LEGISLATIVE COUNCIL

Thursday, March 20, 1975

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

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Aged and Infirm Persons' Property Act Amendment,
Crown Lands Act Amendment,
Fair Credit Reports,
Friendly Societies Act Amendment,
Justices Act Amendment (Warrants),
Planning and Development Act Amendment (City Plan),
Real Property Act Amendment,
Road Traffic Act Amendment (Signs),
Wheat Delivery Quotas Act Amendment (Committee).

QUESTIONS

MEDIBANK

The Hon. C. M. HILL: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon. C. M. HILL: Yesterday, the Council carried a motion criticising the Government's decision to enter the Medibank scheme. It was stated in the motion that the general standard of hospital and medical care in South Australia would suffer as a result of the Government's decision to make that move. During the debate, the Minister said that the Government agreed with the Commonwealth Government to enter Medibank although until now the actual agreement had not been signed. Also, the date of commencement of this mutual arrangement was to be July 1 next. In that debate the point was made emphatically that the Government should debate the merits of entry within the South Australian Parliament by means of the introduction of a motion by the Government in both Houses along the lines that the Government should enter the scheme. Much stress was placed on the fact that a debate of that kind would give the people of South Australia, through their elected representatives, an opportunity to express their views on all aspects of the scheme, and not specifically the matters referred to in the resolution. Has the Minister given any further consideration to the possibility of the Government's bringing down a joint resolution of that kind so that we can have a full-scale debate in Parliament on the matter?

The Hon. D. H. L. BANFIELD: The honourable member asked a similar question some time ago; there has been no change in the Government's attitude.

DAY HOSPITAL

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

Leave granted.

The Hon. M. B. CAMERON: I am sure the Minister will be aware of an article appearing in today's *News*. Briefly, it states:

A State Government hospital at Norwood has been left idle for three months because funds for staffing have not been available. Confirming this today the Health Minister, Mr. Banfield, said the Government hoped to be able to open the hospital in July. The day hospital has been designed to assist in the rehabilitation of neuro-surgery patients, paraplegics, quadraplegics and other people suffering physical incapacity. Mr. Banfield said that, if funds had been available, the day hospital could have been in use at the beginning of the year. Mr. Banfield emphasised that lack of finance had been the major cause in delaying the operation of the hospital.

First, will the Minister approach the Treasurer to obtain funds for the immediate appointment of staff; secondly, will he seek the appointment of a special committee from the Treasury to regulate spending by the Government to see that this appalling situation does not arise on a future occasion? If the Minister wants an example of where money has been misspent when it possibly could have been used for this purpose, I cite the grant to Theatre 62 and the proposal to lend money to the Trades Hall.

The Hon. D. H. L. BANFIELD: I do not know what the Trades Hall has got to do with this question, but I suppose there is a tie-up somewhere that only the Hon. Mr. Cameron would know about. I have not seen the article, but if it concerns a hospital at Norwood that has not been opened, I can say that I know of no hospital at Norwood that has not been opened. Two reporters spoke to me this morning about a ward which has been transferred to a day hospital at Northfield, and I assume that is what the honourable member is talking about, so his story is a long way out. The honourable member will also recall that the Government gave a direction some time ago that, in view of the State's financial position, services were not to be extended and additional staff was not to be appointed. The instruction was carried out. However, the direction has now been eased somewhat and very shortly we will be looking for staff. Regarding the newspaper reference to the date in July, this will also benefit as a result of the introduction of Medibank on July 1. It appears that we will be all right, and I thank the honourable member for his misinformed question.

RURAL ASSISTANCE

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to a matter of which the Minister is well aware. It relates to the Rural Advances Guarantee Act, which was designed to enable prospective settlers to take up land who otherwise would not be able to get the finance to do so. The Minister will know that a number of us over the years have had to examine proposals from settlers who were on the borderline in connection with finance. Their applications were in many cases approved by the Lands Department and the Parliamentary Land Settlement Committee for an advance from the bank under a guarantee from the Treasurer. Some of these settlers are now in great trouble because of the greatly increased interest rates. As Chairman of the committee some years ago, I asked whether the Savings Bank of South Australia and the State Bank could stabilise their interest rates. I did not get anywhere with the Savings Bank of South Australia and I am not sure about the position with regard to the State Bank. I should like the Minister, in association with the Treasurer, to look at this question to see whether such settlers, who are doing their best to advance themselves and the State, can have some relief from the high interest rates and, as a result, become viable, instead of possibly being forced to leave their properties.

The Hon. A. F. KNEEBONE: I will have another look at the matter and discuss it with the Treasurer.

BRAKING REGULATIONS

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

Leave granted.

The Hon. C. R. STORY: About three weeks ago I asked a question concerning braking regulation 602 made under the Road Traffic Act and laid on the table of this Council. I asked how many people had applied for exemption under the provisions and how many applications had been granted. I cannot decide whether I should support the disallowance of those regulations until I have the reply. Can the Minister say whether I may have it before the Council rises for the Easter break?

The Hon. D. H. L. BANFIELD: I will endeavour to get the reply for the honourable member in time.

NURIOOTPA PRIMARY SCHOOL

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply from the Minister of Education to my question about a new primary school at Nuriootpa?

The Hon. T. M. CASEY: It is expected that tenders will be called for a new primary school at Nuriootpa in about a month's time.

SAFETY

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Labour and Industry.

Leave granted.

The Hon. V. G. SPRINGETT: Although I will address my question to the Minister of Labour and Industry, it contains a component that would no doubt be of interest to the Minister of Health. My question relates to the manufacture and building of commercial refrigerators and cold storage rooms capable of being opened only from the outside. Honourable members may have read a day or two ago a report on this matter in the press whereby a person was locked in a cold store that could not be opened from the inside. Fortunately, this incident did not end in tragedy. Will the Minister ascertain what steps are being taken to ensure that refrigerators and cold stores are capable of being opened from the inside and the outside?

The Hon. D. H. L. BANFIELD: I share the honourable member's concern in this matter and I shall be pleased to discuss it with my colleague and bring down a reply.

MORPHETT VALE SOUTH-WEST PRIMARY SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Morphett Vale South-West Primary School.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 19. Page 2992.)

The Hon. F. J. POTTER (Central No. 2): I do not support the Bill as it now stands. We have heard from the Hon. Mr. DeGaris that he intends to move certain important amendments to the Bill, and I do not want to prejudge my final attitude to the measure now by saying that I will vote against the third reading, because I should like to study the foreshadowed amendments. Thus far, I have not seen them, and they are not on members' files. I believe that the Bill has been introduced by the Government in the last days of this busy additional period of the session, if not with malice aforethought, certainly with some mischievous intention on its part. I do not believe there is any need for the Bill and I think it has been introduced in Parliament for the very reasons to which the Hon. Sir Arthur Rymill referred yesterday: to cause dissension among the Opposition Parties.

The Government has said that one of the main reasons the Bill has been introduced is that we already have this system in force in the Legislative Council and, *a fortiori*, it should also be introduced for the House of Assembly. However, I am unable to accept that argument, because the vote in the Legislative Council is, first, a voluntary vote, and secondly, it is on a proportional representation system. Therefore, the non-compulsory distribution of preferences tacked on to those two matters is a different kettle of fish from introducing a voluntary preferential vote in a House of Assembly district which is not on a proportional representation system and for which the vote is compulsory. There is no comparison between the two nor has any precedent been established by the system that has been put on the Statute Book for the future election of this Chamber.

I agree with the comments made by the Hon. Mr. DeGaris that the voting system we already have for this Council for the future is not completely democratic; the system that was agreed to as a result of pressure and threats applied to this Council at the time when this matter was dealt with still requires some adjustment to make it democratic. I agree that at the present time there is a mathematical gerrymander in favour of the Government in this system. I shall look with great interest at any suggestions or amendments that may be put forward to correct that position. I do not think that this is a measure that should occupy the Council for long. If the amendments require careful study, as no doubt they will, I would be happy to see the Government stand this Bill over until we come back in June.

The Hon. A. J. Shard: If you're opposed to it, why stand it over? Why not throw it out?

The Hon. Sir Arthur Rymill: That's right.

The Hon. F. J. POTTER: That is not what I said.

The Hon. A. F. Kneebone: You said that you would oppose it at the second and third reading stages.

The Hon. F. J. POTTER: No.

The PRESIDENT: Order!

The Hon. F. J. POTTER: I did not say that I was opposing the second and third readings.

The Hon. A. J. Shard: You said you were opposed to the Bill.

The Hon. F. J. POTTER: I am certainly opposed to the Bill in its present form, but I said that I looked forward to seeing the amendments foreshadowed by the Hon. Mr. DeGaris. I have no doubt that those amendments will require careful study, and my attitude to the third reading of the Bill will depend on my attitude to those amendments. If those amendments are fairly detailed or voluminous perhaps we should have the opportunity between now and June to study them carefully. That is all I said. However, at the present time, without the benefit of looking at those amendments, I am opposed to the Bill as it stands and I would vote against the second reading of it.

The Hon. M. B. DAWKINS (Midland): I address myself to this Bill without any enthusiasm. I am pleased to be able to agree (as far as I can at present) with my friend, the Hon. Mr. Potter. On the last two occasions that we have spoken we have been on the opposite side,

so to speak, and I am not pleased to have to be like that with my immediate neighbour in this Chamber. However, on this occasion I can agree with him, and in doing so on this occasion, I am inclined to oppose the second reading. Unlike my friend, the Hon. Mr. Potter, who said that he had not seen the Leader's amendments, I have seen them, as they have been placed on file in the interim. Although I have had a chance to look at them, I have not been able to study them fully. I should therefore like to have more time to examine the amendments in detail.

The Bill sets out to implement optional preferential voting in this State for House of Assembly elections. One of the excuses used for this is that a similar system now obtains for Legislative Council elections. Like my colleagues, I believe that this is the thin end of the wedge for the first past the post voting system, which is the Australian Labor Party's policy. It is obvious, when one thinks about it, that the Labor Party has introduced this Bill providing for optional preferential voting for House of Assembly elections for its own political advantage. This type of voting was forced on the Legislative Council in June, 1973, in circumstances that all honourable members will remember. It was done under threat and with the possibility of the Council's being obliterated. I do not think the fact that the Council accepted this system of voting under duress for its own elections is a reason for its being acceptable for House of Assembly elections.

Soon, members of the Legislative Council will be elected to represent the whole State, as are Senators. Members of the Legislative Council will be elected on the list system rather than individually, as are Senators, and they will represent the whole State. On the other hand, House of Assembly members will continue to represent districts in the State, in which they will have a much more specific task and a much more localised opportunity to represent their constituents. I therefore believe that such a system would be inappropriate for the House of Assembly. Not only is it inappropriate for that Chamber but also in my view it is undesirable, in any case, to see similar types of voting for both Houses of Parliament.

I endorse the statement made by, I think, the Hon. Sir Arthur Rymill that preferential voting is not only the best and fairest but also the most accurate system of voting in the world, as it reflects the wishes of the elector. In case his first choice of candidate is not elected, the voter has a duty to indicate a second or third preference, as the case may be. We do get a better reflection of the desire of the voter from preferential voting than we do from any other system of voting in the world.

The first past the post system (and I believe this Bill is the first step in that direction in relation to House of Assembly elections) allows for a situation in which, in the Mother of Parliaments, about a 38 per cent vote can win an election. Also, a Party in England known as the Liberal Party can obtain 20 per cent of the votes and get less than 1 per cent of the seats. If that is a fair and accurate system, I have never seen one. I believe that the first past the post voting system and optional preference voting in certain circumstances (where it can be equivalent to the first past the post system) are unfair and, indeed, inaccurate forms of voting that should be avoided in this country.

I seek more time to examine the Bill in detail and to consider its implications and any possible improvements that might be made. I hope I will have an opportunity, in Committee, to contribute further to the debate. As the Bill stands at present, it is a bad Bill, in that it will lead to a gerrymander and inaccurate results that will favour a Party which has had success in the past to the extent of over 50 per cent of the votes and which at present is in office with less than that percentage of votes. That Party is merely trying to perpetuate this situation. It was my intention to seek leave to conclude my remarks, but I believe I will probably still have an opportunity in Committee to contribute further to the debate if I so desire. At this stage, I must oppose the Bill.

