LEGISLATIVE COUNCIL

Tuesday, November 4, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

DOCTORS

The Hon. C. M. HILL: Has the Minister of Health a reply to the question I asked on Tuesday last regarding salaried medical officers and their claims for higher salaries? May I also relate the question to the article in this morning's *Advertiser* regarding the possibility of a stop-work meeting being held by resident medical officers, and at the same time ask the Minister whether he or the Government is taking action to intervene in that proposed stop-work meeting in the interests of patient care and the high standards of hospital service to which we have been accustomed in this State?

The Hon. D. H. L. BANFIELD: The stop-work meeting proposed for tomorrow is being organised by the Royal Adelaide Hospital Resident Medical Officers Association, and not by the recognised registered association covering resident medical officers, which is the Public Service Association. There is presently a current award covering resident medical officers, and there is no application before the commission by the Public Service Association to vary that award. There is, however, a general application for a first award covering all medical officers employed in any capacity in South Australia, including resident medical officers. That application has been made by 34 medical officers, and not by the Public Service Association. The effect of the wage indexation guidelines on the salaries of medical officers employed under the Public Service Act will be directly affected by a decision of the Public Service Arbitrator in a test case that was completed last week concerning dentists. That decision is awaited.

In reply to the earlier question, at present there are three claims made on behalf of medical officers before industrial tribunals in this State. There is before the Public Service Arbitrator a claim by medical officers, senior medical officers and principal medical officers in the Public Health Department and specialists and medical superintendents in Government general hospitals. Before the Industrial Commission there are claims made by resident medical staff and medical officers generally employed by the Government and other employers, and by the Public Service Association to vary the Resident Medical Officers, Etc. (Government General Hospitals) Award. The Public Service Board is not aware of the term "Consultant Grade II" as applied to medical officer classifications, as mentioned by the honourable member, nor is it aware of any classification of medical officers in South Australia to which the salary mentioned by him applies. The position regarding the stop-work meeting to be held tomorrow by some of the resident medical officers is that this is an association not yet recognised in the court. It has made application in the court and gone outside of the association normally covering these people.

The Hon. R. A. Geddes: Who employs them?

The Hon. D. H. L. BANFIELD: They are employed by the Hospitals Department. These are resident medical officers, but they are covered by the Public Service Association. The Public Service Association has an application before the commission but a number of resident medical officers are seeking recognition by the court. This case has not yet been heard.

TRADE UNIONS

The Hon. J. E. DUNFORD: Has the Chief Secretary a reply to the question I asked recently concerning pressure being brought to bear by employers, and the publication *Workforce*?

The Hon. D. H. L. BANFIELD: My colleague, the Minister of Labour and Industry, informs me that the publication *Workforce* Vol. 2. No. 20 of September 24, 1975, contained certain recommendations apparently made by the Master Builders Association's industrial officers in Victoria. One of these recommendations, which was read in the House by the Hon. J. E. Dunford on October 9, 1975, suggested that association members should try to provoke the union into widening the dispute and make the unions receive the blame from the public and other workers for the resulting critical situation. The day after the matter was raised I was advised by the Master Builders Association of S.A. that they were not present at the meeting when this recommendation was presented; that they were in no way responsible for the report; and that they wished to dissociate themselves from the report and the views it expresses. I have also discussed the matter with the Secretary of the Building and Construction Workers Union in South Australia. I must say it is very reassuring to find that the building employers in South Australia have not been a part of this cynical and scurrilous proposal. The proposal demonstrates that the public must be wary of putting the blame too quickly on trade unions for any problems caused through industrial disputes and should look more closely at the motives and role played by employers and their organisations.

MURRAY RIVER FLOODING

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Lands representing the Minister of Transport.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the expected high level of the Murray River later this year and early next year. The first peak is expected to be about the same as the 1974 high level, and the second, 30 centimetres to 45 centimetres higher. During the 1974 high river, the ferry at Mannum went out of action, not because it was unable to operate, but because the approaches were flooded. Building up the approaches would enable the ferry to operate during the first peak and for a considerable period of the second. This would alleviate hardship caused to people living on the eastern side of the river in that area, and alleviate hardship to business people in the town who would otherwise suffer loss of business.

This scheme has been presented to the Minister before. I also understand there are other ferries on the river where similar circumstances apply—that is to say, where a relatively small raising of the approaches would enable the ferry to continue operating during much of this and future high rivers. Will the Minister give consideration to raising immediately the approaches to the Mannum ferry, and will he examine the position regarding other ferries on the Murray River?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

SALTAI CREEK

The Hon. R. A. GEDDES: Has the Minister of Lands a reply from the Minister of Works to my recent question about Saltai Creek?

The Hon. T. M. CASEY: The construction of a reservoir on Saltai Creek for purposes of flood mitigation would be in conflict with the object of its use for water conservation. Any benefit would not only be haphazard but would only be significant if the storage was drawn down at the time of a flood. The feasibility work that has been carried out indicates that a dam solely dedicated to flood mitigation is likely to be uneconomic relative to the benefits which would be obtained.

HOSPITAL FINANCE

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. N. K. FOSTER: I realise, of course, that some expert rumour-mongers have been going around this State in the last few weeks in connection with the current political crisis in Canberra, because of the attitudes and small-mindedness of some people there. One thing causes me concern, because of its persistence. Is the Minister aware of the anguish in the Queen Elizabeth Hospital as a result of the rumours from these people? Is there sufficient money to pay the staff, even though that hospital is a State responsibility? Will the Minister put the position beyond doubt?

The Hon. D. H. L. BANFIELD: I have heard that certain rumours are going around in relation to the possibility that people will not receive their pay as a result of the hanky-panky by some Senators in Canberra. There is no doubt that a scare campaign has been started to shake the confidence of people in this State in connection with the action of some Senators in opposing the Budget. Because this is reacting against those Senators, we now find that the Leader of the Opposition in Canberra is trying to extricate himself from the position he is in, as a result of the backlash from the people. There is no ground whatever for the malicious, lying rumours that are going around. The hospital employees will be able to receive their pay.

ROWLEY PARK SPEEDWAY

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. C. M. HILL: It was reported that, during the opening meeting at Rowley Park Speedway last evening, in one event a car somersaulted into the air, and the driver, who had a finger severed in the accident, was admitted to hospital with concussion. Another driver was taken to hospital with concussion, while a third driver also suffered concussion. Further, three motor cycle riders were injured in what the newspaper called a nasty pile-up. As this was the opening night of a series of events, will the Minister ascertain whether the promoters of the sporting group are taking all reasonable safety precautions as regards the competitors, and will he also satisfy himself that the people attending the meetings are adequately protected from injury or loss of life as a result of accidents during the events?

The Hon. T. M. CASEY: I think the honourable member will agree that the Rowley Park complex has been operating for a number of years. I have not heard of any spectators being injured, because the course is so designed that there is adequate protection for them. Whether the promoters are taking the necessary safety precautions to protect the competitors is another matter. It seems to me that competitors in these sports take their lives into their hands when they go on to the track. I shall consider the honourable member's question to see what can be done to satisfy him.

HILLS TUNNEL

The Hon. R. A. GEDDES: Has the Minister of Lands a reply to my recent question on the possible electrification of the railway line through the Adelaide Hills and other improvements to that line?

The Hon. T. M. CASEY: Officers of the Transport Department are carrying out a detailed examination of providing improved rail services to Monarto. The economic feasibility of electrifying the lines is one of these proposals.

ABALONE DIVERS

The Hon. F. T. BLEVINS: I seek leave to make a short statement prior to directing a question to the Minister of Fisheries.

Leave granted.

The Hon. F. T. BLEVINS: Earlier this month the Minister announced that he would review regulations relating to medical tests for abalone divers. Before that announcement much concern was expressed concerning the need for extensive examination, including a series of X-rays, for abalone divers. My attention has been drawn to a number of abalone divers who have not undergone any medical tests whatever while awaiting the Minister's statement about the new regulations. Can the Minister say what progress has been made to determine what new tests will be required by abalone divers, how long before any change in the tests is likely and, more importantly, what is the legal situation facing abalone divers who have not yet undergone any medical tests? Will they be granted licences pending the announcement of the new test requirement?

The Hon. B. A. CHATTERTON: I am not surprised that the honourable member has received inquiries on this matter from abalone divers. I was in Port Lincoln last Friday when abalone divers asked me about the situation. In fact, a delegation of abalone divers saw me two weeks ago and we agreed at that meeting on few changes in this matter. I agreed that the Agriculture and Fisheries Department would establish a medical committee to examine the CZ18 tests for abalone divers to see whether any of the tests in the CZ18 examination were not appropriate for divers. The delegation put a strong case to me that some of the tests were not appropriate for abalone divers, and I agreed that this committee would be established comprising representatives of Public Health Department radiologists and the divers' own doctors from the Investigator Clinic at Port Lincoln. In the interim (and this was another point raised by the honourable member) we will be issuing temporary licences to abalone divers, but they will be required to obtain the same medical certificate as has been required in past years and they will be required to fill out the requisite forms and pay the fees as they have done in the past. We will be issuing temporary licences to the abalone divers until we get the report from the medical committee which is investigating the CZ18 tests to see whether any of the tests are not appropriate.

AGRICULTURE DEPARTMENT

The Hon. C. M. HILL: First, will the Minister of Agriculture inform the Council of the present position regarding filling the vacancy of the office of Director of Agriculture? Secondly, I noticed in the South Australian

Government Gazette on October 30 that the office of Principal Research Officer, which carries a maximum salary of $16 729, and that of Chief Administrative Officer, which carries a maximum salary of $16 138, both being senior positions within the department, are unfilled, according to the notice on page 2261 of the *Gazette*. Are steps being taken to fill those vacancies? Finally, and in general terms, is the Minister of the opinion that efficiency in his department is being impaired by the fact that these senior positions are not filled?

The Hon. B. A. CHATTERTON: The answer to the first part of the question about the position of Director of Agriculture and Fisheries is "No"; at present action is not being taken to fill that position. As the honourable member is aware, the Priorities Review Committee is still looking into the activities of Government departments and their future structure, and until that review has been completed we will not be making an appointment to the position of Director. As far as I am aware, the other two positions are being advertised and will be filled in due course. The efficiency of the department obviously would be improved if all those positions were filled, and, whilst we are taking action to fill the positions of Research Officer and Administrative Officer, we believe we must retain some degree of flexibility regarding the position of Director because of possible changes—and I stress possible—that might result from the deliberations of the Priorities Review Committee.

GLENSIDE HOSPITAL

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question concerning plans for stage 2 of the Glenside Hospital redevelopment programme?

The Hon. D. H. L. BANFIELD: Documentation is proceeding according to schedule, and it is expected that the project will go for tender in July, 1976. Funds have been allocated on this basis, and no delays have been caused through unavailability of funds.

CO-OPERATIVE TRAVEL SOCIETY

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

1. Following my questions of August 7 and September 9, and urgency motion of October 9, will the Minister of Health say whether or not the Government will seek an investigation under the provisions of Part VIA of the Companies Act of the affairs of Co-operative Travel Society Limited?

2. If not, will he give detailed reasons why the Government will not seek such an investigation?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. On Tuesday, October 28, the Attorney-General announced in the House of Assembly that the Governor had appointed Mr. R. M. Lunn and Mr. R. B. Arnold to be inspectors to investigate the affairs of the Co-operative Travel Society Limited and four other societies and six companies that are associated with that society. The appointments were made pursuant to Part VIA of the Companies Act, 1962-1973.

2. Not applicable.

MINISTERIAL STATEMENT: MURRAY RIVER

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

Leave granted.

The Hon. T. M. CASEY: Honourable members would be aware that a succession of storms over the last few weeks has resulted in heavy flooding of the Murray River in New South Wales and Victoria. The flood rains resulted from a deep depression which, having moved south from Central Australia, moved slowly across the southern tip of Australia into Bass Strait about a week ago. In the Hume catchment it rained for 60 hours from midday on Thursday, October 23, to midnight, Sunday, October 25. The average depth over the catchment was about 80 mm (3·2in.), and ranged from 50 mm (2in.) at Hume Dam to 150 mm (6in.) at Cabramurra in the Snowy Mountains. With saturated catchments from general rains a few days before that, all streams and rivers responded rapidly. The present situation is that the floods in the Murray and Goulbourn have passed Yarrawonga and Shepparton, respectively, and although the amount of flow in the Murrumbidgee is still uncertain, a reasonable assessment of the expected flooding in South Australia can now be made.

The present prediction is that the river flow will be about 220 000 megalitres a day and should reach a peak at Renmark at the beginning of the third week of December, at Morgan at the end of December, and at Murray Bridge at the beginning of the second week in January, 1976.

Any further rains in the catchment areas of the Murray and its tributaries may necessitate a revision of this estimate, but in any case the position will be reviewed as the peak moves downstream. It will not be possible to make a more precise estimate of the flood until the peak passes Wakool Junction in late November. Honourable members should note that the floodwaters downstream of Yarrawonga Weir in Victoria take two paths—one down the mainstream of the Murray and the other through the Edward River complex. They join up again at Wakool Junction and it is not until the peak has passed this point that it is possible to make a confident prediction of the likely level in South Australia. However, the flood is expected to be greater than the 1931 flood (when the river flow was recorded at 210 160 Ml a day) but will not approach the levels of the 1956 flood (when the flow was recorded at 341 300 Ml a day).

Consequently, the coming flood is likely to be the second largest experienced in South Australia since river monitoring commenced at Morgan in 1886. Depending on the locality, the levels will be between 0·45 m and 1 m above the maximum levels recorded in the November, 1974, flood. The present anticipated level at Renmark is 19 m (0·45 m above the 1974 flood and 0·81 m below the 1956 flood); at Morgan, 9·5 m (0·9 m above 1974 and 1·87 m below 1956); and, at Murray Bridge, 2·65 m (0·65 m above 1974 and 1·3 m below 1956). It will be necessary to carry out some work in the Renmark flood banks, and this should be effective in giving protection to the town, except for the crescent area of the Renmark Irrigation Trust district.

From past experience, protective banks will be worthwhile, except in those areas where inundation would otherwise be shallow. Some groups, in the hope that adequate protection will be practicable, will attempt protective measures whether or not there is Government encouragement. But it must be kept in mind that seepage and salinity build-up in an embankment can cause more permanent damage than inundation. It is likely that planted areas of Gurra Gurra will be flooded, along with the Berri flats, and large portions of the grazing lands in the Weigall and McIntosh division of the Cobdogla Irrigation Area. Many of the shack areas downstream of Morgan will once again go under water, but a levee bank at Mannum should provide protection for the lower section of the town.

