LEGISLATIVE COUNCIL

Tuesday, September 17, 1974

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

PETITION: SODOMY

The Hon. B. A. CHATTERTON presented a petition signed by 74 persons objecting to the introduction of legislation to legalise sodomy between consenting adults until such time as Parliament had a clear mandate from the people by way of a referendum (to be held at the next periodic South Australian election) to pass such legislation.

Petition received and read.

QUESTIONS

REPLIES TO QUESTIONS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: Honourable members have the privilege of asking questions without notice of Ministers in this Council and of Ministers here who represent Ministers in another place. One does not expect Ministers in this Council to be able to answer all those questions immediately; I think that that is a reasonable assumption. However, the practice appears to be developing where a Minister in this Council or a Minister here representing a Minister in another place gives the answer to the press before the question is answered in the Council. I ask the Chief Secretary to note my objection to this practice, and I request that questions asked by honourable members be answered in the Council before the answer is read in the press by the honourable member who asked the question.

The Hon. A. F. KNEEBONE: I will take note of what the Leader has said, and I will endeavour, for my part, to carry out the sentiments he has expressed. I do not recall doing what the Leader has described, but I may have done it unintentionally. Nevertheless, I will take note of what the Leader has said and endeavour to carry out his wishes if at all possible.

MURRAY RIVER FLOODING

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. C. R. STORY: My question follows those I asked recently regarding the method to be used by the department in dealing with the flood situation as it arises in the Murray basin, especially in the Riverland area. I have received a letter from the Pyap Irrigation Trust, as follows:

The members of the trust are very concerned with the possible effect on the trust pumping plant as a result of the predicted high level of water due to reach the Riverland area. Presuming the predicted increase in water flow will be correct, the trust will have to place the pumping plant on higher ground. The estimated cost of setting up an auxiliary pump, extension of the pipe, obtaining a new valve and suction and additional wiring required is approximately $2 000. The members passed the following resolution at the last meeting of the trust:

> An approach to be made to our Parliamentary representatives seeking Government finance and assistance for the flood emergency, and any technical assistance which the Government may be able to give.

It would be appreciated if you could raise this matter with the responsible Minister.

I now ask the Minister whether it is contemplated that local government in the district in which Pyap is located (that is, the Loxton District Council) will be handling this matter or whether it will be one for the Lands Department or the Engineering and Water Supply Department. I asked questions recently to get some clarification, and the Minister said then that he would be making a Ministerial statement. When he does so, it will clear up many of the matters I have raised.

The Hon. A. F. KNEEBONE: I have had conferences with the Minister of Works regarding the protection from flooding in the Riverland areas. Some things were decided, and reference was made to them in a statement this morning by the Minister of Works. That statement was a result of our agreement to assist local government and people in the area to protect themselves as much as possible against the effects of the expected high water levels. In answer to the honourable member's question, the matter is now being handled by a committee set up with representatives from the Lands Department and the department of the Minister of Works, and all applications for assistance are being handled by that committee. If the honourable member will forward to me a copy of the letter he has just read, I will see that it gets into the right hands. I will then get a report.

The Hon. J. C. BURDETT: I seek leave to make a statement before asking the Minister of Lands a question.

Leave granted.

The Hon. J. C. BURDETT: I refer to the lessees of the flood irrigated dairying areas of the Lower Murray River below Mannum. It has been stated in the press that during the expected high river the sluice gates will be opened, allowing the dairy swamps to be flooded so as to avoid the risk of the banks bursting because of the pressure of the floodwater. Will the Minister ascertain, first, what period of warning the lessees will be given of the opening of the gates, which will cause the flooding of the irrigated areas; secondly, whether the lessees will be compensated for any losses they sustain during the period their irrigable pastures are under water because of the opening of the gates and, if so, on what basis; and, thirdly, whether, as soon as the second flood peak has reached the measuring stations at Balranald and Wakool Junction, the Minister will ensure that the measured river heights at such measuring stations are made public?

The Hon. A. F. KNEEBONE: Yes, although I cannot now enlighten the honourable member on some of the matters he has raised. I will discuss with my departmental officers the matter of the opening of the sluice gates and the giving of notice in that respect. Regarding compensation, this matter is at present receiving my attention but no decision has been reached. I have had to study what has been done on other occasions, such as in 1956, when the Murray areas were flooded. I have yet to study this matter sufficiently closely to enable me to reply to it. However, I will bring down a reply covering the three points made by the honourable member as soon as possible.

The Hon. R. A. GEDDES: Has the Minister of Lands a reply to my question of last week concerning seepage in the levee bank near Ral Ral Avenue, Renmark?

The Hon. A. F. KNEEBONE: The officers on the Flood Liaison Committee visiting the Riverland district have already examined the bank and the circumstances in regard to Renmark Hospital, and I am happy to report that it would appear that there is no immediate cause for concern. The position will be kept under review and reassessed in the light of circumstances as they may vary from time to time.

STATE TAXATION

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Chief Secretary, as Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. CAMERON: An article in this morning's newspaper contains a hint that there may be a further increase in State taxes because there was apparently a deficit in July of $19 000 000 and in August of $12 000 000 more than was expected. This is a dramatic situation. I note also that we have a Financial Statement from the Treasurer, Parliamentary Paper 22, tabled in this Chamber, which honourable members have been studying for some time, as we thought that this was the basis of the Budget coming forward. Was the Treasurer aware of the impending deficit in these two months when he presented the Financial Statement that we shall be debating in this Chamber shortly? Secondly, will the Financial Statement now be redrafted or amended in this Council to meet the dramatic situation of the deficit? Thirdly, what new taxes will be levied by the Government in order to meet this new situation? Fourthly, if any of these things are not to be done, will a mini Budget be presented soon to cope with this new financial position?

The Hon. A. F. KNEEBONE: I assure the honourable member that I will convey his questions to the Treasurer and bring him down a reply as soon as it is available.

LIVE SHEEP EXPORTS

The Hon. B. A. CHATTERTON: Senator Wriedt, the Commonwealth Minister for Agriculture, in a press statement recently said he was calling a conference of the Australian meat industry, the Australian Meat Industry Employees Union, the Australian Agriculture and Trade Departments, the Western Australian Department of Agriculture and the South Australian Agriculture Department to discuss live sheep exports. Can the Minister of Agriculture, in view of the great importance of live sheep exports to South Australia, report on the result of that conference, which I believe was held yesterday?

The Hon. T. M. CASEY: The conference was called yesterday, and was held in Sydney. The people present comprised representatives from South Australia, Western Australia and the Commonwealth, and representatives of the meatworkers union, the meat exporters and shippers, and members of the Australian meat Board. The meeting was chaired by Colonel McArthur, the Chairman of the Australian Meat Board. I believe the information that was passed between the people attending that meeting was of infinite benefit to everyone present. As the honourable member has implied, the live sheep market, and particularly the export of live sheep from South Australia, is of great importance to the State, not only from the point of view of revenue earned but also from the point of view of the producers, it being a most lucrative market. I believe that the subcommittee formed yesterday as a result of discussions that took place will go a long way towards establishing better communications between all sections of the meat industry, whether it be the shippers, the exporters, the primary producers, or the meat industry union itself; it will go a long way towards solving problems that have been prevalent in the past, to such an extent that it sometimes looked as though our export of live sheep could be in great jeopardy. That would be disadvantageous not only to South Australia but also to Western Australia. The interesting part of yesterday's exercise is that there is much meat in carcass form and other forms going out of Australia to Middle East countries, not only from South Australia and Western Australia but also from Victoria. These facts were not known previously. Meetings like the one called yesterday can only have a good effect on communications within all sections of the industry that I mentioned before. Incidentally, for the benefit of honourable members in this Chamber, I can say that the members of the subcommittee will be representatives of the Australian Meat Industry Employees Union, the Australian Meat Exporters Federal Council, the Australian Government, the growers, the shipping interests, and one representative each from the Governments of South Australia and Western Australia. It will have an independent Chairman, namely, Colonel Malcolm McArthur. I sincerely hope it will not be long before this subcommittee meets. We indicated yesterday that, if the committee so desired in the future, another general meeting of personnel representing these interests would be held. I believe that the way in which the matter was discussed yesterday will benefit the industry generally.

The Hon. R. C. DeGARIS: Will the Minister say what were the problems concerning the export of livestock from Australia that initiated the need for a conference of this kind and what solutions to those problems were agreed to at the conference?

