LEGISLATIVE COUNCIL

Thursday, March 6, 1975

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

MINING ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

FAIR CREDIT REPORTS BILL

At 2.18 p.m. the following recommendations of the conference were reported to the Council:

As to amendment No. 1:

That the Legislative Council do not further insist upon this amendment but make in lieu thereof the following amendment:

Clause 4, page 2—lines 12 to 17—Leave out definition of "reporting agency" and insert definition as follows:

"reporting agency" or "agency" means—

(*a*) a person or body of persons that, for fee or reward, furnishes consumer reports to traders; or

(*b*) a person or body of persons—

(i) that carries on the business of banking; or

(ii) whose only or principal business is the lending of money,

declared by regulation to be a reporting agency for the purposes of this Act:

and that the House of Assembly agree thereto.

As to amendment No. 2:

That the House of Assembly do not further insist upon its disagreement.

As to amendment No. 3:

That the Legislative Council do not further insist upon this amendment.

As to amendments Nos. 4 *to* 7:

That the House of Assembly do not further insist upon its disagreement.

As to amendment No. 8:

That the House of Assembly do not further insist upon its disagreement and that the Legislative Council make the following consequential amendment to the Bill:

Clause 16, page 7, lines 5 to 11—Leave out subclause (2).

and that the House of Assembly agree thereto.

As to amendments Nos. 9 *to* 13:

That the Legislative Council do not further insist upon these amendments.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the recommendations of the conference be agreed to.

The conference began on a very good note by the Attorney indicating that there was room for compromise with regard to the amendments, and this was proved during subsequent discussions and negotiations. The conference was conducted on a most amicable note and I thank the managers for the work they did. Although the managers pressed the Council's views on the amendments, the Attorney-General and the managers from another place were not easy to shift. However, a satisfactory compromise was eventually reached.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Chief Secretary's views. The conference was well conducted and, although I agree with the Chief Secretary that the House of Assembly managers were somewhat difficult to shift, we are used to that position. However, I think that they found that the Council managers were also difficult to shift from their viewpoints. I believe that a satisfactory compromise has been reached. The amendments as originally moved were based on existing legislation and seminar research that has taken place on this matter throughout the western democracies and the United States of America.

Although there was disagreement, particularly regarding the amendment to clause 4, whereby the reporting agency dealt with any exchange of information on a regular co-operative basis between any traders, the clause has been suitably amended so that we know exactly what a reporting agency is and the definition thereof, and people will know that the Act applies particularly to such agencies. The original legislation was somewhat oppressive, although the House of Assembly obviously did not think so. The existing position, whereby the retail trade as such is largely excluded from the provisions of the legislation, is satisfactory from this Chamber's viewpoint.

One Council amendment extended the original legislation to give the consumer the right to go directly to a reporting agency and check his file before the stage where he was refused credit. When one is dealing solely with reporting agencies, this provision is reasonable. As the definition of "reporting agency" has been expanded, it means that a consumer has the right to go to other people, not specifically reporting agencies, to check his credit file. The Council offered a compromise in this respect which seemed to worry the House of Assembly managers and which was not at this stage accepted. However, I believe that the legislation ought to be given a chance to work and, if this provision proves to be oppressive, the Government can introduce amendments to relieve the burden of this provision from such organisations as finance corporations, companies and other credit providers.

The Hon. J. C. BURDETT: I support the remarks of previous speakers. The Council's amendments were in three main fields. The first was that we thought organisations such as retail traders that engaged in co-operative reporting of some sort to each other should not be included in the provision relating to credit reporters. The House of Assembly managers agreed with the Legislative Council's managers that they should be excluded.

The Council's second field of interest was that it wanted, generally speaking, to put the onus on the credit reporting agencies and not on the trader. The House of Assembly also agreed with us on this matter. Thirdly, we were perturbed about the powers of inspectors appointed by the Prices and Consumer Affairs Branch in relation to traders as opposed to credit reporters. On this matter, we agreed with the House of Assembly managers that, in order to make the Bill work, and to ascertain whether or not an offence had been committed, it was necessary to allow inspectors access to traders' books. It would be fair to say that the Council's main interest has been to ensure that credit reporting does not stop so that it will be possible for people to continue getting credit in the proper circumstances. The compromise that has been arrived at has achieved that end. I agree with the Chief Secretary that there was a spirit of compromise, and I must say, in all fairness, that the House of Assembly managers were willing at the outset to extend the invitation to compromise. I support the motion.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

LOAD LIMITS

The Hon. R. C. DeGARIS: Has the Minister of Health, representing the Minister of Transport, a reply to my recent question regarding load limits?

The Hon. D. H. L. BANFIELD: The Road Traffic Act makes provision for the Road Traffic Board to grant an exemption to carriers of primary produce subject to the requirements of road safety. The board has conducted a survey of vehicles carrying grain to silos throughout the State to ascertain the size and condition of such vehicles and the weight of the loads involved. The data is currently being collated and analysed, and it is expected that a policy based on this data will be framed by the end of March.

The braking regulations which were adopted on July 1, 1974, were subsequently deferred to July 1, 1975, to allow more time for the fitting of brakes to trailers as a result of a shortage of components and labour. However, it will be necessary for all classes of trailer, and so on, that are referred to in the regulations to be fitted with braking equipment as from July 1, 1975.

DEMAC SCHOOLS

The Hon. M. B. DAWKINS: On February 18, I asked a further question, following my inquiries in November last, in relation to Demac schools. Has the Minister of Agriculture a reply?

The Hon. T. M. CASEY: As the result of action taken by my colleague, the Minister of Works, the honourable member will now be aware that arrangements will be made for Parliamentarians to inspect the production process by which Demac school buildings are produced and also see some of the buildings on site on Thursday next, March 13.

DARWIN RELIEF FUNDS

The Hon. V. G. SPRINGETT: Before asking a question of the Chief Secretary, I seek permission to make a short statement.

Leave granted.

The Hon. V. G. SPRINGETT: My question is addressed to the Chief Secretary, representing the Treasurer. My attention has been drawn to the fact that about $50 000 000 has been made available by the Commonwealth Government for use in Darwin. Further, many charitable groups have been collecting money, although admittedly in small sums, but the total is quite considerable. Can the Treasurer inform me what arrangements are made to ensure that those who have the greatest need are being helped and that those who are not so much in need are not receiving the same degree of help? My question is prompted primarily by the fact that a few days ago I met the members of a family who were going back to Darwin and who had been offered 60 per cent of the value of their house. Obviously, they were unable to accept that because it was inadequate to allow them to rebuild.

The Hon. A. F. KNEEBONE: I will be pleased to convey the honourable member's question to the Treasurer and I shall bring down a reply as soon as possible.

MEDIBANK SCHEME

The Hon. C. M. HILL: As the Minister of Health indicated this week that, whilst agreement had been reached between South Australia and the Commonwealth in relation to the Medibank scheme, the actual agreement had not been signed, can he say whether a date has been fixed for the signing of the agreement?

The Hon. D. H. L. BANFIELD: No date has yet been fixed.

SALINITY

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my recent question regarding salinity in the Murray River?

The Hon. A. F. KNEEBONE: The Minister of Works has informed me that a check has been made with the State Rivers and Water Supply Commission, which has advised that there have been no controlled releases to the Murray River from Lake Hawthorn. It is proposed to pump all water to the inland evaporation basin while present river conditions persist.

WHEAT INDUSTRY STABILISATION ACT AMENDMENT BILL (BOARD)

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Industry Stabilisation Act, 1974. Read a first time.

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

That this Bill be now read a second time.

Honourable members will no doubt recall that the principal Act, the Wheat Industry Stabilisation Act, 1974, was enacted into law shortly before the Christmas adjournment of this Council. This Act was, as was indicated at the time, based on a model "uniform" Bill prepared by the Parliamentary Counsel of the Commonwealth. This course was adopted so as to secure a high degree of uniformity as between the State Statutes that support the Commonwealth law that continued the Australian Wheat Board in operation.