Perhaps the most serious problem of all will occur in the reclaimed swamp areas in the downriver section. Embankments for the Government-controlled areas were generally designed to a height equal to the 1931 flood level, but not necessarily designed to hold a river at that level for a long period. Soil conditions are such that raising levee banks above the level for which they were designed without first broadening the levees' base would offer doubtful protection. Experience from the 1956 floods showed that overtopping led to major breaches in the levee banks and it was necessary to wait until the river returned to normal pool level before repairs could be effected. The pumping out of the swamps could not commence before the completion of the repairs.

Therefore, if attempts to hold the flood by raising levees were to be unsuccessful, and the banks were breached, the swamps would be out of production and use for periods longer than would be the case if the river were held for a period and then flooded deliberately through the controlled opening of sluices. By this latter method, ridding swamps of floodwaters could commence without waiting for the river to return to pool level.

On the basis of information available to date, it would appear that most areas between Mannum and Murray Bridge, and some areas downstream from Murray Bridge, would be inundated. Upstream of Murray Bridge, all ferries will be out of action with the exception of Cadell, and downstream Goolwa and Narrung ferries should not be affected, with the Wellington and Jervois ferries in the doubtful class. About 80 holdings, 66 of them in Government-controlled areas and involving 6 000 dairy cattle, would be included.

If the flood level rises above the current prediction or a prolonged period of windy weather occurs near the peak of the flood, all reclaimed areas except Jervois could be seriously affected. Honourable members will realise that the State is facing an emergency of an order not experienced here for almost 20 years. Accordingly, Cabinet has approved the expenditure under the Natural Disasters Relief Fund of $1 600 000 to:

(1) protect Government installations and assist local authorities to protect public facilities;

(2) raise low areas in embankments for Government controlled reclaimed swamp land to reinstate them to, but not beyond, their design level;

(3) undertake deliberate and controlled flooding of Government swamps as occasion requires to avoid breaching levees; and

(4) assist pumping out Government and private swamps that become flooded, to provide technical advice and survey work to indicate likely flood levels, and to provide assistance to eligible landholders under the Primary Producers Emergency Assistance Act.

The Flood Liaison Committee appointed during the 1973-74 flood has been reconstituted, as I have indicated to the Council previously, and is already visiting those areas likely to be affected to ascertain protection work likely to be required. The committee is consulting local government authorities and will advise the Government of action it considers necessary. I will keep honourable members fully informed of any significant changes to flood predictions and Government action over the next few weeks.

ANSTEY HILL WATER TREATMENT WORKS

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Anstey Hill Water Treatment Works.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (MORATORIUM)

Second reading.

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

That this Bill be now read a second time.

Honourable members will recall that a similar Bill was passed last year extending the moratorium period contained in section 133 of the Act. This section was a temporary measure inserted to overcome problems arising from the judgment of the Commonwealth Industrial Court in *Moore* v. *Doyle*. The purpose of the amending Act was to ensure that no legal challenge to the rules, officers or members of any registered association could be sustained during the moratorium period. This period expires on January 4, 1976. It was intended to introduce, in the present session, the necessary amending legislation, based upon the report that Mr. Justice Sweeney made to the Australian Government last year. A preliminary draft Bill was circulated for comment to the secretaries of all State-registered organisations (both of employers and trade unions), to some lawyers who specialise in the industrial jurisdiction, and to Mr. Justice Sweeney, who had indicated his willingness to comment.

Comments that have been received, particularly those of Mr. Justice Sweeney, judges of the Industrial Court and some lawyers, indicate that some modifications must be made to the preliminary draft. Because of the complex nature of the issues involved, and their importance to all trade unions and employer organisations, it is obviously necessary that a revised draft be prepared and circulated for comment by all interested parties before a Bill is introduced. Clearly, there is not sufficient time for this to be done and a Bill passed by the end of the year.

The Government is grateful to Mr. Justice Sweeney, who attended a conference in Adelaide to discuss in detail the various matters raised, including those to which he thought consideration should be given. This conference, which was also attended by the President of the Industrial Commission, took place recently.

Honourable members will appreciate that it is necessary for the same action to be taken this year as at the end of last year, namely, to extend further the moratorium period. It is clear that the necessary action to be taken by registered associations, as a result of the passing of the final amending legislation, will take some time to implement. Hence, this Bill, at clause 2, proposes that the moratorium period be extended for a further period of three years until January 4, 1979. I commend the Bill to honourable members.

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

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1551.)

The Hon. R. A. GEDDES: I rise to support this Bill. I do so, wishing to make some comment and some criticism of it. The second reading of the Bill was given in the Council when no Bill was available. Indeed, as the Bill was not made available to members until late on Friday afternoon, and naturally as the Council has not sat since last Thursday until today, it has been very difficult to make contact with the industry to find out if people are quite happy with the measure. The Minister's oversight in giving the second reading explanation without the Bill being before members is something that we must watch, particularly as the session is now proceeding and work is building up.

Various sections of the South Australian community have been fooled by the eloquent and plausible promises of the Dunstan Government over the years, but possibly no group has been lulled into a false sense of security as has the fishing industry as a whole in this State. Promises that have not been kept are numerous, but one stands out above all: the promise, which gained the Labor Party sufficient votes in the Millicent election in 1970 for the Deputy Premier (the Hon. Mr. Corcoran) to be elected. This was the promise that there would be a separate Minister of Fisheries. As soon as the hullaballoo of the 1970 State election was over, the promise was forgotten, until the fishermen themselves agitated and reminded the Government of it.

In due course, an alteration was made to provide for a title of Minister of Fisheries. As a consequence, the Fisheries and Fauna Conservation Departments were separated from the Agriculture Department. The role of Minister of Fisheries went to the Hon. Mr. Hudson and was slotted into his responsibilities involving education. But even the economist Mr. Hudson was unable to get more money for the fishing industry than was previously allocated, so the industry, even though it had a Minister, was unable to achieve any greater satisfaction, it not being considered a terribly important section of the community at that time. Then there were other changes: the responsibility for fisheries went from education to conservation, and at that time there was quite a change in the role of the former Director of Fisheries (Mr. Olsen), whose title was altered to that of Research Officer. For over two years now, the State has been advertising for a Director of Fisheries at, I understand, a salary of $18 000 a year, but still there is no sign of such an appointment being made.

The Government intends under this Bill to transfer the fisheries portfolio from conservation to agriculture, the Director of Agriculture and the Minister of Agriculture having responsibility for both agriculture and fisheries. However, the merit of whether fisheries should be under the Agriculture Department or any other department is not the point at issue. The point at issue is that promises were made by this Government, in 1970 and again in 1972, that this Government would appoint a Minister of Fisheries in the true sense. Whether or not the Ministers concerned have been caught by a barbed hook and being involved with fishermen has been too much for them, I do not know but, in any event, by what appears to be a conjoint arrangement, the Minister of Agriculture will become the Minister of Agriculture and Fisheries.

The next problem concerns the role of the senior officer in the Fisheries Branch. Will the office of Chief Fisheries Officer be similar to that of Chief Dairy Officer and Chief Horticulturist and other similar positions in the Agriculture Department, so that the Fisheries Branch will be answerable to the Director and the Minister but will have its own section within the Agriculture Department? Further, who will be responsible for the issuing and withdrawing of licences under this new set-up? Will it be the same as in the past, the Director or Acting Director of Fisheries having that responsibility in this regard?

Under whose directions will inspectorial staff be placed? Will it involve the Director or the branch itself? Who will be responsible for fisheries planning and research now that Professor Coates has paid us a short visit and is to make a report on the total fisheries problem? How will that report be handled when it is eventually received? It must be remembered that fishermen have worked under not fewer than five Ministers in the past five years. Further, it must be patently obvious that neither the Government nor the department is looking after the industry, which, however humble it may be, has been subjected to changes in policy in small ways according to the idiosyncracies of the various Ministers administering this responsibility. I recognise that there is need to amend this Act for the purposes of consolidation, but I hope that the amalgamation of fisheries with agriculture will be permanent and that the promises that the Government has made to fishermen over the years will be acknowledged. I hope, too, that fishermen will have a fair means of lodging complaints and making suggestions, and that the department itself will be able to help the industry become a more profitable one, at the same time conserving our fisheries resource and consolidating the position of the fishing industry for future generations. I support the second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I am sorry that honourable members did not have a copy of the Bill when I introduced it last week. Dealing with the specific areas raised by the honourable member, I point out that the role of the Chief Fisheries Officer in the new structure of the Agriculture and Fisheries Department is to examine management policies. He will have responsibility for research and extension in the Fisheries Branch. The Chief Fisheries Officer, Mr. Olsen, is in the same salary range and the same Public Service classification as he was when he was Director of Fisheries Research. So, there has been no down-grading of Mr. Olsen's position. As the Hon. Mr. Geddes said, the Fisheries Branch will be comparable with other branches in the Agriculture and Fisheries Department; for example, the Horticulture Branch and the Agronomy Branch. The whole of what was the Fisheries Department is smaller than the Horticulture Branch. However, it must be borne in mind that, even though a group may be small, its responsibilities can be great.

The Hon. R. A. Geddes: How many staff members are there in the Fisheries Branch?

The Hon. B. A. CHATTERTON: Just under 60. One of the main purposes of this amalgamation is that there will be a more effective use of resources in the areas of administration, economics, information and extension. A small group, such as the Fisheries Department was, needed adequate support staff for the fisheries economists and the fisheries information officer. In this connection, under the new structure it is possible to use more effectively the resources available within the Agriculture and Fisheries Department. As a result, greater results will be achieved for the fishing industry.

The Hon. Mr. Geddes raised the question of licence transfers. Here again, the resources of the department will be beneficial. Licence transfers will be within the scope of the administration of the Agriculture and Fisheries Department, thereby achieving two important results. First, it will relieve the Chief Fisheries Officer of much of the routine work that was previously his responsibility. He previously had to spend much time in connection with the appeals tribunal, in the administration area, and in authorising licences. This area will now be the concern of the administrative part of the department. The Chief Fisheries Officer will still, of course, have prime responsibility for determining how many licences should be issued. This, after all, is one of the essential points in connection with fisheries management policy and fisheries extension. On the basis of research work and economic studies, he will be able to make recommendations concerning the question of granting new licences. The responsibility for

handling application forms, licence transfers, and renewals will be taken from him, allowing him to spend more time in the area where he can serve the industry best. The new organisation will effectively use the combined resources of agriculture and fisheries to produce a better service to agriculture and the fishing industry.

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

ARCHITECTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1551.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill, which is intended mainly to safeguard members of the public who are involved in buying or constructing buildings. The Bill is long overdue, because the Architects Board of South Australia approached the Labor Government more than four years ago stressing the need to amend the Architects Act, 1939-71, as it then was to provide continued protection for the consumer in the light of present-day practices.

As honourable members may know, Acts have been passed in each of the six States, as well as Ordinances in the Australian Capital Territory and the Northern Territory, to create registration boards to ensure that persons holding themselves out to be architects are in fact qualified to do so. The chairmen and registrars of these eight boards have been meeting from time to time for the past 20 years to achieve uniformity of standards throughout Australia.

Four years ago, the Architects Accreditation Council of Australia was created with the object of recognising certain persons as architects throughout the country. This facility would be used especially by people such as migrants with oversea qualifications who wish to practise in Australia. It is hoped that such a certificate can also be used by Australian architects who wish to practise in future in other countries. This Bill seeks to amend section 32 of the principal Act so that persons holding such a certificate may be registered in this State.

Although the public would normally think of an architect as a person concerned with buildings, the term is now used by persons designing ships, landscapes and golf courses. As the law now stands in this State, a person, other than a naval architect, must be registered with the board in order to call himself an architect; otherwise, he is guilty of an offence.

Clause 10 of the Bill seeks to correct this anomaly so that a member of the Australian Institute of Landscape Architects, a naval architect, a golf course architect, an architectural draftsman, or an architectural technician may use the term without fear of prosecution. It must be stressed, however, that any member of the public can lawfully continue to design or supervise the erection of any building so long as he does not profess to be an architect whilst so doing.

The Bill further seeks to stop any person (for instance, a land developer or real estate agent) from advertising that houses are designed by or constructed under the supervision of architects unless the person concerned is registered with the Architects Board. This is a loophole which should be closed for the protection of the public.

Honourable members will know that in recent years, in Australia and oversea countries, the control of large developmental projects has passed mainly from individual architects to companies having as directors or on their staff architects, civil engineers, town planners, etc. Many of these companies profess to be architects.

Clause 12 of the Bill seeks to recognise this trend. It provides that a company may be registered with the Architects Board if its object is to practise as a registered architect, with the proviso that at least two-thirds of the directors must be, and two-thirds of the voting rights must be in the hands of, registered architects. The balance of the voting rights in the company must be held by persons with qualifications prescribed by by-law under the Act, and I understand that these will wisely be confined to persons with tertiary qualifications useful to developmental projects, such as civil engineers, town planners, surveyors, accountants, lawyers or economists.

The Bill provides that the directors of such an architectural company will still be liable jointly and severally to the full extent of their personal assets if found guilty of professional negligence in a civil case. This precludes them from limiting their responsibility to the size of the paid-up capital of their company.

The Bill, as a further safeguard for the public, empowers the Architects Board to insist that companies and individual architects take out adequate professional indemnity insurance. This is to be done in case the personal assets of an architect, or group of architects, are inadequate to meet damages for negligence.

This is a thoroughly desirable Bill, and I commend the Labor Government for introducing it, albeit a few years late. Its provisions are sought by both the Architects Board and the Institute of Architects in this State. The facility to create companies gives architects the same rights as are already enjoyed by consulting engineers and some other professional bodies.

At the same time the Bill provides protection for members of the public when they are involved in what is for most the main purchase of their lives, namely, a family house. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Offences."

The Hon. C. M. HILL: The Hon. Mr. Laidlaw dealt with this clause in relation to people advertising newly-constructed houses built under architectural supervision when the architects referred to are not registered. Will the Minister ensure that publicity is given to this legislation? For example, if builders advertised in this way, they would immediately be committing an offence, and it is proper that such action be treated as an offence. To obtain a fair situation and using builders as an example, I point out that builders should not have to know the latest provision in legislation which does not affect the licensing of builders but which deals with the licensing of architects. In this example, builders should have the opportunity of knowing from publicity that such a situation constitutes misrepresentation and that such misrepresentation will constitute an offence carrying a penalty of up to $500. If the Minister ensures that this provision is publicised people who are likely to be affected by it will be in a better position not to offend.