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

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

In Committee.

(Continued from March 18. Page 2930.)

Clause 2—"Application of 1966 amending Act."

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

To strike out "amended by striking out the passage" and insert "repealed".

By this amendment I seek to strike out section 2 of the Act which, as I said in my second reading speech, was incorporated in the legislation not by ordinary legislation coming into Parliament but by statutes consolidation legislation. It was practically unknown to the industry, and I believe it was unknown to any honourable member of the Council, with the exception of the honourable member who spoke on the measure. The effect of section 2a of the Act is to seal off the voting rights of all co-operatives as at 1966. This came about as a result of the 1966 amendments which were incorrectly drawn and which were passed by both Houses of Parliament in circumstances that were not conducive to good legislation. The amending Bill was introduced in the Lower House one evening and was passed through all stages in the Council, within 24 hours. As a result, the mistakes contained in it were not picked up.

Having been associated with the legislation for a long time, I know that the co-operatives in existence in 1966 did not want their voting rights changed. I have been through the 1864 Act and the minutes of proceedings regarding the passage of that Act, and I can find absolutely no reference to a pegging of votes in relation to co-operative societies. I read word for word the debates that took place in both Houses in 1923 when the Act was completely revised, and I can find no reference by the mover, the then Attorney-General (Sir Henry Barwell), or by the Opposition to any tag being tied on the method of voting for co-operatives. I have studied the speeches made in relation to the 1966 amendments and three amending Bills that have been introduced since then. The first move anyone has made to try to tie the voting rights of individual co-operatives was made by the Dunstan Government in 1966.

Before that Bill was introduced, I was present at a conference at which it was agreed that, because the Government had plans for the future of this legislation, those concerned would prefer a one man one vote system of voting for co-operatives. Although many of the co-operatives that were established before 1966 have that provision in their rules, about 20 co-operatives have a different voting system. It was clearly understood that any co-operatives formed before the passing of the 1966 amendments would not have their rules or voting rights interfered with. However, because of bad drafting and the Government's taking advantage of the situation, it has now been found that Hills co-operatives whose voting system has worked very well are now to have their system interfered with; this is completely wrong.

One of the reasons why the Subordinate Legislation Committee disallows regulations is that they encroach upon

rights previously established by law. The provisions of the principal Act establish by law the way in which certain co-operatives can operate. Unbeknown to anyone, this right was taken away in 1966. An unsuccessful attempt was made to correct the position in 1973, and in 1974 another attempt was made to clarify the position. However, this has not happened and now, in 1975, another attempt is being made to do so. My amendment merely puts the position back where it was before the 1966 amendments were passed and, if I can get it back to that position, I will be satisfied, as will the auditors for the co-operative company and the directors of Murray River Wholesale Co-operative Limited. If the amendment is carried, I am sure that Parliament will have fulfilled its function: to preserve the rights of people that have been previously established.

The Hon. D. H. L. BANFIELD (Minister of Health): The effect of section 9 of the Industrial and Provident Societies Amendment Act, 1966 (which was repealed and re-enacted as section 2a of the principal Act by the Statute Law Revision Act, 1973), was to restrict the voting rights of members of existing societies to the number of votes to which the members were entitled at the date of commencement of the 1966 amending Act. That provision is anomalous for two reasons: first, because it has no application to a person who became a member after 1966, with the result that, if a new member acquires, say, 10 000 shares, he would be able to cast votes in respect of all of those shares, whereas a person who was a member in 1966 would not be entitled to any further votes in respect of new shares which he acquires since that year. The new member therefore has a distinct advantage. Secondly, a person who held 4 000 shares in 1966 is entitled to votes in respect of all of those shares, but a person who held, say, 1 000 shares in 1966, but subsequently increased his shareholding to 4 000 shares, is entitled to vote in respect of only 1 000 shares. That result is inequitable.

The principle behind the enactment of section 9 of the 1966 amending Act (now section 2a of the principal Act) was to ensure that members of societies who took advantage of the increase in the maximum shareholding from $4 000 to $10 000 would not be able to exercise an unduly high degree of control over the society, to the detriment of other members who hold a smaller number of shares but nevertheless are active and loyal supporters of the society. For the reasons already given, the amendment did not achieve the intended result, and clauses 2 and 5 of the Bill now seek to remedy the anomalies that exist. Since the amendments proposed by the honourable member make the position worse than it was after 1966 by allowing members of societies established before 1966 to increase their voting rights to any extent permitted by their rules, the Government opposes the amendment.

The Hon. C. R. STORY: The position is clouded by people who bring down complicated mathematical formulae but who do not go on and read through societies' rules. The present permissible limit (and I hope it will not be altered) of shares that one person can hold in a society is 10 000. The Minister made the point that someone with 6 000 shares will exercise his voting rights and take over a whole company. However, that is so much nonsense, because, for instance, an old society established before 1966 cannot alter its rules in relation to voting rights without first obtaining the Minister's permission. That is one point. The second point is that, by their rules, the societies are under the control of a committee of seven members that must work within the framework of the society's registered rules. The committee of management has, in every one of the old co-operatives, a rule stating that the committee of management shall, in its unfettered discretion, accept or reject new shareholders or increases in shares.

It has a similar rule giving it power to withhold the withdrawal of shares from the society. If a group of people suddenly decided to have a run on the society and take out all their money, the committee of management would not have to hand over that money. The whole matter is in the unfettered discretion of the committee, so nothing can happen, as contemplated by the Minister's reply, along those lines. The committee is tied by its rules, which cannot be altered unless the Registrar of Companies accepts the rules for alteration. If he rejects them, the society must go to the Supreme Court and be heard before the court. If the court decides in favour of the company's changing its rules, the Registrar must comply.

There are many safeguards as well as a ceiling of $10 000. It is ironical that the people who wrote the reply for the Minister would put into this piece of legislation before us a new concept, a new clause, dealing with the permissible amount. At present, any society may make rules to allow a shareholder to have a maximum holding of 10 000 shares, but by the amendment incorporated here, in addition to 10 000 shares, the rules of any society may be altered to make that figure anything the committee of management of the company decides. It could be 20 000, 30 000, 40 000, or 50 000, which is described as the permissible amount. If that is not letting the show get out of hand, I do not know what is.

I am not unduly worried about it, because I know that some companies formed before 1966 have been functioning since the turn of the century and were formed gradually during the 1920's; their committees of management have devised a system that works. For some people in Government to decide suddenly to try to bring a political philosophy to bear on the business world of the co-operatives is stretching the long bow a bit too far. I am sorry the whole matter got through in 1966, when it was put through in 24 hours. I was in the country when it was introduced into another place and passed through this place, so I did not participate in the debate. I guarantee that, if I had, I would have done everything possible to stop the 1966 amendments. They are wrong in principle and in every way, and I ask the Committee to support my amendment.

The Committee divided on the amendment:

Ayes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, 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), B. A. Chatterton, T. M. Casey, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. C. R. STORY moved:

To strike out all words after "passage".

Amendment carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—"Prescribed societies."

The Hon. C. R. STORY: This clause is rendered unnecessary as a result of the amendments to clause 2. Clause 5 was inserted in an endeavour to correct the situation brought about by the 1973 and 1974 amendments. Because it is now redundant, I ask the Committee to oppose it.

The Hon. D. H. L. BANFIELD: I register my opposition to the attitude of the Hon. Mr. Story in this connection.

Clause negatived.

Clauses 6 and 7 passed.

Clause 8—"Amendment of second schedule of principal Act."

The Hon. C. R. STORY: An amendment may be necessary to the schedule as a result of the acceptance of the words "the permissible amount", but this is a matter for the Government to consider.

The Hon. D. H. L. BANFIELD: I will have a look at the matter.

Clause passed.

Title passed.

Bill read a third time and passed.

MARGARINE ACT AMENDMENT BILL (INCREASES)

Adjourned debate on second reading.

(Continued from March 19. Page 2989.)

The Hon. C. R. STORY (Midland): I shall speak only briefly on this matter, because I know it has caused anguish to some old friends of mine, including the Hon. Mr. Shard, who says he has had enough of margarine.

The Hon. A. J. Shard: More than my quota! I have had it ever since I have been here.

The Hon. C. R. STORY: The Bill is in conformity with what was agreed when this matter was discussed previously. At a conference it was agreed that the Government should be able to lift the quotas for the manufacture of table margarine in this State to 2 100 tonnes a year. The Minister has immediately taken advantage of that, and for the first two quarters of this year a proportion of that amount will be manufactured. For the remainder of the year and until the expiration of this legislation the amount will be at the rate of 3 150 t a year. This was the proposition that I made to the Government during the long debate that took place last year—that South Australia's quota should be in line with the average consumption per capita for the rest of Australia. I know that the Minister was very cross with me about the whole matter; I think he suspected that I was having a go at him for some nefarious purpose. However, I saw in this matter a great danger to the dairying industry, and I am very pleased indeed to see that my worries were not misplaced.

At the time, I debated at length the matter of the Industries Assistance Commission's inquiring into the effect on the dairying industry of the immediate cessation of margarine quotas. Honourable members will recall that the Secretary of the Dairymen's Association of South Australia had no worries whatever, and in the early stages I could not get any enthusiasm from any of the growers' organisations. However, as time went on and the debate proceeded, more and more people came "on side". I am heartened by the fact that the debate prompted the Industries Assistance Commission to become quite apprehensive. Without my doing anything at all, I have received a communication from the commission stating that the South Australian debate was read by the commission and, as a result of the action I took then, the Chairman of the commission (Mr. Rattigan) addressed a letter to the Prime Minister of Australia asking for his assistance in seeing to it that the margarine quotas would not be removed all at once and that their removal be spread over a period. The commission asked the Prime Minister to use his good offices to see that moves such as the one made in South Australia were discouraged. That communication went to the Prime Minister on November 13, 1974—after we had debated the measure in this Council.

So, I believe that I was justified in what I said then, and I still believe that mine was the proper approach. We gave a breathing space. Even on January 1, 1976, the Minister may decide, after consultation with the Commonwealth Minister for Agriculture (Senator Wriedt), that the quota system should be kept on for a longer period than that allowed under our present legislation. Obviously, the dairy industry has run into trouble, and the Commonwealth Government will no doubt be called on to provide additional subsidies if the industry gets into further difficulty. Therefore, I believe that we were absolutely vindicated in the debate and by the actions we took.

The other point on which I should like the Minister's assurance relates to new licences. Prior to the amendments made in late 1974, this State's quota was, I think, 700 t. That was the quantity manufactured. We still have only one manufacturer in this State, and it is an interstate company that bought out two small companies, together with their quotas. Another company that has been operating in this State for a long time bought out one of our privately owned companies, which did not have a quota to manufacture table margarine when it was bought. Vegetable Oils Proprietary Limited and Adelaide Margarine Limited have been trying for many years to obtain a licence to manufacture table margarine in this State, and I believe that the time has come, now that we have increased the quota from 700 t to 2 100 t (and we are proposing to increase it to 3 150 t), for the Minister to issue additional licences.

Adelaide Margarine Limited operates a plant, and it would be only a matter of its carrying out minor modifications to the existing plant for it to be capable of going into full-scale production of table margarine. I believe that two manufacturers would be better than one, because it would provide competition. We do not want to see a monopoly. I think it would be prudent of the Minister, whether or not it is accepted, to offer to the existing margarine companies in Australia a share of the increase that is being granted, because he has already said that this would lead to increased employment. I do not think that this would make much difference, because the large interstate manufacturers would still manufacture in their own States, but the second plant operating here should have a share of the increased tonnage. If the Minister replies to me satisfactorily on that point, I shall be pleased to support the second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I thank the Hon. Mr. Story for his contribution to the debate, and I will point out one or two mistakes he has made. He said that the quota would be in operation for the first two quarters of this year. If I heard him incorrectly, I apologise. The position is that neither of the two quotas (the 2 100 t passed last December nor the expected 50 per cent increase on that quantity to 3 150 t) will come into force until April 1, which means that, in the last three quarters of 1975, a total of three-quarters of 3 150 t can be manufactured in this State from April 1 to December 31, 1975. As I said earlier, I shall be pleased to examine the Australian margarine situation and, of course, I realise that there are margarine manufacturers in this State and that there are companies operating throughout Australia. I assure the honourable member that I will consider all these matters when I come to issue the quotas.