The Hon. T. M. CASEY: The matter of live sheep exports has been a big bone of contention, as the honourable Leader knows, because the unions placed a ban on the export of live sheep from both Western Australia and South Australia in August this year. Although that ban was enunciated and contemplated by the unions, the ban was not specifically carried out, with four shipments of livestock being made from Western Australia until September 3, and a load of livestock was shipped from South Australia only about 10 days ago. The future of livestock shipments from South Australia and Western Australia were in jeopardy and I believed that something had to be done to determine what was the real source of trouble in this matter. It was along these lines that I approached the Australian Minister for Agriculture (Senator Wriedt) to call this conference. A major point of contention was that members of the meat industry unions did not know exactly what was going on within the industry itself. Indeed, I believe that, if we are to talk about an industry as a whole, everyone involved in that industry should be informed on all matters of concern in the industry generally. In other words, it means worker participation in this vital industry, in which I so wholeheartedly believe. Unions have recently lifted their ban on the shipment of livestock from South Australia and Western Australia, but with certain provisos. Although these provisos were not spelt out to any great degree, I believe the problem has been that, unless we convinced the unions that they were going to be generally part and parcel of the industry, they probably would have applied excessive demands that the industry could not meet. I believe the discussions that took place yesterday cleared up many difficulties which came to the fore; for example, some information supplied by shippers was not known by producer organisations, and some information supplied by exporters was not known by other members of the industry attending the meeting, and so it went on. I believe that all this information that came out yesterday can do nothing but good for the future of the industry.

The Hon. R. C. DeGaris: But what is the solution?

The Hon. T. M. CASEY: A subcommittee was established to iron out the problems and come down with a solution. We could not hope to arrive at a decision yesterday, because that was the first such meeting held.

LAND RENTAL

The Hon. A. M. WHYTE: Has the Minister of Health received from the Minister of Transport a reply to the question I asked on August 15 regarding the rental of certain land situated in Burbridge Road?

The Hon. D. H. L. BANFIELD: The Minister of Transport reports that No. 136 to No. 138 Burbridge Road is leased at a rental of $10 a week on a weekly tenancy. The rental is currently under review. No. 140 Burbridge Road is leased at $20 a week, with the current three-year lease to expire on March 28, 1976. Every effort is made to obtain the maximum rental that could reasonably be asked consistent with the Government valuation of the premises concerned.

MILK

The Hon. C. W. CREEDON: I seek leave to make a statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. C. W. CREEDON: Recently I have received a number of complaints in Gawler regarding milk bottled by the South Australian Farmers Union. The milk is bad smelling and bad tasting. This morning I received a complaint from a person who said that over the last 10 days he had received four deliveries of milk that was completely undrinkable. On Saturday morning, I, too, received six bottles of milk in the same condition. Will the Minister ascertain whether this is the fault of the producer or the processor, and will he say what his department can do to correct the situation?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Chairman of the Metropolitan Milk Board, and see that this matter is investigated immediately. I will bring down a reply as soon as I can.

COOPER CREEK

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

Leave granted.

The Hon. A. M. WHYTE: The only way to cross Cooper Creek to follow the Birdsville track is by a punt or barge which was constructed by the Highways Department in 1963. It is suspended on cables and powered by outboard motors. The original weight of the craft was about 30 tonnes but, because it has had extra flotation added to it, it would now weigh considerably more than that. Two Highways Department men who are in attendance do their very best to facilitate the operation and to get the traffic across. However, because there is only a 6 h.p. outboard motor on one side and a 1½ h.p. outboard motor on the other side, should the breeze be blowing from the wrong direction it is not possible for the barge to make a crossing. It seems ridiculous that such a craft should be so underpowered. I believe that it should be powered by 10 h.p. motors, and even those motors may not be adequate. Will the Minister take up with his colleague the possibility of supplying two 10 h.p. motors to drive the craft?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

LAND TAX

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: My question concerns land tax, which has been the subject of dissension in the rural community in previous years. Because of the economic climate existing in the rural community at present and because of new land tax valuations being presented to rural landholders, there is again a feeling of disquiet. In fact, in some areas protests have been made. There has been a considerable reduction in rural income, amounting to almost 50 per cent for most commodities. Therefore, the price of agricultural land will surely decrease, if it has not already done so. In the present economic climate, values should be based to a greater extent on productivity. In view of the rather dismal outlook for rural products, will the Minister suspend any further indications of increased valuations until the Valuation Department can take into account the present rural climate, and will he examine the possibility of reducing rural land valuations as a whole?

The Hon. A. F. KNEEBONE: The Valuation Department and the Land Tax Department come under the administration of the Premier, not under my jurisdiction. However, I will pass on the honourable member's question to my colleague and bring down a reply as soon as it is available.

PLANNING AND DEVELOPMENT LEGISLATION

The Hon. C. R. STORY: Has the Minister of Agriculture a reply from the Minister of Environment and Conservation to the question asked recently by the Hon. Mr. Hill concerning planning and development legislation?

The Hon. T. M. CASEY: The Government has received many submissions from various organisations and individuals regarding amendments to planning and development legislation. In addition, a committee, chaired by His Honour Judge Roder, was established by the Government to make a comprehensive review of planning and development legislation. That committee has heard and received many representations and has reported to the Government. A Royal Commission is, therefore, not warranted; but adequate time will be allowed for full debate on an amending Bill to be put before Parliament shortly.

SHIPPING

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to the question asked by the Hon. Mr. Hill recently about shipping?

The Hon. T. M. CASEY: In reply to my approaches to the Australian Government on the question of an independent Australian shipping line, I received a letter from the Minister for Transport, in which he states that the Australian Government has supported a larger share for the Australian National Line of the trade to Japan, and a new vehicle deck/cellular container vessel will be introduced on that run early next year. The letter continues:

At that time the A.N.L. will commence a new service to the Philippines, Hong Kong and South Korea with two vehicle deck/container vessels. It has arranged to enhance the refrigerated capacity of its cellular container ship serving the trade to the East Coast of North America and has ordered an additional cellular container ship for the Europe trade. In the oversea bulk trade, orders have been placed for two 120 000 d.w.t. and two 137 000 d.w.t. bulk ore carriers. Investigations are proceeding for further A.N.L. involvement in our oversea trades, while at the same time it has a very heavy equipment expansion programme in the coastal trade.

If I mention that the Australia/South Korea service alone required negotiations involving the construction of special port facilities in each of the three oversea countries to be served and will involve A.N.L. establishing its own marketing organisation, I am sure you will appreciate the effort that is being placed on furthering our policy aims in this field.

The question of operating Australian vessels outside Conferences is more complex. If it served Australia's interests better to operate in this manner there could be no hesitation. However, the hard fact is that shippers, to properly service their markets, need regular, frequent sailings at determined rates of freight which can usually only be achieved by the operation of a liner conference. The disadvantages of this type of organisation can be outweighed by A.N.L. involvement in the Conference and a growing Australian flag presence.

I also wrote to the Minister for Overseas Trade (Dr. Cairns) on the specific problem of shipments of citrus from this State to New Zealand, following representations made to me by the chairman of the Citrus Organisation Committee. I am awaiting a reply from Dr. Cairns, but I understand that the Australian Government is well aware of the shortage of shipping space in the trans-Tasman trade and that the position is being examined.

WARDANG ISLAND

The Hon. C. R. STORY: Has the Minister of Lands a reply to my recent question about Wardang Island?

The Hon. A. F. KNEEBONE: It is the policy of the Government that the freehold of Wardang Island should be vested in the Aboriginal Lands Trust. This has been delayed by certain problems arising out of occupancy of two small areas by the Commonwealth. It is hoped that these will be speedily resolved so that the transfer can take place. In the meantime, the Lands Department has issued the trust with an annual licence over the island for tourist purposes. The remaining part of the honourable member's question comes within the portfolio of the Minister of Community Welfare, and I have asked him to provide me with a reply.

PRIMARY PRODUCTION

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about primary production?

The Hon. T. M. CASEY: My colleague, the Minister of Development and Mines, has informed me that the Victorian Government will pay $1·50 subsidy a bale on the first 150 000 bales of wool shipped through Portland in each season. Since the subsidy is designed to stimulate usage of the port by local primary producers, it applies to the first 150 000 bales physically shipped over the wharves, irrespective of source (that is, irrespective of whether the wool originated in South Australia or Victoria). Consequently, there is no question of the South Australian Government's reimbursing the Victorian Government in respect of the subsidy paid to South Australian primary producers.

At this time, the subsidy paid on wool is the only subsidy in respect of general cargo shipped through Portland. However, in order to encourage greater utilisation of the port, other subsidies are recommended in the report of inquiry to which the honourable member referred. Two of the measures under consideration include appointment of a full-time officer to represent the port, and extension of Victorian decentralisation incentives (pay-roll tax remission, etc.) to the existing Portland wool stores. Therefore, it can be expected that the subsidies introduced by the Victorian Government will provide sufficient incentive to encourage primary producers in the South-East of South Australia to ship their produce through Portland.

