if there is a council, the power of delegation should be given to it.

The Minister has referred to the need for powers to appoint subcommittees. He probably has power to do this at present, although he has not the power to delegate authority. This may be a good reason why the existing provision should be amended. Clause 10 also inserts new subsection (8a), which relates to a condition that is applied where the authority has given certain approval. Although a subsequent owner is required to carry out the condition imposed by the authority, I am concerned to know how he would know of such a condition, especially as there is no obligation on the vendor to inform him.

Clause 11 deals with a situation that existed, I understand, in Queenstown. Although this power is necessary in some circumstances, I believe it should be granted by regulation and not by proclamation, as this would give some protection to councils whose powers have been usurped by this authority. At Queenstown, certain business interests objected to a project planned in an adjacent council area. If one studies this situation in depth, one can see that this can occur repeatedly, especially if certain persons are, because of vested interests, permitted to set up an industry. This aspect causes me some concern, and I wonder whether it is a good idea that any council should have power to object to the decision of another council. Clause 12 deals with the continuance of existing use, new subsection (1) (*a*) providing:

preventing the continued use, subject to and in accordance with all existing conditions (if any) attached to that use, of any land or any building for the purposes for which that land or building was lawfully being used at the time the planning regulation took effect;

I wonder whether, under this provision, a person would be permitted, because of sheer economics, to change his pursuit from grazing on land, on which there was a certain amount of flora that was of interest to tourists, to another pursuit of, say, graingrowing. I assume that such a person could be prevented from doing this. Honourable members have been given to understand that some control is to be exercised on Kangaroo Island regarding the purpose for which land can be used. I ask the Minister to make clear when he closes the second reading debate what is the situation regarding the continuing use of such land. Clause 13 should be deleted. A council will have to submit its plans to the authority before making them available for public scrutiny. At present, the council submits its plans for public scrutiny and then sends them to the authority, which can approve or reject them. Why is it necessary for a council to submit its plans before they are available for public scrutiny?

Clause 15 is another clause that should be provided for by regulations and not by proclamation. This is an important clause from the point of view of primary producers. It amends section 41 of the Act, and I draw the attention of honourable members to subsection (5). This provision can have a far-reaching effect on primary producers, and I believe that the powers sought under this clause should be provided by regulation and not by proclamation. Clause 18 refers to frontages on roads in the hills face zone, and refers particularly to cul-de-sacs.

No doubt the Minister will say something about this clause in his reply, but I believe the fewer frontages to main roads in the hills

face zone the better. Frontages should be to a side road or a road that is not a main road. Clause 4 deals with increasing the minimum area that may be subdivided without having to refer to the authority. This provision may have some virtue, but I believe it will have a serious effect on the environment of the area and may cause despoilation of natural growth. As I should like to discuss this question at length, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 1.22 a.m. the Council adjourned until Thursday, November 23, at 2.15 p.m.