LEGISLATIVE COUNCIL

Thursday, November 13, 1975

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

ASSENT TO BILLS

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

Industrial Conciliation and Arbitration Act Amendment (Moratorium),
Prices Act Amendment,
Public Finance Act Amendment,
Road Maintenance (Contribution) Act Amendment.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

The Hon. D. H. L. BANFIELD (Minister of Health): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

The PRESIDENT: As no agreement has been reached and no recommendation has come from the conference, the Council, pursuant to Standing Order 338, must now resolve not to further insist on its amendments, or the Bill will be laid aside.

The Hon. D. H. L. BANFIELD: I move:

That the Council do not further insist on its amendments.

I express my appreciation to the managers from the Council and those from another place for the way in which the conference was conducted. It appeared from the outset that there was little room for compromise. As I pointed out yesterday, the whole intention of the Bill is to ensure that half the members of this place should go to election at the same time as elections are held for another place. A couple of suggestions were made at the conference which the Government will examine and on which it may be possible to introduce another Bill. The conference proceeded harmoniously, and I again express my appreciation to the Council managers, who put forward very well the Council's viewpoint. Although it was unfortunate that the House of Assembly managers did not put up a proposition for us to consider, I still think that the conference was well worth while. Although we could not come to any agreement or compromise, at least a couple of suggestions were put forward that may bear fruit in the future. As I have got nothing further to put forward, I ask the Council not to further insist on its amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): I agree with the Minister that the conference was short and to the point, and that no compromise was forthcoming from the House of Assembly managers in relation to this matter. I point out that the publicity given to the Bill has been such that an inference can be drawn that the elections for the Council are to be made to coincide with the elections for the House of Assembly. Honourable members know this is the position under the Constitution Act now. Unlike the Senate, the elections between the two Houses in this State cannot get out of phase. That is a position worth preserving unless we decide to go to separate days for elections for this House. I would support that, as I believe that the issues before an election are different in relation to both Houses, and people should not confuse the issues between the House of Assembly and this Council. I cannot agree with the Minister that the Council should no longer insist on its amendments. I believe it is correct that the people elected to this Council should not have their term shortened. There may be an argument that it should not go to eight years but at the same time it is preserving a system that I think has some benefits, that is, that the two Houses cannot be out of phase. To say that it is wrong for people to serve more than their elected term is a very difficult argument to sustain. I do know that the Liberal Movement had a policy a couple of years ago where the term of election for people in this Chamber should be nine years, which could in circumstances such as this extend it to 11. I point out that it is only in extreme circumstances where the term has extended to eight years. It has occurred once in the last 50 years in South Australia.

The Hon. N. K. Foster: What the Governor-General did the other day only happened once and look what that did. He must be a member of A.S.I.O., I think.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: It only happened once and I do not believe that is a reason to place the term of election of this Council at the whim of a Government in the House of Assembly; therefore, I ask honourable members to insist on the amendments.

The Hon. M. B. CAMERON: First of all I should correct one rather incorrect statement made by the Hon. Mr. DeGaris that we had a policy of a nine-year term. This is absolute rubbish and another part of the paranoia that the honourable member has towards our group.

The Hon. N. K. Foster: He should use his Medibank card.

The Hon. M. B. CAMERON: I do not think that the rejection of this Bill will be the end of the matter. It should not be taken as an indication that I believe there is no way of correcting the situation that has occurred in the past. We cannot allow the system to go again to the stage where people have longer than a six-year term. I think it is a matter of working around this particular matter. As has been said, suggestions were made that I think will lead to some correction in the near future. So, the rejection of this Bill would not be the finish of the matter. There has been great argument and difference of opinion between the Houses as to how to go about the matter. I am sure that in future we will see some corrective action taken to ensure that the situation that has occurred in the past will not occur again. I urge the Council to insist on its amendments.

The Council divided on the motion:

Ayes (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.

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

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

The PRESIDENT: There are 9 Ayes and 9 Noes. So that the rights already established by law may not be changed, I give my casting vote to the Noes. Consequent on that vote, the Bill is laid aside.

QUESTIONS

UNANSWERED QUESTIONS

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: As this is the last day of sitting of this Council before the Christmas break, will the Minister examine the number of questions which have been asked and which have been unanswered from about four or five weeks ago? Several honourable members have questions which have been asked and which have not been answered. I asked one question in relation to the sale of a coin collection by the Art Gallery of South Australia. That question was asked some time ago but I have still not received a reply. Will the Minister examine this situation?

The Hon. D. H. L. BANFIELD: I appreciate that sometimes it is difficult to receive replies to questions. I appreciate the feeling of frustration felt by members opposite. We do not like delaying the bringing down of replies to questions, but there are some questions to which we are unable to get a quick reply. We will look at the position to see whether the procedure can be speeded up in future.

However, if replies become available during the recess, there is no doubt that we will send them on to honourable members. I know that members like to have the replies incorporated in *Hansard* but, if members want to undertake action in relation to the replies given, this procedure will afford them the opportunity to do so. If members then still want their replies incorporated in *Hansard*, I shall be pleased to ensure that that is done when we meet again. Regarding any inconvenience caused to honourable members, I regret that and I assure them that the Government tries, at all times, to obtain replies as quickly as possible to the questions that have been asked.

BRIDGE FABRICATION

The Hon. D. H. LAIDLAW: I seek leave to make a statement prior to directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. D. H. LAIDLAW: In July, 1975, the Highways Department called for public tenders from civil contractors to construct a steel-framed bridge over the Torrens River at Darley Ford for the North-East Ring Route. The steel panels are both curved and cambered and, because of serious collapses of bridges in other States, will be subjected to close inspection and should be made by an experienced fabricator. The Government Railway Workshop at Islington was invited by the department to submit a price but it declined, apparently, because it did not have sufficient equipment or expertise. Several steel fabricators compiled tenders.