Since the principal Act was enacted the Australian Wheat Board has indicated to the Government that there appears a need for certain modifications to the measure in the light of particular circumstances of its activities in this State. In fact, these modifications, in terms, appeared in the Wheat Industry Stabilisation Act, 1968, a measure substantially the same as the principal Act but which related to the activities of the board during the period 1968-74. The Government accepts the contention of the Australian Wheat Board and this Bill is accordingly placed before this Council.

Clause 1 is formal. Clause 2 differs somewhat from the ordinary commencement provision and is intended to ensure that the Act presaged by this Bill shall be deemed to have come into operation on the day the principal Act came into operation or was deemed to have come into operation. Honourable members will recall that the coming into operation of the principal Act was expressed to coincide with the coming into operation of the Commonwealth Act continuing the Australian Wheat Board in operation. Clause 3 amends section 15 of the principal Act, first, by substituting for the present subsection (4) which refers to "registered crop liens" a subsection in similar form that makes reference to "registered bills of sale" since registered crop liens are not a feature of the law of this State. Secondly, three new subsections, namely (6), (7) and (8) are proposed to be inserted which provide for the deduction of charges payable to the South Australian Co-operative Bulk Handling Ltd. for storage and handling of wheat. As has been indicated, both of the amendments proposed by clause 3 are, in terms, the same as provisions which existed in the 1968 wheat industry stabilisation legislation.

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

STATUTE LAW REVISION BILL (VARIOUS)

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

This Bill, if accepted by Parliament, will bring the programme of Statute revision and consolidation closer to the stage when the proposed publication of a revised edition of the consolidated public general Acts of South Australia, in bound volumes, will become a reality. The Government has given a high priority to the programme for the revision and consolidation of the Acts of Parliament and already most of the Acts, which are in constant demand and have been extensively amended, have been consolidated and reprinted in pamphlet form.

However, work has at the same time been carried out on the other Acts and it is hoped that it would soon be possible to bring out (in volumes) a revised edition of the consolidated Acts from 1836 to 1975. The realisation of this hope depends on a number of factors, the most important of which is the fixing of the "cut off" date for the edition. This means that each existing Act must be, or must have been, examined with a view to preparing necessary corrective legislation which must be prepared, passed by Parliament, and in operation before that date. The cut-off date must be the last day of a calendar year and each postponement of that date, therefore, means a delay of another year.

Moreover, each such postponement involves the examination and revision of a considerably greater number of Acts than the number of Acts passed in that year, because the vast majority of Acts either refer to, or are referred to in, other Acts and each of those references has to be researched, examined and dealt with, as the case requires, by incorporation into other Acts, corrective legislation, or annotation. Every unamended Act also has to be examined for out-of-date and obsolete references and dealt with in the same way and with the same degree of care as every amended Act.

The work also involves a continual revision of all Acts that have been prepared for consolidation and republication, and a regular examination of, and research into, the *Gazettes* for information concerning the commencement and application of Acts and for proclamations, regulations and other subordinate legislation amending or affecting Acts. Information must be sought and obtained from appropriate sources as to whether regulations affecting Acts have taken effect and whether they are still subject to disallowance by Parliament and decisions must be made whether such regulations can and ought to be incorporated as amendments of those Acts or dealt with by corrective legislation or editorial annotation. Many amending Acts have "homeless" provisions (that is, substantive or transitional enactments which have no home as such in their principal Acts) which therefore are not incorporable in consolidations of those principal Acts. Those provisions must be carefully researched to ascertain whether they are exhausted and can be repealed or whether they are still fully or partially operative, in which case they are dealt with by corrective legislation or editorial annotation.

Although the need for the consolidation of the Acts is, and will continue to be, a continuing one, the Government's primary aim is to reach the stage when a revised edition of the consolidated public general Acts, in bound volumes, will be ready for publication. This in itself is a task of great magnitude and, when that stage is reached, it is estimated that well over 2 000 Acts amounting to over 20 000 pages of legislation (excluding subordinate legislation and related material in *Gazettes*) would have been examined and dealt with. Each page of legislation would have been read and checked at the different stages of its preparation for printing no less than four times. In addition, each Act would have been read and checked as often as it would have been revised or proof printed after the incorporation of corrections, amendments and annotations. It would be no exaggeration to state that the new edition, when it comes off the press, after taking into account the number of revisions, checks and rereadings, would have involved well over 90 000 pages of reading alone. Already several thousands of pages have been prepared for consolidation and, when the cut-off date is reached, those pages will have to be revised, updated, reprinted, rechecked and read again for inclusion in the new edition.

Because of the volume and diversity of the work involved in this programme, the Commissioner (within the meaning of the Acts Republication Act), who has never received any professional legal assistance in this work, has been obliged to depend entirely on such legal research and such administrative and clerical assistance as the staff of the Statute Revision Office is able to provide. The members of that staff (which at present consists of one base-grade clerk and two office assistants) have received their training and experience under his tuition and guidance or under the tuition and guidance of the clerk who is the most senior and experienced member of the staff. The Government had hoped that December 31, 1974, might have been the cut-off date for the new edition, but the programme has been delayed by frequent movement of staff from the Statute Revision Office, necessitating interruption of the programme for staff training and by other causes beyond the Commissioner's and the Government's control. If no further delays are experienced, it is hoped that the cut-off date will be December 31, 1975.

This Bill, which will facilitate the programme of consolidation of the public general Acts, makes consequential and other amendments to, corrects errors in, and removes inconsistencies and anomalies from a number of Acts without altering policies and principles that have already been endorsed by Parliament. It also repeals two Acts that are no longer relevant and will never be invoked for the purposes for which they were enacted. These Acts are listed in the first schedule to this Bill and, so as far as the Acts listed for amendment in the second schedule are concerned, every precaution has been taken to ensure that no amendment to any Act changes any policy or principle that has already been established by Parliament.

Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed by some other Act before this Bill becomes law. This is a possible eventuality, and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect. Clause 3 (1) provides that the Acts listed in the first column of the second schedule are amended in the manner indicated in the second column of that schedule and, as so amended, may be cited by their new citations as specified, in appropriate cases, in the third column of that schedule. Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is (before this Bill becomes law) repealed by some other Act or amended by some other Act in such a way that renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill. I have already referred to the reasons for repealing the Acts listed in the first schedule. I shall now explain the amendments in the second schedule to the Bill.

Health Act, 1935-1973: The amendment to section 112 (1) is a grammatical one. The amendments to sections 145a (3) and 146 (5) strike out obsolete references to section 165 of the Social Welfare Act which dealt with the licensing of lying-in homes. The amendments to section 149 correct a drafting error.

Holidays Act, 1910-1973, and Holidays Act Amendment Act, 1958: The amendments to these two Acts arise out of the provisions of section 2 of the Holidays Act Amendment Act, 1958 (Act No. 29 of 1958), as amended, which provides as follows:

(1) This Act shall come into operation on a day to be fixed by the Governor by proclamation.

(2) A proclamation bringing this Act into operation shall not be made until the Governor is satisfied that arrangements which will operate generally throughout the State have been made and will be carried out for keeping savings banks open until 5 o'clock p.m. on every Friday which is not a bank holiday.

(3) If, after this Act has been brought into operation, arrangements as mentioned in subsection (2) of this section cease to operate the Governor may, by proclamation, declare that the principal Act shall thereafter have effect as if this Act had not been passed.

The 1958 amending Act goes on to enact and insert in the principal Act: (*a*) a new section 3b which provides that, after the passing of that amending Act, the several days mentioned in the third schedule shall be bank holidays; and (*b*) the third schedule, which specified only Saturday as the bank holiday to which section 3b refers. The only provision of the 1958 Act which cannot be incorporated in the principal Act but which is still a substantive provision of the statute law is section 2 (3), the remaining provisions of the 1958 Act having become exhausted or incorporated in the principal Act. That subsection (as I have quoted it) confers on the Governor (if the arrangements referred to in subsection (2) of that section cease to operate) power by proclamation to declare that the "principal Act", as it then was, shall have effect as if the 1958 Act had not been passed. The only amendments to the principal Act made by the 1958 Act were the enactment of section 3b and the third schedule which, together, have the effect of appointing Saturday as a bank holiday until action is taken under section 2 (3) of that Act, and the intention of that subsection was to provide some machinery whereby Saturday would cease to be a bank holiday as from a date subsequent to the proclamation.