The Hon. D. H. L. BANFIELD (Minister of Health): The honourable member has raised a good point, and I shall be happy to have an announcement made when the Bill is proclaimed.

Clause passed.

Remaining clauses (11 to 18) and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Adjourned debate on second reading.

(Continued from October 30. Page 1557.)

The Hon. J. C. BURDETT: Last Thursday, the Hon. Mr. Blevins complained that under the present law some members of this Council might sit for too long in this Council without facing an election. I point out to the honourable member that under the new electoral system no candidate, as such, in his personal capacity faces the electorate at all. The only vote cast is cast for a group which is, in effect, the Party.

The Hon. Mr. Blevins contested the statement made by both the Hon. Mr. Carnie and the Hon. Mr. Hill that the effect of the Bill was to weaken the position of the Council. The Hon. Mr. Blevins said that what they had stated was rubbish. He then said he could not follow their rationalisation. If he cannot follow it, he should not stay in this place. The Hon. Mr. Blevins is prone to say that he cannot follow—

The Hon. R. C. DeGaris: A very good point.

The Hon. J. C. BURDETT: Yes—that he cannot understand arguments or follow them on this side of the Council. I suggest he should try. The Hon. Mr. Carnie and the Hon. Mr. Hill spoke in clear and comprehensible terms. I do not expect the Hon. Mr. Blevins to agree with their comments, but he should have been able to understand them. What speakers on this side of the Council have been saying, in effect, is that this Bill will have the effect of weakening the position of the Council.

The Hon. J. E. Dunford: Of the L.C.L.

The Hon. J. C. BURDETT: No, of the whole Council. I am not referring to the position of a Party. After all, the L.C.L. has ceased to exist.

The Hon. J. E. Dunford: Has it? That is the best news we have heard for some time.

The Hon. N. K. Foster: This bloke is on the ball.

The Hon. J. E. Dunford: They will all join the L.M. at last.

The Hon. J. C. BURDETT: I wish the honourable member would use the Liberal Party's correct name in place of a name that has ceased to exist. The position is that this Bill will lessen not only the effect, power, or strength of the Liberal Party but—

The Hon. J. E. Dunford: It will be more democratic; honourable members will go to the people more often.

The Hon. J. C. BURDETT: But it will lessen the power of this Council.

The Hon. J. E. Dunford: The power of the Liberal Party.

The Hon. J. C. BURDETT: No, the power of the whole Council. It will have less strength as a House of Review if it has to consider all the time the effect on it of an election.

The Hon. J. E. Dunford: That is a scandalous statement to make.

The Hon. J. C. BURDETT: I will say it in more detail. The Council will have less strength as a House of Review if it has to consider all the time the possibility of its members going to an election.

The Hon. F. T. Blevins: That is not what you have just said.

The Hon. J. C. BURDETT: I am trying to explain it in detail. Every other Upper House that I know of is guaranteed a minimum period in office, and that is necessary to give the members of an Upper House the independence to review legislation passed by the Lower House.

The Hon. N. K. Foster: You are not prepared to accord that to any other elected House, apparently.

The Hon. J. C. BURDETT: There is a difference between the two Houses; otherwise, there is no point in having a bicameral system. The point I have just made was explained clearly and fully, though not at undue length, by the Hon. Mr. DeGaris, and I do not propose to repeat it. It is not surprising that this Government Bill weakens the position of the Council, because the abolition of the bicameral system is a part of the Australian Labor Party platform.

The Hon. N. K. Foster: That is not a part of this Bill.

The Hon. J. C. BURDETT: It is not but, if the honourable member wishes to interject, I wish he would take note of what I say. I say that the Bill weakens the position of the Council and that that is not surprising because the abolition of the bicameral system is a part of the A.L.P. platform. Indeed, the Hon. Mr. Blevins in his Address in Reply speech said:

> I see no role at all in a democratic society for Upper Houses of Parliament. The sooner people do away with all of them, the better.

Although the Hon. Mr. Blevins is opposed to Upper Houses, as he has said, he did seek preselection and election to this Council. While he is quite entitled to do this and still oppose the concept and the existence of a second Chamber when it is relevant to do so, in the meantime he should refrain from attacking members and take his part as a member of a House of Review.

The Hon. F. T. Blevins: Which members have I attacked?

The Hon. J. C. BURDETT: You have attacked practically all the members on this side.

The Hon. F. T. Blevins: That is not true. All I did was lay out the facts. I have never attacked any honourable member in this Chamber, nor would I. I merely set out their electoral records.

The Hon. J. C. BURDETT: I suggest that the comment I made, that what the Hon. Mr. Blevins said was an attack on members on this side of the Council, was fair comment and I suggest that the honourable member should, while this Council continues, play his part as a member of a House of Review. He could well emulate some of his colleagues on his side of the Council who were elected at the same time as he was. If all that the Government was worried about was that some members might, under the present law, have a longer term of office than six years, there could have been an easy solution: the Bill could have provided that, after one-half of the Council had served six years, the Government could call that half of the Council out in a separate election.

The Hon. Mr. Blevins said that we would find out the views of the members on this side of the Council when they voted. There is no need to wait for my views on the Bill: I will oppose the second reading. It is essential to an Upper Chamber that the franchise be different from that of the Lower House. With a Lower House, it is probably meritorious that each member should be immediately concerned because of the possibility of an election; but the duty of the members of a House of Review is to query and question the decisions of the Lower House. They should not be under constant threat of election and should be guaranteed (and this has been the point of what I have been saying all along) a minimum period of office.

The Hon. F. T. Blevins: Why is an election a threat? Why is it a terrible thing that will descend on you?

The Hon. J. C. BURDETT: It is not a terrible thing that will descend on us.

The Hon. F. T. Blevins: Why is it a threat?

The Hon. J. C. BURDETT: I will explain if the honourable member will give me a chance. Don't ask me questions and then not give me a chance to reply.

The Hon. N. K. Foster: Don't lose your cool.

The Hon. J. C. BURDETT: It is a threat for this reason and only in this sense, that anyone who has been through an election, and particularly members in the Lower House, knows that, when an election is imminent, his time is totally taken up with the election. It is what the members are concerned about all the time. They are worried (and this is proper in a Lower House, as I have been saying) to find out what the electors are thinking. Sometimes, the members are more concerned about what the electors think than they are about taking an impartial look, for the good of the whole State, at the legislation before them. That is why we have this system. Without it, there is no point in a bicameral system.

I suggest there is a point in a bicameral system. We have, on the one hand, members of a Lower House with a relatively short period of office, who are constantly concerned about elections and who will find out what, in the short term, is the view of the electors. They will be worried about what the electors think of what they say. That is as it should be, but the idea of a bicameral system is that we have that, on the one hand, and then, on the other hand, we have another Chamber the members of which do not have to be so constantly worried and concerned about what their electors think in the short term. Those members in the Upper Chamber can take a quieter and longer look at the legislation, taking a calm view, considering what is necessary in the interest of the people of the whole State, approaching it in a way different from that of members of the Lower House. Therefore, we get a balance of the two, get the two views, not just one view, not just the view of the people who are rushing to the electors all the time to find out what they think, but also the view of people who are guaranteed a term of office and who can try to take a more dispassionate view of the legislation passed by the Lower House.

The Hon. J. E. Dunford: You have never shown that capacity.

The Hon. J. C. BURDETT: I disagree with the Hon. Mr. Dunford. It is that balancing which, in my view, is one of the things which justify the bicameral system. Because I think this Bill would weaken the position of the Upper House, I oppose the second reading.

The Hon. J. E. DUNFORD: First, I must answer a few of the remarks of the Hon. Mr. Burdett. He said that the Hon. Frank Blevins wanted to abolish the Upper House. Why, then, does he come into the Council? He came here as I did, on the Australian Labor Party ticket. Every member on this side is committed to this policy and part of the platform deals with the matter of this Chamber. No-one can get away from that fact; it is quite open to the public and everyone has read it. So that it is included in *Hansard*, I quote, as follows:

(*b*) that a second Parliamentary Chamber in South Australia is unnecessary and wasteful of public funds. The immediate aim should be: The Legislative Council should be abolished after a favourable vote of citizens at an election at which abolition is an issue. Meanwhile, the Council should be reformed by (i) altering its powers to conform with those of the United Kingdom's House of Lords; . . .

That is quite different from the power in this Bill.

The Hon. J. C. BURDETT: Why don't you introduce a Bill to do just that?

The Hon. J. E. DUNFORD: I suggest the honourable member should.

The Hon. M. B. Cameron: Why don't you? It is because you don't want the public reaction that would come from it.

The Hon. J. E. DUNFORD: I will bet the honourable member Bourke Street to a brick that the Labor Government will put this to the people at the next election and that he will oppose it, he and members on that side, including Coca-Cola, because he welched on the 10c. I shall deal with that matter shortly. I do not like to interject, and I have not interjected very often in this Chamber. I have noticed that Dr. Medwell agrees that in Parliamentary debate there should be interjections and that people should not be able to ramble on at will, hoodwinking the gallery and the people who read *Hansard*. They should be called to order by way of interjection. I voted for the give-way rule because I think anything is worth a try, but that is the only reason why I voted for it.

The Hon. Mr. Burdett said this Bill will weaken the strength of this Council. No-one can tell me that elections held more frequently for those in this place will weaken this Council. I believe the public will be able to strengthen the Council by electing the people it wants, the people who should be here, dumping those who have been here for nine years without facing an election. Those members do not want to go to the people. As a trade union secretary, when watching politicians I have found that, when there is a hot potato, and when they have not performed correctly, they do not want to go to the people. On July 12, after one of the biggest and most vicious political campaigns waged against the Labor Government, the people of South Australia increased the number of Labor members in this Chamber. I believe subsequent elections will see the strength of the Liberal Party and the Liberal Movement weakened to such an extent that they will no longer have control. They will no longer be able to amend Bills, because whenever the Opposition amends Bills in this place it waters them down or rejects them.

The Hon. M. B. Cameron: Watering down the dictatorial part.

The Hon. J. E. DUNFORD: It is all right for the Liberal Movement, conning people up. Only one political Party hates the trade unions, the workers, and democracy more than the Liberal Party does, and that is the L.M. There is no doubt about that.

The Hon. R. C. DeGARIS: Will the honourable member give way?

The Hon. J. E. DUNFORD: I am not giving way today, because I have too much to say.

The Hon. J. C. Burdett: What about tomorrow?

The Hon. J. E. DUNFORD: Tomorrow I might, but certainly not today. I know the Hon. Mr. DeGaris is fit today and he wants me undone, but it will not be today.

The Hon. R. C. DeGaris: Why are you putting it in this Bill if it strengthens the Council?

The Hon. J. E. DUNFORD: The people will be able to elect members in this place more often than every nine years. A Council democratically elected is a strong Council.

The Hon. R. C. DeGaris: You don't want to strengthen the Council.

The Hon. J. E. DUNFORD: This side of the Council we want to strengthen, to give the people in South Australia—

The Hon. M. B. Cameron: Next time you will be saying this side, because you will be over here.

The Hon. J. E. DUNFORD: If it had not been for Steele Hall's support of the Government in Canberra, you would be right out of business.

The Hon. M. B. Cameron: Oh, that is right!

The Hon. J. E. DUNFORD: I shall deal further with the Hon. Mr. Burdett. He is capable of making a very strong contribution in this Council. I watched him when he turned a somersault, frothing at the mouth, about the Hon. Mr. Blevins, and I could see that he wished he was supporting the Bill. However, he is tied to the Liberal Party, and he is afraid of losing his preselection.

The Hon. J. C. Burdett: I am afraid you are wrong.

The Hon. J. E. DUNFORD: I support the Bill for a number of reasons. First, members in this Council and in another place have sought to suggest that the Government's intention is to abolish the bicameral system of Parliament. No other constructive criticism has been made in either Chamber. The Bill, as I understand it, has been ably drafted to make plain to the public of South Australia that half the Legislative Council will go to the polls at the same time as members of the House of Assembly. This will possibly have the effect of giving the people of South Australia an opportunity of showing the Parties represented in this Chamber, each three years or less, their support or otherwise of the performance of members in this place, instead of the possible wait of nine years. A fair example of their displeasure was apparent on July 12, after the Liberal Party and the Liberal Movement combined in this Chamber to block the Railways (Transfer Agreement) Bill.

The Hon. M. B. Cameron: Oh, come on! You had better get that straightened out.

The Hon. J. E. DUNFORD: The Hon. Mr. Cameron supported it?

The Hon. M. B. Cameron: What rot! Look up the records.

The Hon. J. E. DUNFORD: A double dissolution—you did, did you not?

The Hon. M. B. Cameron: No. Don't talk rot.

The Hon. J. E. DUNFORD: Then it is a wonder you did not.

The Hon. M. B. Cameron: What an incredible statement!

The Hon. J. E. DUNFORD: I really believed that to be true. The reason the differences between the two Parties opposite are not patched up must be because of personality problems. The performance in this Council of those two Parties will put the nail in their political coffins. I will leave the Hon. Mr. Cameron out of that. We all know he is crook.

The Hon. M. B. Cameron: You had better seek leave to conclude your remarks, and get your speech straight.

The Hon. J. E. DUNFORD: I do not need any assistance from the Hon. Mr. Cameron. He had better ring Robin Millhouse to get his orders, to see what he is going to do about this. He may have to change his mind, perhaps ringing up Steele Hall.

The Hon. R. C. DeGaris: Do you believe a Government should have the right to govern for three years if it is elected for three years?

The Hon. J. E. DUNFORD: I believe the Government should have that right. Under this Bill some members may lose a year, or sometimes two years, but that is better than anyone having a term of nine years. If there is to be a change, it must be for the better. Some members may have to sacrifice a few years, but some have had free years here when they have not been properly elected.

The Hon. R. C. DeGaris: Would you agree that you should serve the period for which you are elected?

The Hon. J. E. DUNFORD: At this point of time we are trying to change the Constitution. After the next election half of the Legislative Council should come out; that half should go to the people; thereafter you have coinciding elections.

The Hon. R. C. DeGaris: You have missed my point. I want to know whether you agree that a person elected for three years has the right to serve that term?

The Hon. J. E. DUNFORD: Of course.

The Hon. R. C. DeGaris: And those elected for six years should serve six years?