The Hon. R. C. DeGaris: Will you be handing them over in 1976?

The Hon. T. M. CASEY: There will be no quotas in South Australia on January 1, 1976. The quotas applying from April 1, 1975, will have to be distributed and I assure the Hon. Mr. Story that I shall be doing just that.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2934.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, which really deals with four separate matters, each of which has nothing to do with the others. First, the Bill deals with certain procedural matters in connection with the payment or recovery of maintenance, and those sections seem to me to be in order. The second subject matter with which the Bill deals concerns Aboriginal reserves, about which I profess to know only very little and with which I have asked the Hon. Mr. Whyte to deal. All I can say is that at first glance they do not seem to give any cause for disquiet.

The third subject dealt with is the proposed moving of the Community Welfare Department into the establishment of child-minding centres. This is something that we could all support; even those honourable members who may be a little doubtful about whether this is a field of activity that should be undertaken by the State rather than being left to individual private enterprise. We already know that these centres care for children while their parents are at work, and they have been established by privately-run organisations and individuals and, in one or two instances, even local government has moved into this field.

The Hon. C. M. Hill: This could be a function of local government.

The Hon. F. J. POTTER: It could be a function of local government. At one time local government had the responsibility for the supervision of child-minding centres clearly within its ambit but, when we passed the Community Welfare Act in 1972, the actual control and supervision of the centres was taken away from local government and vested in the State Government through the Community Welfare Department. Since then the Australian Government (I suppose we had better get used to using that term) has suddenly provided a large sum to establish child-minding centres. This work has been done through the Childhood Services Council, and it is intended that fully-integrated services will be set up with the large amount of Australian Government funds that have been provided for this purpose.

The South Australian Government has deemed it appropriate, through the Community Welfare Department, to take part in this programme for child-minding centres and participate in Commonwealth moneys for this purpose. The department has had long experience in connection with child care matters, and it has laid down policies in connection with these services and centres. I see no objection to the department's being actively concerned in the management and running of such centres in the future, and I hope that the considerable sum that it hopes to use for this purpose will continue to be made available so that the whole programme will be successful.

The fourth matter dealt with by the Bill concerns a change in Community Welfare Consultative Councils, which were established under the 1972 Act to advise the Minister on social welfare matters as far as possible within a localised area. Something has happened in this field; namely, towards the end of 1972 the Australian Government decided that it would enter for the first time the social welfare field. It provided a large sum for dispersion through regional councils for social welfare matters. I understand that the sum allocated is vast, and I believe that one or two regional councils in South Australia have actually been set up to handle the matter of dispersing funds and advising the Australian Government on how, and in what direction, the funds should be spent. Of course, we see with this development two groups actively trying to engage in the social welfare field.

I read with great interest the lengthy debate that took place in another place on this measure. Perhaps I might sum it up by saying that I thought it was a somewhat sterile debate, not unlike the debate that has been going on about the Medibank scheme, because in some ways the State Government has decided, just as it has with Medibank, to co-operate with the Australian Government in its new social welfare programme. In summing up what the Minister of Health said (and what the Minister in charge of the Community Welfare Department in another place said), I think I can put it this way: he was saying, not in a despairing way but in a forceful and challenging way, as though it was policy, "Well, we cannot lick them, so we have to join them" in relation to the Australian Government's programme. In other words, he was saying, "Whether we like it or not, the Australian Government is in the social welfare field. The money is there, it will pour forth, and we want it. We want it to be in the programme and, for the sake of the people of South Australia who are requiring the social welfare benefits that it will bring, we have just got to be there. If we are not, we will see set up alongside our own State welfare activities a competitive scheme in which we will have no say and which will cut across the work that we are trying to do. It will be financed in a way that we cannot possibly hope to finance from our own resources."

This Bill proposes that we should use the machinery methods established under the Community Welfare Act, and co-operate with the Australian Government through its assistance plan. We will co-operate with the regional councils and, in order to do this, it is intended that the Community Welfare Consultative Councils set up in a smaller and more localised way will be expanded. Their name will be changed, their numbers will be expanded, their activities will be expanded, and representatives from the Australian Government will be put on to the committee. There will be one representative of the Australian Government Minister, and members of the Australian Parliament will also be brought in as members of the committee. I gather that, by means of this expanded set-up, advice will be provided not only to the State Minister in connection with the State aspects of the programme but also to the Australian Government Minister so far as the Australian Government's programme is concerned. Having read what the Minister said, I gained the impression that he was hopefully predicting that the State tail, as it were, might wag the Commonwealth dog in this programme. Personally, I doubt whether that will happen. I rather suspect that in time one will find that the Australian Government will become very much the Big Brother. Certainly, it will be the Big Brother with the money bags, and it will thus have a dominant say in the community welfare programme.

I am inclined to agree that, in the event of a *fait accompli* as far as this work is concerned, we may as well be in it and as co-operative as we can be in the social welfare programme. We hope it will be possible for the programme to be able to be carried along, as it were, in tandem and that, as a result, the people of

this State will benefit not only from the policies and programmes of the State Government but also from the wider policies of the Commonwealth Government. I hope this works out.

It is certainly the first attempt that I can see at a co-operative programme and, as I said earlier, it is not unlike the Medibank situation, regarding which the Commonwealth Government said, "Whether or not you like it, Medibank will start. The money is there. Will you be in it or not?" This is almost the exact parallel.

I do not think I can say much more about the matter. One has merely to decide whether or not one will go along with this. I am afraid that we are at a stage in our development and history in which the person who pays the piper calls the tune. All we can hope for is that, when we are called on to dance to the tune, we may be able to create our own measure of dance at our own time and in our own way. I support the second reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

VERTEBRATE PESTS BILL

Adjourned debate on second reading.

(Continued from March 19. Page 3019.)

The Hon. A. M. WHYTE (Northern): In rising to speak to this Bill, I want to say that in all probability the Government will consider me a pest and that, if I do not do something about it, the people whom I represent will say that I have no backbone or even no guts. The Bill deals with those pests that have backbones. There does not seem to be any real accounting for that species being written into the Bill.

This is a large Bill containing 52 clauses. Although the various departments have had many months to work on the Bill and, indeed, have done much work on it, it was introduced only last evening. Although I do not believe it is possible to deal with it fully at this time, I will go as far as I can. The Bill establishes a vermin control authority, which will take over the control of vermin and wild dogs, and which is being vested with power to control all species of pests that have backbones. I wonder why, after all the years during which we have referred to these creatures as vermin, they must now be termed vertebrate pests. This suggests to me that a public servant who has a good following of staff and not much to do has had special access to these Acts, because the people who will have to contend with this legislation, and who have over the years kept the State reasonably free of pests, have always been able to recognise them as vermin. I have no worries with the Bill until I get to clause 5, which contains the following definition:

"Control" in relation to vertebrate pests upon land means:

(*a*) eradicate, or eradication of, all vertebrate pests upon the land, where that is reasonably possible . . .

That definition is fairly satisfactory, although some councils consider that, because power is vested in councils as well as in the Dog Fence Board and the new authority, any work that is done should be done to their satisfaction. Perhaps that could be provided for in the Bill. "Dingo" is defined in the Bill to include a dog that is any cross of a dingo. That meets with my approval, as the dingo population in the North of the State comprises a variety of breeds, and it may indeed be hard to find a dingo with true dingo blood and of true dingo origin. They seem to have staghound, greyhound, blue heeler, and practically every type of dog species mixed with them, and this has developed dingoes into a fairly formidable kind of dog. The definition of "permanent head" is as follows:

"Permanent head" means the permanent head within the meaning of the Public Service Act, 1967-1974, of the department of the Public Service known as the "Department of Lands".

This is a good move, as there is no doubt in my mind that, because he is the person who deals with the legislation and its requirements, the Director of Lands should be the Chairman of the new authority. Clause 8 sets out the persons who shall comprise the authority. Because the Director of Lands will also have a casting vote, the authority will consist of the Director and six other persons, not fewer than three of whom must own or occupy land on which they are engaged in the business of primary production. This is a good provision. The matter was discussed at length by the Stockowners Association, with the Pastoral Board, and with the old Vermin Board group, some of whom wished to have the Chairman of the Pastoral Board as part of the committee because he would be the man dealing with the wild-dog aspect of the new Vertebrate Pests Authority. The matter has been resolved, and I ask that his knowledge of the industry should be drawn on when the Minister is appointing the three landholders. He will know the people in this State who can give good service to the board.

Clause 14 provides that there shall be no obligation on the authority to take measures for the control of vertebrate pests on Crown land where the authority believes that the owner or occupier of adjoining land has not adequately controlled vertebrate pests on his land. It would appear that this is an easy let-out for the Crown when one considers the vast areas of land now held by the Crown in reserve for no-one knows what. Those areas were designated in the first place as flora and fauna reserves vested in the wildlife and conservation groups, but up to the present little has been done with them. I do not think they serve any good public purpose, and certainly not the purpose for which they were acquired. They can be infested with vermin, and there is no authority to commit the Crown to the eradication of the vermin. This provision is a retrograde step.

Clause 15 sets out that the authority, in the exercise of its powers and functions, shall be subject to the general control and direction of the Minister. In matters pertaining to pastoral activities, the authority should act in consultation with the Pastoral Board. I have said previously that this is an important Bill. It is all right for those who have had five or six months to study it with the assistance of their departments, but I have not had that time and I do not intend to let it go through lightly. I intend to have an amendment drafted in relation to clause 15, and I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. A. M. WHYTE (Northern): When I sought leave to conclude my remarks I was making the point that this new authority has been created to take over from the Vermin Act and Wild Dogs Act all those species which are prescribed as pests and which have backbones. I was referring to the provision in clause 15, saying that I thought that it needed an additional provision, and I have had an amendment drafted which deals with that provision. The idea behind the amendment is that, because the Vermin Board and the Wild Dogs Act have always related mainly to the northern pastoral areas, someone with a good working knowledge of those areas should be included on the authority. However, it has been argued that, if this happened and if, for instance, the Chairman of the Pastoral

Board was included on the authority, it would remove one of the three landowners, but I believe that this would be fair. This did not seem necessary. When one considers that many of the actions of the authority will not be just related to the old Vermin Board or the Wild Dogs Act but will deal more fully with the eradication of rabbits and other pests, it was considered that it was not necessary to have this person on the board. However, I seek to ensure that in all matters pertaining to the use of pastoral land and the control of dingoes the knowledge of the Chairman of the Pastoral Board should be brought into full being and that he should be consulted on all matters dealing with the eradication of dingoes and the welfare of the buffer fence. Clause 19 (1) provides:

The authority may, by notice published in the *Gazette*, declare that any separate holding of more than 10 square kilometres of land that is situated within the area specified in the notice shall be ratable land and, by further notice, amend or vary that notice.

In the past, ratable land has been calculated on the basis of an area exceeding 4 sq. miles. I point out that there are not many such cases south of Port Augusta, but those that do exist are subject to rating under the provisions of the Dog Fence Fund and the Wild Dogs Act. This has been the situation since 1953, and the rate prescribed then had a maximum of 15c. Luckily, the rate did not exceed 5c a square mile. As a result of the metric conversion, ratable land is now determined on an area of 10 square kilometres, and I am suspicious that we have just one more little gain for revenue, in that it refers to "not exceeding 10c a kilometre". Once more the conversion has gone in favour of revenue, although not to a large or to a debatable extent. However, it has been considered that, because there are not many properties exceeding 10 square kilometres, these properties should be excluded from the rate provisions. I believe something should be done in this Bill to provide for that. As there are so few properties, the expense of gathering the rate only breaks even with the sum collected. In fact, the pastoral areas could provide the same amount of revenue as is now gathered without any increased rate, and the southern portion of the State need pay no rate whatever.