However, as that subsection is still alive and in force, it would be necessary to republish as a separate Act the 1958 amending Act (of which the subsection is a provision) unless the subsection was repealed and a suitable provision, which would achieve the same intention, was inserted in the principal Act. The Holidays Act Amendment Act, 1958, is accordingly amended by striking out section 2 (3), and the Holidays Act, 1910-1973, is amended by adding to section 3b a new subsection (2) which provides that, if it appears to the Governor that the arrangements referred to in subsection (2) of section 2 of the 1958 amending Act have not been, or are not being, observed or complied with, the Governor may by proclamation, declare that, on a day specified in the proclamation, section 3b and the third schedule of the principal Act shall cease to have effect, and that section and schedule shall cease to have effect accordingly. Approval by Parliament of these amendments will preserve the intention of that provision of the 1958 Act without rendering it necessary to republish the whole of that Act for the sake of section 2 (3) only of the Act.

Justices Act, 1921-1974: The amendments to section 33 (1) alter the references to an institution within the meaning of the Social Welfare Act to references to a home within the meaning of the Community Welfare Act. The amendment to section 57a (10) continues the reference to a child within the meaning of the Juvenile Courts Act, 1941, to a child within the meaning of any corresponding subsequent enactment.

Motor Vehicles Act, 1959-1974: The amendment to section 4 is consequential on the enactment of section 71aa by Act No. 51 of 1974. The amendment to section 66 (3) strikes out a passage which became superfluous upon the amendment of that section by Act No. 143 of 1972. The amendment to section 70 (5) is consequential on an amendment made to that section by Act No. 143 of 1972. The amendment to section 83c corrects a grammatical error. The amendment to section 99 (1) up-dates the definition of "Minister". The amendment to section 119 (1) is consequential on the amendment to section 119 by Act No. 39 of 1971.

Pawnbrokers Act, 1888-1973: The first schedule of this Act consists of various forms for use under the Act. Form II (pawn ticket) was amended by section 4 of the Pawnbrokers Act Amendment Act, 1950, and by sections 6 (1) and 6 (2) of the Decimal Currency Act, 1965. Unfortunately, some of the amendments that are conversions to decimal currency are inappropriate or inaccurate, and need to be revised and up-dated to be meaningful.

The first amendment strikes out the first paragraph of the form of pawn ticket for a loan of $1 or under and inserts in its place a simplified and more up-to-date paragraph. The second amendment similarly replaces the first paragraph of the form of pawn ticket for a loan of above $1. The third amendment replaces the second paragraph of the form of pawn ticket for a loan of above $1, as one of the amendments to that paragraph made by the Decimal Currency Act did not fit, and a re-enactment of the paragraph has become necessary to cure that defect.

The fourth amendment is one that had been omitted from the Decimal Currency Act. The fifth amendment up-dates the first paragraph of the form of special contract (No. VII).

Pistol Licence Act, 1929-1971: The amendment substitutes for the reference in section 20 to the Fauna Conservation Act, 1964, a reference to the National Parks and Wildlife Act, 1972, which repealed the Fauna Conservation Act.

Police Regulation Act, 1952-1973: The amendment merely substitutes for the reference to the Public Service Act, 1936-1951, in section 12 (3) a reference to the Public Service Act, 1967, as amended.

Prevention of Pollution of Waters by Oil Act, 1961-1972: This amendment merely strikes out a superfluous "and" in section 13 (1).

Prices Act, 1948-1973: This amendment is consequential on an amendment to section 5 of the Prices Act by the schedule to the Urban Land (Price Control) Act, 1973.

Prohibition of Discrimination Act, 1966-1970: The amendment to section 2 substitutes for the definition of licensed premises, which became obsolete when the Licensing Act, 1932-1964, was repealed, a new definition which attracts the provisions of the Licensing Act, 1967, as amended. The amendment to section 5 (1) is also consequential on the enactment of the Licensing Act, 1967.

Public Parks Act, 1943-1969: Section 5 of the Act, as it stands, refers to the Compulsory Acquisition of Land Act as the Act which governs the acquisition of land for the

purposes of the Public Parks Act. It is a suitable opportunity to substitute the procedures under the Land Acquisition Act to govern the taking of land, and the accompanying schedule repeals section 5 and enacts in its place a new section which applies the Land Acquisition Act to the acquisition of land under the principal Act.

Public Supply and Tender Act, 1914-1972: The amendment to section 5 (1) strikes out the outdated references to the South Australian Harbors Board and the Irrigation and Reclamation Works Department and substitutes a reference to the Minister of Marine and more appropriate wording, while the second amendment is consequential on the first amendment. The amendment to section 5 (2) strikes out the reference to section 58 of the South Australian Railways Commissioner's Act, 1887, and substitutes for it a corresponding provision of the South Australian Railways Commissioner's Act, 1936, which repealed the 1887 Act.

Red Scale Control Act, 1962-1967: The amendments to section 6 substitute the expression "Electoral Commissioner" for the expressions "Returning Officer for the State" and "Returning Officer of the State". The amendment to section 14 makes a conversion to decimal currency.

Registration of Dogs Act, 1924-1971: The amendments to section 18 are consequential on amendments made to that section by Act No. 40 of 1957. The amendments to section 20 (3) are consequential on the amendments to the fourth schedule to the Act which were made by Act No. 40 of 1957, section 4. As presently enacted, the fourth schedule to the Act is inconsistent with paragraph II of the proviso to section 20 (3).

Roads (Opening and Closing) Act, 1932-1946: Subsections (1), (1a) and (2) of section 11, as enacted by Parliament, prescribe various fees to be paid to the Surveyor-General. These fees have been varied from time to time by regulations made under the Fees Regulation Act, 1927. On previous occasions the attention of the Government and of Parliament has been drawn to the difficulties and confusion that result when the amount of a fee prescribed by an Act is varied from time to time by regulation and, in particular, by regulation under the Fees Regulation Act. Parliament has, in other legislation, accepted the principle that, where fees are to be prescribed for the purposes of an Act, they be prescribed and varied by regulations made under that particular Act rather than that fees prescribed by an Act should be variable by regulation. The Act already contains, in section 28, a general regulation-making power for "prescribing all matters and things which may be necessary or desirable for giving effect" to the Act, and the proposed amendments to subsections (1) (1a) and (2) merely provide that the amounts of the fees payable thereunder to the Surveyor-General are to be prescribed by the regulations made under the Act itself. This would make regulations under the Fees Regulation Act unnecessary, and the only relevant regulations would be those made under the principal Act. However, as a transitional provision, a new subsection (2a) is proposed to be inserted in section 11 which will provide that, unless regulations providing otherwise have been made under the principal Act and have effect, the amounts of fees respectively payable under the provisions of subsections (1), (1a) and (2) of section 11, as varied by regulations made under the Fees Regulation Act, 1927, and in force immediately before that new subsection comes into force, shall continue to be the fees respectively payable under those provisions. The proposed amendment to section 11 (4) substitutes a reference to the Director of Planning for the reference to the Town Planner. The proposed amendment to section 19 (4) makes a conversion to decimal currency.

Sale of Furniture Act, 1904-1961: The amendment to section 4 strikes out the reference to the Minister of Industry and substitutes in its place a reference to "the Minister". This change will attract the denition of "Minister" in the Acts Interpretation Act and avoid further amendment of the Act in case the administration of the Act is committed to any other Minister in the future. The opportunity is also taken to include the necessary conversion to decimal currency in section 9.

Sandalwood Act, 1930-1949: Section 1 of this Act provides, *inter alia,* that it is incorporated with the Crown Lands Act, 1929, which contained a definition of "Commissioner" as the Commissioner of Crown Lands who became the Minister of Lands, and in 1968 the definition of "Commissioner" was struck out from the Crown Lands Act and a definition of "the Minister" as the Minister of Lands was inserted in that Act. In the Sandalwood Act there are several references to "the Commissioner" in sections 5, 6, 8 and 9, and one reference to "the Minister" in section 7 (2). There seems to be no doubt that both expressions refer to the Minister of Lands, and the references to the Commissioner should be altered to "the Minister" in order to attract the definition of that expression in the Crown Lands Act with which the Sandalwood Act has always been incorporated. The amendments to the Act are designed to achieve this result, and the opportunity has also been taken to make the necessary conversions to decimal currency.