The Hon. N. K. Foster: Was that Perry's?

The Hon. D. H. LAIDLAW: No. This was time consuming.

The Hon. N. K. Foster: Was it one of its subsidaries?

The Hon. D. H. LAIDLAW: No; it has nothing to do with Perry's. The lowest price of about $220 000 was submitted by T. O'Connor and Sons Proprietary Limited, an established and competent company located at Gepps Cross that will be short of work in the near future. Subsequently, the Commissioner of Highways approached the Islington Workshop again and asked it to make these complicated steel panels instead of letting the work to the private sector. I have a copy of a letter from the Premier indicating that Cabinet, on the recommendation of the Minister of Transport, will place the order with the Islington Workshop for the surprising reason that it can perform the work in a shorter time, which is said to be a material factor. This position came as a shock to T. O'Connor and Sons because it is already equipped to start making these panels which Islington is not. Furthermore, the delivery schedule offered by T. O'Connor and Sons was acceptable to the selected civil contractor. Therefore, my question is, first, since public safety is involved in such projects, is it not rash to place this highly complex fabrication with the Islington Workshop, as it had previously declined to tender? Secondly, is it not a waste of this State's resources to involve private firms in the cost of preparing tenders and then giving them in favour of a Government workshop? Thirdly, despite the professed desire of the Government to attract new industries to this State and to encourage existing industries to expand and so create employment, will not this blatant example of preference for the public sector nullify these aims? What inducement is there for this company to expand further in this State?

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

CONSTITUTION CRISIS

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Leader of the Opposition.

Leave granted.

The Hon. N. K. FOSTER: Doubtless, the Leader of the Opposition and members opposite are aware of what has happened in Canberra in the last 48 hours. Doubtless, they have seen reports from the "Kerrtaker" Prime Minister in relation to those people who have been appointed as a "Kerrtaker" Ministry. I notice there are eight from Victoria, representing Collins Street; four from New South Wales, representing the business interests and the Stock Exchange in that area; two from Western Australia, representing (I do not know what they represent); and one from Quuensland, and the same goes for that State, too. Is not the Leader of the Opposition concerned about this? What is wrong with Senator Young, Mr. Wilson (the member for Sturt), and Mr. McLeay (the member for Boothby); what is wrong with those members? They were not considered. South Australia is not represented, neither is Tasmania. We all recall that in previous Liberal Governments this State has never had any representation in Government except if someone was considered to be a second-class member of the Cabinet.

The PRESIDENT: Order! The honourable member is making comments; he may not debate his question. He cannot comment. He should ask his question.

The Hon. N. K. FOSTER: I am a bit like the Governor-General—"If you can get away with something, do it."

The PRESIDENT: Order! I point out that the Hon. Mr. DeGaris, as Leader of the Opposition, is in no better position than is any other private member of this Chamber to deal with this matter and, unless it concerns something that is the business of this Council or of which he has some special knowledge, the Leader of the Opposition may decline to answer. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I am pleased that the Hon. Mr. Foster is championing the cause of Mr. Wilson in Sturt.

The Hon. N. K. Foster: He should never have got in in 1969; if he hadn't I would be better off.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I must admit that, as Leader of the Opposition in this Chamber, like the Hon. Mr. Foster I am deeply upset that I was not consulted by the Prime Minister.

BEEF STORAGE

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: Recently, the Meat Board reported that, unlike wool or wheat, beef cannot be stored for long periods. I had hoped that perhaps we might have made some progress in the storage of beef by deep freezing, to a point where it could be stored for longer periods than previously. Can the Minister tell me for what period beef can be stored safely in a frozen condition?

The Hon. B. A. CHATTERTON: I will certainly find out for the honourable member and get an authoritative report on the length of time that beef can be kept satisfactorily in a frozen condition. Of course, frozen meat does not have the same market appeal. Further, quality, appearance and the flavour of meat, even though it may be quite safe from a health point of view, may deteriorate if it is frozen for a long period. That is a main concern about the period for which meat may be safely stored in a frozen condition, besides the considerable cost of building cold stores and operating the deep freeze probably associated with them. Another point is that recently there has been something of a breakthrough in the storage of meat. The meat is kept in a vacuum pack and this can extend the life of unfrozen meat and has, in fact, improved the quality of meat for that shorter period. However, I will get a report for the honourable member.

BORDERTOWN YARDS

The Hon. J. E. DUNFORD: Has the Minister of Lands a reply to a question I asked some time ago regarding relocation of the Bordertown sale yard?

The Hon. T. M. CASEY: Since taking over the Bordertown sale yards in late 1971, the District Council of Tatiara has expended some $35 000 on upgrading. Prior to the expenditure of this money, the council considered relocating the sale yards, but for economic reasons decided against this. The money to pay for this work was raised by loan and, in addition, the council raised a loan for an additional $50 000 to be expended on the sale yards. At the time of raising this money a poll of ratepayers was held, and that poll was overwhelmingly in favour of the proposal. The council delayed works on the expenditure of $50 000 on the sale yards following the publication of a report of stock sale yards in the South-East of South Australia. At this stage the council took options on suggested alternative sites but, following an investigation on the economics of moving the sale yards, the council decided against this. Action is being taken by the council to improve the amenities at the area and an extensive tree-planting programme around the sale-yards has been commenced. The council expects that the noise generated from the sale yards will be decreased when the trees have an opportunity to grow.

DOCTORS

The Hon. C. M. HILL: In view of the recent questions I have asked regarding salaried medical officers and the replies I have received, which have not been satisfactory from the point of view of these medical officers, as the officers are frustrated and do not seem to be getting anywhere with their claims, and, more importantly, in view of the most serious position rapidly developing in South Australian hospitals as a result of this matter, has the Minister of Health anything further to report to Parliament on this last day of sitting before a long recess?