The Dog Fence Act Amendment Bill, still to be dealt with, spells this out, and I believe that it should also be spelt out in this Bill. The Parliamentary Counsel has told me that a provision exists that can be invoked if necessary to deal with this. Clause 44 (1) provides:

Subject to subsection (2) of this section, the Governor may, upon the recommendation of the authority, by proclamation establish a board to discharge the duties, and exercise the powers, under this Act of two or more councils, the areas of which are contiguous.

I am sure that the Minister will explain in his summing up, what all this means, because I find it hard to accept that two councils will agree on a matter that will be dictated to them. Both the councils concerned will want to handle the matter a little differently, and there could be some misgivings about this provision. I have made clear that I believe this Bill should not have been introduced at such a late stage in any session. It has taken those compiling it almost two years to prepare, and this Council should not be asked to deal with it at such short notice. It was 1.30 a.m. yesterday when we got to the second reading.

The Hon. A. F. Kneebone: Yes, but you have had a copy of it for a couple of weeks.

The Hon. A. M. WHYTE: That does not alter the fact that the Bill had to be debated in this Council.

The Hon. A. J. Shard: That has been going on ever since Parliament began, and it will continue as long as Parliament exists, no matter what colour the Government is.

The Hon. A. M. WHYTE: But irrespective of the Government's colour, it is not a good procedure and, whether I should be on the side of the Government or not, I would not prevent anyone from fully investigating what pitfalls may be in this legislation. I support the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (MAJOR ROADS)

Adjourned debate on second reading.

(Continued from March 19. Page 3017.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, which introduces the legislation necessary to put into effect the major and minor roads system in South Australia. Honourable members will recall that I advocated a change to this system some time ago in this Chamber. I did that after I had studied the system elsewhere in Australia where it had been implemented and where, in my view, it was working successfully.

The Bill is not a long measure. It defines the "give way" line and the "stop" line, many more of which we will see at road junctions and intersections. It lays down the new rules relating to giving way at intersections and junctions and spells out the new requirements and duties to stop at "stop" signs and at "stop" lines.

I believe the introduction of this new method of traffic control will tremendously improve traffic flow on our main roads in metropolitan Adelaide and, more importantly still, it will be a great road safety measure; I think that will be proved ultimately by statistics when they are available. I wholeheartedly support the Bill.

Bill read a second time.

In Committee.

Clause 1—"Short title."

The CHAIRMAN: As we have not got a copy of the Bill, I suggest that progress should be reported.

The Hon. A. F. KNEEBONE (Chief Secretary): I have just realised the position. I seek leave for the Committee to report progress and to have leave to sit again.

The Hon. C. M. HILL: I used the copy of the Bill with which I was supplied last night in making my review of the measure.

The CHAIRMAN: I have a House of Assembly copy, and I think we can consider clause 1.

Clause passed.

Progress reported; Committee to sit again.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (APPEALS)

Adjourned debate on second reading.

(Continued from March 19. Page 3014.)

The Hon. C. M. HILL (Central No. 2): In preparing for this debate, I read a House of Assembly copy of this Bill. I believe that an amendment was moved in that place. I stress the need for more time to be allowed, so that honourable members can study this Bill, which is very important. It was introduced into this Council late yesterday, and I point out that honourable members worked until 1.32 a.m. today. No sooner had I arrived in my office this morning than I received representations regarding this Bill, and I have continued to receive unsolicited representations right up to 2.30 p.m. It is absolutely hopeless for this Council properly to consider a Bill of this kind when we are rushed to this extent.

Will the Minister place on the notice board of this Chamber a plan showing the hills face zone of metropolitan Adelaide? Of course, honourable members have some knowledge of the boundaries of the zone but, because it is an extensive area, it would be helpful if honourable members could see a plan of it. There has been considerable publicity in the past few weeks about what was said to be the principal object of this Bill. That publicity, which was promulgated by the Government's publicity experts, stated that the legislation would ban subdivision in the hills face zone. However, we now find that there is much more in the Bill than that. The matter to which I referred is only one of three main provisions in the Bill. New section 45b (2) provides:

> The Governor may, if he is satisfied upon the advice of the Director that it is in the public interest and not contrary to the provisions, principles and objects of any authorised development plan, exempt any land by proclamations from the provisions of this section.

So, it is possible for the Government of the day to exempt any portion of the hills face zone from this measure.

The Hon. F. J. Potter: The provision says "in the public interest". That is pretty restrictive.

The Hon. C. M. HILL: Yes. One wonders how that would be interpreted.

The Hon. F. J. Potter: Very narrowly, I would say.

The Hon. C. M. HILL: Yes. The representations that have been made to me today have, as honourable members would expect, come from, on the one hand, those who are interested in conservation and who strongly support the principle involved in the Bill and, on the other hand, landowners who are fearful of the financial loss they face if the Bill is passed in its present form. I can understand both viewpoints. The general approach that the city of Adelaide has the opportunity to have a beautiful setting as a backdrop is most acceptable to me. We must look at these things in the long term.

Retaining that rural effect circling the eastern boundary of Adelaide is a commendable object. On the other hand, people who own property in the area must be treated fairly in any measures introduced to achieve that object. Many of those people have no objection to the principle of the hills face zone, provided they are treated fairly. So, the problem relates to the general machinery that Parliament should institute to achieve the object.

There is no real answer to these problems other than through the Government itself (or an authority acting for the Government) ultimately acquiring land that is associated with controversial questions of this kind. After all, if the State Planning Authority ultimately acquired such land (perhaps in 20 or 30 years time) reasonable compensation would be paid to the landowners.

This morning I have been particularly concerned with one person who contacted me. He was a prisoner of war during the Second World War. By using his deferred service pay, he bought about 120 hectares in the Adelaide Hills. He is a conservationist who has set aside half his land as natural scrub on which he fosters flora and fauna. Generally speaking, his attitude is most reasonable. He claims (I think justly) that, if this Bill is passed and if subdivision is prohibited in his area, values will drop to such an extent that he will be involved in a financial catastrophe. He is finding burdensome the high rates and taxes that he pays at present, and he does not know whether he will receive any adjustment of his rates and taxes.

The only future he can foresee is for him to clear the balance (about 64 ha) of his property and use it to its optimum agricultural extent so that he can gain income from agricultural pursuits, pay his rates and taxes, and gain a living. If he proceeded in the way in which he has proceeded in the past, provided he could foresee that he could ultimately gain some capital appreciation from the sale of portion of his land, particularly the portion that does not face Adelaide, he would be content. This is one of the very serious problems facing some people in the Hills area as a result of this measure. It is my view that the Government should, first, seriously consider, in the long term, purchasing the hills face zone and to establishing an authority which might be called a compensation commission, which could receive representations from landowners who believed that they had suffered financially as a result of measures of this kind. I am not so concerned with the original zoning of this land into a hills face zone; when that occurred, much land and property throughout the State came under the general ambit of zoning control. In that first step towards zoning most land in metropolitan Adelaide and, indeed, in townships and throughout the whole State in rural zones, open-space zones and hills face zones all came within a zoning plan and, at that time, owners had to accept the results that might flow to them as a result of that zoning.

In some cases values reduced, whereas in other cases they increased. As far as this region is concerned, this is the second bite of the cherry and, with the measure before us, serious financial consequences could result to some individuals. This Council, the Parliament and the Government must keep the plight of such individuals in mind. At the same time, I am not advocating that the question of ultimately achieving a hills face belt of open space is not an achievable ambition. I hope that that can ultimately be achieved, but it is the process of accomplishing that aim that we must examine carefully.

If a compensation commission was established, owners of land in the hills face zone, after the Bill is passed, if it is passed in its present form, could apply to such a commission, which might agree that the rates and taxes in certain areas would have to be reduced as a form of compensation. The commission might negotiate reasonable terms on which some of the land could be purchased by the State Planning Authority, or some national park authority, which might be set up to be the ultimate owner of open-space hills face land. The question of compensation as regards capital value is one that such an authority could examine closely. A commission of that kind could be set up and have its ultimate goal accepted. I mentioned the period of 30 years, but it could be within, say, a period of 50 years, which is not too long a time in the history of the whole of Adelaide. We hope that the city will be here for hundreds and hundreds of years in the future. If all hills face land is left in its rural form and under the ownership of a national park authority or the State Planning Authority, that is the ultimate target toward which we should be aiming.

In the interim, serious questions arise regarding loss of income and loss of capital that confront landowners. The case to which I have referred is a genuine case, but I am not referring to, nor am I concerned with, a person who bought land there a year or two ago in the hope of making considerable money in speculation. I am referring to the genuine person such as the one to whom I have referred and to scores of other families whose land is in the Adelaide Hills, and the land has been in the families for

generations. These are the people about whom I am concerned, and I believe that the Government should also be concerned about them.

Whilst I require more time to examine the provisions of the Bill that deal with the hills face aspect, I mention that proposal in its broad form and I believe that, if it could be developed, it would be machinery by which the whole question could be resolved to the satisfaction of those who want to see the hills face zone retained in its rural form as a backdrop to the city, and I am one of those people. It could also be resolved to the satisfaction of those genuine people who own property in the Adelaide Hills and who want fair treatment as a result of a measure of this kind.

The other matters in the Bill deal, first, with the machinery concerning the Planning Appeal Board. The provisions of the Bill dealing with that subject concern the abolition of appeals to the Land and Valuation Court, and this is a proposal about which I am not happy. It is a matter into which I wish to look further but, as a result of my first investigation into the subject, I express my concern about that proposal at this stage. The only other matter with which the Bill deals is the question of interim development control, whereby the State Planning Authority will be given power to delegate some controls to local government, whereas in the past it has not had that right because of the unfortunate wording in the parent Act.

Only earlier this afternoon I was given a series of queries from the Local Government Association concerning representations it wishes to make on this Bill, and that matter must be looked at carefully. I stress the point that more time is required to give this measure the proper consideration it deserves and to give it the consideration that the Conncil intends to give, because our prime function is to review. We cannot review measures of this kind in the short time we have had at our disposal thus far. For these reasons, I ask leave to conclude my remarks.

Leave granted; debate adjourned.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from March 19. Page 3000.)

The Hon. J. C. BURDETT (Southern): I support the second reading. As the Minister said in his second reading explanation, the main provisions of the Bill apply in other States, and what the Bill does is to enable the Public Trustee Department to set up a common fund interest account. The Bill empowers the Public Trustee to debit against this account any operating deficiency. Perhaps at first glance this might not seem to be desirable, and it is something that cannot be done in the private trustee companies. In any event, the Public Trustee charges a commission, which is marginally lower than applies elsewhere. It is a pleasant change at least to be able to see a Government-backed organisation willing to cover a deficiency in this way rather than in the usual way: by passing it on to the taxpayer. There seems to be no objection to this common fund interest account or to the Public Trustee's ability to charge any operating deficiency to his account. As this is already done in other States, we are not this time trying to be the first off the cab rank.

The other main thing the Bill does is to enable different rates of interest to be charged in different estates. It provides for different rates for long-term investments and for short-term investments. This is reasonable. Surprisingly, it is the long-term investments that are more costly to administer. At first glance it appears that this would not be the case in respect of estates administered by the Public Trustee. However, if the Public Trustee winds up an estate in 12 months, there is commission on interest and on capital, whereas with long-term investments there is commission on interest only.

Having regard to those matters, the ultimate cost to administer long-term investments is greater to the Public Trustee after allowing for commissions than is the case with short-term investments. Therefore, it is reasonable to set up the income adjustment account, empowering the Public Trustee to fix varying interest rates. In effect, he will be empowered to debit a greater part of a deficiency to long-term investments than to the short-term investments. The measure is simple and in line with what has been done in other States. It simply enables the Public Trustee to be self-sufficient where he runs into deficiencies. He will be able to set them off against the common fund interest account and adjust them reasonably between various investments. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Succession of widow or widower."