San José Scale Control Act, 1962-1967: The amendments to section 6 substitute the expression "Electoral Commissioner" for the expressions "Returning Officer for the State" and "Returning Officer of the State". The amendment to section 14 corrects a grammatical error and makes a conversion to decimal currency.

Sewerage Act, 1929-1974: The amendment to section 66 (1) is consequential on the repeal of the Education Act, 1915, and the enactment of the Education Act, 1972, and substitutes more appropriate wording for the reference to the repealed Act of 1915. The amendment to section 68 is consequential on the amendment to section 13 of the principal Act by section 5 (*a*) of Act No. 40 of 1974, by virtue of which the power to make regulations was transferred from the Minister to the Governor. The proposed amendment would make section 68 applicable to any regulations whether made by the Governor or previously made by the Minister.

Statute Law Revision Act, 1973: The amendment to the second schedule of this Act is consequential on the repeal of the Business Agents Act, 1938, and its amendments, by the Land and Business Agents Act, 1973.

Statutes Amendment (Public Salaries) Acts of 1955, 1957, 1959, 1960 (No. 2), 1963, 1964, 1965, and 1967: These Acts are amended by the repeal of sections that have amended other enactments which have since been repealed or which relate to past matters and events and are no longer relevant.

Supreme Court Act, 1935-1974: The amendment to section 50 substitutes for the reference to the Companies Act, 1934, a reference to the Companies Act, 1962, as amended, or any corresponding previous enactment, and the amendments to sections 82 (4) and 84 (2) substitute for references to the Public Service Commissioner references to the Public Service Board.

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

CORONERS BILL

Second reading.

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

That this Bill be now read a second time.

It is intended to re-enact and codify the law relating to coroners in this State. As honourable members are no doubt aware, early last year Mr. K. B. Ahern, a practitioner of the Supreme Court, was appointed City Coroner, and much of this measure arises from Mr. Ahern's suggestions together with an examination by the Government's advisers of some modern trends in the law relating to coroners.

Clauses 1, 2 and 3 are formal. Clause 4 repeals the Acts specified in subclause (1), and subclause (2) provides for the present occupant of the office of City Coroner to become the first State Coroner under the legislation now proposed. Clause 5 makes clear that this measure is to be a code relating to coroners and any other rules of practice or procedure with respect to the conduct of inquests are by force of this clause excluded. Clause 6 sets out the definitions necessary for the purposes of this Act.

Clause 7 provides for the appointment and salary of the State Coroner, and clause 8 makes similar provisions for the Deputy State Coroner. Clause 9 provides for the delegation of the functions, powers and duties of a State Coroner to a Deputy State Coroner. Clause 10 makes further provision for the exercise by the Deputy State Coroner of the powers and functions of the State Coroner. Clause 11 makes provision for the appointment of coroners at large. Clause 12 sets out the circumstances in which an inquest may be held and I would commend it to honourable members' particular attention.

Clause 13 sets out the powers of a coroner in relation to inquests and again I would commend it to honourable members' attention. Clause 14 is a most important clause, in that it provides that the State Coroner may hold an inquest or direct another coroner to hold an inquest if he considers it necessary or desirable or if he is directed by the Attorney-General so to do. Subclause (2) of this clause limits the power of a coroner, other than the State Coroner, to hold an inquest to circumstances where he is directed to hold an inquest by the State Coroner or the Attorney-General.

Clause 15 re-enacts a traditional restriction on medical practitioners acting as coroners or in any other official capacity at an inquest into the death of a person in any case where they have previously attended that person in their professional capacity. Clause 16 sets out the formal powers of a coroner in relation to inquests. Clause 17 makes clear that an inquest may be held into the death of a person without a view being taken of the body of the person. Clause 18 provides that inquests shall be generally open to the public. Clause 19 continues in operation the previous law that in this State it shall not be necessary for the coroner to sit with a jury.

Clause 20 is formal and self-explanatory, as is clause 21. Clause 22 provides that the coroner in his inquest will not be inhibited by the necessity of complying with legal forms and technicalities but may inform himself by reference to the best evidence available. Clause 23 provides for evidence to be given by affidavit, but subclause (2) of this clause provides that a person who has given an affidavit may be required to appear to give oral evidence. Clause 24 is formal and self-explanatory, as is clause 25. Clause 26 continues in operation, substantially, the present law in this State in that the coroner is not required or indeed permitted to make findings suggesting civil or criminal liability on the part of any person. Clause 27 is formal and self-explanatory, as is clause 28.

Clause 29 enables warrants to be issued by the State Coroner for the removal of bodies from this State to another State or Territory. Clause 30 is formal. Clause 31 re-enacts a provision in existing legislation and is self-explanatory. Clause 32 protects the coroner and persons acting in pursuance of the proposed law from personal liability. Clauses 33 and 34 are formal, and clause 35 enables the State Coroner to make rules in relation to the matter specied in subclause (2) of this clause.

The Hon. J. C. BURDETT secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill provides for the repeal of section 270 of the Crown Lands Act, 1929, as amended. This repeal is entirely consequential on the enactment of section 79 in the Real Property Act by a Bill that is before the Council this afternoon.

The Hon. A. M. WHYTE (Northern): As the Minister has said, this short Bill repeals section 270 of the Act, which provides:

> The Registrar-General shall, at the request of the Minister, on being satisfied that any Crown lease or agreement has either been lost or destroyed, issue a provisional copy of the lease or agreement at the cost of the applicant, which shall be valid and effectual for all purposes as if it were the original lease or agreement.

That power is being transferred to section 79 of the Real Property Act. As that is all this Bill does, I see no reason why it should not be sped on its way.

Bill read a second time.

In Committee.

Clause 1—"Short title."

The Hon. C. R. STORY: It seems that we are hurrying things along a little, considering that we have a long time between now and Christmas. I do not think it is right that we should be debating a House of Assembly Bill immediately, and I do not think there is a Legislative Council Bill on honourable members' files.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment. Committee's report adopted.

REAL PROPERTY ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It is related to the Crown Lands Act Amendment Bill, with which the Council has just dealt, and probably it would have been preferable for it to have been dealt with before that Bill. However, this is the order in which the Bills came from the other place, so they were placed in this order on the Notice Paper. This short Bill provides for a number of quite disparate amendments to the principal Act, the Real Property Act, 1886, as amended. Clauses 1 and 2 are formal. Clauses 3, 4 and 5 together provide for the delegation by the Registrar-General of some of his powers and functions to any officer or clerk below the position of Deputy Registrar-General and for the exercise and performance of these powers and functions. It

is hoped that, by judicious use of this power, delays in the formal registering of instruments will be shortened without the necessity of appointing further deputies of the Registrar-General.

Clause 6 repeals section 23 of the principal Act and re-enacts the substance of that section, which was expressed in somewhat archaic language, in two new sections, 23 and 23a. No change in principle is effected, but the procedure to be followed by the Treasurer in paying out moneys held in trust has been greatly streamlined and simplified. Subclause 23a (2) merely validates a payment by the Treasurer which by an oversight was not made in accordance with existing procedure. Clause 7 merely recognises the fact that under the proposed new system of storing certificates of title the certificates are not being bound in register books but are merely filed in special binders and secured by clips. It is thought that in this section, section 48 of the principal Act which deals with this practice, the use of the term "bind up" is therefore inappropriate and it should be replaced with the word "file".