The Hon. D. H. L. BANFIELD: I do not know that it is to be such a long recess when one considers that we are almost at the end of the year and that we are to sit on February 3. The resident medical officers themselves are divided on this question. They have an organisation looking after their interests and taking the matter before the court, but there is apparently a breakaway group wanting to look after the interests of a few of the officers. It is partly their own fault that we cannot get an early decision from the court. We have assisted as much as possible in getting the case finalised, but while disagreement exists between the parties concerned, and while they fight amongst themselves, they are making the position much more difficult. There is not a great deal we can do. It is a matter for the court, and I know the honourable member opposite is most anxious that we should not depart from the jurisdiction of the court, which is the only place where the matter can be dealt with. I understand the honourable member believes in arbitration, just as the Government does, and I do not know whether he wants us to go outside of arbitration. He has not indicated that, but I am assuming he does not wish that. He is giving me no indication of his views on arbitration and conciliation, but, if I knew those views, I might be able to express an opinion. We would like the matter fixed up as quickly as possible. It is not doing the employees any good, it is not doing the Hospitals Department any good, nor is it doing the patients any good that this argument goes on. At no time have I refused to see resident medical officers; in fact, a deputation will wait on me next week. I have nothing further to report except to say that this is purely a matter for arbitration and it must be decided in that way. It is for the courts to decide this matter. If there is anything I can do within the guidelines, I shall be pleased to do it. Also, if they put something to me next week, I shall be willing to examine it.

CO-OPERATIVE TRAVEL SOCIETY

The Hon. J. C. BURDETT: On behalf of the Hon. Mr. DeGaris, I ask the Minister of Health whether he has a reply to the question asked by the honourable member recently regarding Co-operative Travel Society Limited.

The Hon. D. H. L. BANFIELD: Information that the Government had ordered an investigation into the affairs of Co-operative Travel Society Limited and associated companies was released in the form of a Ministerial statement which was given by the Attorney-General in the House of Assembly on October 28, 1975. This is a customary method of making such an announcement.

HIGHWAY CLOSURE

The Hon. R. A. GEDDES: Recently, I asked the Chief Secretary a question regarding a highway closure. Has he a reply?

The Hon. D. H. L. BANFIELD: The authority given under section 41 of the Road Traffic Act is confined to actual physical direction of traffic by a member of the Police Force and does not extend to the placing of detour signs. The Act empowers a member to give to persons driving on the road reasonable directions which are, in his opinion, necessary for the safe and efficient regulation of traffic. Detour signs, when placed on roads, fall within the definition of "traffic control devices" under the Road Traffic Act. By virtue of section 17 of the Act, only certain specified authorities are empowered to erect such

devices, with the approval of the Road Traffic Board. Members of the Police Force are not designated as an authority under that provision.

MURRAY RIVER HOUSEBOATS

The Hon. C. M. HILL: Has the Minister of Tourism, Recreation and Sport a reply to my recent question regarding Murray River houseboats?

The Hon. T. M. CASEY: The principal effects of the present high river levels on houseboat operations are: faster than normal downstream currents, which may be in the vicinity of 4 km/h in the confined sections of the river; the possibility of river craft striking floating logs and other debris; the removal of stop logs from all weirs and the necessity to travel through the navigable pass rather than through the lock chamber; and the inundation of much of the area of low-lying river flats which restricts the availability of mooring sites along some stretches of the river.

Notwithstanding these restrictions, there should be no undue hazards in operating a houseboat during a period of flood, provided care is taken when manoeuvring across the current, a watch is kept for floating debris, and all navigation markers are heeded, especially when approaching a lock and weir site. As each type of houseboat has its own handling characteristics, advice should be sought from the various fleet owners on the best means of handling river craft under these conditions and also on the sections of the river that would provide the best surroundings for sailing and mooring at night.

The two major owners of houseboats suggest that the Tourist Bureau should advise clients to get in touch with them by phone so that first-hand information can be given without committing the Tourist Bureau staff. They are willing for clients to reverse the telephone charges. It is further suggested that, if the clients insist on cancelling, an attempt be made to transfer the booking to a later date. This seems to me to be a reasonable request. Having regard to what I have said, I do not consider that I would need to issue a public statement that there is no danger to houseboats when floods occur in the Murray River.

LAND VALUATIONS

The Hon. J. C. BURDETT: On behalf of the Hon. Mr. DeGaris, I ask the Minister of Health whether he has a reply to that honourable member's question regarding land valuations?

The Hon. D. H. L. BANFIELD: The fact that private as well as Government drainage schemes have been undertaken in a number of areas of the State has been taken into account by the Valuation Department in determining unimproved values.

ROWLEY PARK SPEEDWAY

The Hon. C. M. HILL: After the spate of serious accidents that occurred at the first meeting this season of the Rowley Park Speedway, I asked the Minister of Tourism, Recreation and Sport whether he would look into the question of safety at that establishment. Has he a reply to that question?

The Hon. T. M. CASEY: Yes. I am sure the honuorable member was referring to the competitors and not the spectators at Rowley Park on the night in question Further to my reply to his question of Tuesday, November 4, 1975, I inform the honourable member that I have ascertained the situation with regard to safety at the Rowley Park Speedway to be as follows. Drivers of speed cars and saloon cars competing at Rowley Park are governed by race rules and specifications which are enforced by the Racing Drivers Association of South Australia Incorporated. The specifications, which are continually under review, and updated as often as necessary, include items such as safety helmets, flame-proof coveralls and underwear, safety harness, roll-bars and roll-cages, in addition to the obvious standards pertaining to the mechanical condition of vehicles. Drivers who do not comply with these standards are not permitted to enter an event.

Motorcycle riders who compete at Rowley Park are subject to an equally stringent set of regulations compiled by the Speedway Control Board (an industry body), which comprises representatives of riders, promoters and senior motorcycle racing officials from each State. The standards differ from those which apply to cars because of the varying requirements of dirt-track motorcycle racing, and are designed to ensure the maximum possible safety of riders within the limits of this sport.