The Hon. F. J. POTTER: This clause amends section 54 of the principal Act, raising the succession allowed to a widow or widower from the existing sum to $30 000. A similar amendment was put forward by me in a private member's Bill in this Council some weeks ago. That Bill was passed and has now gone down to another place, where it has languished ever since in the private member's list. I was informed recently that the Government intended to bring in an amendment similar to mine, and that has been done in this Bill. This will undoubtedly mean that we will not get back my private member's Bill, which will probably wither on the vine in another place. I do not mind that so much, because at least I have persuaded the Government to act as a matter of urgency in this matter and to increase the succession to a widow or widower. I am pleased that my Bill has been the spur that has driven the Government on in this matter.

The Hon. A. J. Shard: It proves that the Government takes notice of private members' business.

The Hon. F. J. POTTER: It proves that the Government takes notice of efforts by private members. This is one victory that we can chalk up from this side of the Council.

Clause passed.

Remaining clauses (6 to 10) and title passed.

Bill read a third time and passed.

RUNDLE STREET MALL BILL

Adjourned debate on second reading.

(Continued from March 19. Page 3001.)

The Hon. R. C. DeGARIS (Leader of the Opposition): An article by Stewart Cockburn in this morning's *Advertiser* really makes my speech for me, and I am sorry that I did so much work on this Bill before reading that article.

The Hon. C. R. Story: Have it incorporated in *Hansard*.

The Hon. R. C. DeGARIS: That would be the easy way. I am not too sure what another article on that same page means, although I do know what Stewart Cockburn means. At this late stage in the session it would not be appropriate to go into all the background of the development of the mall concept. First, if the mall is to be a success (as we all hope that it will be), it must be created without restricting expenditure on its initial establishment. To create a mall by just stopping traffic in Rundle Street would be, I believe, to invite failure of the project. Therefore, I agree entirely with Stewart Cockburn's article, in which he quoted the words of an American expert, Mr. John L. Heller, as follows:

In the words of an American expert, Mr. John L. Heller: "A common first reaction by some authorities is: 'Just close off the street and see what happens.' What then happens is a disaster. If you want to see the whole project go down the drain, this is the policy to adopt. Don't, I implore you, be trapped into doing this. To close off the street without installing all the complementary amenities is to emphasise the problems without showing the good things. In other words, you get all the bad without any of the good. The street which used to be filled with cars and people will suddenly look barren and the people will have to circulate on a sea of bitumen without any of the trees and other attractions. I can tell you from experience that this is dreadful."

That is the problem that I see with a mall project if correct development is not undertaken, and I agree entirely with that view. It is most important that Rundle Street be developed correctly as a mall, with the correct expenditure. Secondly, for the mall to be a success there is a need for improvement both in car-parking facilities and in the provision of public transport. The Bill takes care of the car-parking situation: I think it refers to a parking area for about 800 cars. That may be all right, but I think that the figure should perhaps be double to ensure that it is a success. In Adelaide there is now a lag in car-parking facilities to the extent of space for at least 1 000 cars. If traffic will not be able to use Rundle Street, one can see that the car park for 800 cars will hardly fill the gap. Public transport and car-parking facilities are both vital to the success of the project. The Bill refers to the construction of a car park. Although one must rely on Governments to improve public transport, I do not see any possibility of improvement in this field. I do not say that in order to criticise the Government. However, circumstances, including the oil crisis and other factors, could change the situation.

Public transport around the world is a declining percentage of the means by which people travel. It does not make much difference whether or not public transport is free: the number of people using it is declining although there may be factors in the future, including the oil situation, that will alter the position. Much could be said regarding the overall development of malls and their management after they have been constructed: that the management aspect involves expertise and skill. We should ensure in this case that expertise, knowledge and skill are used in the management of the mall.

That joint agreement of local government and traders is required seems to be reasonable. However, there seems to be disagreement among local government, traders and the Government regarding certain factors, and I must admit that I come down on the side of the traders and local government. Perhaps I could condense my thoughts by saying that, as traders are responsible for one-third of the capital cost of constructing the mall, as well as for providing about $150 000, by special rate, for its maintenance, they should have the major voice in the maintenance and management of the project.

At present, the Bill provides for the establishment of a committee comprising two local government representatives, two trader representatives and two Government representatives, to be nominated by local govenment. As traders are the people who are vitally concerned, they should possibly have greater representation on the committee than that provided in the Bill. I think two separate committees should be established, one being responsible for the management and control of the mall in trading hours, the other being responsible for it outside trading hours. I say that because the traders have different responsibilities in relation to the use of the mall inside and outside trading hours. Regarding use of the mall outside trading hours, one could imagine the Government or the council engaging in all sorts of function at considerable expense to the committee, which expense would have to be met by the traders from their rates. This aspect should be examined closely.

The Hon. A. F. Kneebone: We might be able to skate there again.

The Hon. R. C. DeGARIS: I think this Government has been skating in relation to local government.

The Hon. A. F. Kneebone: They used to skate there when I was a child.

The Hon. R. C. DeGARIS: That is interesting. The Government is still skating.

The Hon. A. F. Kneebone: You are skating on thin ice, too.

The Hon. R. C. DeGARIS: I suggest that the committee to be responsible for the management and control of the mall in trading hours should comprise four trader representatives, two local government representatives, and one Government representative. On the other hand, the committee responsible for the management of the mall outside trading hours should comprise Government and local government representatives only. That would add to flexibility in the use of the mall. Also, it would place in the correct area the financial responsibility in connection with the use of the mall. One could say many things about this project (which has a long history) or about malls that have been developed in other parts of Australia and overseas. I do not believe we have sought sufficient expertise in the management of these projects after they have been constructed. More knowledge is required in this respect.

The Hon. Sir Arthur Rymill: Do you think a mall would be more appropriate for a country town than it would be for a capital city?

The Hon. R. C. DeGARIS: I am not here to debate that question. This Bill relates to the establishment of the Rundle Street mall, and at this stage emotional pressure is for mall development. If the honourable member would like me to make out a case against this sort of development in a city shopping area, I could do so.

The Hon. Sir Arthur Rymill: I thought you would be able to.

The Hon. R. C. DeGARIS: There is much evidence to show that such projects are not necessarily successful. The establishment of malls has proved a complete and abject failure in areas where little thought has been given to improving facilities and where, having placed bollards at each end of the street, the authorities have said, "There, it is now a mall." Although in some parts of the world malls have proved successful when expensive walk-ways have been built, I agree with the Hon. Sir Arthur Rymill that there are many traps in this sort of development.

I do not believe that, when traders and local government are in general agreement (although perhaps it is pressurised agreement) and when the Government is hell-bent on an emotional issue, we in this Council are all for it. I am not advocating, however, that the Council should throw out the Bill. Indeed, I do not think that would be a wise thing to do, as we would be going beyond what we should do. I make these points because, with pressure being exerted by the Government, this project will undoubtedly proceed. I am interested to ensure that the construction of the mall and its maintenance thereafter, when it is in use, will be of the highest standard, thereby giving it every chance of success.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Arrangement of Act."

The Hon. D. H. L. BANFIELD (Minister of Health): It has come to my notice that copies of the Bill have not yet been placed on honourable members' files. To enable honourable members to examine the Bill, I ask that progress be reported.

Progress reported; Committee to sit again.

CROWN PROCEEDINGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 19. Page 3000.)

The Hon. J. C. BURDETT (Southern): I rise to speak briefly on this straightforward Bill, which I support. Honourable members will recall that the Local and District Criminal Courts Act Amendment Act, 1974, set up a special small claims jurisdiction in the Local Court. It appears from the explanation that the question has been raised whether the Crown can be represented in small claims proceedings in the same way as other bodies corporate. The sole purpose of the Bill is to put that matter beyond doubt and to make clear that in small claims proceedings the Crown can be represented in the same way as other bodies corporate. That is all this one-page Bill does, and I support it.

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

JUSTICES ACT AMENDMENT BILL (VARIOUS)

Adjourned debate on second reading.

(Continued from March 19. Page 3001.)

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill, which makes several provisions, the first of which is in regard to a plea of guilty by endorsement on the back of a summons where that is provided for in the existing Justices Act. Honourable members will recall that within the past week or so we had another amendment to this Act relating to the same procedure, to extend the procedure to enable it to be used in a wider variety of cases than it is at present. This simple procedure provides that, in certain specified cases, the defendant may, if he wishes, in lieu of attending court either personally or by counsel, endorse a plea of guilty on the back of the summons, and that serves as a plea of guilty.

He is, or course, under no compulsion to do so; he may attend in person or by counsel and make representations or plead not guilty if he wishes. He may, however, if it suits his convenience, use this simple method. As has been said in the explanation, Her Honour Justice Mitchell doubted whether the usual prosecutor's statement could be legally and validly made in such a case. The usual procedure is that, when a person has pleaded guilty in person or by this method, the prosecutor makes a statement about the facts of the matter and a statement of matters that need be taken into account by the court in deciding on a penalty. Her Honour raised doubts about whether, under the existing Act, this could properly be done in a case where a person had pleaded guilty by endorsement on the back of the summons. It is obvious that this should be able to be done if a person elects to plead guilty in this way; the court has to be informed in some way of the facts, and for the prosecutor to be able to make a statement is the right way of going about it.

I noticed one point in the explanation. It does not matter very much, but reference is made to these matters put before the court by the prosecutor as being evidence. They are not evidence; evidence is something deposed to about which evidence is given on oath. The Bill is correct in stating, "The prosecutor may recite to the court any relevant matters." The explanation was inaccurate in referring to such a recital as evidence. It is not evidence, but it is proper that the prosecutor should be able to inform the court by making a recital in the same manner as he would have done if the defendant had pleaded guilty in person or by counsel. The Bill is quite in order in this way. I refer in passing to one other small matter. We have now got to section 62ba, and I think we have reached 62ba (3) in this Act, which is getting almost as complicated as the income tax legislation.

The next portion of the Bill, which relates to preliminary hearings and evidence that may be given at such hearings, I support with some hesitation. A preliminary hearing is a procedure whereby evidence is given in a case where a person is charged with some indictable offence (that is, broadly speaking in layman's language, a more serious offence). The task of the justice or magistrate at the preliminary hearing is to determine whether there is a case sufficient to put the defendant on his trial. Until some few years ago it was necessary for the evidence before the justice or magistrate in a preliminary hearing to be given *viva voce* by the witness present in person, who was sworn in court and who was subject to cross-examination. Very often, the evidence of many witnesses at a preliminary hearing is formal, and for the sake of the convenience of the persons having business with the courts, especially witnesses and more particularly formal witnesses, a procedure was developed some time ago to enable the evidence to be given by affidavit; that is written oath.

There was a procedure that they could be summoned to give evidence in person if thought fit. This part of the Bill extends this procedure even further, to the point where the witnesses no longer even have to make affidavits, but can make a written statement which can be verified by a declaration in the form set out in the clause, and that is sufficient. Whereas some time ago a person giving evidence at a preliminary hearing had to attend and give evidence on oath and be subject to cross-examination, more recently he has been able to give his evidence in the form of an affidavit, a written document sworn before a justice or other person authorised to administer oaths, and this was lodged in court. He could be summoned to give evidence if either party thought fit. Now, he can make a statement, which does not have to be sworn in the form of an affidavit. It does not have to be taken before a justice or other authorised person. New section 106(3) provides:

> A written statement submitted under subsection (2) of this section shall be verified by the witness in a declaration in or to the effect of the following form:—
>
> "This statement, consisting of.....pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
>
> Dated the day of , 19 .
>
> Signed .....
>
> Signature witnessed by .....";

The witness to the statement does not have to have any special qualifications. A person making a statement in that way may be summoned to give *viva voce* evidence before the court and he may be subjected to cross-examination. The point of the amendment, therefore, is that, whereas written evidence at a preliminary hearing previously had to be sworn in an affidavit, now it can be in the form of a statement signed by a witness. Consequently, it has been necessary to create a new offence (a misdemeanour carrying a penalty of up to two years imprisonment) for a false statement in such a document. Previously, it was

not necessary to have such an offence, because anyone making a false statement in an affidavit was guilty of perjury.