Clause 8, which amends section 51 of the principal Act, really flows from the amendment proposed to section 21 by clause 5 which authorised officers, having an appropriate delegation, to apply the seal of the Registrar-General to documents. In aid of that provision, the proposed amendment provides that memorials of instruments will be authenticated under the seal of the Registrar-General rather than under his signature. One result of the passage of this amendment will be that the "mechanical" processes connected with registration will be expedited. Clause 9 is, again, intended to reduce delays in the registering of instruments under the principal Act by providing that instruments containing non-material and minor errors may be registered forthwith without the necessity for their being returned with a requisition for correction, thus delaying their registration. In addition, a power is, by this clause, given to the Registrar-General to correct patent errors of his own motion, again without the delay attendant on returning the documents for correction.

Clause 10 sets out a new procedure for dealing with the situation of the loss of the duplicate certificate of title. At present, section 79 of the principal Act provides for the issue of a "provisional" certificate of title. It is felt that the description "provisional" is something of a misnomer as it suggests that some further certificate will issue in due course. By this clause, a new procedure is set out and pursuant to it the certificate that will issue is described, more accurately, as a substituted certificate. This clause also applies the same procedure to the issue of a substituted tenant's copy of a crown lease and this will require a consequential amendment to section 270 of the Crown Lands Act. It also leaves open to the Registrar-General the power to issue a new certificate of title where he considers it appropriate in the circumstances.

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

FRIENDLY SOCIETIES 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.

This short Bill, which amends the principal Act, the Friendly Societies Act, 1919, as amended, extends the powers of the societies as defined in that Act so as to enable them to conduct child care centres. Although this amendment arises from a request from the Hibernian Society, it will, of course, have the effect of enlarging the powers of all societies under the principal Act.

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

AGED AND INFIRM PERSONS' PROPERTY 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.

This short Bill is intended to remedy an apparent deficiency in the powers of a person appointed as manager of the estate of a "protected person" under the principal Act, the Aged and Infirm Persons' Property Act, 1940, as amended. Honourable members will no doubt recall that that Act provides for the appointment by the Supreme Court of a person known as a "manager" to look after all or part of the estate of another person known as a "protected person" where, in the opinion of the court, that other person is for one reason or another unable to manage his affairs. In a recent decision of the Full Court, the court came to the conclusion that the powers conferred by the principal Act on the manager did not entitle him, as it were, to stand in law completely in the place of the protected person and in particular did not permit the manager to exercise a power, which would have resided in the protected person, to avoid a transaction entered into by the protected person on the ground that, at the time the transaction took place, the protected person was subjected to what is known as "undue influence".

Clause 1 is formal. Clause 2 amends section 25 of the principal Act which in its present form entitles the manager, subject to an order of the court, to exercise some of the powers that could have been exercised by a protected person, by providing that, subject to an order of the court, the manager may exercise all of the powers that could have been exercised by a protected person. It is suggested that an amendment in the form proposed will cure the apparent defect.

The Hon. J. C. BURDETT secured the adjournment of the debate.

INDUSTRIAL ORGANISATION (BUILDING LOANS) BILL

Adjourned debate on second reading.

(Continued from March 5. Page 2688.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I think all honourable members in this Council have some sympathy for the position in which the Trades Hall Managing Committee finds itself. Like many other organisations and individuals in the community, the committee finds itself in a desperate financial position as a result of the present economic conditions in Australia. By further examining the situation, one can say that most of the blame for the present economic conditions that have placed the managing committee in this position are the result of the Commonwealth Government's economic policy. The same sympathy that I have for the desperate financial position of the managing committee I also have for other organisations and individuals whose financial position has deteriorated, in many cases to the point of bankruptcy, as a result of the effects of inflation and high interest rates. I have special sympathy for those people whose financial position has become desperate as a result of the effects of inflation, high interest rates, and the imposition of crippling capital taxation that currently exists in many States. The people and companies comprising this group to which I have just referred are left to their own devices to solve

their financial problems. They have no control over the situation, and they have practically nowhere to turn for assistance in their plight.

The Bill provides an interest-free loan to the Trades Hall Managing Committe, requiring no repayment of capital until 1984, and provides for 40 equal annual payments of $5 000 until the year 2025. If one analyses the situation, one finds that the taxpayer will be called on until the year 2025 to subsidise the finances of the Trades Hall Managing Committee to the extent of, on my calculations, more than $500 000. In introducing this Bill, the Government tried to ensure its own impartiality and to achieve some balance between employer and employee organisations by saying that organisations representing employer groups could apply for financial assistance of up to $200 000 on terms similar to those applying to the grant to be made to the Trades Hall Managing Committee.

This dangling carrot does not impress me at all. Indeed, so far as I am concerned this provision adds points against the Bill. First, this Council must decide whether the ordinary taxpayer in the community, the person paying water and sewerage rates on his property, land tax, death duties, petrol tax and stamp duties should be forced to rescue the financial position of the Trades Hall Managing Committee. Secondly, if this method of assistance is used (asking the taxpayers to subsidise the managing committee), I pose the following question: what precedent are we establishing as a Parliament?

In his second reading explanation the Chief Secretary did not refer to any precedent for the grant that has been made in this Bill. Therefore, one must assume that there is none, and that this Bill breaks completely new ground concerning taxpayers' support for an organisation in the community. At least I can say that, having looked assiduously for a precedent, I have been unable to find one. I have examined the Bill as carefully as I can. I have examined the principle behind it as carefully as I can, and I have come to one certain conclusion: that there is no case that the Government can make, and there is no case that any member of Parliament can make, for providing taxpayer support for this organisation, nor can any case be made out for taxpayers subsidising any employee or employer organisation. As I see the position, the Trades and Labor Council and the Trades Hall constitute the focal point for the trade union movement in South Australia. The trade union movement can draw from many unionists for financial support, and, equally, from many organisations affiliated to it (I do not know the number of organisations affiliated to the council, and I do not know the number of unionists in South Australia). I want to give an example. If 100 000 unionists in South Australia each contributed 1c a week by way of levy to the Managing Committee of the Trades and Labor Council or if each member of organisations affiliated to the Trades and Labor Council contributed 50c a year, the financial troubles of that committee would be overcome. One must remember that this Bill compels South Australian taxpayers (some of them themselves in financial distress if not bankruptcy because of inflation and high interest rates or because of increases in land tax and death duties) to assist to overcome the financial problems of the Managing Committee of the Trades and Labor Council.

From what I have been told by a deputation from the managing committee that called to see me and other honourable members recently, I believe that the committee does not have the power to levy the organisations affiliated to the Trades and Labor Council, nor does it have the power to levy individual unionists. I would suggest a solution: if what I have put forward is the case, I would be willing to consider the question of legislation allowing compulsory levies on those affiliated to the Trades and Labor Council to solve its financial problem. Whilst I would philosophically oppose the idea of such compulsion on unionists nevertheless at least it is less objectionable than compelling all South Australian taxpayers to contribute a compulsory levy to the Managing Committee of the Trades and Labor Council.

I suppose one could argue that, if the unions did not wish to rescue the Trades and Labor Council from its present situation, we should not compel the unionists or unions to do so. However, as I have said, it is less objectionable to do that than to compel every taxpayer, whether or not he will draw any benefit from the Trades Hall, to solve its financial problems. In fact, I would say that the great majority of taxpayers will draw no benefit from the Trades Hall in any way whatsoever. That puts the problem in perspective.

The Bill compels the taxpayers to make a compulsory contribution to the Managing Committee of the Trades and Labor Council. If there is to be compulsion it should affect those who will directly draw a benefit from the organisations. While I am basically philosophically opposed to the idea of compulsion, the suggestion I have made has less objectionable aspects than has the idea of compelling all taxpayers to assist. I am also willing to consider any assistance to prevent foreclosure on the South Terrace property. However, I stress that that assistance cannot and should not involve the general taxpayer in South Australia; to involve the general taxpayer is not justified.

My next query, which the Government may be willing to answer (and there is probably an answer to it), is this: why did this Bill come before Parliament? I have puzzled over this question for some time, and I think I know the answer, but I would like the Government to consider it. Recently, without any special Parliamentary approval, the Government paid a trade union secretary's court costs in the Kangaroo Island dispute to the tune of $11 000. The Government did not require Parliamentary approval: it went ahead and paid the money. This was really a direct grant to the trade union movement. I dare say that, if the Government had not paid it, the union would have been forced to do so. Why did the Government not consult Parliament in that case?