CITRUS JUICE

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: As a result of the Commonwealth Government's policy in removing the imposition on imports, large quantities of orange juice have been brought into Australia from countries with cheap labour. The imported juice costs considerably less than the cost of producing our own citrus juices. Last year was the "off" year for production in the citrus industry; Australia is notorious for having one good year of production and then, in the following year, the trees decide to go on holiday. I have been informed that about 9 092 000 litres of juice has been imported into Australia. Because of this, and because of the heavy crop predicted for this year throughout the citrus producing areas of Australia, will the Minister ascertain whether these facts are correct and, if so, whether the Commonwealth Government will continue this disastrous policy in relation to the citrus industry?

The Hon. T. M. CASEY: I shall endeavour to check the figures the honourable member has given, as he asked me to do. I shall bring down a reply as soon as possible.

TAXI-CAB BOARD

The Hon. C. R. STORY: On September 11, the Hon. Mr. Hill asked a question regarding the taxi-cab board. Has the Minister of Health a reply from his colleague?

The Hon. D. H. L. BANFIELD: My colleague replies that the answer is "No".

SMITHFIELD TRAFFIC

The Hon. C. W. CREEDON: I wish to ask a question of the Minister of Health, representing the Minister of Transport, and I seek leave to make a brief statement before doing so.

Leave granted.

The Hon. C. W. CREEDON: On the Main North Road, the small township of Smithfield has a small shopping centre in which there is a pizza bar. At busy traffic times vehicles are parked at various odd angles in front of the premises. In peak periods traffic on the main road is fast moving, the zone being for speeds of up to 80 kilometres an hour. This creates a serious traffic hazard, and I am sure one day there will be an accident caused by vehicles moving out of the area at incorrect angles. There appears to be no provision for off-street parking in the area. Will the Minister ascertain what provision can be made or who is responsible for safe parking and unparking in the shopping centre, and what action the Minister of Transport can take to ensure the safe passage of north-bound traffic?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague and bring down a reply.

PARLIAMENT HOUSE

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of you, Mr. President.

Leave granted.

The Hon. M. B. DAWKINS: On several recent afternoons, especially on one or two of them (including this afternoon), we have been interrupted in our debates by extraneous noises. I am aware, as every honourable member is only too well aware, that this place is being redecorated and that the work must be completed. Is it possible for you, Sir, to use your good offices to see that the noise is reduced to a minimum or that it ceases while the Council is in session? It was quite impossible for me to hear what the Hon. Mr. Creedon said when asking his

question, and I think other members are finding it difficult to hear because of the noise. Can something be done to get rid of this noise during the sittings of the Council? It is important that all honourable members should be able to hear what is going on.

The PRESIDENT: Because of the interruption, and because of the noise, I did not hear the honourable member's question.

The Hon. M. B. DAWKINS: I asked whether you could stop the noise, Sir.

The PRESIDENT: I have already sent out instructions regarding the noise. We will see to what extent they are observed. Every day it appears to be the practice that this noise starts at 1.30 p.m. I wish the work started earlier in the morning.

MONARTO

The Hon. J. C. BURDETT (on notice):

1. Does the Monarto Commission intend to grow wheat on the land acquired in the Monarto area in the 1974-75 season?

2. How long does the commission intend to grow wheat on the acquired land?

3. What area of land does the commission intend to sow to wheat?

The Hon. T. M. CASEY: The replies are as follows:

1. The Monarto Development Commission itself is not growing any wheat during the 1974-75 season on the land acquired at Monarto. Wheat is being grown at Monarto this season by those farmers whose land has not yet been acquired, and by those whose land has been acquired but who have been permitted to remain on the land to complete the current cropping season.

2. If wheat is grown on the acquired land, it is possible that this activity may continue as long as there is suitable land available on which urban development has not commenced.

3. Because the details of the town plan and the staging of the development of Monarto have not yet been finalised, the area which may be available for wheatgrowing cannot be predicted at present.

IMPOUNDING ACT AMENDMENT BILL

Read a third time and passed.

MOTOR FUEL DISTRIBUTION ACT AMENDMENT BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

Of the 15 clauses of this measure, one is formal and one provides for a most important extension of the period on the expiration of which the regulatory provisions of the principal Act, the Motor Fuel Distribution Act, 1973, come into operation. The remaining 13 clauses establish a scheme, of an essentially transitional nature, to protect the interests of persons who, through no fault of their own, could be disadvantaged by the operation of the principal Act in its present form.

Honourable members will be aware that it is up to the owner of premises the subject of the principal Act to apply for a licence or permit for those premises. So far, in most cases, owners are discharging their moral, to put it no higher, obligations in this matter if only for the reason that it is to their long-term economic advantage. However, it has been suggested to the Government that some, at least, of the owners of premises are demanding from the lessees of those premises some additional payment before they apply for licences or permits for those premises. In the Government's view, there is no justification for these demands, and by this Bill it is proposed that some degree of protection will be afforded those whose interests require it.

As has been mentioned, the arrangements proposed are essentially of a transitional nature in that the protection is afforded only to those holders of subsidiary interests—that is, interests that are less than full ownership in premises where that subsidiary interest arose before the commencement of the Act presaged by this Bill. Those who enter into arrangements in the future in the full knowledge of the scope of the principal Act are well placed to look after their own interests.

Clause 1 is formal. Clause 2 sets out the definitions necessary for the purposes of the measure, and they are commended to honourable members' particular attention. Clause 3 provides that the persons who hold an interest, as specified in subclause (1) of this clause, in premises the subject of a licence or a permit may cause that interest to be recorded in the records of the board relating to those premises. Flowing from this official acknowledgment will be the right to be informed of any dealings in relation to the premises that may affect those interests. It is suggested that the precise scope of this clause will become clearer if it is read in conjunction with clauses 5, 6, 11 and 12 of the Bill.

Clause 4 is the only operative clause of the Bill that does not deal with the protection of subsidiary interests. This clause arises from an indication by the board that it cannot complete its task of determining applications likely to come before it before the day (effectively, September 30, 1974) after which it will be illegal to sell petrol without an appropriate licence or permit. The board's task has been made more difficult by the fact that many potential applicants are being most tardy in making their applications. The effect of this amendment is to extend the expiration of the period for making applications to January 1, 1975.

Clause 5 is one of the "key" protective clauses in the Bill and provides that, where an owner of premises does not apply for a licence under section 29 of the principal Act within the time limit set out in that section, the "prescribed lessee", as defined, may apply for the licence within two months after the expiration of that time limit. Honourable members will no doubt recall that this section provides for an almost "automatic" licence for existing premises. Clause 6 applies almost the same principle to section 30 of the principal Act, which deals with general applications for licences. In this case, however, the recalcitrant owner can attract the protective provision only if he positively refuses to apply for a licence when so requested by the prescribed lessee.

Clause 7 amends section 34 of the principal Act by affording a measure of protection to the holder of a subsidiary interest against the capricious surrender of a licence by the holder thereof. Clause 8 amends section 35 of the principal Act by again affording a measure of protection to the holder of a subsidiary interest if the annual licence fee is not paid and, by force of the Act, the licence lapses. Clause 9 enjoins the board in any dealings relating to the licence to pay regard to the interests of the holders of subsidiary interests.

Clause 10 emphasises in the case of "prescribed lessees" the transitional nature of the protection afforded by this measure. It inserts a new section 36a, which provides that, as soon as the lease that gives rise to the relationship of "owner" and "prescribed lessee" expires, the licence shall revert to the owner for him to deal with as

he will. Clauses 11, 12, 13, 14 and 15 in terms merely mirror the provisions of clauses 5, 6, 7, 9 and 10 respectively, except that these clauses deal with permits rather than licences.

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

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 10. Page 795.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which I think I may say contains only one matter of interest, referred to by the Hon. Mr. DeGaris, concerning the proposed amendment of section 49 of the Act. Following the Leader's remarks on this matter, I have looked at the points he made and can support what he said, inasmuch as there seems to be something here that is not very clear; but what seems to me to be the problem is not so much the amendment to section 49, which I accept, but the effect of section 49 in its entirety, whether it be amended or not. I know that the amendment to this section puts some restraint on the Minister (and, for that matter, I suppose, on the employing authority, too) as regards the terms under which a new contributor to the fund may be assigned or given certain contribution months, which are in effect a kind of bonus to him.

Section 50 provides a formula by which these contribution months, as they are called in the Act, may be attributed to people who have had at least 20 years service in the employment of the Government and who are called prescribed new contributors, under the terms of this legislation. They are really a special kind of person: they are contributors to the fund who were employees on July 1, 1954. So, by virtue of that definition, they have had 20 years service. Section 50 provides that such people, once they are contributors to the fund, may also have additional contribution months attributed to them, in accordance with the formula laid down in the section. It is peculiar that section 50 provides:

> Where pursuant to section 45 of this Act—
> which provides for a standard contributor—
> a prescribed new contributor—
> a person with 20 years service—
> purchases one or more contribution months, there shall be deemed to be attributed to that contributor pursuant to section 49 of this Act—

and I emphasise "pursuant to section 49 of this Act"—

> an additional number of contribution months as ascertained by the following formula:

I find it difficult to understand why the words "pursuant to section 49 of this Act" appear in section 50.