I have some doubts about this matter. I favour studying the convenience of people who have business with the courts. Possibly Parliament has been remiss in the past in creating too big a burden for people who have business with the courts. However, Parliament has a grave obligation not to go too far in the other direction: it should not study convenience to such an extent that it forgets justice. I have some reservations about this matter. Surely this is not too much to ask: if a person has to give evidence, not merely formal evidence, that may be sufficient to put a person on trial for a criminal offence, at least that evidence should be given by affidavit and the person should have to go before a justice or other authorised person and give his evidence on oath. Nevertheless, I will support the Bill in this regard.

The final thing that the Bill does is good. Previously, where a person who had made an affidavit was summoned to attend a preliminary hearing and give evidence, he was simply cross-examined: he did not first give his evidence-in-chief in the way that other witnesses did. This Bill provides that, where a witness who has made a statement is summoned to give evidence in person, he first gives his own evidence in the ordinary way and is then subject to cross-examination in the same way as are other witnesses. I support the Bill.

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

WARDANG ISLAND

Consideration of the following resolution received from the House of Assembly:

That this House resolves that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, a recommendation be made to the Governor that sections 326, 691 and 692 north out of hundreds, county of Fergusson, known as Wardang Island, subject to rights of way acquired by the Commonwealth of Australia over the above land as appears in *Commonwealth Gazettes* dated November 12, 1959, at page 4002 and April 27, 1967, at page 2088, vide notification in L.T.O. dockets numbered 3041 of 1951 and 2528 of 1964, be vested in the Aboriginal Lands Trust.

(Continued from March 19. Page 3014.)

The Hon. A. F. KNEEBONE (Chief Secretary): This motion is moved by reason of section 16 (1) of the Aboriginal Lands Trust Act, which provides:

Notwithstanding anything in the Aboriginal Affairs Act, 1962, or any other Act contained, the Governor may by proclamation transfer any Crown lands or any lands for the time being reserved for Aborigines to the Trust for an estate in fee simple or for such lesser estate or interest as is vested in the Crown: Provided that no such proclamation shall be made in respect of any lands reserved for Aborigines within the meaning of the said Aboriginal Affairs Act and in respect of which a Reserve Council pursuant to regulations under that Act has been constituted without the consent of such Council: Provided further that no such proclamation shall be made in respect of the North-West Reserve (referred to in subsection (6) of this section) until such a Reserve Council for that Reserve has been constituted and such Council has consented to the making of such a proclamation: Provided further that no such proclamation shall be made in respect of any Crown lands (not being lands at the time of the passing of this Act reserved for Aborigines) except upon the recommendation of the Minister of Lands or the Minister of Irrigation as the case may require and the recommendation of both Houses of Parliament by resolution passed during the same or different sessions of the same Parliament.

The area to be vested in the Aboriginal Lands Trust comprises the whole of Wardang Island with the exception of a road and two small areas required by the Commonwealth of Australia for lighthouse and airstrip purposes. The Commonwealth holds sections 376 (about 0·202 hectares) and 675 (about 2·934 ha) under a certificate of title which also includes a full, free and unrestricted right of way by all reasonable routes over Wardang Island. Section 376 contains the lighthouse, and the airstrip is on section 675. A small piece of land containing 0·33 ha adjoining section 376 is to be added to the title, being required for a helicopter landing site. The area of sections 326, 691 and 692 is 1 801·30 ha.

The special interest which Aboriginal people have in Wardang Island has been recognised since the earliest days of settlement in South Australia. I understand that it was once a burial ground of the Narangga tribe. The first recorded occupation was in 1861, when pastoral lease 965 was issued to Stephen Goldsworthy for a 14-year term commencing April 1, 1861. The lease contained a covenant giving Aboriginal inhabitants of the province and their descendants "full and free right of ingress, egress and regress, into, upon and over" the island and to "the springs and surface water thereon and to make and erect such wurlies and other dwellings as the said Aboriginal natives have been heretofore accustomed to make and erect and to take and use for food, birds and animals of a wild nature in such manner as they would have been entitled to do if this lease had not been made . . ."

The pastoral lease was surrendered under Act 17 of 1869-1870, and a fresh pastoral lease was issued to the same lessee for a term of 16½ years from July 1, 1870. This lease was transferred to the Yorkes Peninsula Aboriginal Mission Incorporated in 1884. Following expiry of the lease, a proclamation notice was published in the *Government Gazette* dated March 10, 1887, reserving the whole of the island "for the use and benefit of the Aboriginal inhabitants of this province . . ." The Yorkes Peninsula Aboriginal Mission Incorporated was granted further occupation of the island under Aboriginal Lease No. 136 for 21 years from January 1, 1887. The lease was renewed for a further term of 21 years from January 1, 1908, and was resumed and cancelled on February 26, 1915.

The control of Wardang Island as an Aboriginal reserve was taken over by the Government on September 1, 1915, and by virtue of the Aborigines Act, 1911, the whole of the island, exclusive of the lighthouse reserve which was set aside in 1913, was declared to be a reserve for Aborigines in the *Government Gazette* of January 3, 1924. Mineral leases were first issued over portions of the island in 1900. Six were issued to private individuals for 42 years from June 30, 1900, and two more were issued for similar terms from December 31, 1902. Fifteen additional mineral leases were issued for 21-year terms from June 30, 1918, the lessee this time being Broken Hill Associated Smelters Proprietary Limited. By 1939, all the mineral leases on the island not held by B.H.A.S. had been transferred to that company. All of the mineral leases on the island were surrendered on January 14, 1969.

The declaration of Wardang Island as an Aboriginal reserve was abolished on December 23, 1948. Miscellaneous lease 11444 was issued to B.H.A.S. for grazing purposes for 21 years from February 15, 1949. The miscellaneous lease was transferred to Mr. H. G. Pryce, in 1968, and he commenced to develop the island for operations as a tourist venture. In the following year, the island was declared a fauna sanctuary and the lease was partially surrendered for perpetual lease 20057 for tourist resort purposes over the area containing the improvements, namely, sections 691 and 692. The balance

miscellaneous lease was surrendered for perpetual lease 20072, in 1970, and the area was numbered section 326. The perpetual leases did not include the 150 links coast reserve. Annual licence 13177 was issued for occupation of the coast reserve. The present Government considered that Wardang Island should be under the control of the Aboriginal Lands Trust. Accordingly, negotiations for the purchase by the Government of the lessee's interest were commenced in the latter half of 1971. At about the same time the lessee invited tenders for the leases in the press. The negotiations resulted in Cabinet approving, on May 22, 1972, of the lessee's interest being purchased.

Sections 326, 691 and 692 were declared a historic reserve under the Aboriginal and Historic Relics Preservation Act, 1965, in the *Government Gazette* dated May 3, 1973. After the perpetual leases were purchased by the Government and cancelled, annual licence 14291 was allotted to the Aboriginal Lands Trust for occupation of sections 326, 691 and 692 for tourist purposes; this licence has now been cancelled in order that the land may be vested in the trust. In accordance with section 16 of the Aboriginal Lands Trust Act, I have recommended that this land be vested in the trust, and I ask honourable members to support the motion.

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

FENCES BILL

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

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

That this Bill be now read a second time.

Before reading the explanation, I point out that I agree with other honourable members that there has been a considerable pressure of work in the Council recently, and there has been some difficulty in the Government Printing Department's being able to keep up with all the legislation that is being passed. Regarding the Bill now before us, I point out that it is a copy of the House of Assembly Bill, which has been amended, and accompanying it is a copy of the only amendment that has been made to it. I apologise to honourable members for having to deal with the Bill in this manner. I want to get the Bills from another place on our Notice Paper so as to give honourable members the second reading explanations, in order that they may study them before we sit again next week. I ask honourable members to bear with me in this matter. I fully appreciate that we have sat two evenings this week, last evening until very late.

The Hon. A. J. Shard: Was the amendment in the House of Assembly carried?

The Hon. A. F. KNEEBONE: Yes. The Fences Bill is designed to give effect to the recommendations of the Law Reform Committee contained in its twenty-sixth report. The present law relating to fences and fencing is an Act of 1924, which was passed to cure the fact that earlier Fencing Acts dealt with country rather than urban conditions. At this stage, where most fencing disputes are urban and the balance of the distribution of population between urban and country has shifted considerably in 50 years, it is apparant that the provisions of the 1924 Act require reconsideration. The type of fencing people wish to erect today is far different from that commonly in use in 1924 and the present position is that except by agreement, fences of brick or stone, brush fences, wrought-iron fences, ornamental fences, low boundary fences and many others are not within the provisions of the Fences Act.

There are many provisions in the present Act which have caused considerable argument in the past and over the years it has become apparent that there are many gaps in the legislation. The definition of "dividing fence" has caused difficulties in that in a number of the inner suburbs, for reasons which are now quite obscure, small rights of way of the order of 30 centimetres or 60 cm are not uncommon. North Unley and North Adelaide, for example, have quite a number of them. These do cause trouble in practice. The 1924 Act does not contain any definition of "owner of land" and the definition of "occupier" is deficient in many respects. It has been held that a local council is not an occupier of land within the meaning of the Act. It is undesirable that there should not be a fence between reserves and private property and it is only fair that, where reserves occur and the adjoining owner asks the council to contribute to the erection of a common fence between him and the reserve, the council should bear its proportion of the expense. The definition of "occupier" does not include the case where property is let to a tenant or a mortgagee in possession. The lack of any definition of "replacement, repair or maintenance work" has caused considerable argument in the past. This Bill is aimed at eliminating the gaps and uncertainties in the present law, as well as improving the procedures whereby fencing disputes can be settled.

Clauses 1, 2 and 3 are formal. Clause 4 contains the definitions necessary for the interpretation of the Bill and are designed to eliminate the gaps referred to above. Clause 5 sets out the notice which an owner of land who proposes to erect, replace, repair or maintain a fence must give to the adjoining owner. The notice to be given deals with the matter with much greater particularity and in much better form than the corresponding provision under the 1924 Act. Clause 6 is a new provision designed to ensure that the person who made the original proposal for a fence knows the full scope of the adjoining owner's objections to the fence so that he can deal with them. Again, it is of importance to any court before which any argument should come that it should know precisely what the objections are to the proposed fence.

Clause 7 is consequential. Clause 8 sets out the conditions under which fencing work may proceed. Clause 9 enables a person seeking contribution to the cost of a fence from an adjoining owner to proceed with the erection of the fence where the adjoining owner cannot be located. Notice of the proposed fence is to be left at the adjoining premises in lieu of service on the owner. If there is any subsequent action for contribution, the court may order the payment of such contribution as it considers just. The clause also provides that a person may, if he so desires, obtain court approval of his proposal and obtain an order that an amount, determined by the court, be paid by the adjoining owner when he can be located.

Clause 10 provides that where there is no owner of adjoining land, a person proposing to perform fencing work may apply to the court for approval of his proposal and an order that when a person becomes owner of the adjoining land, such person shall contribute towards the cost of the fencing work. Clause 11 provides that, where an owner of land abutting a road derives a benefit from a fence on the other side of the road, a court may order him to contribute to the cost of the fence. A similar provision exists in the 1924 Act. Clause 12 spells out in detail the powers which are vested in the court to settle fencing disputes. Clause 13 vests the jurisdiction to hear and determine fencing disputes in the local court. Under the 1924 Act, fencing disputes are dealt with by courts of summary jurisdiction. The procedure of courts of summary

jurisdiction is more suitable to the imposition of fines than the solving of fencing disputes. Hence the vesting of jurisdiction in local courts.

Clause 14 is similar to sections 21 and 22 of the 1924 Act. It enables a landlord to recover some of the cost of fencing work from his tenant. The amount recoverable from the tenant varies according to the length of the tenancy. Clause 15 is a new provision which enables a life tenant who incurs any liability for fencing work to recover some of the cost of the fencing from the remainderman or the reversioner. This is only fair as it is the remainderman or reversioner who will ultimately obtain the benefit of the use of the fence. Clause 16 is another new provision. It enables one adjoining owner to repair or restore a fence, without notice, where the fence has been damaged or destroyed and it must be urgently repaired or restored. Provided the fence was not damaged or destroyed by his own wrongful act or default, the person who has repaired the fence can recover one-half of the cost of the fencing work from the other adjoining owner. Clause 17 provides that where a fence is erected on other than the boundary to contiguous land the occupier of what is, in fact, his neighbour's property does not acquire title to the land.