The Hon. J. E. DUNFORD: Unless the situation is changed. Take my position. My term is for six years. I am prepared, for the sake of democracy, and going along with the platform of my Party and this Bill, to forfeit two years of that six years. I am getting to the point where I could do nine years; I am going to give an example. I would rather give away two years than con the public and say I will get nine years. I will tell you how. You never ask me to give way; you continually interject. You have not stopped. I have got all the answers because I knew the questions you would ask. This is the proposition I am putting to Liberal members and L.M. members elected on July 12 for six years: if an election for members of the House of Assembly is held in March, 1981, they would not have to face the South Australian electors until possibly 1984. What a shocking situation—people being elected to Parliament with no past performance, no responsible approach to a democratic proposal such as this Bill contains, forcing their will on the people of South Australia until 1984. Bear in mind that the people of South Australia are watching the members who have just come into this Council—the new six. I believe those six, including myself, the six on this side, would all agree.

You should agree on the other side that we all should, as soon as possible, face again the electors to find out what our contribution and performance was and how democratic we are. I guarantee, if we do not pass this Bill, the people will not forget. All I can add is that the Opposition is lucky that it has the press on its side. The public should be told what is contained in this Bill and of the feeble opposition to this Bill. Of course it should be told because in the other House (if you read *Hansard*) we find that all the Opposition has said is that all the Government members want to do away with the bicameral system. I do not think the Hon. Mr. Cameron agrees with the way I talk. I can't help that, but you do not talk at all, and when you do it is not very good.

The Hon. M. B. Cameron: You will find out tomorrow.

The Hon. R. C. DeGARIS: Will the honourable member give way?

The Hon. J. E. DUNFORD: Certainly not; not today. You are doing all right on interjections.

The Hon. R. C. DeGaris: Would you agree that—

The Hon. J. E. DUNFORD: The Hon. Frank Blevins laid it on the line on Thursday last, exposing the arrogance of the Opposition. They forgot about the give-way rule, because the truth was having its effect. The unflappable Hon. Murray Hill, that doyen of the Liberal Movement,

and more recently the Liberal Party, was losing his cool. Have you ever seen such a performance! It was only equalled by the Hon. Mr. Burdett today. The Hon. Mr. Hill's moustache glistened, his hands trembled, because Frank Blevins exposed the Opposition members for their arrogance over the years. I have never seen Murray Hill so wild and savage. The Hon. Mr. Carnie's contribution looked hopeful, when he said in his opening contribution, and I quote—

The Hon. M. B. Cameron: Have you got it accurate this time?

The Hon. J. E. DUNFORD: You will soon say if I have not.

The Hon. M. B. Cameron: What are you reading from?

The Hon. J. E. DUNFORD: My short notes I made last night.

The Hon. R. C. DeGaris: Copious notes.

The Hon. J. E. DUNFORD: Copious notes is the word. You are a great help. This is what the Hon. Big John Carnie said:

There have been many comments recently, by means of letters to the Editor and comments by the Opposition—

The Hon. M. B. Cameron: He said it more nicely than that.

The Hon. J. E. DUNFORD:—

both State and Federal, that the Liberal Movement appears to have become Labor-orientated, or a supporter of Labor.

(I would like to hear the trade union reaction to that.) He continued:

It has been said so much that I have almost come to believe that we should vote with the Government more than we do and that we should support this Bill.

That is what he said. Look in *Hansard*. Let the public see what he will do when we vote on this Bill. Robin Millhouse has told him. He is not independent. He is no more independent than Mr. DeGaris pretends he is, or Mr. Burdett. The same applies to Murray Hill. Of course, he has not denied his association with the Liberal Movement.

The Hon. T. M. Casey: That is right. I think he might have a leg in both camps.

The Hon. J. E. DUNFORD: He is a fence-sitter. I do not want to upset him. I know how violent he gets.

The Hon. T. M. Casey: Do you think he has shares in Coca-Cola?

The Hon. R. C. DeGaris: Do you know that the biggest shareholder in Coca-Cola made a donation to the Trades Hall?

The PRESIDENT: Order! I do not want to hear Coca-Cola brought into this debate. I think Coca-Cola could be kept out of it.

The Hon. J. E. DUNFORD: The Hon. Mr. Carnie rambled on for another few minutes talking about Bob Menzies and then he said, and I am quoting him because I have written it with my own hand, and I agree with this quotation:

It would be falsification of democracy if, on any matter of Government policy approved by the House of Representatives, possibly by a large majority, the Senate could reverse the decision . . . Otherwise, a Senate Opposition whose Party had just been completely defeated at a general election would be in command of the Upper House of a nation. This would be absurd as a denial of popular democracy.

The honourable member said that he agreed with what Menzies said in that quotation in 1969. However, he said also that he did not agree with what Menzies said in the previous week, and that was about the constitutional crisis. As I said, I support his contention on that. I support his attitude regarding Menzies's statement on the Senate and his attitude that Menzies was wrong in this particular situation. For the benefit of members I want to read an article from *Time* magazine relevant to what Mr. Carnie said (and I would support it). It is on page 15 of the issue dated November 3, as follows:

Piqued over continued denial of funds to operate the government in coming months, Prime Minister Gough Whitlam in predictable paroxysms last week flayed Australia's Senate as a "tainted, stacked, vicious and irresponsible" body.

You people opposite do not measure up to that just yet, but you are not far off. The article continues:

No other Western Prime Minister would be likely to refer to his Upper House in such hyperbole. But few P.M.'s have faced such frustrations as those that Australia's Liberal-Country Party Senate has dealt to Whitlam in his 34 months in power. The Senate's decision to block the appropriation bills is politically a logical extension of recent obstructionist moves that have all but hamstrung Whitlam's government. Until recently, such Senate activism would have seemed almost anomalous. In the Liberal-Country Party coalitions that ruled the country from 1949 to 1972, Senators were content to sit through their terms on their red leather benches.

That is what you were doing only a couple of years ago. Honourable members opposite just sat like these people (not on red benches, of course) occasionally amending but rarely rejecting Bills. It is on record how many Bills honourable members opposite rejected when Sir Thomas Playford was in power and how many Bills they rejected when the Labor Government came to power. The article continues:

The Senate's generally benign deference to the House was based more on tradition than on the language of Australia's Constitution, which grants the Senate powers "equal in all respects" save one to those of the House. The one: the Senate cannot amend or initiate money Bills. But the Senate, like the U.S. Senate on which it is partly modelled, has absolute power to veto or defer any legislation.

The Senate's founders intended it to be a guardian of the rights of less populous States in the Australian confederation. The equal division of Senators assured the outback that its interests would not be ignored by Victoria and New South Wales, where most Australians live. Australia's four least populous states—Western Australia, Tasmania, South Australia and Queensland—insisted, as a condition of joining the confederation, that the Constitution provide the Senate with veto power. Though Labor gained control of the House in December, 1972, it has been in a minority in the Senate since 1951, although the last Senate elections left Labor tantalisingly close to a majority.

Together, the Opposition Liberal and Country parties have made the Senate a Parliamentary hair shirt for Whitlam. "Since Labor came to power," the P.M. railed last week, "the Senate has been the most obstructionist in Australia's history. More Bills have been defeated in the Senate, more Bills rejected, in the past three years than in the previous 72 years of Federation." Though parliamentary records are vague, it seems that Whitlam is not overstating his case. Since New Year's Day, 1973, Senate vetoes have come down on 92 occasions to reject or defer 52 pieces of legislation dealing with business controls or regulation, electoral reform and Australia's arbitration system. Few, if any, have had to do with States' rights.

Clearly, the present money cut will lead both Parties to re-examine the Senate's role. As Whitlam has asserted, the exercise of a heretofore latent clause in Australia's Constitution has indeed threatened to create a precedent under which future Senates can dissolve Governments at whim. Writing in the Australian *Financial Review*, Colin Howard, a professor of law at Melbourne University, commented: "Whoever wins, it must be obvious to both sides that it is a dangerous business to have a Senate which can exercise these powers. Indeed, the current state of affairs is a sharp reminder that the Senate has become

an anachronism." Howard went on to point out that Britain's House of Lords once possessed similar powers over money Bills passed by Commons. But when the Lords blocked the budget of 1909, they were soon stripped of the cash veto. "We are therefore witnessing," he concluded, "the emergence of a ghost which was laid to rest for good reason by the British in 1911."

That is relevant to what was said by the Hon. Mr. Carnie, who has said that he will oppose the Bill. In opposing a Bill of this nature, honourable members opposite tend to copy the activities and performances of their colleagues in the Senate.

The Hon. R. C. DeGARIS: Will you give way?

The Hon. J. E. DUNFORD: No. The Hon. Mr. Carnie also said:

I believe that the present system is good, with single-member House of Assembly districts and proportional representation in the Upper House. This surely affords the opportunity of representing many shades of opinion. Particularly in view of the statements made by people that they believe there should be as great a difference as possible, I find it hard to reconcile the promotion of an electoral system for the House of Assembly that will bring the two Houses closer together.

The honourable member has obviously been told by his Leader in another place or by his colleague in this place of the possibility of having a nine-year term. The Hon. Mr. DeGaris took us much further back into the notorious history of the Legislative Council in this State. I have previously dealt with the history of the Legislative Council. Nothing I have read about the Council's past history is good: it is all crook. The Hon. Mr. DeGaris took us back to what happened in the days of the Romans by quoting John Stuart Mill. Part of that quotation supports the guts of the Bill. I quote the following passage:

The same reason which induced the Romans to have two consuls makes it desirable that there should be two Chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.

Some honourable members have had terms in this Council as long as nine years.

The Hon. R. C. DeGaris: The A.L.P. itself quoted that in the 1950 report.

The Hon. J. E. DUNFORD: I suppose the A.L.P. quoted it for the reason I am quoting it.

The Hon. R. C. DeGaris: No. You should read the report.

The Hon. J. E. DUNFORD: This Bill requires honourable members opposite to face the electors more often.

The Hon. A. M. Whyte: Mr. Whitlam does not want to go to an election.

The Hon. J. E. DUNFORD: The honourable member wants him to go to an election every year, but the honourable member himself will not go to an election more often than nine years. Members of the Liberal Party and the Liberal Movement, by seeking to defeat this Bill, are seeking undivided power for a possible nine years. I am not suggesting there is corruption in the Opposition. However, I was not impressed by the Coca Cola people flocking into the President's Gallery during the debate on the Beverage Container Bill, nor was I impressed by the agitated discussions held in the passageways. In opposing this Bill, the Hon. Mr. DeGaris said:

If one looks at the history, one will see that this Chamber his performed its functions in the tradition of an Upper House very well by comparison with any other Upper Chamber. The work of the Chamber over the years has been subjected both to praise and to criticism.

I have yet to see any praise of this Council in any magazine or history book. Since 1856, the history books are full of stories of corruption and of this Council's attitude to the electors. Until 1970, nurses living in hostels, workers living in hostels, and some soldiers were not allowed to vote. So, everything the Legislative Council did until then was crook. It has destroyed the real purpose of legislation sent from the Lower House. The Hon. Mr. DeGaris continued:

If one examines its functioning, one will see that, by comparison with other second Chambers, this Chamber has fulfilled its role with credit.

I suggest that the Hon. Mr. DeGaris should read *A History of South Australia* by R. M. Gibbs. He would see that his statement is contrary to fact. The following is what a distinguished South Australian said in a letter to the *Advertiser* on May 14, 1970—

The Hon. C. M. Hill: Whom are you quoting?

The Hon. J. E. DUNFORD: Hold on, Murray, it is a letter to the *Advertiser*. It is a wonder the *Advertiser* printed it; but you will have to get on to the Editor. The letter states:

Regardless of party preference, one would hope that all voters at the coming election will give some thought to South Australia's non-democratic Upper House. A second Chamber may be justified as a House of Review, as a House of a "second look" at legislation, and even as an initiator of legislation. It cannot be so justified if it is irresponsible, autocratic and undemocratically elected. The Legislative Council of South Australia is all three.

To deny a group of people the right to vote for the Legislative Council is not only to limit unjustly their legal and political freedom; it is the expression of a belief that some people are not good enough, not propertied enough to vote—that they are in fact inferior. I wonder how long this inferior 20 per cent of the adult population of South Australia will be satisfied to be so considered.

That letter was written by Mr. Jaensch. I think all members opposite known Dean Jaensch. They have read all about themselves in some of the history books for which he is responsible; the points made have not been denied, as I stated in the Address in Reply debate. I should now like to refer to another interesting book, which I know the Hon. Mr. DeGaris has read. The author states:

We hear a lot these days about justice and morality and principles of "fair play", and rightly so, too. Indeed, the very people who deny the need for electoral reform are often the most anxious of all to extol these virtues of our democracy.

Does that crash home to the Hon. Murray Hill? The author continues:

It is deplorable to think that at some time in the not distant future we—and maybe you and your children—may have to go to war against the enemies of this country to fight for these very things, while here in South Australia we shall be leaving behind an electoral system which is the negation of the ideals which we all preach and which we shall be trying to defend.

Those comments are contained on page 1 of this book. On page 4 of the same book the author goes on to say:

Thus, when you hear people talking about one section of the community deserving greater representation in Parliament than another, you can see that they have quite a wrong idea of what Parliament is supposed to be in a democratic country. Evidently they regard a vote as some sort of prize to be handed out to some because they have been "good", or have "produced more" or have a "greater stake in the country" and to be denied to others who are "bad" and so on. Such people have forgotten that Parliament is supposed to act on behalf of the whole community, and not one section or another.

Is Democracy Really Necessary?

But, you might ask, why is it that we want democracy at all? Why do we want the interests of all the people to be represented equally in our Government? After all, surely some people in the community are more intelligent, more industrious, and altogether better citizens than others. Why

should not they alone have the say in choosing the Government, and let us forget about the others? For the answer to this we must go back again to what we have said earlier, and to what Mr. Menzies said in 1942. This was, you will remember, that, in spite of all our differences, we are all of equal value in the sight of God, and therefore the well-being of each of us is of immeasurable importance. This must always be the over-riding consideration in our minds when we think about systems of government, and if it is not, then we have fallen short of the demands of both Christianity and liberalism. It appears to us, therefore, that the present electoral system in this State brings dishonour upon a great Party, and is a reproach to us all.

Can we, then, justify it for any reason at all?

The answer is "No", for there is no justification for believing that we should always be in power and our opponents always be denied the legitimate chance of every party in opposition—a chance to work the machinery of government if they can persuade a majority of electors to support them. We delude ourselves if we believe that there is any particular virtue in us or in our Party entitling us to a perpetual lien on the Government.