The Hon. R. C. DeGaris: It is confusing.

The Hon. F. J. POTTER: That is so, because section 50 has nothing to do with section 49; it stands on its own feet. It would become a perfectly sensible and easily-followed section if it read as follows:

> Where pursuant to section 45 of this Act a prescribed new contributor purchases one or more contribution months, there shall be deemed to be attributed to that contributor—
> "pursuant to this section"—
> an additional number of contribution months ascertained by the following formula:

At least I could understand the provision if it read in that way, and it would make sense if it was read in conjunction with section 45. Because it refers to section 49, I wonder whether an error in draftsmanship has slipped through. Will the Minister therefore have the Parliamentary Counsel examine this matter?

Putting aside the question whether the original section is correctly drafted, one wonders why, when under section 49 the Minister has power (even if it is on the board's recommendation or report) to make a recommendation for the attribution of one or more contribution months, there should not be some limit along the lines of the formula in section 50 to whatever he may recommend. From my investigations, I think it is unlikely that the board would ever recommend anything that would exceed the formula laid down in section 50. If that is the position, there is something in what the Hon. Mr. DeGaris said earlier. Why do we not tie the two sections together so that, when the Minister must make a recommendation, he is empowered to make it applying the same formula as that in section 50? If that was done, it would make a little more sense.

As I see it, there is at present no restriction in section 49 on the power of the Minister to exceed the formula if he so desires. I agree with the Hon. Mr. DeGaris that this is not an easy matter. It may well be that we are following a false lead. However, I cannot be convinced of that until I have had a further opportunity to hear the explanation of this matter. I support the Bill, which seems to me to be adequate in all respects except for this rather vexing problem, which was first uncovered by the Hon. Mr. DeGaris but which I think has a slightly different twist from that to which he referred.

The Hon. C. W. CREEDON secured the adjournment of the debate.

ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 12. Page 914.)

The Hon. R. A. GEDDES (Northern): The Hon. Mr. DeGaris, the Hon. Mr. Burdett and the Hon. Mr. Potter have all spoken on this Bill, and it is not necessary to reiterate what they have said. One must therefore try to ascertain why certain aspects of this Bill are necessary. It has been spelt out in the past few years that if a dispute arises in relation to contracts involving, say, insurance companies, builders, and so on, and such a dispute cannot amicably be settled between the parties, the matter must go to arbitration. A decision made in the House of Lords 118 years ago has been the rule that has applied ever since. Once the parties have gone to arbitration, there is no right of appeal.

The concept of this Bill is that, once a dispute arises and the parties cannot agree, they will in future, if this Bill passes, be able to appeal to the civil court and have their case heard there. The two learned members of the legal profession in this Chamber have gone to great pains to explain that this will not be as costly a procedure as is the arbitration method, and one must take their word on that. If either party is not satisfied with the decision handed down in the civil court, it will have the right to appeal to a higher court. In other words, this legislation opens up the concept of appeal in its fullest sense, allowing parties in a dispute to go, I presume, as far as the High Court if their case warrants such a step. Clause 3 (2) provides:

> An agreement to submit a claim, difference or dispute to arbitration made after the circumstances on which the claim is based have occurred or the difference or dispute has arisen, shall not be rendered void by the provisions of subsection (1) of this section.

This means that after work has commenced on, say, a building, it is still possible for the parties to agree to

go to arbitration rather than taking the dispute to a civil court. In his second reading explanation, the Minister went to great pains to explain to the Council that, under the existing arbitration system, there was no right of appeal.

The Hon. Mr. Burdett and the Hon. Mr. Potter have pointed out that injustices have occurred because there has been no right of appeal under the arbitration system. I believe that that situation is wrong. Although the case which caused the House of Lords to make its decision in 1856 has been explained to the Council, and although that decision may have been suitable in 1856, I point out that it is not suitable for 1974 and future years. I ask two questions of the Government. First, when a case does go to arbitration, as provided for by this Bill, why is it not possible for the parties, if they are not satisfied with the arbitrator's decision, to take their case to a court?

In cases where it is possible for parties to take a dispute to a civil court there is a right of appeal. However, if parties take a dispute to arbitration, there is no right of appeal from that decision. This situation is unjust, especially when we are trying to open up this area through legislation for the people of South Australia.

Both the Hon. Mr. Burdett and the Hon. Mr. Potter point out that the contracts with which we are dealing are between insurance companies and policy holders or between building contractors and house owners and that the contracts usually have a clause stipulating that, if a dispute occurs, it will be settled by arbitration. Once such a contract is signed, the parties are bound, and nothing can be done to alter this provision. If a dispute occurs, it must be referred to arbitration.

This Bill seeks to make void that practice in contracts signed from the date of proclamation. Will the Government consider changing the words "should a dispute occur, they shall or may appear before a civil court or by arbitration" in a contract? A house owner may have great respect for the legal profession, but he certainly has much respect for his own pocket and is always worried about where his money is going. Therefore, when he later examines his contract, which perhaps he might not have done when he first signed it, if a dispute arises, he has an alternative way of having his complaint aired.

I am concerned about this matter because, if a person with a problem were to go to his builder and say, "I do not like the way that you are building my house", or if he went to his insurance company and said, "I am not happy about the amount you are paying me", an unscrupulous person in either instance could tell the person that he had two choices open to him: "You can go to court or to arbitration, but it will be far easier and quicker if you go to arbitration, as we will have the case settled in a few days. If you go to court it may be many weeks or months before your case is completed."

I am fearful that the innocent or the ignorant may be caught up in this net and be forced to go to arbitration, and then find that they have no right of appeal. The very kernel of this legislation is to open up the right of appeal through civil courts, which is good. I ask the Government to consider writing into this Bill another clause providing that, where any contract spells out how disputes shall be settled, it will be stated clearly that the parties may choose either arbitration or a civil court.

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

EXPLOSIVES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 12. Page 912.)

The Hon. C. R. STORY (Midland): I support the Bill. Its main points are clear. Clause 2 amends section 25 of the principal Act, which deals with the power to sell and dispose of explosives. In recent years much inconvenience has been caused to the Chemistry Department, which handles explosives in this State. Explosives have been deposited with the department at its Dry Creek magazine, but the department has been unable in many instances to get the owners of the explosives to pay the costs involved in the storage of the explosives and other costs, and has been able to dispose of these explosives only through an expensive system of public auction.

The department seeks (and this is what Parliament is properly agreeing to) that these explosives become the property of the State after a certain time and can be disposed of by public tender after being advertised in the *Government Gazette*. I believe this system to be an easy and proper means of dealing with the matter. Clause 2 (*b*) provides, in part:

A call for public tender under subsection (1) of this section shall be advertised three times in a newspaper circulating generally throughout this State.

I do not believe there is any need for us to worry about this matter. Clause 3 amends section 42 of the principal Act, which deals with powers of inspectors. When the department's main work in dealing with explosives was in the metropolitan area, or in areas close to it, or at its magazine, this did not matter so much. However, with a change in the type of work undertaken by the department and with an uplift in mining operations throughout the State, especially in places such as Coober Pedy and in areas north of Hawker, it is sometimes necessary for officers of the department to go to these areas to impound or dispose of explosives that have been left by mining companies. However, there is no provision in the Act for the department to make any charge for the travelling time incurred by its officers or the work done by its officers. This amendment will allow the department to charge in cases where its inspectors are required to carry out such duties. Section 44 of the principal Act is amended by clause 4. That section deals with obstructing inspectors, and this clause provides, in part:

. . . after the present contents thereof the passage "and if the person or his employer is licensed, the licence may be revoked by the chief inspector".

From time to time inspectors have been obstructed by employees of a company, with the result that the inspectors have not been able to carry out their functions. In addition to the monetary penalty for obstructing an inspector, it is now proposed that an additional penalty be imposed by cancelling a licence. The final clause amends section 52, dealing with regulations. It provides for a regrouping of the existing regulations and for an increase from $200 to $500 in the penalty for the non-observance of the regulations. In view of the galloping inflation, for which we can thank the Labor Administration, the increase is proper. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Powers of inspectors."

The Hon. C. R. STORY: The conditions under which officers of the Chemistry Department work are deplorable. The department has some of the most valuable equipment in the Government service, and it does extremely

important work. For many years it has had to put up with an inadequate building, with small tin sheds behind the State Library. The Director, Mr. Marlow, has been an excellent servant of the State, as have other officers of the department with whom I had the pleasure to work when I was a Minister. The question of accommodation for the department has been the subject of a public inquiry. Land has actually been acquired for a proper building, but there still seem to be hold-ups. I make a plea to the Minister to see that the whole of the department is given proper accommodation very soon.