I can guess at the reason, but I would like the Government to present the reason why it sees fit in this case to bring a Bill to Parliament. Over the last few weeks I have been contacted by a very wide cross-section of the South Australian public, each person expressing complete opposition to this Bill. Included in the people who have contacted me have been unionists and in one case a trade union secretary, who opposed this Bill vehemently. That opposition from the community cannot be overlooked. I have said that I believe the best interests of the union movement and the best interests of this State will be served by the continuance of an organisation representing trade unions affiliated to it. Of course, the threatened foreclosure does not make much difference to that question. Nevertheless, it is important to maintain, if possible, the Trades and Labor Council in its present position and with its present facilities.

I stress again that to call upon the South Australian taxpayers to subsidise that organisation annually until the year 2025 is unjustified. Other questions may arise in the possible solution that I am suggesting. It may require bridging finance until other legislation can be brought forward. It may require a Government guarantee to assist

until some total financing scheme can be looked at, under which levies can be imposed to solve the problem. But I cannot agree to taxpayer subsidies. So far, the Government has made no case to this Council as to why this Bill provides for taxpayer subsidies.

In conclusion, I point out that I have much sympathy in connection with the situation in which the Managing Committee of the Trades and Labor Council finds itself. And I have the same sympathy for many organisations and many individuals in a similar kind of situation in South Australia at present. However, I believe that the Government has made out no case why the taxpayer should be called on to save a certain organisation, when I believe that, with its membership, it has an easy way out of solving its financial problems. With those few remarks in the context of the Bill before us, I must oppose the second reading.

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Second reading.

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

That this Bill be now read a second time.

This Bill, which is in the usual form of a Statutes Amendment (Public Salaries) Bill, a number of which have over the past years been considered by this Council, makes an important change in the method of salary fixing. Honourable members will be aware that a Bill of this nature usually proposes amendments to a number of different Acts all of which have a common feature in that they contain provision for fixing the salary in actual money terms of holders of certain statutory offices. In the Government's view, it is no longer appropriate that the officers mentioned in the various Statutes should have their salaries determined in this way and, accordingly, the Bill intends that, in future, the salary of these officers will be determined by the Governor in the same way as the salaries of statutory office holders are determined.

Clauses 1 to 4 are formal. Clause 5 repeals and replaces section 5 of the Agent-General Act and provides for the determination of the salary and allowances of the Agent-General by the Governor. I draw honourable members' attention to proposed subsection (2) of the section enacted which provides that a determination made for the purpose of that section may be expressed to take effect on a day that occurs before the day on which the determination was made. This is simply to provide for a degree of retrospectivity in salary adjustment that is necessary when, say, cost-of-living increases and matters of a like nature must be taken into account in adjusting salaries. Clause 6 is formal. Clause 7 amends section 6 of the Audit Act and makes a provision similar to that adverted to above but in this case in relation to the salary of the Auditor-General.

Clause 8 is formal. Clause 9 makes a similar provision in relation to the salary of the Commissioner of Police; here the Act that is amended is the Police Regulation Act. Clause 10 is formal. Clause 11 provides for a determination of the salary of the Chairman and Commissioners of the Public Service Board by amendment to the Public Service Act. Clause 12 is formal. Clause 13 provides for the fixing of the salary of the Public Service Arbitrator under the Public Service Arbitration Act. Here it is pointed out that, since this office is usually held in conjunction with another office, only the higher of the salaries applicable to the offices is payable. Clause 14 is formal. Clause 15 provides for the salary of the Valuer-General by an amendment to section 8 of the Valuation of Land Act.

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

JUSTICES ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

This Bill is intended to overcome a problem that is facing the Warrants Section of the South Australian Police Force, arising from the enormous number of unexecuted warrants that are held by that section and, at the same time, opportunity has been taken to provide a little more flexibility in the procedure for pleading guilty in writing. As to the first matter, in brief, the system adopted is to retain the warrants at the various police stations in the State for about three months and then to forward them to the Warrants Section, where a central registry is established. From this section inquiries about the existence or otherwise of outstanding warrants in relation to a person can be readily answered. However, as the years go by the number of warrants that, for one reason or another, cannot be executed continues to grow and they cause problems in storage as well as physical problems in locating reasonably current warrants.

Unexecuted warrants fall into two main classes, the majority of which (over 80 per cent on a random selection) are warrants issued to secure payment of fines. The remainder are warrants of arrest in the first instance, usually for relatively minor offences. It is intended that the Attorney-General will be given the power to apply to His Excellency the Governor for an order that a warrant that has not been executed within 15 years of its issue be cancelled and destroyed. I emphasise that this does not imply that every warrant more than 15 years old will automatically be cancelled. The application of the Attorney-General will have regard to a number of matters including, in the case of a warrant for arrest in the first instance, the seriousness of the offence, the likelihood of securing a conviction after the lapse of time, and, importantly, in the case of minor offences, the social effect of an arrest on a person for an offence committed more than 15 years previously where during that period that person has not, apparently, come to the adverse notice of the police. I indicate to honourable members that systems having substantially the same effect are in force in both Victoria and New South Wales.

The second matter dealt with is an amendment to section 57a of the principal Act which sets out a procedure for permitting defendants, when charged with certain minor offences, to plead guilty by letter. This procedure has over the years since 1957, when it was first provided for, proved most convenient. However, it is only available where the complainant is a member of the Police Force or a "public officer" as defined in subsection (11) of that section. In that subsection a public officer is defined as a person acting in his official capacity as an officer or employee of certain named bodies. The amendment proposed is to allow this list of bodies to be added to by proclamation to ensure that the convenient and workable arrangement described above is open to as wide a class of defendants as possible. It goes without saying that the right of a defendant to appear personally to answer a summons is in no way affected by this section either in its present form or as proposed to be amended. Clause 1 is formal; clause 2 provides for the amendment of section

57a adverted to above, and clause 3 deals with the destruction of unexecuted warrants.

The Hon. J. C. BURDETT secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (SIGNS)

Second reading.

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

That this Bill be now read a second time.

Its purpose is to insert a penalty clause in that section of the Road Traffic Act which deals with the duty of drivers to give way at intersections and junctions. As honourable members will recall, this section was amended late last year to provide for a wider duty to give way when at a "stop" sign. As a penalty clause was inadvertently omitted, the Bill seeks to remedy that omission. Clause 1 is formal. Clause 2 provides that this Bill will be deemed to have come into operation on March 1, 1975, which is the commencement date of the Road Traffic Act Amendment Act (No. 6), 1974. Clause 3 inserts the appropriate penalty clause in section 63 of the principal Act. This clause is identical to the penalty clause previously appearing at the foot of subsection (1).

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

INDUSTRIAL AND PROVIDENT SOCIETIES 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.

This short Bill, which amends the principal Act, the Industrial and Provident Societies Act, 1923, as amended, deals with the question of shareholding in societies, within the meaning of the principal Act, from two different points of view. First, it proposes that the limitation of shareholding by any member of a society other than a member who is a registered society shall be increased from the present limit of $10 000 to such amount as is fixed by the rules of the particular society. A fixed limitation on the maximum amount of share capital that can be held in the society is necessary to ensure that the society remains a co-operative company within the meaning of the Commonwealth Income Tax Assessment Act so as to attract certain taxation advantages.

Secondly, the Bill deals with the question of the voting power of individual members of a society. Before 1966, there was no provision in the principal Act that the voting power of each member should be equal although, in fact, the vast majority of societies provided for such equality of voting power by limiting members to one vote. In 1966, an amendment was made to the principal Act to provide that, in future, all societies should provide in their rules for equality of voting rights but that societies existing before 1966 that did not have this "equality of voting" provision in their rules could maintain their position as at that time but not permit any member to increase his voting rights. At the same time, power was given to the Minister to approve a variation from this principle where it appeared reasonable. In 1974, the amendment referred to above was substantially re-enacted as a law revision measure.