The incident that occurred on the evening of November 3, 1975, involved a speedcar (that is, an open-cockpit racing car). It seems that the driver lost control of the car, relinquished his grip of the wheel, and grabbed the roll-bar at the time when the machine rolled over. This caused a finger to be severed at the tip. The driver was discharged from the hospital before the end of the week. The fact that the accident was spectacular but hardly serious must be attributed to the safety precautions prescribed by the rules and specifications. It is understood that the concussions suffered by other drivers were not serious. They were examined by the track doctor who, as a precaution, sent one driver to hospital for further tests.

I am satisfied that everything is being done to ensure the safety of competitors at the Rowley Park Speedway. However, it will be appreciated that, in any competitive sport where there is an element of danger, accidents can occur despite the enforcement of safety precautions. Spectator safety is adequately supervised by the Inspector of Places of Public Entertainment. Nevertheless, spectators are warned in programmes, and repeatedly over the public address system, that motor-racing is a dangerous sport and that they are present at their own risk. If it is observed that continuance of a race would be likely to endanger competitors and/or spectators, the race is stopped as soon as possible. In addition, if it is noticed at any time during race meetings that spectators have placed themselves in a potentially dangerous position, warnings are immediately broadcast over the P.A. system requesting immediate withdrawal to a safer area. If, in spite of these precautions, spectators do sustain any injury, the operators of the speedway have taken out a public risk policy that indemnifies them against claims which may result from spectator injury.

PUBLIC FINANCE (SPECIAL PROVISIONS) BILL

In Committee.

(Continued from November 11. Page 1777.)

Clause 4—"Issue from Treasurer's Advance."

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

In subclause (1) (*a*), after "arrangements", to insert "being arrangements of a kind that have been authorised by or under any Act or law of the State or Commonwealth".

I did not think that the Government would proceed with this Bill, but this morning I received a telephone call

from the Minister of Health, who extended to me the courtesy of speaking with Treasury officers on this matter. It appears that there are still some areas not covered by the financial measures that have now been passed by the Commonwealth Parliament. To enable certain projects in this State to continue, it may be necessary for the Government to have access to the facilities provided by this Bill. I have accepted that advice, although I believe that the wording of the Bill appears to go a little too far. Clause 4 provides:

(1) At any time during the period concluding on the prescribed day, where the Treasurer certifies in writing—

(a) that moneys in an amount specified are payable to the State for expenditure by the State in accordance with specified arrangements that have been agreed upon between the State and the Commonwealth; . . .

A previous Budget included $6 000 000 which resulted from a political decision made by the then Prime Minister. Because a political decision was involved, the undertaking could be changed just as easily as it was made. A few days after the introduction of that Budget, it was pointed out that the $6 000 000 was not forthcoming. I do not believe that the State should have the right to borrow money on the basis of the kind of undertaking at present provided in the Bill. My amendment will allow the Treasurer, if he so wishes and if there is a delay in any money coming to the State, to borrow a sum against the issue of Treasury bills or by overdraft or out of moneys lodged on deposit with the Treasury, such borrowing being for purposes authorised by or under any Act or law of the State or Commonwealth. This means that the Treasurer will be able to borrow not on a political decision but only where it is certain under law or Statute that the money will be paid to the State.

The Hon. D. H. L. BANFIELD (Minister of Health): Earlier in the week it was thought that it might not be necessary to proceed with this Bill. However, having had discussions with Treasury officials, and having ascertained that certain Bills before the Senate have not been passed, we believe it is necessary to proceed with this Bill. As a result of discussions with Treasury officials and having examined the Leader's amendment, we are happy to accept it.

Amendment carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment, but had made the following alternative amendment:

Clause 4, page 1, lines 11 to 14—Leave out all words in these lines and insert—

(*a*) That moneys in an amount specified are payable, or would, if appropriated by the Parliament of the Commonwealth, be payable, by the Commonwealth to the State for expenditure by the State in accordance with specified arrangements, being arrangements that are authorised, or of a kind that have been previously authorised, by or under any Act or law of the State or Commonwealth and that have been agreed upon between the State and the Commonwealth;

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment but accept the House of Assembly's alternative amendment.

True, this afternoon, on behalf of the Government, I accepted the Hon. Mr. DeGaris's suggested amendment. However, having reviewed the matter, the House of Assembly has suggested an alternative amendment that expresses more clearly the Hon. Mr. DeGaris's intention. I ask the Committee to accept the alternative amendment.

The Hon. J. C. BURDETT: I accept the alternative amendment, which shows more specifically what was intended in the amendment carried previously by the Council. I support the motion.

Motion carried.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from November 12. Page 1862.)

The Hon. D. H. LAIDLAW: I support the second reading of the Bill so that it can be considered in the Committee stage, at which time I will move an amendment to clause 8, which deals with so-called sweetheart agreements. The Bill has two aims. First, it will enable the State Industrial Commission to take account of the guidelines laid down by Mr. Justice Moore on April 30, 1975, in the Australian Conciliation and Arbitration Commission with respect to the operation of quarterly wage indexation.

Before the last State election, the Premier, in his policy speech, spoke in support of wage indexation. I completely agree with him, and I said so in the Address in Reply debate earlier this session. I said most people in the community would like to see wage indexation applying on a quarterly basis succeed because it is such a socially desirable concept.

For 23 years before April 30, 1975, the commission based its average wage fixing on the capacity of the economy to pay, as well as on the needs of the wage earner according to some notion of an acceptable standard of living. This basis caused rumbles amongst even the most conservative trade unions members, who felt, with some justification, that the national wage case caught up only once a year with increased costs that had progressively occurred during the past 12 months and then, because of the principle of the capacity of the community to bear, they did not always get their full entitlement.