The Hon. D. H. L. BANFIELD (Minister of Health): I agree with what the honourable member has said: the conditions under which the officers of the Chemistry Department work have been atrocious for about 10 years.

The Hon. C. R. Story: Twenty years.

The Hon. D. H. L. BANFIELD: That makes it even worse. I have been a Minister for only 18 months, and steps have been taken to improve the conditions under which the officers work. I, too, pay a tribute to the officers, and I am confident that tenders will be called for a new building very soon.

The Hon. R. C. DeGaris: Are you waiting on Commonwealth money?

The Hon. D. H. L. BANFIELD: I did not say that.

The Hon. Sir ARTHUR RYMILL: The Chemistry Department is not the only place that has been working under substandard conditions. I wonder how on earth the people employed in Parliament House put up with the shocking conditions here. The Hon. Mr. Story referred to the valuable equipment in the Chemistry Department, and I point out that in Parliament House there is *Hansard*, to which we have made very valuable contributions.

The Hon. D. H. L. BANFIELD: I am not too sure what the conditions at Parliament House have to do with the Chemistry Department inspectors.

Clause passed.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 12. Page 914.)

The Hon. M. B. DAWKINS (Midland): I do not intend to discuss this Bill at length. Five or six months ago we dealt with what was almost exactly the same measure, and I addressed myself to a number of clauses then. I do not intend to repeat what I said at that time. I protest at the inclusion of clause 7, which is slightly different from the corresponding provision in the previous Bill. Clause 7 amends section 144 of the principal Act by inserting two new subsections. Section 144 provides:

Ordinary meetings of the council shall be held at the office or at such place or places within the area as the council appoints for the purpose at least once in every month.

That gives the council the proper democratic right to decide on a suitable place for a meeting. The council is required to meet monthly. That is a perfectly reasonable proposition. However, under the provisions of the Bill, that section as it now exists will be designated as subsection (1) and two new subsections are to be inserted. The first is subsection (2), which provides:

(2) Subject to subsection (3) of this section, ordinary meetings of a council must commence on or after the hour of 6 p.m. on the days on which those meetings are appointed to be held.

That is quite objectionable, in my view. Then there is a further subsection, as follows:

(3) Ordinary meetings of a council may commence before the hour of 6 p.m. on the days on which they are appointed to be held if the council decides by a resolution supported by at least two-thirds of the total number of the members of the council that the meetings should so commence.

I could not support such a proposition. I believe that the people who drafted this legislation have no real appreciation of the duties of a councillor, because the legislation is drafted with the object of providing for people who cannot meet during the day-time to represent local government. The situation, as anyone who has had experience of local government would know only too well, is that perhaps only 25 per cent of a councillor's duties comprises formal meetings of the council. He will have other duties, such as attending to the wants of ratepayers, council inspections, and various other tasks which will take up his time and must take up some of it during the daylight hours, even though it may be in the latter part of the afternoon.

This clause, which seeks to make sure that ordinary meetings must commence after 6 p.m., means that, if the person concerned cannot attend to duties of the council before that hour, he may be able to carry out only 25 per cent of the work normally required of him as an effective member of local government. Therefore, I cannot support that clause. I do not wish to mention the other clauses. I addressed myself to some of them during the debate in March last, and I believe that the balance of the Bill contains, by and large, some worthwhile clauses which will be an improvement to the Act. I have no quarrel with that part of the suggested legislation at this time, but I indicate that I support the proposal foreshadowed by the Hon. Mr. Story, and I commend him for his speech. I also will be favourably disposed to the amendment placed on file by the Hon. Mr. DeGaris. I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the interest they have shown in this Bill and for their contributions to the debate. I do not think it would be right for me to let the second reading pass without pointing out some inconsistencies in the statements by some honourable members in this Chamber. Last week, the Hon. Mr. Geddes told us that we have too many Bills going through this Council. He said we should not have so many, and that it is not necessary to have so many Bills—

The Hon. R. A. Geddes: Of a certain nature.

The Hon. D. H. L. BANFIELD: The honourable member said it was not necessary, and that certain things could be done in one Bill and should not be done by way of a number of Bills. He said we should not have a large number of Bills so that we can say that we have passed a record number. Within 10 minutes of the Hon. Mr. Geddes saying that, the Hon. Mr. Story informed the Council that he would move to have this Bill divided into two parts. That shows the inconsistencies in the attitude of members opposite. They do not converse with each other; they are not on the same wave length.

The Hon. R. A. Geddes: This is a House of Review.

The Hon. D. H. L. BANFIELD: Of course it is; we have said so for years. It is, however, spelt "revue". The Hon. Mr. Story was concerned about the proposal for night meetings for councils. He was concerned about the shift worker, but he did not say whether his concern was for the shift worker who works from 11 p.m. to 7 a.m., the worker whose shift is from 7 a.m. to 3 p.m., or the one whose shift

is from 8 a.m. until 4 p.m. He is not the least bit concerned about those people, I am sure. Let the honourable member tell us which shift workers he is concerned about if he thinks that is the only reason why councils should have to hold meetings in the day-time. He is not concerned for the great majority of people on day work; according to him, they should not have any right to sit on the council. He is concerned only about the shift worker, although we do not know which shift worker, because he did not mention the hours of work. So much for the remarks of the Hon. Mr. Story.

The Hon. C. R. Story: I got out of that lightly!

The Hon. D. H. L. BANFIELD: Yes, the honourable member did. In the past he has been concerned about the minority, because it was the minority that kept him in office for so long, although it is now the majority that will put him out of Parliament at the next election. He knows that. We see why he is so concerned about the minority that has kept him in a good position for so long. Let us turn now to the remarks of the Hon. Mr. Dawkins, who said, in effect, that he does not agree with clause 7 and that it must have been drafted by people who had no knowledge of the work of local government.

The Hon. M. B. Dawkins: Like the Minister who is on his feet.

The Hon. D. H. L. BANFIELD: Here we go! The Hon. Mr. Dawkins does not even talk to the people in the Lower House. We had a similar situation from 1968 to 1970, when there was no discussion between the people in the two Houses. The person who suggested this clause was the honourable member for Glenelg, Mr. Mathwin, who is an ex-Mayor of Brighton.

The Hon. M. B. Dawkins: He put in an amendment, that is all. He did not put up the clause.

The Hon. D. H. L. BANFIELD: That is his amendment. Is it any wonder members opposite have had instructions from North Terrace to think again? The Hon. Mr. Dawkins obviously does not even read what goes on in another place. Honourable members have got to take notice of their instructions from North Terrace. They will have to think again because of the confusion existing among their own members. For the information of the Hon. Mr. Dawkins, who says this clause has been put up by people with no knowledge of the working of local government, it has been reported that Mr. Mathwin moved:

In new subsection (3) to strike out all words after "council" second occurring and insert "decides by a resolution supported by at least two-thirds of the total number of the members of the council that the meetings should so commence."

That amendment was moved by a person who, according to the Hon. Mr. Dawkins, knew nothing about local government. That gentleman, I understand, was formerly Mayor of Brighton. These are small examples of what takes place with Opposition members in this Council. No wonder they have been invited to think again; no wonder they have been invited not to resubmit their names for preselection. The people down the road are suggesting that certain members, whose preselection for the next election has been endorsed, should think again and not resubmit their nominations. That is not surprising when we see that they cannot talk with members of their own Party. There is such confusion between them. I thought it necessary to point out these little things to honourable members so that this will not be so much of a "House of Revue" in future when they all wish to speak on the one Bill.

Bill read a second time.

The Hon. C. R. STORY (Midland) moved:

(1) That it be an instruction to the Committee of the whole on the Bill that it have power to divide the Bill into two Bills, one Bill comprising all clauses other than clause 7 dealing with ordinary meetings and the other dealing with the amendment of the principal Act, section 144, relating to ordinary meetings; and

(2) That it be an instruction to the Committee of the whole on the No. 2 Bill that it have power to insert the words of enactment.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the motion. In doing so, I again point out to honourable members that the Hon. Mr. DeGaris said last time that this was only a black or white Bill, a "Yes" or "No" Bill: there could be no compromise. On this clause I think a compromise has been reached. It was interesting to note that the Hon. Mr. DeGaris last time was not prepared even to allow this Council to go into conference to see whether any compromise on this Bill could be reached. He used all his endeavours to defeat the motion that I moved, that a conference be requested by the Lower House to have this matter discussed. However, we now find that the Hon. Mr. DeGaris has an amendment on file in this regard. Surely that could have been a matter for compromise or discussion by a conference. Never mind about the honourable member now laughing about it—he was not prepared to attempt to allow that Bill to go through. He was prepared to allow other necessary provisions to go rather than at least attempt to arrive at a compromise on the Bill. In the other place, the Liberal and Country League members (or whatever they call themselves nowadays) came up with a compromise which was accepted by the Government and on which the Hon. Mr. DeGaris said there could be no compromise: it was clearly a "Yes" or "No" matter. There is still plenty of room for compromise on clause 7, and I agree with the Hon. Mr. Geddes that perhaps we should not have another Bill as a result of splitting the present Bill into two. For those reasons, I oppose the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion. Much has been said by the Minister, who mentioned inconsistency. The only inconsistency I can see in the whole matter is the Minister's argument. As we know, every revue must have its clown. I point out that over 80 per cent of the ratepayers served by local government are already served by councils that meet at night.