In the event, the 1966 amendment as re-enacted in 1974 seems to have given rise to some inequities as between members of the societies affected by it. Accordingly, clause 5 attempts to deal with this matter. Clause 1 is formal. Clause 2 makes an amendment to section 2a of the principal Act which is consequential upon amendments proposed by subsequent clauses of the Bill. Clause 3 amends section 3 of the principal Act by providing a definition of "permissible amount" which can be recognised with the maximum shareholding that can be fixed by the rules of the society.

Clause 4 amends section 5 of the principal Act, which deals sufficiently with maximum shareholdings, and substitutes the expression "permissible amount" for the figure "$10 000". Clause 5, by inserting a new section 12a in the principal Act, provides, in effect, that in the case of "prescribed societies", as defined, no member (other than a member that is a society itself) of a society shall be entitled to exercise voting rights in respect of any amount by which his shareholding exceeds $4 000. This will not prevent such members increasing their rights in so far as their present shareholding is less than $4 000. Proposed subsection (3) of this new section makes clear that the power of the Minister is preserved to approve a departure from this principle should the particular circumstances of a society render this desirable. Clauses 6, 7 and 8 are consequential amendments.

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

SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH BILL

Adjourned debate on second reading.

(Continued from March 5. Page 2690.)

The Hon. C. R. STORY (Midland): I rise to make one or two brief observations on this Bill. I am sorry that the bird has flown, so to speak, because what I want to say is related mainly to what the Hon. Mr. Chatterton said yesterday in the Council. I thought I might give that honourable member one or two bits of advice. However, it is difficult for one to do so when one is talking to a blank wall.

The Hon. A. J. Shard: He will read them, and you will cop it back.

The Hon. C. R. STORY: Is that so? I am not worried about standing up and taking what is given to me. However, I have not had too much given to me lately.

The Hon. A. J. Shard: You will.

The Hon. C. R. STORY: I have listened to and read the speeches of previous speakers on this Bill. Prompted by what was said yesterday, I have taken the trouble to read the Bill much more thoroughly than I would normally have, since this matter really comes within the ambit of other honourable members. However, I believe that the apprehensions and doubts raised by other honourable members are well and truly justified. Why the honourable member who defended the Minister of Education waxed so eloquent yesterday and was so critical of the remarks made by the Hon. Mr. Burdett I could not, at first, understand. Having done some research, I think the Hon. Mr. Burdett got fairly close to the bone in what he said.

There are one or two matters on which the Council is entitled to have answers. First, who are to be the personnel of the proposed new council? If it is stated that it is not known what their names are, how is it that various things have been referred to an organisation and decisions arrived at even before the council has been properly constituted under the Bill? If my facts are incorrect, I should like the Minister to tell me.

I understand that the personnel of this organisation are known and that, in fact, matters have been referred to them and decisions made by them. I reiterate: has Parliament been treated with complete discourtesy, and has

this State been led up the garden path by the Government's appointing a council, under the Minister's illegal authority, after it has been constituted? I shall be pleased if I am rapped over the knuckles for this because, if what I say is incorrect, I will be agreeably surprised. However, if what I have said is correct, it is indeed a serious matter.

The Hon. M. B. Dawkins: It is an insult to Parliament.

The Hon. C. R. STORY: Not only that but also it shows how arrogant people can get when they feel secure. The Minister responsible for the administration of this Act should have learnt the lesson late last year that, when one becomes stiff-necked and tries to ride roughshod over people, one can easily be humbled. Surely, the Minister was humbled in the way he handled another matter last year.

This Bill is entirely a Government one. From the word "go", the Government gets a mention right through it. The Educational Planning and Research Council is to be set up and shall comprise, among others, a chairman, an executive director, the Director-General of Education, the Director of Further Education, the Vice-Chancellor of the University of Adelaide, the Vice-Chancellor of Flinders University, the Director of Catholic Education, the Chairman of the Childhood Services Council, the Chairman of the South Australian Board of Advanced Education, the Director of Environment and Conservation, and the Director of the South Australian Institute of Technology.

Among that group, how many are appointed to their avocations by the Government? Let us go the other way and ask how many are not, because that is much easier. When we look at the personalities holding those positions and the offices they hold, let us name the people coming from an outside body over which the Government has not got some influence. Paragraph (l) states:

Two members representative of the Directors of the Colleges of Advanced Education in this State (excluding the Director of the South Australian Institute of Technology) nominated by the Minister after consultation with those Directors.

Surely, this is an appeal from Caesar unto Caesar. First, they have been appointed, then they make recommendations. Paragraph (*m*) provides:

Two members appointed by the Governor on a nomination of the Minister made after consultation with the South Australian Institute of Teachers.

That, I think, will be as the teachers put it forward; the Minister does not often defy anything the teachers put up. Then, as provided in paragraph (*n*), we have as follows:

One member representative of independent schools appointed by the Governor on a nomination of the Minister made after consultation with the Association of Independent Schools of South Australia.

Paragraph (*q*) provides for the appointment of six other members appointed by the Governor on the nomination of the Minister. How many members of the council are people other than those over whose appointment the Minister has complete control? Yesterday, the Hon. Mr. Chatterton mentioned the Roseworthy College of Advanced Education, the agricultural college, and he said this was a rather typical grab sample of the way the Minister has appointed the personnel to that body. He mentioned various people, but the agricultural college board is quite a different matter from the council we are considering. This is a council on policy for the education of all the children in this State, whereas the Roseworthy agricultural college is a different set-up altogether. The honourable member did himself an injustice in not mentioning that he was one of the nominees of the Government, because I believe he knows what he is talking about when he is in that capacity, but with all justice to him I do not think he was doing more than whitewashing his Minister and his Government yesterday, and he did it by attempting to denigrate the Hon. John Burdett. I believe that what the Hon. Mr. Burdett said was too close to the bone for the honourable member.

Other questions do not appear as yet to have been answered. I am sure the Minister will be keen to give me a reply to the first matter I raised, as to whether or not the body has already met and made a decision on a certain matter. Secondly, we do not appear to have any idea how much money is involved in this exercise. With State finances running as they are, when funds cannot be made available to the State Bank to help the housing of young people any more than at present, and when special funds cannot be made available to the State Bank to give adequate overdraft limits to co-operative societies, it seems rather incongruous that we can set up such an organisation. We do not know how much it will cost, but it has been said by people considered to have more than just a passing knowledge of the subject that it could cost about $500 000. That is not an inconsiderable sum, especially when we have not got it, and apparently South Australia has not got it because taxes have been levied in every form in the past 12 months, including a petrol tax.

I want to know quite categorically whether $500 000 or anything approaching that sum is likely to be involved. Before it passes such legislation, which is absolutely in the hands of the Government and the Minister, the Council is entitled to know what it will cost. We would not go to the pictures without asking how much it would cost to get in. If I can get some satisfaction from that, I shall be pleased, but more especially I want to know whether Parliament has been ignored by this body having been set up and having been in operation before the Bill has passed this Parliament.

The Hon. T. M. CASEY (Minister of Agriculture): Before I reply to specific questions raised in the debate, including those from the Hon. Mr. Story and the Hon. Mrs. Cooper, I should like to recount briefly the events leading up to the Bill at present before the Council. While I commend honourable members for studying the Bill, I do not think that, in doing their homework, they have gone back quite far enough. It is all very well to criticise, but if honourable members are to criticise something, perhaps they should do a little extra homework and go right back, tracing events from their inception, and eventually reaching the stage we have reached now.

Honourable members will recall that the Premier announced in his policy speech the intention of the Government to establish a council for educational planning and research following the recommendations of the Karmel committee's inquiry. That was mentioned by the Hon. Mr. Burdett and also, I think, by the Hon. Mr. Hill. Subsequently, Cabinet approved a recommendation to establish an interim committee for a South Australian council of educational research and invited Mr. Justice Bright to convene that committee. Perhaps honourable members are confusing the fact that an interim committee is in operation with the actual council. Members of the interim committee were: Mr. Justice Bright; Professor G. M. Badger (Vice-Chancellor, University of Adelaide acting in consultation with the Vice-Chancellor of Flinders University); Mr. A. W. Jones (Director-General of Education); Mr. J. R. Steinle (Deputy Director-General of Education); Mr. Colin Thiele (Director, Wattle Park Teachers Resource Centre); Mr. Lyall Braddock, (Chairman, S.A. Board of Advanced

Education); Mr. M. H. Bone (Director of Further Education); Mr. M. D. Haines (President, S.A. Institute of Teachers); and Mr. Max Dennis (then Chairman, Public Service Board).