We must remember that the members of the Labor Party hold their views just as strongly as we hold ours. Certainly we believe that they are wrong, but we must never forget that they believe with just as much conviction that we are wrong and they are right. The truth of the matter is that no political Party is ever wholly good and its opponents wholly bad. It is only on balance that we of the L.C.L. are better in any sense of that word than the Labor Party. We have made and continue to make many mistakes and on the other hand the Labor Party has good ideas of its own. Anyone who disagrees with this is, we believe, both foolish and bigoted.

On page 14 the author states:

If we cannot win elections in this State under a fair system (and we believe we can), then we have no right to allow an unfair system to carry us to power against the wishes of the people. Let us win or lose elections on our own merits, and let us govern the people of South Australia, not against their wish but with their consent and goodwill.

I believe that any person who does not support this Bill supports a nine-year term of office for Council members. This situation has happened before. I indicated early in my speech that, if the Government in this State goes to the people of South Australia next year or in the following March, some of the members of this Council will not face the people until 1984. That is unfair. This Bill seeks to change that situation so that Council members face the people more often; it is fair and democratic. I point out that this book to which I have referred is entitled *The Liberal Case for Electoral Reform*. It is interesting to note that in Part 1 of that book, although it takes up only four or five lines, the following statement is made:

At the same time we rely upon you to see that it is read only by members of the Liberal and Country League and of the Liberal Party of Australia.

Once this document was made public, referring to democracy, fair play, decency and fair elections, members opposite knew that questions would be asked because anyone who votes against members opposite knows that they are not that way inclined.

The Hon. R. C. DeGaris: Do you believe that the present Council voting system is fair?

The Hon. J. E. DUNFORD: I suppose we can find faults in all types of election, especially if we get beaten, but it is the fairest system; this is supported by the Hon. Mr. Carnie, and it was not denied by the Hon. Mr. DeGaris. It is the fairest system we have ever had for this Council in its history of 128 years.

The Hon. T. M. Casey: The Leader supported it.

The Hon. J. E. DUNFORD: Of course he supported it, but now he does not, because there is a split with the L.M. Look at the tortured souls opposite; they are in a hell of a quandary. Someone has to back down. The Hon. Mr. DeGaris will not back down, and Steele Hall will not back down. However, once those two antagonists are out of the way, things will be all right. Murray Hill will be all right.

The Hon. R. C. DeGARIS: Will you give way now?

The Hon. J. E. DUNFORD: No. The Hon. Mr. DeGaris referred to the indirect election of the New South Wales Upper House, but he did not say how that House is elected, and I point out that members of the New South Wales Upper House are elected for 12 years by a meeting of both Houses. The public gets no vote at all. So it is true to say that, even though this Legislative Council is crook (and the only way in which the Hon. Mr. DeGaris can justify what he said earlier is by whether we measure up to other Upper Houses), we can in these circumstances measure up in a better light than can New South Wales. However, that does not save us from the disgraceful behaviour in this Council over the last 125 years. I now quote what the Hon. Mr. DeGaris said:

Already, in the changes we have made to our Constitution Act, we have, with permanence, I fear, rejected certain factors which are viewed as being fundamental in many Parliamentary structures. We have in the past few days entrenched in the Constitution Act a distribution of electoral boundaries based on the fallacy that numerical equality can produce in single-man electorates one vote one value, which is giving the metropolitan area a standard of representation in the Lower House which cannot be equated with the standard of representation of large, far-flung electorates. The Parliament has approved such redistributions not, I suggest, on the basis of democratic logic but upon political expedience.

Yet, on page 7 of this booklet *The Liberal Case for Electoral Reform*, which belongs to and was brought out by the political Party to which the Leader belongs (I do not know whether its policy has changed), we read:

How should electoral reform be carried out? Here is a summary of our proposals.

That is what the booklet states.

The Hon. R. C. DeGaris: You say that it is a booklet of the Liberal Party?

The Hon. J. E. DUNFORD: I am saying that this is *The Liberal Case for Electoral Reform*, put out on behalf of the Party by Jim Bettison, Brian Cox, and Ian Marshman.

The Hon. R. C. DeGaris: By three people?

The Hon. J. E. DUNFORD: On behalf of the Liberal Party.

The Hon R. C. DeGaris: That is not true.

The Hon. C. M. Hill: When was it written?

The Hon. J. E. DUNFORD: Do you deny that you are associated with this booklet?

The Hon. C. M. Hill: What date was it?

The Hon. J. E. DUNFORD: This is what the Liberal Party had to say at that point of time.

The Hon. R. C. DeGaris: Not the Liberal Party.

The Hon. J. E. DUNFORD: No? It was written by the Liberal Party. Robin Millhouse said it was, and you would not call him a liar, would you?

The Hon. R. C. DeGaris: No.

The Hon. J. E. DUNFORD: He says this is a Liberal Party booklet. I am only relating what Mr. Millhouse said.

The Hon. R. C. DeGaris: I assure you that that is not a Liberal Party publication.

The Hon. J. E. DUNFORD: Well, will you give me one?

The Hon. R. C. DeGaris: Yes. I will give you one now; will you give way?

The Hon. J. E. DUNFORD: No; you could write your policy on a cigarette paper; it would not take very long. The booklet continues:

1. Set up an Electoral Commission consisting of impartial and qualified men.

We have done that in this Council. Then:

2. Ascertain from the electoral rolls how many electors there are in South Australia.

3. Decide how many seats there are to be in the House of Assembly.

We have done all that. Then:

4. Then divide the first figure by the second. The result is called the "quota".

5. Instruct the commission to divide the State into the number of agreed electorates, and that in so doing it is to follow these rules:

(*a*) The number of voters in each electorate is not to be more than, say, 10 per cent or below the quota.

We do not know. Then:

(*b*) In determining the boundaries the commission is to pay attention to size, shape, accessibility and community of interest.

We have done all those things. The Labor Party initiated that, and this Council decided it should be done.

The Hon. C. M. Hill: In which year was that booklet written?

The Hon. J. E. DUNFORD: I will tell you later. This is how they got the money out of people to support the Liberal Party. They were not fair dinkum about it. It took 20 years for the Labor Party to bring those things into being. The Liberals never brought up the matter here, although it has been their policy for the past 20 years.

The Hon. R. C. DeGaris: That is not so.

The Hon. J. E. DUNFORD: Show me in *Hansard* where you have supported a 10 per cent tolerance below.

The Hon. R. C. DeGaris: It was never Liberal Party policy.

The Hon. J. E. DUNFORD: Do you say that Robin Millhouse is telling lies? He said that this was your policy, and you say he is a liar.

The Hon. R. C. DeGaris: I say it was never Liberal Party policy.

The Hon. J. E. DUNFORD: I am saying that Robin Millhouse told me, or another person, that that was Liberal Party policy.

The Hon. J. C. Burdett: That is hearsay.

The Hon. J. E. DUNFORD: Robin Millhouse does not talk to me. Whenever he mentions my name, he wants to fine me to the tune of $10 000. I do not want to talk about people in another place; I cannot help what he said. Did not the Hon. Mr. Blevins point out that some honourable members opposite have already enjoyed more than their six-year term of office? If they have a conscience and believe in democracy, they will not oppose this Bill.

In conclusion, I believe it is the responsibilty of Parliament to encourage as many of the electors to the poll as possible and not return to the 1970's when, in the Midland by-election, only 38 per cent of eligible electors voted and returned a Liberal and Country League candidate on a restricted franchise. The Acting Premier at the time (Hon. Des Corcoran) made a statement that should go down in the history books, when he said:

Another of the totally immoral victories for the Liberal and Country League. It could be the last time the will of the people is frustrated.

And he was right. I conclude my remarks with a quotation, and I want honourable members opposite to listen carefully to it. If they have not got a copy, I will give them one and they can put it in their pyjamas when they go to bed at night.

The Hon. J. C. Burdett: Would it bring us good luck?

The Hon. J. E. DUNFORD: It will bring them good luck if they take heed of it. They should bear it in mind before voting against this Bill. The quotation is:

You can fool all of the people some of the time, and some of the people all of the time. You cannot fool all of the people all of the time.

I read that many years ago and I have supported the principle ever since; it has never been denied. I am saying that honourable members opposite have done all those three things for too long, and the people are waking up to them. This quotation is for their benefit. They have done all those three things for 125 years.

The Hon. D. H. Laidlaw: Can I have 20c on that?

The Hon. J. E. DUNFORD: Don has to speak up. He is on the Liberal Party council now and he has to behave himself. He cannot be too democratic or he will go out on his ear. He seldom interjects because, when he does interject, he is not fair dinkum. I support the Bill.

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

COMMUNITY CENTRES

Consideration of House of Assembly's resolution:

That this House resolves that the providing of community centres by the Government of this State shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act, 1914-1972.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That the resolution be agreed to.

South Australia is about to pioneer a significant social recreational and educational institution, the community centre high school, following a grant of $3 196 000 from the Australian Government for the establishment of such facilities at Angle Park. The Government had planned initially for the development of two such centres, one for Angle Park and the other for Thebarton. At this stage the Australian Government has not yet given approval for Thebarton as a separate project. However, the State has decided to proceed with those parts of the Thebarton project which are State financed. In the case of Thebarton, this means that the Education Department will proceed with the building of the necessary facilities for a co-educational secondary school and, in addition, will provide such components as a combined school/community library, a child-care and pre-school centre, additional further education facilities, and, through co-operation with the Thebarton corporation, joint development and use of the playing fields.

Consideration is being given to the inclusion of a Community Welfare Department centre and a health centre. Of course, additional recreational components can be included if and when funds are provided by the Australian Government. While Angle Park can proceed as a total project, Thebarton will have to be carried out in stages. At both Angle Park and Thebarton, planning for the proposed centres is now in progress. It is hoped that building

can commence for the Angle Park centre prior to the end of the first half of 1976. Construction dates for the Thebarton centre are uncertain at present because of the difficult financial situation, and the lack of information regarding possible future Australian Government grants for the centre. The concept is unique within Australia, since the secondary school will be an integral part but not necessarily a dominant feature of the complex, which will serve the needs and interests of the wider community as well as those of the school students.

Highly regarded consultant architects have developed sketch plans for the two centres and, at Thebarton in particular, they have exercised considerable skills in utilising a relatively restricted site. It will, however, be necessary in both cases to acquire some additional property to ensure adequate building space and proper access. The Government is advised by the Crown Solicitor that the Minister of Education has no authority under the Education Act which enables him to provide, in schools, additional facilities for community centres, although the same Act allows for public use of the buildings or facilities of Government schools. Furthermore, because there is no power conferred by any statute to provide community centres, the Crown Solicitor has advised that it would be improper to acquire land for the establishment of community centres under the provisions of the Education Act. That Act simply authorises the Minister to establish and maintain Government schools as may be necessary for the provision of primary and secondary education for children. The motion which I now move is necessary to provide the proper authority for the acquisition of property for the establishment of community centres. Section 4 (III) of the Lands for Public Purposes Acquisition Act enables the Government to acquire land for certain public purposes which are not covered by particular statutes. That section provides:

The Governor may by proclamation declare to be a public purpose, any purpose which both Houses of Parliament, during the same or different sessions of any Parliament, resolve shall be a public purpose within the meaning of this Act.

While it is possible that, in the case of Thebarton, the provision of a fully co-educational and comprehensive secondary school would require much the same property acquisition as the proposed community centre high school, it is probably a sensible step to invoke the provision set out in section 4 (III) so that the provisions of the Land Acquisition Act can be implemented with regard to community centres. As would be clear to honourable members, it will be necessary for both Houses of Parliament to pass the motion which I have moved, so confirming that the undertaking for which the land is required is a public purpose within the meaning of the Act.

The public and the communities served by the centres will have access to the grounds, buildings and facilities for recreational, social and educational activities, as well as for the use of a wide range of community and health services. In these circumstances, it is beyond question that the establishment of both the Thebarton and Angle Park community centres is a "public purpose". I therefore seek the approval of honourable members for the motion before the Council, as I am sure that all members will recognise the importance of this new venture in the development of community and educational services in South Australia.

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

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

Adjourned debate on second reading.

(Continued from October 29. Page 1503.)

The Hon. M. B. CAMERON: In seeking leave to conclude my remarks, I merely wanted further time to consider some amendments that have been placed on file and will come up for discussion later. I intend to vote against the second reading of this Bill, because I believe that, if I do not, it will be inferred that I am in some way supporting the concept of Monarto, which I am not. I do not believe that it has a future, that it has a good site, or that it is a necessity for this State. I think we are just putting off the evil day if we continue the commission in its present role merely by substituting what it purports to do for the Government with other work. It will compete with other people in this State, and I do not think that is a good concept. I do not believe the Government is serious about Monarto, and I think that is shown by the amount of money allocated to the project. The Commonwealth Government has contributed nothing. The State Government will spend about $1 000 000 a year on salaries for a project that is as good as abandoned.

I do not think that is an appropriate project for the Government to continue at this time. Amendments on file, if passed, would allow the Bill to operate for 12 months. If it is passed at the second reading stage, I will support that limitation, so that we can look at it again in 12 months time, when we can see whether the Commonwealth and State Governments are any more serious about the project. At that time perhaps we should kill it altogether, because I do not think there will be any change in attitude towards it. I do not wish to prolong the debate. I will vote against the second reading and I will vote against the Bill through its final stages.

The Hon. J. R. CORNWALL: I had not intended to participate in this debate. The Bill before us is a simple one, extending the use of the considerable expertise of the Monarto Development Commission, and it should be treated as such. However, the debate has developed into a form of Monarto-bashing generally. I hope, Sir, that you will permit me a little latitude to answer some of the more outrageous comments made. The reasons for the establishment of Monarto are well known, and I will refer honourable members to a point made in an address delivered by the General Manager of the commission, Mr. A. W. Richardson, as recently as last Thursday.

The Hon. M. B. Cameron: It was a concept before an election, and it had to be thought up in a hurry.

The Hon. J. R. CORNWALL: I dispute that very hotly, if the honourable member will bear with me. I am quoting from a speech made by Mr. A. W. Richardson on Thursday last. Copies were circulated to all the media. Not one word was reported, but I suggest that, had it been a Monarto-bashing exercise, it would have been widely reported. Among other things, Mr. Richardson had this to say:

If we consider what originally motivated the authorities in deciding to build a growth centre in South Australia, it will be noted that an important consideration was a deep concern to preserve the quality of life and the environment of Adelaide in the face of increasing pressures from an expanding population. There was also the obvious need to ensure that the Hills area and the rural lands adjoining, which have a special value for the wine industry and other rural production, were relieved from a similar pressure, especially as these lands were already suffering serious encroachment from the spread of urban development on the periphery of Adelaide.