Clause 18 enables a person to enter on to neighbouring land to carry out authorised fencing work when it is necessary to do so. There is such a provision in the 1924 Act. Clause 19 provides for the service of notices under the Act. Clause 20 puts the Crown and local government bodies in the same position as a private landowner, so far as fencing obligations are concerned, with respect to subdivided land which is sold in the form of ordinary building allotments. Under the 1924 Act, neither the Crown nor local government bodies were liable to contribute to the cost of fencing any property. Clause 21 provides that any obligation to fence land, or to maintain a fence in a state of repair, that may exist by prescription is extinguished. This provision is necessary to put an end to complicated legal arguments which may arise as to whether the doctrine of lost modern grant applies in South Australia. Clause 22 re-enacts in a modified form a provision of the present Fences Act which provides for the clearing of scrub up to a width of 1·829 m on each side of the line of a fence or proposed fence. This provision obviously should not apply to urban land, or to land set aside for the conservation of native vegetation. Accordingly a regulation-making power is inserted to enable the Governor to prescribe the areas in which it is not to apply. Clause 23 allows minor variations from the provisions of the Act. Clause 24 provides for the making of rules of court and clause 25 preserves powers conferred by other Acts.

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

DOG FENCE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes amendments to the principal Act, the Dog Fence Act, 1946-1969, consequential upon the repeal of the Vermin Act, 1931-1967. Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 is formal. Clause 4 amends the definition section of the principal Act and, in addition to amending certain definitions so that they reflect those in the new measure relating to vertebrate pests, inserts a definition of "local dog fence board". Local dog fence boards, as was explained in the explanation of the Vertebrate Pests Bill, 1975, are intended to replace certain of the vermin boards established under the Vermin Act, 1931-1967, whose principal function for some time has been maintenance of the dog fence.

Clause 5 provides for the enactment of a new section 20a, empowering the Dog Fence Board to carry out works relating to the alteration of the site of the dog fence, subject to satisfactory arrangements for repayment of the cost involved. The Dog Fence Board under section 32a of the principal Act may obtain finance from the Treasurer to carry out such works. Clause 6 amends section 21 of the principal Act and is consequential upon the repeal of the Vermin Act, 1931-1967. Clause 7 amends section 23 of the principal Act, and is also a consequential amendment. Clause 8 makes some metric amendments to section 24 of the principal Act, and at paragraph (*c*) ensures that any payments under new section 20a towards the cost of altering the site of the dog fence may be set off against payments to the owner of the part of the dog fence concerned. Clause 9 is a consequential amendment.

Clause 10 repeals sections 25, 26 and 27 of the principal Act and provides for the enactment of new sections 25 and 26. New section 25 continues the present rating, but will enable the Dog Fence Board to determine the lands that are to be ratable. This change is proposed because the board considers that parts of the existing area of ratable land can no longer be regarded as threatened by dingo predation and should not be subject to the rate. At the same time, it is intended to raise the minimum amount of rate payable by any person to a figure that reflects the cost of collecting the rate from each ratepayer. New section 26 provides for the imposition, upon landholders within the areas of the local dog fence boards, of a special rate which corresponds to the rate imposed under the Vermin Act, 1931-1967, for the purposes of the vermin boards established under that Act. Clauses 11 and 12 are consequential to new section 26.

Clause 13 provides for the enactment of a new Part IVa relating to local dog fence boards. New section 35a provides for the establishment of such boards by proclamation made upon the recommendation of the Dog Fence Board. New section 35b provides for the transfer of the property, rights, duties, obligations and liabilities of vermin boards in existence immediately before the repeal of the Vermin Act, 1931-1967, to the local dog fence boards established in their place. New sections 35c and 35d provide for the variation or abolition of local boards by further proclamation and the effect at law of any proclamation made under this new Part. Clauses 14 and 15 are consequential amendments.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

I do not want to go into great detail on this matter, as the various amendments have already been fully discussed. I have not much more to add, except to say that the House of Assembly is on the right track in rejecting our amendments.

The Hon. G. J. GILFILLAN: I oppose the motion. The Council should insist on its amendments, which are completely reasonable. The Act could work quite well with the amendments and, indeed, with far more fairness to the ratepayers concerned. Having spoken to many local government representatives this morning, I know that they agree with what we are trying to achieve.

The Hon. R. C. DeGaris: I had 100 per cent support.

The Hon. G. J. GILFILLAN: I therefore ask the Committee to insist on its amendments.

The Hon. Sir ARTHUR RYMILL: I should like to comment on the House of Assembly's reason for disagreeing to the amendments. It seems to me to be highly exaggerated and it is couched in terms that seem to be ridiculous. Another place has stated that the amendments destroy the intent of the legislation.

The Hon. R. C. DeGaris: What was the intent?

The Hon. Sir ARTHUR RYMILL: Whatever it was, the amendments could not possibly destroy it, although they might alter it slightly. The amendments seem ordinary and moderate to me, and it seems ridiculous for the Government to say that they destroy the intent of the legislation.

The Hon. R. C. DeGARIS (Leader of the Opposition): I disagree with the Hon. Sir Arthur Rymill. I always look at the reasons given by another place for disagreeing to our amendments. I think the amendments do destroy the intent of the legislation, which was obviously to produce a system whereby, undemocratically and without the people in the district being consulted, a council could be annihilated altogether or amalgamated with another council. Our amendments have given a council the right, in the ultimate, to make a decision by consulting its ratepayers regarding its future. The amendments bring the matter back to reality, as the intent of the legislation was to produce a most undemocratic situation.

The Committee divided on the motion:

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

Noes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room on Tuesday, March 25, at 9.15 a.m., at which it would be represented by the Hons. D. H. L. Banfield, C. W. Creedon, M. B. Dawkins, G. J. Gilfillan, and C. M. Hill.

Later:

A message was received from the House of Assembly agreeing to a conference to be held in the Legislative Council conference room on Tuesday, March 25, at 9.15 a.m.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 and 4, that it had disagreed to the Legislative Council's amendments Nos. 1, 2 and 5, and that it had disagreed to the Legislative Council's amendment No. 2 but had made the following alternative amendment:

Page 3, after line 29 (clause 10) insert:

(*c*) by striking out paragraph (*d*) from subsection (4) and inserting in lieu thereof the following paragraphs:

(*d*) of whom one shall be nominated by the governing body of the Local Government Association of South Australia Incorporated (in this section referred to as "The Association") as being a person capable of representing the interests of local government;

(*da*) of whom one shall be nominated by the Minister as being a person capable of representing the interests of local government;

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments Nos. 1, 2 and 5 and agree to the alternative amendment made by the House of Assembly to its amendment No. 2.

I ask the Committee to look closely at the matter. Most of the arguments in relation to the amendments to the legislation were based on retaining the *status quo* in relation to representatives from local government on the advisory committee. As I see the situation, the alternative amendment suggested by the other place covers the point made so strongly in this Chamber that, if representation was based on two people nominated by the Minister rather than two nominated by the Local Government Association, this would not be a proper thing to do. I see the amendment from the other place as a most acceptable compromise, and I hope the Committee will agree. I urge the Committee to agree to the House of Assembly's proposal that we should not insist on those amendments to which it has disagreed, but that we accept the alternative amendment put forward. I believe this shows a spirit of compromise.

The Hon. R. A. GEDDES: As the mover of the original amendments, I am agreeably surprised that the other place has the wisdom and ability to compromise in such a way. I am quite happy to withdraw the original amendments and to agree to the amendment suggested by another place. The Minister in charge of the Bill in another place would have been indiscreet to insist that he would not allow representatives from the Local Government Association to be on the committee because the Government considered that the association represented a large number of councils, but, until it represented certain substantial metropolitan councils at present not members of it, it could not be said to be truly representative. That argument made me extremely annoyed, and that is why I moved my amendments. In accepting the alternative amendment, I congratulate the Government on its wisdom.

The Hon. C. M. HILL: As one who spoke very strongly against the proposal included in the Bill, I say now that, whilst I am not happy with the compromise put forward, I am quite willing to accept it.

Motion carried.

MARINE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill is intended to provide the means for excluding certain types of vessel from the operation of the manning provisions contained in Part IIIA of the principal Act, the Marine Act, 1936-1973. The proposal arises from the enactment of the Boating Act, 1974, and from the likely effect of that Act on the manning requirements that would be determined by the State Manning Committee for commercial vessels such as houseboats which are hired out

without a driver being supplied by the hirer. It is considered that the committee probably would not be able to require anything less than a driver's licence as required by the Boating Act in respect of non-commercial vessels for persons operating such vessels.

Accordingly, it is proposed that the design and construction of such vessels continue to be required to be annually inspected by officers of the Marine and Harbors Department but, in order to avoid the impact of licensing requirements on this growing sector of the tourist industry, that such vessels be exempted from Part IIIA of the principal Act and instead subject to more adaptable controls on their operation prescribed by regulations under the principal Act. Clause 1 is formal. Clause 2 amends section 14 of the principal Act to empower regulations relating to the operation of such vessels. Clause 3 amends section 26d of the principal Act to exclude classes of vessel prescribed by regulation.

The Hon. R. A. GEDDES (Northern): This is a short Bill that has many shades of grey or dark shadows in relation to houseboats on the Murray River and the tourist industry in that area. The second reading explanation refers to houseboats on the Murray River, but the only operative clause in the Bill provides that any prescribed vessel or vessel of a prescribed class shall be precluded from the Marine Act. That is not satisfactory. I will not condone or agree to legislation where the explanation given by the Minister deals with the houseboat industry, which is growing and flourishing on the Murray River, but where the Bill makes absolutely no reference to houseboats and contains no definition.

I warn my friends in this Chamber that we must take great care in dealing with this Bill. Already the Minister of Marine has sent out a notice to owners of houseboats on the Murray River instructing them on how their houseboats shall operate. The owners believe that the letter from the Minister is law, and they are extremely concerned about it. For argument's sake, the Minister has said that only people who can drive a vessel (and I hate the word "drive")—

The Hon. D. H. L. Banfield: What do you do with a vessel?

The Hon. R. A. GEDDES: Act as a helmsman, or steer it. The second reading explanation mentions a licence to drive a boat, and I object to that expression. The Minister of Marine has sent a letter to all owners of houseboats saying that the only people who can steer or command a boat are those who are licensed under the Boating Act, those who have a licence from another State, or those who (for heaven's sake) have a car licence. The next thing the Minister has said is that, before any houseboat can go out or be let for hire, the person who will be hiring it must have one hour's tuition so that he knows how to handle it.

The Hon. T. M. Casey: I think that's fair enough.

The Hon. R. A. GEDDES: I find it hard to disagree; that is fair enough. One person I spoke to by telephone today has eight houseboats, and on the Thursday before Easter every one of those boats will be let for the Easter period. It will take him or his organisation eight hours to give eight driving or steering lessons to people who will be hiring the houseboats.

The Hon. T. M. Casey: They could have been hired previously by the same person. They would not be required to do that again.

The Hon. R. A. GEDDES: That is not what the Minister's letter says. It states that every person who hires a houseboat must have an hour's tuition on that boat unless he has a certificate applicable to the marine trade, such as a skipper's certificate. There is no certificate a person can carry to say that he has hired a boat previously. The letter contains stringent instructions that the owner and the hirer of the boat must sign a document to say that certain things have taken place: first, an hour's tuition; secondly, that the rules of the river and the rules of the road of the river have been explained; thirdly, that the navigation hazards of the river have been explained. These instructions have gone out to the trade, but there is not a word of it in the Bill before us.

The Hon. D. H. L. Banfield: Why can't he do eight in the one hit?

The Hon. C. R. Story: They can't all get there at the same time.

The Hon. T. M. Casey: He is simply protecting himself and his own investment, isn't he?