The Hon. D. H. L. Banfield: So it is not impossible to do it.

The Hon. R. C. DeGARIS: So it is not a matter of keeping people out of local government: all we are seeking is to preserve a democratic institution in local government. As regards the allegation made by the Minister, I believe it is still a black or white situation. I think that no compromise can be found on what is correct and what is incorrect in this matter. In deciding when councils shall meet, there is absolutely no logic in saying that one man can dictate to a council when it shall meet; nor is there any logic in saying that one-third of a council shall dictate when that council shall meet. There is no logic in that argument: it is a black or white situation. But the Minister's argument today is similar to the twistings and turnings of the Minister of Local Government last session. If the Minister cares to look up the record, he will find that the Local Government Act Amendment Bill, which encompassed many clauses on long service leave that this Council and the Government wanted enshrined in the Statutes, was lost not by any vote in this Council but was laid aside in another place.

The Hon. D. H. L. Banfield: Because the Opposition was not ready to have a conference.

The Hon. R. C. DeGARIS: It was because of the arrogance of the Minister of Local Government. That is recognised by those people who serve in local government throughout South Australia, and the Minister's arguments today are once again trying to get the Minister of Local Government off the hook on which his own arrogance put him. The Minister is only supporting the views and arguments put forward by the Minister of Local Government last session, which were not convincing to the people serving in local government.

The Council divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, and A. F. Kneebone.

Pair—Aye—The Hon. C. M. Hill. No—The Hon. A. J. Shard.

Majority of 5 for the Ayes.

Motion thus carried.

In Committee.

The Hon. C. R. STORY moved:

That, according to instruction, the Bill be divided into two Bills, the first to be referred to as Local Government Act Amendment Bill (No. 1), to include clauses No. 1 to No. 6 and No. 8 to No. 38 and the schedule, relating to various amendments to the principal Act; and the second to be referred to as Local Government Act Amendment Bill (No. 2), to include clause 7 relating to the amendment to section 144 of the principal Act dealing with ordinary meetings.

Motion carried.

Clauses 1 to 6 passed.

Clause 7—"Ordinary meetings."

The Hon. C. R. STORY moved:

That consideration of this clause be postponed until after consideration of Bill No. 1 has been concluded and reported on.

Motion carried.

Clauses 8 to 38, schedule, and title passed.

Bill No. 1 reported without amendment. Committee's report adopted.

Progress reported on Bill No. 2; Committee to sit again.

Bill No. 1 read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In Committee.

The Hon. C. R. STORY moved:

That new clauses 1 and 2 be the same as clauses 1 and 2 of Bill No. 1.

Motion carried.

The Hon. C. R. STORY moved:

That new clause 3 be the same as clause 7 of Bill No. 1.

Motion carried.

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

In new subsection (3) of section 144 to strike out "at least two-thirds of the total" and insert "a majority of the whole".

I can see no logic in providing that a two-thirds majority of a council can alter any situation; I believe that a majority of the whole (a constitution majority) is as far as we should go in the matter of local government determining hours of sitting. I believe that about 80 per cent of ratepayers served by local government are served by councils which sit at night. The majority of members of those councils believe that the interests of the people served by the council are best served by the council's sitting at night. About 20 per cent of ratepayers are served by councils sitting during the day. Possibly in one or two councils near the metropolitan area there is disagreement on when the councils should sit, because of the rural and urban elements constituting the councils.

I cannot move away from the philosophy that the most we can build into this legislation is a provision for a majority of the whole number to determine this matter. Anything less, I believe, is illogical. I am pleased this clause is being dealt with by a separate Bill, because it is ridiculous for a matter of principle, as this is, to affect unrelated provisions. The only logical course is to accept the Government's view that it would like councils to meet at night but, where a majority of the whole believes that a council should meet during the day, it will meet at that time.

The Hon. C. R. STORY: I rise for two reasons. First, to oppose this amendment and, secondly, to state that I am disappointed with what the Minister said about my speech on this matter, especially as none of the motives he attributed to me applying to shift workers are valid.

The Hon. D. H. L. Banfield: You said that it would prohibit shift workers from going on councils.

The Hon. C. R. STORY: I did not say it would preclude them. I said that no-one was better able to decide how the community would be best served by local government than the people in the area. If the predominant number of people were shift workers in, say, Angaston, where there is a cement works, they would adjust their own affairs accordingly.

The Hon. D. H. L. Banfield: Do they have only one shift there?

The Hon. C. R. STORY: They would have three shifts.

The Hon. D. H. L. Banfield: So you would exclude those working on the other two?

The Hon. C. R. STORY: The Minister is being illogical.

The Hon. D. H. L. Banfield: You said shift workers would be excluded.

The Hon. C. R. STORY: If shift workers want to serve on local government, they will find a way to do it, as will anyone else in the community. It behoves us to leave it open to a community to determine how rates will be spent and how the business of the council will be conducted. I oppose the amendment, because I do not believe we should apply any restriction on local government in relation to the running of its business and the time and place when a council meets. Any amendment to section 144 of the principal Act is unnecessary, as that section provides sufficient instruction from Parliament to local government. If we stipulate a two-thirds majority, or anything else, we immediately depart from the principle of non-interference in local government affairs.

The Hon. R. C. DeGaris: There is the problem that you could have less than the whole number at a meeting.

The Hon. C. R. STORY: That has not really proved a stumbling block. That is not one of the points that has been raised by the Minister, although, he has been scraping the bottom of the barrel. I believe it is an important consideration, but it is not sufficiently important to depart from this principle of not interfering with local government.

The Hon. M. B. CAMERON: I oppose the amendment, for reasons I have advanced previously. It is only rarely that I would support an amendment interfering with the powers of local government, but in this case local people may be denied their right to stand for local government because

of circumstances beyond their control, say, as a result of employment. Although people can receive permission from their employers to attend local government meetings, it is completely wrong that people should be subject to the whim of their employer about whether or not they can stand for local government in the first place. If an employer decides that a person should not receive leave, obviously that person will be precluded from standing for local government. That would then be a restriction on a person's freedom to nominate in the first place. That freedom, that every ratepayer in the community has the opportunity to stand, is an important part of local government. It has been said, too, that Parliament should not interfere with local government. However, it has often been said that this State Parliament guides local government. At present we are fighting to ensure that the Commonwealth Government does not take over local government and by-pass State Government procedures in connection with allocation of funds to local government. So, local government is a necessary part of State government. Indeed, the fact that we have an Act guiding local government indicates that it is part of State government. If people are precluded in any way from standing at local government elections, we have a situation similar to that which applied to this Council, when some people were precluded from voting at Legislative Council elections. It is the same sort of principle: people must be free in every possible way to take part in local government. As this amendment takes away even further the right of people to stand at council elections, because of the meeting times of councils, I oppose the amendment.

The Hon. C. W. CREEDON: I, too, oppose the amendment. There has been much talk about shift workers, but I do not see how that is relevant. If I was a shift worker I would want to sleep during the day-time.

The Hon. R. C. DeGaris: You mean that you could not go to council meetings at night, so you could not go at all.

The Hon. D. H. L. Banfield: On September 11, the Hon. Mr. DeGaris said:

How could a shift worker attend a council meeting at night?

The Hon. Mr. Story agreed with him. So, members opposite should not say that we brought the matter up.

The Hon. C. W. CREEDON: About three weeks ago, with the Hon. Mr. Story and the Hon. Mr. Dawkins, I attended a meeting of the Mid-northern Local Government Association, at which this matter was discussed. At that meeting the motion was that we accept a two-thirds majority. I do not want to disagree with that viewpoint. The association is made up predominantly of district councils that meet during the day-time, and those councils realise that something like this has to happen. District council areas often include a small country town, and most councillors are farmers. People who work in the country town cannot attend council meetings because they are held in the day-time; so, those people do not bother to nominate. I know of one councillor who worked in the day-time and was elected to a district council but, because he was never able to attend meetings, he had to resign. The council concerned has since mended its ways, and it now meets at night. I do not think there is much democracy in relation to local government. When we talk about democracy we are talking about people, and people do not get a fair go in connection with taking part in local government. The Hon. Mr. Story said that there should be no restrictions on local government, but he is a member of a Party that was in Government in this State for a long time, yet it did nothing about removing restrictions in the principal Act.

62

The Hon. C. R. Story: To which restrictions are you referring?