The terms of reference given to the interim committee were to advise the Minister of Education on:

1. The ultimate composition of the council.
2. The charter for the council and its functions, including the necessary legislation for its establishment.
3. The kind of executive groups needed to serve the council.
4. The advertising, conditions of employment, and selection of an executive director to act as chief executive officer for the council.
5. The initial size and composition of the executive research and planning group and the necessary transfers from the Education Department.

It was made clear in the letter of invitation that the new council would be concerned with long-term planning and would research matters that go across levels of education and institutions. The interim committee was set up to do these things. The interim committee met on several occasions and recommended to the Minister that the extended planning as outlined in the terms of reference be undertaken by a person who could be a suitable person as executive director of the council when it was in a position to make such an appointment under an appropriate Act. This recommendation was accepted, and applications for the position of executive director were called in newspaper advertisements in Australia and overseas.

From the applications received, the interim council selected Mr. D. J. Anders, at that time Superintendent of Educational Services and Resources in the Education Department. His academic qualifications, range of teaching experience, research capacity and knowledge of Australian and oversea education, coupled with his administrative experience, made him a very suitable choice. The recommendation was accepted and Mr. Anders, pursuant to section 35 of the Public Service Act, was transferred to duties associated with the Council for Educational Planning and Research. Mr. D. L. Matters, Principal Planning Officer of the Education Department, was subsequently seconded to assist Mr. Anders. Secretarial assistance was provided by a typiste lent from the Education Department. This small staff worked with the members of the interim committee to draft this Bill at present before the Council, and to advise in the financial arrangements that would be necessary to establish the council.

Honourable members asked what was the likely number of persons to be employed under the legislation. The interim committee has proposed, apart from the Director, a core staff of three well qualified and experienced researchers, one in the field of educational planning, one in the field of statistical, economic and demographic research, and one in the area of general investigations relating to the processes carried out in educational institutions. These would be assisted by project assistants seconded from other institutions for short periods, and by part-time or short-term research assistants. Whenever possible, it was envisaged that this core staff would collaborate with and act in co-operation with research staff employed in a variety of institutions such as the universities, Colleges of Advanced Education, the Further Education Department and the Education Department. This would reduce the duplication of some activities and would allow the council to make use of expert persons for short periods without having to employ them on a permanent basis.

The number of persons, including the part-time and short-term persons to be employed in this way, together with the essential typing and clerical staff, is not expected to exceed 30 persons when the staff is fully developed. So, 30 persons will be employed when the staff is fully developed. The rate at which the council is developed will depend on funds available and, even when it is fully developed, some of the persons employed would be people who would otherwise have been employed in the Education Department and Further Education Department. If people are on fixed salaries in the Education Department and/or in the Further Education Department and are transferred, their salaries wil be transferred from one department to another.

The sum made available in the Budget this financial year by Parliament was $250 000. That figure made some allowance for various establishment costs associated with the council. It is likely that the gross expenditure of the council will exceed that figure this financial year. However, fees for services and contributions from other bodies engaged in allied research will reduce the actual expenditure for 1974-75 to a figure below the Budget estimate. I hope that answers the questions raised by the Hon. Mr. Story. The current staff employed are an executive director, three senior project officers, one academic secretary, three project assistants, one steno-secretary, one typiste, one administrative clerk and one clerical assistant. The services of six release-time scholars are to be made available from the Education Department and the Further Education Department, and further part-time clerical assistants can be employed as required depending in large measure on the work that the council is engaged in for other institutions. For 1975-76, there is not likely to be any significant expansion in research staff other than through those employees engaged as a consequence of research grants that are obtained. Allowing for inflation and some increase in the non-research establishment, the likely cost to the South Australian Budget in 1975-76 would be comparable to this year's Budget provision. This arises from the non-recurrence of certain establishment expenses.

The Hon. Mrs. Cooper has referred to the relationship between the proposed council and the executive board. The proposed relationship is not unlike that adopted by the Australian Council for Educational Research and used successfully by that body for many years. The council would consider matters of policy and decide upon the nature and the priority of these projects. The executive board, drawn from the council, would consider the finer details and monitor the progress of the investigations and the expenses involved in carrying them out. Members of the council would be kept fully informed of all activities, and would have the opportunity to call a special meeting of the council should an important matter of policy be involved. The council itself will determine the frequency of its meetings and the precise powers it delegates to the executive. It is expected that the full council would meet at least four times in a year, and the board monthly, as do the corresponding bodies of the Australian Council for Educational Research. In this way there will be frequent opportunities for leading educationists to meet personally and discuss official matters concerning their respective institutions in a way that is not possible under any existing machinery. It is hoped that in this way the unilateral and sometimes conflicting decisions that have been made in the past will be brought into a more rational and integrated framework.

I hope that the explanation covers the points raised by honourable members. I realise, as does the Minister of

Education, that the council will determine future education policy in this State. Perhaps members opposite read into this legislation certain anomalies. However, when considering educational matters it is necessary to have educational people on the committees considering such matters, in the same way as the Hon. Mr. Burdett always believes that committees dealing with agricultural matters should be comprised of agriculturists. I agree with him, but I would like him to realise that in this field it is necessary to have as many experts involved as is possible.

The Hon. J. C. Burdett: I have never argued that.

The Hon. T. M. CASEY: I am pleased to hear the honourable member say so.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

Adjourned debate on second reading.

(Continued from March 5. Page 2690.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Most of the matters covered by this Bill have been dealt with by previous speakers, so there is no need for me to speak at length on it. This Bill extends interim control in connection with the city of Adelaide area for one year. I wish to direct some questions to the Government in the hope that I can get replies to them. As other honourable members have said, some complaints have been made to honourable members about the operation of interim control in connection with the city of Adelaide plan. Several of those complaints have been aired in this Council by previous speakers, and the Government should make some attempt to answer them. The position is unsatisfactory in connection with some of these matters.

I wish to refer to one or two complaints which have come to me and which have not been touched on by other honourable members. First, where internal alterations are to be made to a building (even alterations involving only the moving of existing partitions and where there is no alteration to the use of the building) permission is required. I am told that in many of these cases there is a wait of between four weeks and six weeks for permission, and the paper work involved in applying costs about $10. This is unnecessary and wasteful.

The Hon. R. A. Geddes: Do you think that that is why the alterations to Parliament House have taken so long?

The Hon. R. C. DeGARIS: It might be better not to raise that question, because it might cause acrimonious debate.

The Hon. A. J. Shard: It might prove that first thoughts were best thoughts.

The Hon. R. C. DeGARIS: They usually are, but I sometimes have difficulty in achieving my first thoughts. One of the problems connected with interim control is that there is no power of delegation. All the applications must be handled by the committee itself. Delegation of authority might overcome the foolish delays that occur when applications are made for permission, say, to move a partition. The other matter that has been raised with me (I think it should be aired at this stage, because this Bill extends the Act for 12 months) is that no right of appeal exists in the legislation. It has been submitted that there should be a right of appeal to the Planning Appeal Board in relation to matters where a person believes that justice has not been done. There appears to be a serious anomaly in this connection.

I ask the Government to consider the two points I have raised: first, the question of delegation of authority and, secondly, the question of a right of appeal. I have given notice that I intend to move a motion for instruction in connection with section 41 of the principal Act. However, as I have been informed that the matter I wanted to include in this Bill is contained in another Bill that has been introduced in another place and will be coming to this Council, I do not intend to proceed with the matter. My concern was that section 41 should be amended in relation to the delegation of powers to local government authorities, and that matter is now before this Council in relation to regulations.

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

LISTENING DEVICES ACT AMENDMENT BILL

Returned from the House of Assembly with an amendment.

ADJOURNMENT

At 4.31 p.m. the Council adjourned until Tuesday, March 11, at 2.15 p.m.