On April 30, 1975, the Australian Conciliation and Arbitration Commission, as most honourable members know, granted a 3·6 per cent increase to all employees under Comonwealth awards (such employees comprising between 50 per cent and 60 per cent of the total work force) subject to eight guidelines.

Briefly the guidlines follow the principle that award wages and salaries will be adjusted quarterly in relation to the average movement in the consumer price index over the six capital cities. An increase of less than 2 per cent in any quarter will be applied to all award rates, but if it is greater than 2 per cent then the higher wage earner may not receive the full entitlement. If the increase is less than 1 per cent in any quarter, that movement will be carried forward to the following period to save the administration expense of adjusting small amounts. Once a year the commission will consider what in the total wage should be awarded on account of productivity.

The only other grounds on which pay increases are justified are changes in work value or changes in conditions under which work is performed; and there is also the catch-up of community movements (whatever that means). The South Australian Industrial Commission sets wage rates and conditions for nearly half this State's work force. It can pass on increases granted quarterly in Commonwealth awards, but it may not be able to enforce the

other guideline provisions. This Bill seeks to overcome this limitation, and I support that.

The second aim of the Bill is to control so-called sweetheart agreements, and the Bill follows an announcement to this effect by the Premier during the last election campaign. A sweetheart agreement is the giving of over-award payments above the wages paid to employees with the same skills in other industries in exchange for industrial peace.

The Hon. J. E. Dunford: How much do you give workers at Perry's?

The Hon. D. H. LAIDLAW: It is $16·40. Thereafter, the cost of such extra wages will be added to the price of goods and will thus affect the cost of living of people throughout the community. I wrote a letter to the *Advertiser* following the Premier's announcement and suggested that most people would probably support the Premier's stated intention to curb sweetheart agreements. However, I expressed the hope that, if such legislation were introduced, Government and semi-government authorities should also be curbed in this way.

The Hon. N. K. Foster: Employers are a party to sweetheart agreements.

The Hon. D. H. LAIDLAW: That is what I am saying. Such authorities have been responsible for undertaking sweetheart agreements that have harmed and damaged the ecomony of this State. Clause 8 represents the Government's feeble attempt to control over-award or sweetheart agreements, and I hope that my amendment to this clause will give it some teeth.

This provision states that no agreement shall be registered as an industrial agreement until the commission, upon application to it by any person, certifies that it is within the public interest and that it includes the guidelines laid down by Mr. Justice Moore in the Australian Conciliation and Arbitration Commission. However, as any honourable member experienced in industrial affairs well knows, few over-award agreements are ever registered with the State commission; indeed, it is often a condition for settling the dispute that such an agreement will be left on an unofficial basis.

I suggest that when more than 20 employees are involved, an agreement should be concluded, under threat of penalty imposed on the employer or employers involved, until the commission has certified that the agreement is within the public interest. I have stipulated the minimum number of 20 persons because I do not want to overwhelm the commission and so impose delays on the settling of disputes. If this amendment is accepted, the Premier will genuinely achieve his professed aim of curbing sweetheart agreements.

This Bill deals with temporary legislation, which expires on December 31, 1976, because, as honourable members know, the system of wage indexation is to be the subject of a full inquiry starting in about Feburary, 1976. I support the second reading of the Bill so that it can be considered in the Committee stage.

The Hon. M. B. CAMERON: While in general terms I do not believe that there is any person in the community who does not approve of wage indexation, nevertheless—

The Hon. F. T. Blevins: What about Mr. Polites of the Employers Federation? He is the leader of it.

The Hon. M. B. CAMERON: Even he must have realised by now that indexation has some capacity to curb the massive wage spiral increases that have occurred in the past. Nevertheless, there is a problem, and there are some problems in this State, as anyone associated with the move federally knows. No matter what date is set for the introduction of indexation, certain groups of persons or employees will suffer a disadvantage compared to others, merely because of the lack of industrial muscle they may have or because their case was not heard at the appropriate time immediately prior to the introduction of indexation, and because no base was set.

The Hon. D. H. Laidlaw: There are provisions for catch-up laid down.

The Hon. M. B. CAMERON: Yes, but it is not easy to bring this about. Because of this, and because there is no base, inevitably some groups will be at a disadvantage and it will be difficult for those groups to prove their disadvantage. Under the guidelines it is not easy for them to prove their disadvantage. Some of the industrial unrest that has occurred in several industries, including the metal industries, is no doubt associated with the fact that those people believed they were disadvantaged by the date on which indexation was introduced. Other groups are concerned (and, in this State, the magistrates award is causing some concern), because they believe they are disadvantaged under this legislation. So, while generally approving wholeheartedly of indexation, I have some doubts about it, because certain groups of people will be suffering a disadvantage in relativity between awards. I do not know of any way in which this can be overcome and that destroys my argument, to some extent; but this matter should be looked at carefully to see whether there is some way of solving the problems that have arisen. I have no doubt that this will be brought to the attention of the Government by those groups suffering this disadvantage.

The Hon. C. J. Sumner: I'll tell you how you can do it.

The Hon. M. B. CAMERON: I would be happy to give way to the honourable member. I am always pleased to listen to him, because he puts forward a cogent argument when he wants to plead something. The Hon. Mr. Laidlaw's amendment needs to be looked at carefully by the Government. It has a distinct advantage and should be favourably considered by the Government. However, generally, I have some doubts about the Bill, although I do not doubt it was introduced with good intentions, because it will create some unhappiness in some groups in the community, as their relativity will not be very good *vis-a-vis* other groups.

The Hon. J. E. DUNFORD: Personally, as a former trade union official, I am apprehensive about indexation. I have been concerned about it for some time, and I think the people in the community realise it has been introduced as a result of a plea by the Labor Government to workers, through the trade unions, that wage indexation could have two effects: it could lead to organised wage increases, and it could have the effect of stemming inflation. This was accepted by most workers in industry, and it was accepted by the Australian Council of Trade Unions. At present, because of the Governor-General's attitude, I believe there will be a strong inclination among the trade unions to throw indexation overboard. The Hon. Mr. Laidlaw supports the Bill for all sorts of reasons, but mostly because he considers that this State commission should follow the guidelines laid down by the Federal Arbitration Commission.