The Hon. C. W. CREEDON: An attempt was made a year or two ago to up-date the principal Act to bring it into line with what the Local Government Association wanted, but the Bill was not allowed to get through Parliament. Unless everyone has the right to vote in council elections, we cannot claim that local government is democratic. Councils must realise that they exist to serve the public, and they should have instituted reforms. The provision requiring a two-thirds majority in connection with meeting times will not have a great effect on councils.

The Hon. M. B. DAWKINS: New clause 3 adds to section 144 of the principal Act two new subsections, one of which dictates to councils that they must meet on or after 6 p.m. The other provision, which was amended in another place, provides that meetings may commence before that hour if the council decides by a resolution supported by at least two-thirds of the council that the meetings should so commence. I believe that the normal democratic majority is preferable to a two-thirds majority, which could set a precedent in some other cases that this Government would not appreciate. The amendment improves new subsection (3), but I am not convinced that new subsections (2) or (3) would improve the principal Act. Whilst I support the amendment, I reserve my right to make a different decision about the clause as a whole.

The Hon. D. H. L. BANFIELD: It was misleading of the Leader to say that it was not the fault of this Council that the Bill was not passed last session.

The Hon. M. B. Dawkins: It was the fault of the Minister of Local Government.

The Hon. D. H. L. BANFIELD: The Leader would know better than the Hon. Mr. Dawkins, because the Hon. Mr. Dawkins is hard of learning. The Leader knows very well the procedure with Bills.

The Hon. R. C. DeGaris: It lapsed in the Assembly.

The Hon. D. H. L. BANFIELD: It did not. The Bill had gone as far as it could possibly go, with a request from the Assembly for a conference to be held. When this place refused that conference, there was no other step that the Assembly could take, and the Leader knows it very well. I moved the following motion:

That a message be sent to the House of Assembly granting a conference, as requested by that House; that the place and time for the conference be the Legislative Council conference room at 11 p.m. this day; and that the Hons. D. H. L. Banfield, M. B. Cameron, C. W. Creedon, R. C. DeGaris, and C. M. Hill be managers on behalf of the Council.

The Hon. Mr. Burdett, the Hon. Jessie Cooper, the Hon. Mr. Dawkins, the Hon. Mr. DeGaris (teller), the Hon. Mr. Geddes, the Hon. Mr. Gilfillan, the Hon. Mr. Hill, the Hon. Mr. Potter, the Hon. Sir Arthur Rymill, the Hon. Mr. Story, and the Hon. Mr. Whyte voted against that motion. They knew, when they refused the conference, that there was no way in which the other House could continue to debate the Bill. The Leader of the Opposition in this Council knew that was the procedure; he knew the only way the House of Assembly could make up its mind on whether to accept the Bill was to go through the motions of a conference before it could get a report back from this place. The Leader deliberately misled this Council when he said that the House of Assembly laid the Bill aside. It had no other opportunity to bring the Bill back for debate. When he was speaking last Thursday, the Hon. Mr. DeGaris said:

One believes that the majority of the people has the right to decide in which direction local government shall go . . .

Then he attempts to make it optional as to whether the majority is able to decide that way, because the majority is not able to put up for local government where councils sit in the day-time. Therefore, the majority has not got the right to say in which direction local government shall go. I do not know what the Hon. Mr. DeGaris is referring to in saying that the majority has the right to decide, when he allows local government to sit in the day-time and the majority of the people is, in effect, because of the type of work they are doing, barred from being able to stand for local government. I wish members opposite would say quite clearly where they stand. I believe their position is the same as that taken by Alderman Spencer, of the Adelaide City Council, when this Bill was previously debated. I believe members in this Council who are against night sittings believe it would keep the "riff-raff" from sitting on local government, as Alderman Spencer said, and that it has nothing to do with the majority of the people deciding.

The Hon. R. C. DeGARIS: Once again, we have had the usual performance from the Minister, who claimed that the Council was misled. Let me recount what occurred in the previous session. It was made quite clear that this was a black or white situation—

The Hon. D. H. L. Banfield: You said that.

The Hon. R. C. DeGARIS: —as far as I was concerned and as far as other members in this Council were concerned. There is an illogicality about having one person, or three quarters or two-thirds of the number, deciding when the council will sit. It is illogical in any way one conceives the whole situation. When the Bill was amended in this Council it was stated clearly by me, as Leader, that no conference would be granted to the House of Assembly, because it was a black or white situation and there was no area of compromise. The Government knew this, and the Minister knew it; the facts are quite clear. I have not misled the Council in any way. It was clearly stated in this Chamber when the Bill was amended and returned to the House of Assembly that no conference would be granted. The Minister deliberately—

The Hon. G. J. Gilfillan: He said, "They wouldn't be game."

The Hon. R. C. DeGARIS: Yes, he said that. It will be found in *Hansard*. When the Bill came back the Government knew what would happen. I refer the Minister to the votes and proceedings of this Parliament, where he will read that the Bill lapsed in the House of Assembly. I have not misled the Council; I have been perfectly frank with everything that has been done in this matter. The next point made by the Minister was that the majority of people would be barred from standing for local government.

The Hon. D. H. L. Banfield: Because of the reason I gave. I put a reason there.

The Hon. R. C. DeGARIS: Yes, the Minister put a reason.

The Hon. D. H. L. Banfield: Give the reason; give what I said.

The Hon. R. C. DeGARIS: Perhaps the Minister could remind me of exactly what he said.

The Hon. D. H. L. Banfield: Because they have to work.

The Hon. R. C. DeGARIS: Yes. As I pointed out, 80 per cent of the ratepayers of South Australia are served at present by councils meeting at night, yet the Minister says the majority of people in South Australia is barred from standing for local government because of having to work. Where is the logic of the Minister's argument? I think my figures are conservative. The only council in the city of Adelaide that meets in the day-time is the Adelaide City Council. Every other council meets at night. The Corporations of Whyalla, Mount Gambier, Naracoorte and (I think) Port Lincoln are a few of the larger ones in the country areas that meet at night.

The Hon. G. J. Gilfillan: Port Pirie and Port Augusta, too.

The Hon. R. C. DeGARIS: That is so, so probably 90 per cent of the ratepayers have councils meeting at night.

The Hon. A. M. Whyte: And they have been able to make that decision themselves.

The Hon. R. C. DeGARIS: Exactly. The Minister's argument that the majority of people in South Australia is barred from standing for local government is a misleading statement.

The Hon. M. B. Dawkins: Complete drivel.

The Hon. R. C. DeGARIS: Probably that is the correct word. It is not factual. The majority has the opportunity to stand for local government. Looking at the other side of the argument, and taking the figure of less than 20 per cent, if we have a situation in which one person (as the Government wanted) or two persons in most councils could say, "You will meet at night time", the majority is being denied the opportunity to stand for local government because it would not be possible to get people to serve in local government in the vast rural areas if councils met at night.

The Hon. D. H. L. Banfield: How do you know?

The Hon. R. C. DeGARIS: I have worked in local government for a long time and I have served in a council. I agree with the Hon. Mr. Dawkins that people who are experts on this question are usually those who have not served in local government.

The Hon. D. H. L. Banfield: Such as Mr. Mathwin.

The Hon. R. C. DeGARIS: Never mind about Mr. Mathwin. What the Hon. Mr. Dawkins has said, in my opinion, is correct.

The Hon. D. H. L. Banfield: He said the one who put this up had not worked in local government.

The Hon. R. C. DeGARIS: I am not going into what the Hon. Mr. Dawkins said. If one analyses this question, the Government in this Bill is preventing people from taking part in local government. At least 80 per cent of the people are now served by councils sitting at night. It has been said that the amendment takes away the freedom of the people or the freedom of local government. I believe in giving local government the freedom to determine when it will sit and, as we have seen in South Australia, where this decision has been left to local government 80 per cent of the people are served by councils sitting at night. That is the right and proper place to leave it—in the hands of local government to determine when a council shall sit.

The Hon. M. B. CAMERON: Nothing that has been said by the Hon. Mr. DeGaris has changed my mind; in fact, it has probably, to some extent, confirmed what I thought. The Minister says that the provision was moved by a member of the Party of the Hon. Mr. DeGaris, and he is an expert in local government, if anyone is; he has been in local government for some time. I understand that this amendment was not opposed in another place; it was supported by everyone, and there was no division on it.

The Hon. D. H. L. Banfield: They represent all the people in this State.

The Hon. M. B. CAMERON: Yes. We have not got around to that yet, but it applies in the other place. There are plenty of people in the 20 per cent who cannot stand for local government. We can imagine what would happen to a person in a country town whose employer had

given him permission to attend day meetings if he made a decision on planning or something else in that council that was contrary to the wishes of the employer: he would not be standing again for local government and attending in the employer's time! There are people who are being denied the right to stand. At least, the Bill gives every person some show but, under the amendment, no-one would get a show. There are people who have been denied the right to stand, but the job of this Parliament is to make sure that we represent in this State democracy in every other wing of government, whether local government or not. I would rarely interfere with local government, but it is for Parliament to make sure that people are not denied this right.