The Hon. R. A. GEDDES: I find it hard to argue, but let us be practical. Perhaps the eight people could be instructed at one time on the one houseboat, but perhaps that is not what the Minister of Marine would agree to. We must have safety, and we do not want any idiots on the river. We want people hiring houseboats to enjoy the sheer loveliness such craft can provide, so we have to look at some other method whereby people hiring houseboats can be instructed on how to care for the boat.

The second reading explanation refers to houseboats, but the Bill contains no such reference. We must have some definition of a houseboat. The Parliamentary Counsel finds it difficult to define, and in my concern for the insertion of such a definition I have checked the Motor Vehicles Act, which says that a motor car is a motor vehicle and that a motor vehicle also includes a buckboard. There is no other explanation. Most people understand what a buckboard is, what a motor car is, and what a vehicle is. I suggested to the Parliamentary Counsel that we could define a houseboat as a boat with a house on top, let for hire; he thought that I was more peculiar than usual.

The Hon. R. C. DeGaris: Is it still a houseboat when it turns over?

The Hon. R. A. GEDDES: No, it is then a turtle. Strangely enough, the letter from the Minister of Marine defines a houseboat as being that which is used for hire or reward or for direct or indirect reward.

The Hon. R. C. DeGaris: Are all boats hired houseboats?

The Hon. R. A. GEDDES: No, a houseboat is one that is for hire or reward or any other direct or indirect reward. Under the provisions of the Marine Act it is necessary for a houseboat to be inspected by the marine surveyors every 12 months, and every two years it must be slipped and thoroughly examined.

The Hon. C. R. Story: What is the charge for that?

The Hon. R. A. GEDDES: We must consider safety and we must recognise the need to remedy this problem, but the charge for it is that the owner of the houseboat must provide accommodation, he must provide for travelling expenses, and he must pay a minimum of $15 a boat. All these charges become problems, but an additional problem is that not every port (as I understand it, the towns on the Murray River, such as Morgan, Renmark, Blanchetown, and Barmera, are considered ports for the purposes of the Act) has slipways large enough or efficient enough to pull up the houseboats for their two-yearly examination. Therefore, the boats have to be taken off the tourist run to a place where there is a slipway.

The Hon. R. C. DeGaris: Where is the nearest slipway?

The Hon. R. A. GEDDES: Unfortunately, I do not know, but there is no suitable one at Morgan. There must be one at Renmark. The Minister's second reading explanation states:

. . . in order to avoid the impact of licensing requirements on this growing sector of the tourist industry, that such vessels be exempted from Part IIIA of the principal Act.

The money necessary to build these houseboats is considerable. The tourist industry is considered to be a risk industry; therefore, it can borrow only from hire-purchase companies at extremely high interest rates and, if the industry is considered profitable by many of those who own houseboats for hire, it must be remembered that what they are doing is paying high interest rates and high capital repayments to hire-purchase companies. I was told today that in other States and in other countries the tourist industry is considered to be important and that the Governments make considerable grants to assist it so that the capital cost necessary to draw tourists does not become a burden on the industry.

I appreciate that the Government is unable to look at this matter now, but, when one reads the ballyhoo about tourists being the only citizens we should have in the State, I believe that the people who provide these services should be given some help. I ask honourable members to bear with me in asking that the debate on this Bill be adjourned until next week, because, owing to the heavy work load the Parliamentary Counsel is carrying, he has said that he cannot draft an amendment this evening. I suggest that a definition of "houseboat" be included in the Bill so that we do not pass what I call a blank Bill. Clause 3 (*b*) merely refers to "any prescribed vessel or vessel of a prescribed class of vessels", and that is not good enough. I support the second reading on the assumption that I will be allowed the opportunity to have amendments prepared.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill, which has only one operative clause, clause 3, abolishes the special fund entitled "The Leigh Creek Coal Fund" established in 1946 by section 43h of the principal Act. Originally, sales of Leigh Creek coal were handled through the Public Stores Department, but in that year the operation of the coalfield was vested in the newly created Electricity Trust of South Australia. The philosophy behind the establishment of a separate fund to finance this aspect of the trust's operations was that profits from coal sales should not go to the trust but should be reserved for future coal field financing.

However, since that time all of the coal mined at Leigh Creek has been used by the trust, and the operation of the coalfield has become an integral part of the operations of the trust. Accordingly, there seems now no warrant for preserving this financial separation, and clause 3 of the Bill proposes: (*a*) the abolition of the fund, with practical effect from the first day of July next; and (*b*) the transfer of the assets and liabilities of the fund to the trust to be dealt with or satisfied by it.

The Hon. V. G. SPRINGETT (Southern): Prior to 1946, sales of Leigh Creek coal were arranged through the Public Stores Department. In 1946 the Electricity Trust of South Australia undertook the operation of the coalfield. There was a separate fund to finance the operation, because profits from coal sales were kept to be used for future financing. Since 1946 all the coal mined at Leigh Creek has been used by the trust, and the operation of the coalfield has become an integral part of the operations of the trust. Consequently, there is no reason why this separation should remain between the trust and the fund. This Bill, which will take effect on July 1, 1975, will enable the assets and liabilities of the fund to go to the Electricity Trust. I support the Bill.

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

IMPOUNDING ACT AMENDMENT BILL (FEES)

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

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

That this Bill be now read a second time.

It increases the fees and penalties under the Impounding Act, 1920, as amended, and effects the necessary decimal conversions. The fees under this Act have not been increased since 1962 and are now quite inadequate. The increases are necessary to offset expenses incurred by local councils in impounding straying stock. In some instances, at least, the impounding fees are insufficient to cover the actual costs incurred. Penalties for offences under this Act have also been increased to bring them more in line with contemporary penalties. In most cases, the increase is 400 per cent. However, where present fees are about 10c or less, the increase may be slightly higher to obtain a more realistic figure.

Clause 1 is formal. Clauses 2 to 19 amend the principal Act by increasing the penalties for the several offences. Clause 20 amends section 47 of the principal Act to increase the jurisdictional limit of justices under the Act to $160. Clause 21 repeals and re-enacts the fourth schedule to the principal Act in the same form and increases the fees payable under it. Clauses 22 and 23 similarly repeal and re-enact the fifth and sixth schedules.

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

SITTINGS AND BUSINESS

The Hon. A. F. KNEEBONE (Chief Secretary): I am awaiting several second reading explanations and, as I have already explained, I want to get on our Notice Paper the Bills with which the House of Assembly has dealt. I realise that some honourable members want to go to a film screening this evening, and what I propose is to suspend the sitting so that those who want to go to the function at Norwood may do so. I have been told that buses will be leaving from the front of Parliament House to transport honourable members and their wives who want to go to Norwood. Drinks and hot serves will be provided at Norwood, and transportation will be available to return honourable members to Parliament House in time for this evening's sitting. I hope that, during the dinner break, I shall be able to obtain the Bills with which we want to deal when we resume. The more we get done today, the less we will have to do later.

[*Sitting suspended from* 5.46 *to* 8.15 *p.m.*]

ART GALLERY ACT AMENDMENT BILL (BOARD)

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

CONSTITUTION ACT AMENDMENT BILL (SALARY)

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

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

That this Bill be now read a second time.

Honourable members will recall that, during the autumn sitting of the session of Parliament last concluded, a Bill to amend the Constitution Act, 1934, as amended, was enacted into law. First, it increased the salary of His Excellency the Governor and, secondly, it somewhat modified the method by which the movements in the annual expenses allowance payable to His Excellency would correspond with movements in the cost of living as indicated by the consumer price index. It is in relation to the second aspect that some difficulty has occurred.

At present, the principal Act, as amended, provides that the base figure for the calculation of the expense allowance will be $19 700. However, it was the intention of the Government, at the time, that from this base figure, which was the actual allowance for the financial year 1973-74, the allowance for the financial year 1974-75 would be calculated. In the nature of things, with the increased cost of living, this 1974-75 figure should be rather more than $19 700. In the event, this intention was not given effect to in the Bill enacted in 1974. Accordingly, this Bill corrects this situation by providing a base of $22 600 for the financial year 1974-75, this being the figure, had the new adjusting formula been in operation in relation to the financial year 1973-74, that would have been the figure produced by the application of that formula. The Bill also provides that in the financial years subsequent to the 1974-75 financial year this figure of $22 600 will rise or fall in a manner dictated by movements in the consumer price index.

The Hon. V. G. SPRINGETT (Southern): This is a short Bill, which, as the Chief Secretary has said in his second reading explanation, increases the base figure for the calculation of the expense allowance payable to His Excellency the Governor from $19 700 to $22 600, which figure will apply for the 1974-75 financial year. As the Chief Secretary has also said, this figure will rise or fall depending on movements in the consumer price index. Apart from the two aspects to which I have referred, there is nothing in the Bill that should hold it up, and I therefore support it.

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

HIGHWAYS ACT AMENDMENT BILL (PROPERTY)

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

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

That this Bill be now read a second time.

This short Bill deals with two quite disparate matters. Accordingly, the Bill can perhaps best be explained by an exposition of its clauses. Clause 1 is formal. Clause 2, which amends section 20 of the principal Act, is put forward in the interests of administrative efficiency. In its present form, section 2 (1) (*a*) prevents the Commissioner from selling or leasing any real property vested in him unless he has obtained the consent of the Governor. In the ordinary course of events, no-one could quarrel with such a provision. However, in the present circumstances of the road-widening programme, many properties are acquired as and when they become available and then leased back to the owners or others for comparatively short terms until the road-widening programme actually commences. About 600 of these transactions have taken place in a single year. For these reasons, the amendment proposes that the formal consent of the Governor will not be necessary for short-term leases of up to six years. If this amendment is agreed to, the delay attendant on placing these formal matters before Executive Council will be avoided.

Clause 3 amends section 26 of the principal Act and has the effect of somewhat enlarging the circumstances where the Commissioner can close or restrict traffic on a road. A closure or restriction can, if this amendment is agreed to, be effected when the passage of vehicles or vehicles of a class would be likely to damage the road. An obvious example of the need for such a power is in, say, the immediate post-flood period in the Far North. Clause 4 is a drafting amendment to section 27b and is intended to clarify the meaning of this section. The word "such", proposed to be removed, is, in the light of the whole section, somewhat misleading.

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

SUPERANNUATION ACT AMENDMENT BILL (DECLARED SCHEMES)

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

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

That this Bill be now read a second time.

It is intended to cover the situation that has arisen in connection with certain people now employed by the Government under the terms of the Public Service Act who, previously, were contributing to "declared schemes" within the meaning of the principal Act. As the Act stands now, persons who contribute to declared schemes may not become contributors to the Superannuation Fund. If the amendments proposed are enacted it would be possible for such persons, once they are no longer liable to contribute to a declared scheme, to be able to contribute to the Superannuation Fund.

Clause 1 is formal. Clause 2 inserts a new section 6a in the principal Act, which provides that when a person shows that he is not liable to contribute in respect of a declared scheme and is not able to receive any further benefit from such a scheme that person may become an employee within the meaning of the principal Act and thus be entitled to contribute to the Superannuation Fund. Clause 3 provides that, where a person subsequent to becoming a contributor becomes liable to contribute in respect of a declared scheme, he will thereupon cease to be a contributor to the fund and be entitled to refund of his contributions without any further benefit. This is consistent with the general philosophy of the principal Act in relation to declared schemes, that is, that no person shall be capable of becoming a contributor to two schemes.

Clause 4 provides, in effect, that a former contributor to a declared scheme who has received a benefit from that declared scheme may be obliged to pay all or part of that benefit to the Superannuation Fund. In consideration of that payment, a number of "contribution months" may be attributed to him. The effect of this proposal will be to place the new contributor in the same position, as regards

benefits from the fund, as he would have been in had he, at the material time, been a contributor to the fund. Clause 5 amends section 49 of the principal Act and provides for attribution of contribution months to take place on the recommendation of the board. This amendment is in aid of the proposals contained in clause 4.

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

ADJOURNMENT

At 9.8 p.m. the Council adjourned until Tuesday, March 25, at 2.15 p.m.