If, by supporting this Bill, I thought the Full Commission in this State would lay down guidelines that were identical to the Federal commission's decision, I would not be standing here supporting the measure. I believe this Bill reflects the wishes of the trade union movement, in so far as the

unions will go before the Full Commission, outline what they believe should be the guidelines and how indexation should work, and then there will be a subsequent decision by the Full Bench. However, the unions and workers in South Australia are concerned to know whether the commission will, as a result of the Full Bench's decision, be bound on all occasions to bear in mind those guidelines before awarding rates of pay.

The Hon. R. C. DeGaris: The guidelines laid down by President Moore?

The Hon. J. E. DUNFORD: Yes. The unions now realise that, once the Full Bench lays down these guidelines, they will not necessarily be mandatory in hearings of awards by individual Commissioners. Here, in South Australia, something must be done about the low wages. I have been a union official and secretary for some 15 years, and South Australia has always in that time been recognised as a low-wage State.

The Hon. R. C. DeGaris: A low-cost State.

The Hon. J. E. DUNFORD: A low-wage State, I said.

The Hon. R. C. DeGaris: And also a low-cost State.

The Hon. J. E. DUNFORD: It is still a low-wage State. It is interesting to note that the Hon. Mr. Laidlaw said that this was only a temporary arrangement. It is an arrangement for a period of 12 months, to December 31, 1976. I believe the unions can (I know they can, because of the evidence here in this State) convince the Full Commission, in laying down guidelines, that instead of using the term "catch-up", as used in the Federal guidelines, the words "comparative wage justice" should apply. Let me give an example of this.

Only two months ago, the Australian Workers Union, of which I am proud to be a member, claimed increases in wages for workers in the quarries. The claim was rejected outright by one of the Commissioners in this State. Incidentally, I have been before all the Commissioners, and know that some of them are already influenced by the Federal guidelines, because I know there are employers' representatives in the Industrial Commission, and that is what they refer to. For instance, in connection with the Broken Hill Proprietary Company Limited, Mr. Bleby, a lawyer, refers to the Federal guidelines. That is what the employers want: they want hard and fast guidelines laid down by President Moore.

The Hon. D. H. Laidlaw: They are not hard and fast.

The Hon. J. E. DUNFORD: It is what the Hon. Mr. Laidlaw wants; he wants to go further and destroy this Bill. If he insists on his amendment and it is carried, this Bill will not go through. He suggests that before an agreement—

The Hon. M. B. Cameron: Do you want the Bill?

The Hon. J. E. DUNFORD: —is registered, the Commissioner must decide whether it is in the public interest. Martin Cameron would not know anything about industrial affairs or relations, because he did not say anything about them. He said he did not know whether he supported the Bill or what he should do, and then he sat down. I will put him on the right track later. If he listens, he will learn. What the Hon. Mr. Laidlaw wants is to go beyond the provisions of the Bill, so that when two parties agree to, say, an increase of $20 a week, the parties go before the court and convince the commission that it is in the public interest. That case could take two or three months. There would be lawyers and legal arguments and this would have the effect, if the amendment was carried, of causing disputes.

The Bill says, in effect, that the employers can have the commission, refer to the guidelines or not take the guidelines into consideration at all, and hand down $20 a week, but the Hon. Mr. Laidlaw wants it the other way around. The Commissioner must stamp the document to the effect that this is not against the public interest. He wants to impose a penalty of $2 000 on top of that. He must have been in the conspiracy that happened last Saturday. He must have known that Fraser would have a caretaker government.

The Hon. D. H. Laidlaw: The employer.

The Hon. J. E. DUNFORD: If the employer is fined $2 000, he will not have a collective bargaining arrangement with a trade union and its members.

The Hon. M. B. Cameron: That is the principle of the Bill.

The Hon. J. E. DUNFORD: It is not. The Bill says, in effect, that once an agreement has been finalised in the court either side can say that it is not in the public interest—

The Hon. M. B. Cameron: You want indexation and collective bargaining?

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

The Hon. D. H. Laidlaw: I am not saying it must be registered.

The Hon. J. E. DUNFORD: Let me tell the Hon. Mr. Cameron that the Australian Council of Trade Unions, at an executive meeting in June last year, endorsed indexation but reserved the right for parties to have collective bargaining outside of indexation.

The Hon. M. B. Cameron: It's a great old deal you have got!

The Hon. J. E. DUNFORD: Why not? We have uniform awards in this State. The commission has set up a State minimum standard. To show how wrong it would be to have minimum standards, a worker living at Port Adelaide, working at Port Adelaide, close to his work, with access to supermarkets and other markets for goods and services, gets $110·50 a week if he is a fitter under the Metal Trades Award, without over-award payments. Perhaps the employer takes a contract at Moomba needing welders. He might say to the employee, "The award provides for $110 a week, and I want to give you another $40 or $60 a week because, with guidelines, the award is only a minimum standard set down. You will be away from home and you will be paying more for your food." The union meets around the table. The employers exchange letters. It is not necessary to go near the commission, because this is a legal document. If it is taken to the commission it is stamped, showing that the parties agree, and it becomes a registered industrial agreement.

The Hon. Mr. Laidlaw wants not to give effect to that agreement until the commission has decided whether or not it is in the public interest. Under the provisions of this Bill, the agreement is signed in the court. Then someone who is worried about the public interest can intervene. The men have got the money, the agreement is signed, and they are getting $60 a week more. However, if we accept the Hon. Mr. Laidlaw's proposition, the case could go on for three months. The Moomba job could be for only three months, the men have not got the $60 a week, and the employer pays a $2 000 fine.