The Hon. C. R. STORY: I am sorry the Hon. Mr. Cameron was not here when I spoke on this matter, because I covered fairly fully the argument he is now putting forward. He talks as though, by this amendment, we are going to deprive some people who serve in local government. Surely nothing was more designed to preclude some people from serving in local government than the amendment that the Government introduced to this Parliament, which was subsequently amended in another place, because it provided that councils could meet only after 6 p.m.

The Hon. M. B. Cameron: It does not say that at all.

The Hon. R. C. DeGaris: It did say that.

The Hon. C. R. STORY: It does. The Bill as it came into this Council and the Bill that confronted this Council last time—

The Hon. D. H. L. Banfield: We are talking about this Bill; you are in the past again.

The CHAIRMAN: Order!

The Hon. C. R. STORY: The Hon. Mr. Cameron has made an impassioned plea on behalf of the people who will be deprived of serving in local government as a result of the amendment now before us. I am pointing out to him that this amendment will open the way to enabling most people to serve in local government. If this amendment was not carried and if an amendment had not been moved by the Liberal Party of Australia, South Australian Division, in another place and accepted by the Government, many more people would be excluded from serving in local government, because the only people who could serve in local government, under the proposal made by the Government on two occasions, were those who could attend after 6 p.m. All those people who could not attend meetings before that time would be precluded. The Hon. Mr. Cameron so far has represented a country district in the South-East, where there are several district councils. It is the district council about which I am particularly worried, because this does not affect anyone else. Only one city council meets in the day-time, and there is not one municipality throughout the State that meets in the day-time.

The Hon. R. C. DeGaris: It affects only country towns.

The Hon. C. R. STORY: Yes; and, in the main, it affects country towns in the South-East, on the West Coast, and in the Upper North. This Council was primarily designed to look after minorities. If we are to do our job properly, we should see to it that we continue to do that. I repeat that, whatever argument we like to put up, there will always be some people who will say, "I would like to serve on the council, but the meetings are always at the wrong time." Although the Government maintains that meetings should be at night, some people will not be able to serve in local government because the meetings are held at that time. The same applies, and will always apply, to people who cannot attend in the day-time, as others cannot attend at night. However, we should ensure that not merely one person can have the stranglehold on local government and stop certain areas of the State having efficient and properly represented local government. Let us leave it to the people in their own community, because they are the ones who best know how to run their own affairs.

The Hon. Sir ARTHUR RYMILL: In my opinion, clause 7 is as good an example of political sophistry and chicanery as I have seen in my experience.

The Hon. D. H. L. Banfield: And that from a Liberal member!

The Hon. Sir ARTHUR RYMILL: That is another example of sophistry. I propose to vote for the amendment and then against the Bill, on the principles I have already expounded. I will do the best I can, and then try to do better later. Several honourable members of this Chamber have been members of local government. Our Leader admitted, modestly, to having played some part in local government; I think he was for years the Chairman of a council. I joined local government once, in 1933, about the time, I would guess, that the Hon. Mr. Creedon was born, give or take a year to two. In other words, I was in local government about the same time as the Hon. Mr. Creedon's mother was, as he now is, in Labor! Whether or not that is true I do not know, but I do know, joking apart, that several honourable members of this Chamber, including the Hon. Mr. Creedon, the Hon. Mr. DeGaris, and other excellent honourable members, have much experience of local government. They have had enough experience to realise that it is voluntary and unpaid work. It is a labour of love, dedication, duty, or however one may regard it. People who do this sort of work should not be pushed about; they should have a right to decide things for themselves.

I was in local government, off and on, for a long time from 1933. The ratepayers made a wrong choice once, and this kept me out of local government for a while; but I joined again later and was there, I suppose, for 30 to 35 years. I considered then that, although Governments would allot certain duties to us, they would tell us what we were to do within that allotment. Although the Government involved then was of my own political persuasion, I had feelings of resentment, as, indeed, I still would have.

Honourable members have heard much talk about democracy in this matter, but no-one seems to understand what it is. I think I have a clearer understanding of it than do some honourable members who have spoken. The truly democratic way in which this Bill should be worded is as follows:

Subject to subsection (3) of this section, ordinary meetings of a council must not commence on or before the hour of 10 a.m.

Then, if the majority wished, a council could vote for a meeting to commence before 10 a.m. That would be democracy, because councils would meet within the ordinary working hours of normal people. Another way would be to alter the provision referring to 6 p.m., as follows:

Ordinary meetings of a council must commence on or before the hour of 2.15 p.m. unless a two-thirds majority decides otherwise.

We get the totally opposite effect in this matter when we are told that persons cannot serve on local government during their ordinary working hours. They must perforce stay out after their ordinary working hours for the purpose of serving on local government.

The Hon. G. J. Gilfillan: Even if it takes all night.

The Hon. Sir ARTHUR RYMILL: That is so. Indeed, the Adelaide City Council has been referred to, and it

possibly sits for half the night as well as meeting during the day, because it has so much work to do. The Hon. Mr. Cameron and other honourable members have said that the present rules deny persons the right to participate in local government. But so will any other rule that is promulgated, as people work at different hours. Surely, if one is interested in entering local government, one should be entitled to decide what hours one will work. These days I live mainly in the area of the Onkaparinga District Council, which holds its meetings at 10 a.m. on Mondays. Why should it not do so if that is what it wants? Some of its members are farmers, and that meeting time suits them.

Yet we are told that we must lay down the law for the whole State. We were told that, if one person wanted a council meeting to be held at night, that must happen. Now we are told that councils must meet at night unless two-thirds of those present decide otherwise. Why is this so? Why should we not have two-thirds deciding the other way round? I cannot understand the logic of this matter, and for anyone to say that this is democracy is, to my way of thinking, ridiculous. We must encourage people to join local government, and the best way of doing so is to give them a free hand within the power delegated to them by the State Government to run their own affairs.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, and A. F. Kneebone.

Pair—Aye—The Hon. C. M. Hill. No—The Hon. A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Committee divided on the clause as amended:

Ayes (12)—The Hons. D. H. L. Banfield, J. C. Burdett, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, R. C. DeGaris (teller), G. J. Gilfillan, A. F. Kneebone, F. J. Potter, V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, Sir Arthur Rymill (teller), and C. R. Story.

Majority of 7 for the Ayes.

Clause as amended thus passed.

The Hon. C. R. STORY moved to insert the following words of enactment:

Be it enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Motion carried.

Title passed.

Bill read a third time and passed.

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 28. Page 722.)

The Hon. A. M. WHYTE (Northern): I oppose the Bill as I believe it asks for much wider powers than are necessary for the purpose claimed by the Government when it introduced the Bill. In explaining the Bill in March, 1974, the Chief Secretary stated:

This Bill then proposes that the authority, which will be renamed the Pipelines Authority of South Australia, the words "Natural Gas" being omitted from its title, will be authorised to construct and maintain or otherwise control pipelines for the carriage of petroleum which will be defined widely so as to include gaseous or liquid hydrocarbons.

That would be the understatement of the year. Indeed, the definition of "petroleum" is so wide that it covers every aspect of every pipeline or installation in this State. Although the word Redcliff was not referred to in the introduction of the Bill, I believe the Government originally desired to pass legislation to enable it to build a pipeline to cope with the Redcliff project. Had the Government stated this and designed the Bill to do just that, I can see no reason why the Bill would not be acceptable. True, no-one but the State Government wants anything much to do with the Redcliff project. Even the Commonwealth Government has been tardy about this project and the Minister for Energy (Mr. Connor) goes red every time reference is made to the word "cliff".

This Bill does not just cope with the necessity of a pipeline from Moomba to the proposed pollution project at Red Cliff Point: it deals with every installation, and every pipeline that presently exists; it covers everything from a cigarette lighter to the Stanvac oil refinery. All these aspects come within the jurisdiction of this Bill and, therefore, under the control of this State Government. I question the need for such great power. Further, I query the position of the exploration group which, should it prove a gas or oil find, will then be faced with a proposition of having to bring that petroleum (as defined, a term covering everything) to a destination for sale. Under the Bill there is only one authority that could possibly deal with that. Further, the price must be determined by this Government-appointed authority. Up to the present the oil companies have been able to handle their own affairs effectively, and they should be allowed to continue to do so. If the Government wants an authority merely to pipe gas from Moomba to Red Cliff Point, I have no objection to that, but absolute nationalisation of every installation, pipeline and gas field in the State is wrong. I see no reason to support the Bill.

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

ADJOURNMENT

At 5.12 p.m. the Council adjourned until Wednesday, September 18, at 2.15 p.m.