As long ago as 1962 the then Town Planning Committee submitted to Parliament the Metropolitan Development Plan to guide the growth of Adelaide of Adelaide up to 1991.

It was apparent, even in 1962, that unless remedial action was taken Adelaide would expand as an objectionable sprawl, not only to the north and south, but into the hills face zone and beyond to the Hills area.

In 1967, the State Planning Authority was established, replacing the Town Planning Committee. The Metropolitan Development Plan gained statutory recognition. Traffic and transport proposals in the plan were discussed exhaustively. Six alternative forms of growth for the metropolitan area, with the implications of each, were issued to all local authorities, Government departments, other professional and community organisations, and to the public. Wide interest and debate followed, and many perceptive and often conflicting ideas were canvassed.

Of the six alternatives proposed, one received the widest support because it was practical, economically feasible, socially viable and environmentally satisfactory. It was to build a new city beyond the ranges, separated from Adelaide by a strongly protective zone to avoid any chance of ribbon development or abuse of the countryside.

Mr. Richardson went on to say:

. . . A new city of very high quality is to be established with the special emphasis of providing an alternative urban environment to Adelaide. This special requirement is the firm policy commitment which the Government has made to ensure that Adelaide is protected against the pressures of the future.

The need for Monarto is beyond doubt. But opponents have suddenly latched on to a new trump card—the 1975 Borrie report. So let us examine that document. The Borrie report contains a range of projections which show the likely effect of different assumptions regarding birth rates and trends in interstate and oversea migration. Critics of Monarto have taken the lowest population projection from the report (that is, a growth rate in Adelaide of just under 7 000 people a year) and quoted this as evidence that the slow growth rate of population in Adelaide indicates that Monarto is not justified.

Meanwhile the growth trend in Adelaide has increased faster than the highest rate predicted in the Borrie report, which indicated that Adelaide could grow by about 12 000 people a year. The current estimate of growth in 1974-75 from the Australian Bureau of Statistics as quoted in the *Advertiser* of September 1 is 17 400 more people in Adelaide for that year. If Adelaide's population continues to grow at the present rate of 17 400 and if provision is made for any increase of only 7 000 a year, we will have an additional 435 000 more people by the year 2000, but housing, hospitals, schools and transport facilities for only 175 000 more people.

Regarding Professor Borrie's accuracy, let me quote from another wellknown paper presented by him in 1947. The paper entitled, *White Australia*: *Australia's Population Problem,* is contained in volume 12 of the Twelfth Summer School Papers delivered to the Australian Institute of Political Sciences. For anyone interested, it is available in the Barr Smith Library. Page 19, table IV, shows a projected population for Australia in 1970 of 8 000 000. Page 31, paragraph 31, states:

There seems little prospect of the Australian population growing to more than 9 000 000 by the end of the century.

On page 49, he says:

I admit that my projection for Australia which was simply in millions was probably too high . . .

Many critics have claimed that Monarto will not be successful because it has no industrial base on which to graft a satisfactory population. These people miss the point completely. Monarto will have a strong tertiary industry base. It will start with the relocation of three Public Service departments at Monarto and will be followed by the establishment of other industry. The General Manager, Mr. Richardson, says:

Many industrial concerns have expressed interest in Monarto and, if only 5 per cent of the secondary and tertiary industry interests who seem interested actually locate at Monarto, it will have all the industrial development it will be capable of absorbing in the early years of development.

It is also claimed that, unless Monarto has a population of 150 000, it will not be viable. What nonsense! What about Mount Gambier, with a population of 19 000? Does anyone seriously claim that it is not viable? Is Whyalla not viable? Of course it is.

The Hon. R. C. DeGaris: No people were forced to go there.

The Hon. J. R. CORNWALL: That is not the point I am dealing with. I am asking whether honourable members opposite agree that Mount Gambier is viable with 19 000 people. The answer is "Yes". With your indulgence, Mr. President, I turn to the choice of Monarto as the site *vis-a-vis* others. It lies 57 km east of Adelaide, immediately north of the freeway under construction on an interstate railway serving Melbourne and Adelaide and close to the lower reaches of the Murray River, the major source of fresh water to the State.

The site is on attractive rolling countryside which, although in parts is excellent wheatgrowing farmland, is in many parts unsatisfactory for agriculture but attractive building land. The site is close enough to Adelaide to enable social and commercial connections to be retained. The climate is very similar to Adelaide's. Average maximum temperatures are generally less than 1°C higher than Adelaide, except in summer, when the difference is up to 1·2°C. Average minimum temperatures are usually 2°C to 3°C lower than in Adelaide throughout the year. Average annual rainfall varies from 330 mm to 430 mm. It has more sunshine between May and September than Adelaide has and slightly less from October to April. The commission says of the site:

We have carried out exhaustive and extensive studies . . . There is no evidence whatever, despite claims by some to the contrary, that any problems of real significance exist which will hinder the development of the city. Of course, no site is perfect. Monarto has some salinity problems, but these are not as great as in some parts of Adelaide. Monarto has some surface rock, but it is negligible. If this were an insurmountable problem, Sydney would never have been built, for it is mostly on solid rock.

Critics on the other side make great political play when they get out among their country constituents as to the location. One would gather from the critics' statements that they would like the site to be at Penola, Whyalla, Port Lincoln, or practically anywhere except at Monarto. Quite clearly, however, the Monarto site is the most practical and economic choice of location anywhere in South Australia. It is a much more suitable location, for instance, than the South-East of the State centred on Mount Gambier, or the iron triangle. These areas will, of course, be developed. They have their own specific problems but they also have their own momentum for growth.

The Hon. M. B. Cameron: We have heard all that before.

The Hon. J. R. CORNWALL: It is a question of whether the honourable member has absorbed it. He is obviously a slow learner. The iron triangle is based on heavy industry, and this will expand: but it is not intended that Monarto will be based on heavy industry, at least initially. The green triangle area, which is of special concern to me, also has its own momentum and will grow. It will also gain

in some measure from Monarto. But to base the new city on Mount Gambier would require very heavy financial outlays on basic public infra-structures, such as railways, freeways, new port facilities and the like which are already available at or for Monarto.

The Hon. M. B. Cameron: How would you get to the port from Monarto?

The Hon. J. R. CORNWALL: What about the railway and the freeway? Critics of the concept of Monarto completely fail to see that it is what town planners call a "system city"; it is far enough away from the mother city of Adelaide to prevent ribbon development or any urban linkage, but close enough to enable it to use the existing port, harbor, rail, road and other facilities, which could otherwise be provided only at very high and probably prohibitive costs. These are clear, undeniable facts.

The Hon. M. B. Cameron: I thought you were speaking from copious notes.

The Hon. J. R. CORNWALL: I have speech notes. If any member opposite has any doubts, despite my lucid explanations, I am assured by the commission that we can organise a tour of the site at any time members opposite wish. I challenge honourable members opposite to accept this offer. I shall be only too pleased to organise such a visit, and any honourable members opposite who desire to accept my challenge can see me after the Council has adjourned. However, members opposite are not interested; they are on a Monarto-bashing kick, and that point is not written into my speech. Members opposite obviously do not want to know the facts, they do not want to go and look at Monarto for themselves.

I refer to a point raised by the Hon. Mr. Carnie by way of interjection. This point has been made continually during the debate. Reference has been made to the thousands of hapless and helpless public servants who will be forced to move to Monarto or otherwise lose their jobs. Let us be rational about this. By the time the three Government departments destined to move to Monarto do move there, many of the present older staff will have retired. Of the younger staff, many are in favour of Monarto, which offers a good opportunity for them to own their own house, yet it is located only 45 minutes drive away from Adelaide. However, for those public servants who will find it extremely difficult to live at Monarto for domestic reasons a Public Service Relocation Committee has been established to assist in resolving problems.

No-one is being conscripted to live at Monarto. Regarding the personnel of the commission, I point out that in comparison with the Canberra-based National Capital Development Commission, the Development Corporation of Albury-Wodonga, and similar bodies throughout the world, which usually employ several hundred staff, the number employed by the Monarto commission is small, presently totalling 65 employees. The General Manager made the point at the outset that it should be developed as a relatively small group of highly qualified persons who would provide the expertise, the ideas, the policies and the planning proposals for Monarto. A necessary corollary of this is that there is and will be major involvement of other departments and agencies, and especially the private sector, including the consultant industries. I point out that in 1973-74, of the budget provided for consultants, half the total budget was spent on work by international consultants (and I am sorry the Hon. Mr. Laidlaw is temporarily absent and cannot hear this), and the other half was spent on work undertaken locally by Pak Poy Consultants. Since 1973-74 only local or interstate consultants have been used and, in the 1975-76 estimates of the amount to be spent on consultants, the sum of $559 000 is to be provided to local consultants and the sum of $379 000 to interstate consultants. Does the Hon. Mr. Laidlaw or any other member cavil about this?

What about local content? For example, I refer to the staff of the Environment Planning Division, the total staff of which, including the steno-typist, is six. Of the five professional staff, three are Adelaide University graduates, one a Queensland graduate, and one a Sydney graduate. I should like to examine some of their qualifications. The Director is a Bachelor of Economics (Adelaide), with a post-graduate Diploma in Management Studies (British Institute of Management). One of the senior environmental officers is a Master of Engineering, has done post-graduate water research, is a foundation fellow at the University of Queensland, a member of the Institute of Engineers, and a member of the Australian Society of Engineers. One of the environmental officers is a B.Sc. in Geology, an Honours B.Sc. in Ecology, and a Master of Philosophy in ecology land use from Brunel, U.K. These are not the sort of experts who can be gathered together at five minutes' notice.

If I were rude, I could point out that, if honourable members opposite are such head-in-the-sand critics, they can speak only from the one open orifice left, but I would not say that because it would be unparliamentary. They proclaim that Monarto is dead; that it is unnecessary; that its costs will be exorbitant; and that there are other priorities that indicate that we should defer any action for an indefinite period; that it is just not on. It would be a tragedy of the greatest magnitude if the views of honourable members oposite prevailed. The consequences of not acting now, with vigour and determination, will be felt in a very short time in Adelaide, and will be virtually irreversible by the end of this century.

The Hon. M. B. Cameron: What about—

The Hon. J. R. CORNWALL: For the benefit of the Hon. Mr. Cameron, I remind him that the end of the century is only 25 years away. To stop now, to allow the Monarto Development Commission to run down, to not be ready to go as funds are available, would mean that we would lose almost a decade of time before we could act again. If the great expertise of this body can be utilised by other agencies and at the same time save South Australians money, then of course we must do all we can to encourage this use. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill and, in doing so, I point out that the speeches made on this Bill during the two sitting days on which it has been considered have had little to do with the actual Bill before us. It must be clearly understood that my support for the passage of the Bill to the Committee stage is not to be interpreted as whole-hearted support for the concept of Monarto, or whole-hearted support for the Bill's concepts. Most of the speeches made so far have had little or nothing to do with the Bill before us. The Bill establishing the Monarto commission is on the Statute Book, approved by this Parliament without a division on it. The Bill followed normal practice in establishing a commission charged with the responsibility of acquisition and development of a new town. That is a normal procedure when any new town is being established, whether it be here, in other States, or in oversea countries. We are now in the position where the Commonwealth Government has, in its wisdom or otherwise, decided not to provide large funds for the continuing development of Monarto at this stage.

In this situation, the Government is faced with the problem of having established a commission possessing certain expertise (I hope), with not sufficient work to occupy its time. To overcome this problem, the Government is presenting to the Parliament a Bill to allow the Monarto commission to do work outside its original charter. Some members have expressed opposition to this, and I respect the reasons they have given for that opposition, where that opposition is based upon the fact that the commission was set up to do a certain job and expansion of the original terms of reference is not justified. I understand and respect the reasons of members of this Council who might vote against this Bill for those stated reasons. I respect the arguments that the commission should not be thrown on to the open market to compete with existing consultancy agencies already working in the private sector. At present, the private sector in South Australia is not being used to its full capacity in any case, and another competitor, sponsored by taxpayers' funds, just to keep the commission alive, is not sound in principle.

I suggest to the Government that the whole concept of the Monarto commission should be changed to a permanent commission, which can be used as an expert body in planning new towns or advising existing towns and districts on their development. I know there are problems in this concept; nevertheless, I believe such a concept is viable where, because of the financial stringencies placed on the scheme by Commonwealth Government policies, the commission is temporarily under-worked. I do not intend to expand this point but think it is worthwhile mentioning it in passing, that a permanent commission should be established to advise on all new town development and on the expansion and development of existing towns. The Monarto commission is already an employer of private sector consultancy services, although I strongly criticise the amount of work the commission is channelling to oversea consultants and consultants in other States. I was not exactly impressed with the whitewash that was given this matter by the Hon. Mr. Cornwall.

The Hon. J. R. Cornwall: I only said that these things should be considered.

The Hon. R. C. DeGARIS: I am prepared to give way to the Hon. Mr. Cornwall if he wants to make a point.

The Hon. J. R. CORNWALL: Very well. I point out and place on record that I said at the outset of my speech that I entered the debate purely because members on the other side of the Chamber had refused to speak to this matter, which should have been debated. They spoke about everything but the Bill. I explained that clearly before I started my remarks. It was not a whitewash; it was just in response to what had been said on the other side of the Chamber.

The Hon. R. C. DeGARIS: I agree entirely with what the Hon. Mr. Cornwall is saying about the contributions made to this debate, but I maintain that his attempts to whitewash the commission's activities in the employment of oversea consultancy agencies and those in other States did not work, because in the last financial year the commission used consultants from other States to the tune of $379 000, whereas local consultants were used to the tune of $559 000. My point is that the Monarto Development Commission is already a user of the private sector consultancy services but it should use the local South Australian consultancy services and not go running to consultants in other States for work. The private sector in South Australia is already underemployed. Why should the commission go to other States for consultancy services of the run of the mill type that can be provided here and not use the local consultancy services? That is unjustified and I hope that the amendments referred to by the Hon. Mr. Laidlaw will receive the support of the Council in relation to the use of consultancy services.

I have said I understand the opposition to the Bill and I appreciate the reasons given by some honourable members for their opposition, but I am at a loss to understand opposition to the Bill purely on the grounds of opposition to Monarto itself. The defeat of the Bill will have absolutely no bearing on the future of the Monarto commission.