The commissioners in this State are concerned, as are the trade unions, and this will be the testing period in which the Full Bench will lay down guidelines. It is not possible to have uniform maximum standards in awards, because one

has only to go to the quarries in this State to see the shocking conditions of some of the workmen. A powder monkey (and that is the key classification) gets $105 a week in any of the quarries around the Adelaide Hills. His counterpart in New South Wales gets $136·90. That is the difference. When we had the basic wage or the living wage there was always a differential of $2 or $3 between the States. People in New South Wales do not get an extra $31 a week because the cost of living is higher. That was catered for in the living wage and by the consumer price index, and there would not be more than a difference of $2 or $3 now.

The Hon. Mr. Laidlaw read out the eight guidelines and when he got to the word "catch-up" he said, "whatever that may be". That is the very key to the situation. Catch-up has got some problems. For example, some unions are concerned that their counterparts in other States are getting large increases that do not flow to awards in South Australia. The catch-up should be explained more fully and it is up to the unions, before the Full Commission, to set out quite clearly that, where there is identical work, catch-up should mean comparative wage justice. This year of 1975 should be the year in which South Australia is competitive, and it should be competitive for workers to move from one State to another and to live properly. Any worker from New South Wales who went to Stonyfell or any of the quarries around Adelaide would drop $31 a week, and he would not accept that. It is the responsibility of the Full Commission. I have no doubt that the State unions, with their able industrial officers, should be able to convince the commission that guidelines should be set down in this manner.

The Hon. Mr. Laidlaw mentioned sweetheart agreements. Employers do not always give workers increased wages and improved conditions because workers are on strike. I have found in my experience that, when employers want a job done more quickly, or when they want a more expert job, they know that with minimum rates of pay they will get only a minimum standard of work in return. It suits the employer to have flexibility and to be able to say to a team of 15 welders at Moomba that he wants the job done expertly and quickly, that he wants them to work in the conditions prevailing there, which are much hotter than in Adelaide. He can give them an extra $40 or $60 a week for those reasons. We are not going to have the position the Hon. Mr. Laidlaw mentions, that all that is in abeyance, and that it is only pie in the sky—

The Hon. D. H. Laidlaw: I am not saying that.

The Hon. J. E. DUNFORD: —depending upon application made by a person certifying that the agreement is not against the public interest.

The Hon. D. H. Laidlaw: There would be a Moomba area agreement, anyway.

The Hon. J. E. DUNFORD: I will take Ceduna, and put the same proposition for that location, or we could go to Cockburn, 50 kilometres from Broken Hill. The Hon. Mr. Laidlaw says that no employer or industrial body shall give effect to a prescribed agreement until the commission is satisfied that the agreement is not against the public interest. It will not work. It shows no flexibility and I am sure that, with its experience, the Full Commission would not accept it. The Hon. Mr. Laidlaw indicated that the workers at Perry's already receive $16 over-award payment. If his amendment was carried, and if those workers were not getting that $16 before indexation, they would have to justify it before the courts as not being against the public interest.

The Hon. D. H. Laidlaw: Not any more.

The Hon. J. E. DUNFORD: I am not saying there were no over-award payments before indexation, but after indexation one could not reach an agreement with employers for $16·40 under Mr. Justice Moore's guidelines. An employer has the right to pay whatever he decides is fair above the minimum standard, and indexation is only a minimum standard. I believe that minimum standards cannot become maximum standards.

I agree with what the Hon. Mr. Laidlaw has said as a temporary proposition. I believe that the next 12 months will put the arbitration system in this State to the test. The guidelines brought down by the Full Commission do not bind the commission. This is one of the best parts of the Bill. If the commissioners are free to implement comparative wage justice within the guidelines that will be set down, I believe indexation will have a long history. However, the Bill will not work even for 12 months if the guidelines applying to the State commission are anything like those laid down by His Honour Mr. Justice Moore.

The Hon. D. H. Laidlaw: They seem to be working all right in the other States.

The Hon. J. E. DUNFORD: That is because the Labor Government has rapport with the trade union movement. However, the "Kerr Government" has no rapport with the trade union movement, and workers today do not believe in that pseudo Government. They respect the Labor Government for having done things in their interest in the short term. I know that the Liberal Party would like to have wage freezes and restrictions for all time. However, I believe the next 12 months will be the test. If this Bill passes (and I have no doubt that it will not even hit the deck if the Hon. Mr. Laidlaw's amendments are carried), the next year will be the testing period for the Industrial Commission because, if wages in this State are not comparable with those in other States, workers will go outside the commission and make their own agreements. It is no good our binding employers, because those people who pay for the election of members opposite will be willing to drop the matter altogether. Penalties against workers as a result of freely negotiated agreements have not worked in the past, and will not work in 1975, in South Australia. I support the Bill.

The Hon. C. J. SUMNER: I have pleasure in supporting the Bill, first, because I believe it is a measure that deserves support and, secondly, because I notice that the Minister of Labour and Industry is in the gallery to hear me support it.

The PRESIDENT: Order! References to people in the gallery are quite out of order.

The Hon. C. J. SUMNER: I apologise deeply if I contravened Standing Orders.

The Hon. J. E. Dunford: It's the first time this session.

The Hon. C. J. SUMNER: I assure the Council that it is, too. The Bill gives the State Industrial Commission the power to adopt the Commonwealth guidelines on wage indexation if in its descretion it considers that that course of action is justified. It is reasonable to assume, in view of what the commission has said in cases until now, that it will in substance adopt the guidelines laid down in the Federal sphere.

The Bill arises out of doubts whether the commission has power to adopt the Commonwealth guidelines. It

involves not just a doubt whether the Full Commission has power to bind individual commissioners but a doubt whether even those individual commissioners have power to adopt the guidelines.