The Hon. N. K. Foster: You are merely drawing red herrings across the trail; get back to the Bill.

The Hon. R. C. DeGARIS: If the honourable member wishes me to give way to make a point, I am prepared to do so.

Members interjecting:

The Hon. M. B. CAMERON: I rise on a point of order. The Hon. Mr. Foster should be sitting in his seat if he wants to speak or interject.

The Hon. N. K. Foster: I am sitting in a seat. The honourable member is annoyed because he is petty.

The ACTING PRESIDENT (Hon. C. W. Creedon): Order! The honourable Mr. DeGaris.

The Hon. R. C. DeGARIS: The defeat of this Bill will have absolutely no bearing upon the future of Monarto or upon the future of the commission. To oppose the Bill, on opposition only to the development of Monarto, is, in my opinion, an untenable position to adopt. If the Bill is defeated, what action will the Government take? It seems reasonable to me that the Government would then second some people from the Monarto commission to other departments on a temporary basis while the commission continued its own operations on a reduced scale. The point here is that those honourable members who oppose the Bill, seeing this as the correct approach, have a valid argument; but those who oppose the Bill, thinking that it will affect the future of Monarto development, are beating the air, because the defeat of the Bill for that purpose will have no effect on the future of Monarto.

Having said that and indicated that I will support the second reading, I ask that the Council consider changing the Bill in the Committee stage, to place some control on and give some direction to the commission's activities undertaken outside the original charter of the commisson.

The Hon. N. K. Foster: Are you foreshadowing an amendment?

The Hon. R. C. DeGARIS: No. I repeat what I have said. Having indicated that I will support the second reading, I ask the Council to consider changing the Bill in the Committee stage to place some control on and give some direction to the commission's activities undertaken outside the original charter of the commission. These changes, I believe, are necessary to allay the genuine fears of the private consulting services in South Australia, to ensure that a greater share of the available work goes to those services established in South Australia, and to prevent a growth in the staff of the commission, at least until such time as the commission is fully engaged upon the work given it to do under its original charter. I support the Bill.

The Hon. A. M. WHYTE: I rise merely to say a few words on the Bill and, if I confine my remarks to the Bill, I shall be the first speaker so far to do so. The Bill is:

An Act to confer additional power on the Monarto Development Commission and for other purposes.

Clause 3 provides:

In addition to and not in derogation from the powers elsewhere conferred on it the commission may with the consent of the Minister enter into and do all things necessary to carry out and give effect to any prescribed agreement with a person or body.

We can interpret that provision as meaning that South Australia will keep together this band of experts. I do not dispute that they may be highly qualified in the expertise of development, but it appears that the Bill is requesting that South Australia pay about $1 000 000 for a body of experts who can be on tap and on loan anywhere in the Commonwealth for anyone who may desire to use them. I do not believe we can afford to do that; nor do I believe it is necessary. It is obvious that Monarto will not proceed—at least, for some time—and that will be a blessing; but I do not want to enter into a combat of ideas on whether or not Monarto is a good project. I could speak on that, too.

I do not wish to debate whether Monarto is essential and whether or not it will proceed. However, it is obvious to me that the Commonwealth Government, which is financing this project, took about the same amount of money off Monarto as it gave for the South Australian country railways, but that may be purely coincidental. I do not believe that we can afford to keep this band of experts together unless we have a project in mind for them, and at present we have not got one. I do not think it will be impossible to gather another 65 persons of equal expertise, or perhaps to gather these men together again, and in fact they should be released to the Commonwealth of Australia instead of being tied up under a retainer of $1 000 000 a year.

The Hon. N. K. Foster: This Bill seeks not to tie them up, doesn't it, Arthur? It seeks to release them. You don't know what you said.

The Hon. A. M. WHYTE: It does not release them. It leaves them under control, and they could be sent anywhere where anyone asks for them. What is to stop them from going all over the Commonwealth? If this commission is disbanded, as I believe it should be for the time being, there is nothing to stop these people from travelling anywhere in the world. That is why I intend to vote against the Bill. I have nothing against the commission or what it has done, but I believe these people should be made available and should be able to travel and go about their business of development anywhere they choose, without this State Government keeping them banded together with a retainer of $1 000 000 a year.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I thank honourable members who have contributed to this debate. I shall not answer all the points, because I think the Hon. Mr. Cornwall has done that most adequately. One point I must mention, however, is that raised by the Hon. Mr. DeGaris. I think I am right in saying that he suggested that the Monarto commission should take part in planning exercises throughout the State.

The Hon. R. C. DeGaris: I suggested that the Monarto commission be made a new commission that would be able to advise on new towns, not just being set up for the one place.

The Hon. B. A. CHATTERTON: That is how I thought the honourable member spoke in the debate, and I suggest that is what these new powers do for the Monarto commission.

The Hon. R. C. DeGaris: No.

The Hon. B. A. CHATTERTON: The second reading explanation states:

It is expected that the resources of the commission will also be made available to South Australian Government departments and agencies, including the Land Commission, the Housing Trust, and the State Planning Authority.

It will have the ability to do exactly those things the Leader suggested it should be doing. Perhaps the name of the commission is not what he desires, but the powers and functions are exactly as he is suggesting.

The Hon. R. C. DeGaris: I suggested that it should be done on a priority basis, too.

The Hon. B. A. CHATTERTON: The priorities, I imagine, would be set by the commission itself.

The Council divided on the second reading:

Ayes (13)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, R. C. DeGaris, J. E. Dunford, N. K. Foster, R. A. Geddes, D. H. Laidlaw, Anne Levy, and C. J. Sumner.

Noes (6)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, C. M. Hill, and A. M. Whyte.

Majority of 7 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Additional powers of commission."

The Hon. D. H. LAIDLAW: I move:

To strike out "In addition" and insert:

(1) Subject to subsection (2) of this section, in addition;

to strike out "a person or body" and insert:

the Government of the Commonwealth or an instrumentality of the Commonwealth or the Government of a State or Territory of the Commonwealth or an instrumentality of such a Government or any person or body outside Australia;

and to insert the following new subclause:

(2) The Minister shall not give his consent under subsection (1) of this section unless he is satisfied—

(*a*) that the carrying out and giving effect to the agreement will not directly or indirectly require the employment by the commission of any additional officers or employees;

(*b*) that the carrying out and giving effect to the agreement will not prejudice any activity authorised under this Act or otherwise by the commission in the State; and

(*c*) that in the carrying out and giving effect to the agreement the commission will make greatest possible use of outside consultants established in the State.

The first amendment means that the commission may, with the consent of the Minister, enter into certain agreements, subject to constraints imposed in proposed subclause (2). The commission will be confined in its work within Australia to entering into agreement with Government departments or instrumentalities so as not to compete unduly with private consultants. If the commission operates outside Australia it can deal with individuals or private companies as well as Government bodies. The reason for this distinction is that in some oversea countries it is difficult to define a Government instrumentality.

By new subclause (2) (1) (*a*), the commission must not increase the size of its staff above the present level of 66 in order to carry out these special assignments, nor must it take on to its pay-rolls specialists under contract for any specific assignment. Once again, the aim is to limit undue competition with private consultants, who are already short of work.

By new subclause (2) (1) (*b*), the commission should give its services to projects within South Australia priority over assignments elesewhere. For example. if it is doing an assignment at Mount Gambier it should not drop or postpone this for some more exotic exercise on the beaches of Bali.

Regarding new subclause (2) (1) (*c*), the commission has engaged at least 34 specialist bodies during its planning of Monarto. Seven of these have been Government departments, 15 have been consulting firms based in other States or overseas, and 12 have been local firms. Local architects, consulting engineers, and town planners have a high reputation for technical competence. They are currently very short of work and should be engaged by the commission wherever possible.

A lot of poppycock was talked during the second reading debate, no doubt because the word "Monarto" appears in the title of the Bill, and it is an emotive subject. This is, in essence, a Bill to provide worthwhile work for a sizable group of permanent public servants, some of whom would otherwise be left twiddling their thumbs and thereby waste taxpayers' money. The Government has already made provision to pay the commission staff. These people will not fade away if we defeat the Bill: they will merely be under-employed.

The Hon. M. B. CAMERON: I support the amendments because they improve the Bill a little, but I make clear that my support of the amendments does not imply that I will support the third reading of the Bill. If we defeat the Bill, the Government will be forced to take Monarto seriously or reconsider the matter.

The Hon. C. M. HILL: I support the amendments for the purpose of improving the Bill. I voted against the second reading, and I intend to vote against the third reading of the Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I accept the amendments.

Amendments carried; clause as amended passed.

Clause 4 passed.

New clause 5—"Expiry of Act".

The Hon. J. C. BURDETT: I move to insert the following new clause:

5. This Act shall expire on the 31st day of December, 1976.

The Monarto Development Commission was set up for a specific purpose: to develop the proposed new city. If there is to be a de-escalation of Monarto, there should be a de-escalation of the commission. If the number of staff members has to be reduced accordingly, this should be done. As the Parliament is being asked to extend the commission's powers beyond those for which it was designed, it is reasonable that an expiry date be included in the Bill. When that date is reached, the Government should come back to Parliament again. I opposed the second reading of this Bill, and I will oppose the third reading.

The Hon. N. K. FOSTER: What does the honourable member mean by the cut-off point in his new clause? If the commission enters into an undertaking for a period that goes beyond that cut-off date, should the commission be permitted to complete the undertaking for which it has a contractual arrangement? The honourable member may reply that the commission can seek Parliamentary approval to extend its life, but that is not a business-like way of dealing with an organisation that may be doing designing work in association with other bodies. The amendment is couched in the bluntest terms and in this way it defeats its own purpose. I suggest that the mover of the amendment, if he wants to persist with it, should give much more thought to its actual application, in order to meet the requirements of those matters I have already mentioned. I suggest that he rethink this amendment and put it in better terms to allow the commission, if it has entered into legitimate undertakings (that is, those originally determined by Parliament), to operate without such a strangulation date imposed on it.

The Hon. J. C. BURDETT: I have considered that point. It would not be reasonable or sensible to alter the new clause so that it allowed the commission to complete contracts after that date. Otherwise, the commission could artificially extend the extension by entering into a five-year contract or something ridiculous like that. There is no unreasonable strangulation, because the commission will know that it has to operate within the limits of this deadline.

The Hon. T. M. Casey: Therefore, it will not be able to enter into any contracts.

The Hon. J. C. BURDETT: The commission will know that it has the cut-off date of December 31, 1976.

The Hon. N. K. Foster: That hardly allows time for preliminary work. Be serious.

The Hon. J. C. BURDETT: The Hon. Mr. Foster has questioned how I determined the date of December 31, 1976. There is a little over a year—

The Hon. N. K. Foster: It is less than that after all the formalities have been gone through.

The Hon. J. C. BURDETT: It is not. In the Committee stage honourable members opposite should restrain themselves from interjecting, because they will have the opportunity to speak shortly. Members opposite appear to have forgotten that the Government does not have to wait until just before December 31, 1976, to seek an extension of time. It can do that at any time and, if the term of a contract is of great length, that is what it should do. From what I understood of the second reading explanation of this Bill, the Government should not be contemplating the commission's entering into contracts of any great length, anyway.

If it intends to do that, that is something about which we were not told but about which we should know. We were told that the reason for the Bill is that the development of Monarto is not presently proceeding (I presume because of a shortage of funds) as rapidly as was thought. This is a means of keeping the personnel of the commission together by enabling it to do work outside the purposes of the commission. If we are being asked to allow them to do that, it should be on a short-term basis. No suggestion has been made to the Council or to the Committee that the commission was likely to enter into long-term outside contracts. If that is the intention, we should be told about it.

If it is contemplated that the commission will enter contracts extending beyond three months or six months, we should be told about it. That might influence honourable members in their attitude to this amendment, to the amendments generally, and to the Bill. It is proper that the only kinds of contract that the commission should enter into outside the original purpose for its establishment should be short-term contracts.

I cannot see that this amendment is imposing any unreasonable restraint. The commission can do what it ought to do, anyway, and make sure that its contracts are relatively short; and, in any event, the Government can at any time introduce a short Bill to extend the term.

The Hon. C. J. SUMNER: This amendment is an attempt to emasculate the legislation and to render it more or less ineffective. It is clear that this barrier on the activities of the commission will severely restrict what it can do, and the point raised by the Hon. Mr. Foster is excellent. It will restrict the sort of contracts the commission can, before the cut-off date, enter into extending beyond a period of three to six months. Much planning work extends over a long period. When one goes in for such planning it is work that is not completed in one month, two months, or three months: it extends over years, as anyone with any knowledge of town planning throughout the world will know. Sometimes it extends over 10 years.

I am not suggesting that the commission would involve itself in such a commitment, but the general point is that there is work that does require much longer than three months or six months for which the commission should be able to tender. We have already accepted amendments restricting the activities of the commission to Government organisations or the private sector outside the State. There is no way that it can compete with the private sector, because honourable members opposite have already restricted that provision.

Members opposite say that the commission cannot be free to negotiate with Government departments or Government instrumentalities for work in a period of three months, six months or even nine months before the cut-off point, and such work could be of some magnitude. Such action could mean that an excellent deal offered to the commission, say, three months or four months before the cut-off date had to be rejected because the commission would not have the power to do it. The instrumentality offering the work might ask the commission for its authority to proceed beyond a certain date.

We are trying to save the taxpayers' money by extending the operations of the commission, yet they are restricting its operations so that, if a profitable undertaking does come up, the commission cannot accept it. This provision could apply long before the cut-off date was reached. I ask members opposite to consider two alternatives: first, to extend the time for a further period (a couple of years), or secondly, to write into the Bill that any contracts entered into before the cut-off date should be able to be completed by the commission.

The Hon. M. B. CAMERON: I think the key to this Bill is the failure of the Government, both State and Commonwealth, to support Monarto. What I want to know is: when will the Commonwealth Government continue or reinstate its support for Monarto? That is the key to how long this commission may be required to do outside work. We had no indication before the Commonwealth Budget that this would be necessary; we were told that Commonwealth support would go on forever and there would be no problem with money. Is the outside work for the commission to be for 12 months, two years, three years, four years, or five years? The Committee is entitled to have that information.

Will the Government have to find work for the commission beyond 12 months, and is that the reason why it does not want this amendment? There is nothing to stop the commission from having a five-year or 10-year contract to supply services to a Government department if we insert the extended limitation being spoken of. So the commission could say, "We can go on doing it over the period of 12 months." It is up to the Government to give us this information. The Monarto Development Commission was set up for a specific purpose. If it is to be involved with Government departments, we should be told.

The Hon. J. C. BURDETT: I am persuaded, to some extent, by the plausibility of the arguments of the Hon. Mr. Cameron and the Hon. Mr. Foster. There is some merit in saying that 12 months is too short a period. I do not believe there is any satisfactory way of going about it other than making a cut-off date. Therefore, I seek leave of the Committee to alter the year in my amendment from "1976" to "1978", which happens to be the expiry date of this Parliament; therefore it is appropriate.

Leave granted; amendment amended.

The Hon. R. C. DeGARIS: I think having a cut-off date is valid; and the remarks of the Hon. Mr. Foster and the Hon. Mr. Sumner about the 1976 date are also valid; but, *vis-a-vis* the Bill, all the commission can do is enter into a prescribed agreement "providing for the carrying out of social or physical planning in relation to the development or redevelopment . . ." The Hon. Mr. Foster mentioned "plan, design or construct".

The Hon. N. K. Foster: That is the term normally used in an undertaking of this nature.

The Hon. R. C. DeGARIS: When the Bill states "social or physical planning", it does not mean "construct". If we contemplate the commission going to Indonesia or Malaysia—

The Hon. N. K. Foster: That has not been suggested.

The Hon. R. C. DeGARIS: Yes, it has. If the commission can find an advisory job outside Australia, I shall be pleased to see it do that. However, it has already been mentioned that this is what the commission may do. First, we are not dealing with construction: we are dealing with "social or physical planning", so far as the commission is concerned. Bearing that in mind, I believe the cut-off date of December, 1978, is reasonable and I see nothing wrong if the date should be extended beyond December, 1978. The Government has the early session of 1978 in which to bring the relevant Bill before Parliament. This is a worthwhile amendment that gives Parliament some control over an organisation that was set up specifically to do a planning job for Monarto.

The Hon. A. M. WHYTE: I was prepared to vote for the Hon. Mr. Burdett's amendment but, now that he has amended it, I shall have to leave him. I am of the opinion that, if this commission is working within South Australia, there is no problem with the length of time being extended. Parliament would not be interested in interfering with the work of the commission if it engaged in a project at, say, Mount Gambier. In that case, an extension of time would present no problem. On the other hand, if there was a contract with Indonesia or in some part of Australia outside South Australia, both the commission and its employer would have the right to negotiate with this Parliament to see whether or not the commission could be so occupied for any length of time. There would be no problem, and it is ludicrous to suggest that a State Parliament would refuse an extension of time for the commission if it was wanted.

The Hon. D. H. LAIDLAW: I was prepared to accept the amendment and also accept the amended amendment. The type of work I envisage the commission would do is different from the type of work apparently envisaged by other honourable members.

The Hon. N. K. Foster: What are you thinking about?

The Hon. D. H. LAIDLAW: I understand that most members of the commission will continue to be involved with Monarto. There may be half a dozen unemployed for a few months, and I expect those people will be earmarked to work in Darwin or in parts of South Australia to help, say, the Housing Trust. I do not envisage

they would take on planning of a large township in Indonesia. As 1978 has been suggested, I will support the amendment.

The Hon. B. A. CHATTERTON: I strongly oppose the original amendment, which would make the working of this Bill virtually impossible. The amendment now proposed would alter the situation but I should like further time to think about this matter, so I ask that progress be reported.

Progress reported; Committee to sit again.

SEX DISCRIMINATION BILL

In Committee.

(Continued from October 30. Page 1565.)

Clause 49—"Regulations"—which the Hon. C. M. Hill had moved to amend by striking out "he considers" in subclause (1) and inserting "are".

The Hon. C. M. HILL: I thank the Chief Secretary for allowing me and other members time to look at the question. I have made some study of the situation, and I am still of the view that this clause, in the amended form, would be better legislation.

The Hon. M. B. Cameron: Your advisers have told you that?

The Hon. C. M. HILL: I have referred to some authorities and I have done some research. I have now formed my own opinion. In its amended form, the words imply that the regulations must be necessary. The regulations could be challenged on the ground that they were necessary. However, in the present form the discretion is vested in the Governor or, in other words, in the Government. The matter should be put beyond doubt, and my amendment will do that. Last week there was some discussion as to the wording of other Acts, and some endeavour was made to argue whether some change occurred in the wording as proposed by the Government. I have taken an unbiased sample of Acts passed in the past 10 years, taking every tenth Act from the years 1964 to 1974. In 1964, Acts Nos. 10, 20, 30, 40 and 50 did not include a regulatory clause, but Act No. 60 did. It was the Fauna Conservation Act, 1964, and section 79 states:

The Governor may make regulations prescribing any matters which are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed to carry this Act into effect.

That sample indicated that the legislation was similar to what I now propose. Acts Nos. 10, 20, 30, 40, 50, and 60 of 1965 contained no sections regarding regulations, and the same applied in 1966. In 1967, the only Act applicable was Act No. 20, the Planning and Development Act, 1966-1967, and the relevant section states:

In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions and object of this Part.

That is similar to the proposal in the amendment. In 1968, there were no such Acts and the same situation applied in 1969 and 1970.

The Hon. D. H. L. Banfield: There was a Bill in 1969.

The Hon. C. M. HILL: The sample approach I took was not taken to build up my own case. I did not do as the Chief Secretary did on Thursday last, finding the Act he knew would support his case. In a few moments I will, if necessary, read every Act of 1969, because I have them marked as a separate approach to the exercise in case I was criticised on this approach. Act No. 70 of 1971 was the Police Pensions Act, section 57 of which states:

The Governor may make any regulations which are necessary or convenient for the administration of this Act, and may by any such regulation, provide what is to be done in circumstances arising in connection with matters dealt with in this Act and not expressly provided for by this Act.

That, again, is similar to my amendment. In 1972 one case was evident, and that was Act No. 50, the Commercial and Private Agents Act, section 51 of which states:

The Governor may make such regulations as are contemplated by this Act or as he deems necessary or expedient for the purposes of this Act.

A change occurred in that instance. In 1973, three such Acts were passed. The first was the Monarto Development Commission Act, No. 50, section 40 of which states:

The Governor may, on the recommendation of the commission, make such regulations as are necessary or expedient for the purposes of giving effect to the provisions or objects of this Act.

That is similar to the wording I propose. Act No. 80 of 1973, the West Beach Reserve Act Amendment Act, states in section 21:

The Governor may make regulations as are necessary and expedient for the purposes of giving effect to the provisions and objects of this Act.

That, again, is similar to the wording I propose. The third example in 1973 was the Motor Fuel Distribution Act, No. 90, section 64 of which states:

In addition to the other powers to make regulations conferred by this Act, the Governor may make such regulations as are necessary or expedient for the purposes of giving effect to the provisions and objects of this Act.

That is similar to my proposal. In 1974, the only one in this method of sampling was No. 120, which comes back to the Government's proposals. It is the Occupational Therapists Act and refers to the Governor "as he deems necessary", indicating that there was some point in time, approximate though it may have been, when there was a tendency for some Bills to come before us with the new wording. I suggest that substantiates my claim that a trend has been creeping into legislation along the lines of the wording of this Bill. That trend should be stopped, because we do not want such a situation when there is no need for it to occur, when the challenge in the courts should stand on the merits of the provisions, and should not be able to be defended on the basis that the Governor had the power because he considered or deemed it necessary that such regulation be gazetted.

If one goes through all the 1968 Statutes, one finds that there are three Acts with the old wording and two Acts with the new wording. In 1969, there are five Acts following the old wording, and five Acts following the new wording. This indicates that, in general, I was incorrect when I said that the change occurred a year or two ago. Actually, the change tended to be introduced in 1968-69 and possibly it was well with us in 1969. For all that, I still believe that better legislation would result if the amendment was carried.

The Hon. J. C. BURDETT: I support the amendment. Read literally, the only test as to whether regulations fall within the powers given in the clause is that the Governor "considers" that they are necessary or expedient for the purposes of the Act—not that they are, in fact, necessary or expedient. I remind honourable members of Lord Wensleydale's golden rule for the interpretation of Statutes. I wish to quote the following passage from page 24 of *Words and Phrases Judicially Defined* by Roland Burrows. I am quoting from the first edition, because the later editions do not contain this part:

It follows that *prima facie* words must be taken to have been used in their ordinary and grammatical sense. This rule has been in existence for many years and is usually

cited from Lord Wensleydale, who stated it in several judgments. In *Grey* v. *Pearson* (1857), 6 H. L. Cas. 61, at p. 106, he said:

> In construing wills, and indeed Statutes and all written instruments, the grammatical and ordinary sense of the words is to be adhered to, unless that would lead to some absurdity, or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified so as to avoid the absurdity or inconsistency, but no further.

The latter is not the case here, and at any rate, if there is an absurdity or repugnancy, now is the time to correct it. Read according to the golden rule, if the validity of any regulation was challenged in the court, the only test as to whether the regulation was in accordance with the power given would be whether the Governor considered the regulation was necessary or expedient for the purposes of the Act—not that the regulation was, in fact, so necessary or so expedient.

Of course, if regulations were inconsistent with the Act, a court could rule them invalid, as they would be tantamount to an amendment and, if regulations went beyond the scope of the Act, a court could rule them invalid as being tantamount to fresh legislation. But, if regulations were not inconsistent and if they did not go beyond the scope of the Act, the court could not, under the present form of the regulation-making power, make an inquiry as to whether or not they were, in fact, necessary or expedient but only whether the Governor had considered them to be so. In earlier debate we have concentrated too much on the word "necessary" and ignored the word "expedient". If the amendment is carried, the provision will read:

> The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

That is a very wide power indeed; it is quite wide enough. I submit that regulations need not be necessary at all: it would be sufficient if they were expedient. What is the Government frightened of? If the regulations are not in fact necessary or expedient, they should not be made, and the court should have the power to say that they should not be made. Does the Government want to have the power to make regulations that are not necessary or expedient? If it does not want that power, why does it oppose this simple, direct amendment? I support the amendment.

The Hon. D. H. L. BANFIELD (Minister of Health): The provision in the Bill at present is in accordance with the current drafting method, which has been followed since about 1969. The words in question were in Bills introduced in 1969; the Hon. Mr. Hill and I agree on that point. The Parliamentary Counsel believes that this is the correct method, but some honourable members believe that it is not the correct method. Any regulation that is inconsistent, irrespective of whether the Governor considers it necessary or otherwise, is open to challenge. I therefore ask the Committee to oppose the amendment.

The Hon. R. C. DeGARIS: A considerable amount of research has been done on this matter since it was first raised last week. I can remember when this matter arose in 1965 or 1966. A similar decision was taken and, since then, we appear to have drifted backwards. It is our fault, and we must accept that. We have missed the wording that has been used in other Bills, but the point is that, on the advice I have taken from people expert in this field, whilst this is a current drafting method there is doubt about its meaning. I cannot understand why the Government is objecting now to adopting a procedure which leaves this matter beyond doubt in the mind of the court about what the law means. That is the position we have to examine. It is not a matter of any confrontation of policies between the Opposition and the Government: it is a matter of inserting in the regulation-making powers words that are beyond doubt. I ask the Government to take the same advice that I have taken.

The Hon. D. H. L. Banfield: No, we will get the wrong advice if we do that.

The Hon. R. C. DeGARIS: If the Minister obtained the advice of the Crown Solicitor he would find that what I am saying is correct. Although I may be a bush lawyer, by definition of the Hon. Mr. Foster, I am certain that, if there is a case where it can be shown that doubt exists, this Council should ensure that the words used create no doubt whatever. I support the amendment.

The Hon. D. H. L. BANFIELD: If there are any doubts, it is amazing that such legislation has not been changed.

The Committee divided on the amendment as amended:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable this amendment to be considered by another place, I give my casting vote for the Ayes.

Amendment as amended carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

STATUTE LAW REVISION BILL

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

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1558.)

The Hon. R. C. DeGARIS (Leader of the Opposition): It is a strange world, because in 1970, after two attempts to amend the Succession Duties Act, the Government finally succeeded in getting a Bill through the Legislative Council after a prolonged 12-hour conference. In 1965 and 1967, similar Bills deserved to be defeated. After the debates of those two years, the 1970 Bill at least achieved a somewhat more realistic approach to the question of succession duties.

At least with the amendments it provided the Government with the extra revenue it sought without producing gross inequities. The 1970 Bill did not pursue a number of changes strongly opposed in the Council, but still adopted the Government's sacred cow of aggregation of all benefits into one succession. It also changed a direct exemption for certain classes of people of stipulated amounts to a proportionate rebate of duty that appeared on the surface to give increased benefits to certain classes of people but, in effect, it did not do so.

At the conference following the disagreements between the two Houses, the Council fought for the recognition of certain principles and, at that conference, it was partly successful. The Council achieved the acceptance of a proportionate rebate of duty applying to inheritors of certain

classes where the deceased maintained an insurance policy assigned for the benefit of the beneficiary to a maximum of $5 000.

That benefit achieved at the conference is removed from this Bill for all classes of inheritors. The Council also fought to maintain recognition of the value of viewing the inheritance of a house held in joint tenancy as a separate succession, but the Government steadfastly maintained its opposition to this approach (a humane approach that I believe should still be part of any death duty legislation). The Council took the view that, with the removal of joint tenancy benefits, it was untenable not to allow the rural rebate to apply to rural lands held as tenancies in common or in joint tenancy. The Government at that conference maintained steady opposition to the Council's suggestion.

This Bill now accepts joint tenancy and tenancy in common, so far as rural land is concerned, as receiving or being able to apply for the rural rebate. Although the Government is still maintaining its view on the aggregation of all benefits within the succession, prior to the last election it tried to improve the position by allowing the transfer of part of the matrimonial home without the payment of certain duties. I do not wish to elaborate on this but, the more the Government tried to be realistic in its approach, the more it painted itself into a corner. It would have been better in the first place to maintain the original benefit for joint tenancy in the Succession Duties Act.

The point is that the emotional publicity that the Government engaged in during 1967 and 1970, when it talked about the joint tenancy provision as being a loophole for the wealthy, and made other misleading statements, is suddenly being recognised, partly in this Bill and partly by other Government action. There is today a dying case for the imposition of death duties! To elaborate on this point, I should like to quote from an article by Norman Thomson, a lecturer in economics at Adelaide University, which appeared in the *Australian Quarterly* of March, 1972. As this is a long article, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.18 p.m. the Council adjourned until Wednesday, November 5, at 2.15 p.m.