To see the justification for this Bill, one needs to examine some of the commission's decisions given in the last two or three months. I should like briefly to run through them to rebut some of the accusations that were made, particularly in another place, regarding what was considered to be the undue interference by the Legislature with the functions of the commission and court, a point that I consider to be absolutely absurd.

I emphasise that the Bill clarifies the law, or at least clarifies what the law was assumed to be at the time of the flow-on decision in September. On September 18 a hearing took place before the Full Industrial Commission to determine whether the Federal commission's decision ought to be applied across the board to South Australian awards. That decision of the Full Commission, comprising Judge Olsson (now Mr. Justice Olsson), Mr. Commissioner Lean and Mr. Commissioner Marron, was handed down on October 2. I want to quote from the decision, as it will answer some of the questions that have been raised by the Hon. Mr. Cameron and, indeed, by unions concerned with the legislation. I say this, because the decision gives some indication of how the guidelines will be applied in this State. Part of the decision is as follows:

> We are specifically requested to declare that the so-called eight point guidelines enunciated in the Australian commission national wage case decision of April 30, 1975, as amplified in its more recent pronouncement, are, for the immediate future, rigidly and strictly to be applied by all members of the commission.

The Full Commission come to the conclusion that this was not possible under the existing legislation. In its decision, the Full Commission continued:

> Our decison not to prescribe specific guidelines is based primarily upon the view that we simply do not possess jurisdiction to do so within the ambit of these proceedings.

The Full Commission then refers to section 36 of the Act, which it says does not give it that power. Having said that, however, the Full Commission tried to give some indication to the commissioners of what it thought ought to be done in individual cases that come before them. The Full Commission continued:

> First, we reaffirm what was said by the Full Commission in its reasons for decision published on May 15, 1975. We entertain no doubt that, provided that it can be applied to what is shown to be a proper "firm base" the adoption of steps to lead to a full introduction of indexation is essential and that, to that end, the eight principles of the Australian commission must be given the most careful consideration by this commission and all of its members. At the same time, we are painfully aware of the existence within the jurisdictions of arbitral authorities in this State, of a series of situations which are *prima facie* anomalous. Furthermore, the guidelines are silent as to certain situations which have arisen, such as the basis upon which first award fixations are to be made.

Later, the Full Commission continued:

> This being so, and particularly pending the outcome of conferences currently being convened by the President of the Australian commission, we content ourselves with indicating that we would expect individual members of the commission to deal with any wage claims falling outside a strict application of the eight guidelines with extreme caution, and to make only such fixations as are necessary in individual situations either to remove clear anomalies or generally to establish a proper firm base to which indexation may fairly be applied in the future.

One would have been entitled to assume following this decision that, although individual commissioners were not strictly bound by what the Full Commission said in this decision, they could adopt the Federal guidelines if they wished to. The problem that has now been posed is that individual commissioners may not have the power to consider these principles in any event, and this has only become clear to the court and to the commission in resent times. A question arose in a case before the commission at the present time, the magistrates' case where His Honour Judge Stanley decided there was considerable doubt as to the powers of the commission in this area generally and the whole matter ought to be referred to the Industrial Court for definition. The questions asked by Judge Stanley of the Full Industrial Court were as follows:

(*a*) Whether the commission (however constituted) in the exercise of its jurisdiction under the Industrial Conciliation and Arbitration Act, 1972 as amended has jurisdiction or power to apply the principles of wage determination more particularly specified in the two decisions of the Full Commission of the Australian Conciliation and Arbitration Commission delivered as aforesaid.

(*b*) Whether the commission (however constituted) in the exercise of its jurisdiction under the Industrial Conciliation and Arbitration Act, 1972, as amended has jurisidiction or power to have regard to the principles of wage determination more particularly specified in the two decisions of the Full Commission of the Australian Conciliation and Arbitration Commission delivered as aforesaid.

(*c*) If the answer to either question (*a*) or (*b*) above is yes, has the commission (however constituted) jurisdiction or power to bind itself not to exercise its jurisdiction or power other than in accordance with the principles of wage determination more particularly specified in the two decisions of the Full Commission of the Australian Conciliation and Arbitration Commission delivered as aforesaid.

The fact that this whole area of jurisdiction of the commission is now in the legal melting pot indicates the enormity of the problem as it puts the whole discretionary jurisdiction of the commission at risk. I would have thought without considering the matter in any detail that the answers to the questions posed by Judge Stanley were "Yes", "Yes" and "No", in which case there would probably have not been any necessity for this legislation. The fact that he felt that the questions should be put to the court means that some doubt exists and if there is an answer, "No", "No", "No", to those three questions, then the whole concept of wage indexation is placed in jeopardy.

I would now like to comment on what were some fears that some of the unions had, particularly the State unions, about this particular legislation, and in commenting on them I will draw from some of the quotes that I made from the Full Commission's decision. I would certainly be most wary, as I am sure the Government would be, about supporting legislation if there was substantial union opposition to it, but I believe that the fears that have been expressed by some unions that this legislation would provide too rigid a formula for wage indexation are not well founded. I reiterate in that context that the legislation does not bind the members of the commission to any particular method of fixation and that they can (although it is true that they will probably accept the guidelines), vary them to local circumstances.

I believe that the decision that I have just quoted definitely indicates that the Full Commission is aware of the

anomalies; it is aware that there may need to be some catch-up, that there needs to be a proper firm base upon which indexation can work. I suppose one legitimate area of catch-up would be to the relativities that existed as between South Australia and other States at the time of the introduction of indexation in May, but I believe that the commission is aware of the anomalies, it is aware of the necessity to ensure that disadvantaged workers (those who were disadvantaged at the time indexation was introduced) will be placed on a proper and equitable basis considering the relativities as they existed at the time indexation was introduced. As I said before, I believe that there is no need for the fears that the unions have about the matter, as this legislation is merely an attempt to give the commission power to do what it wanted to do or what it suggested ought to be done in its decision of October 2 (including making provision for anomalies and catch-up).

We have an amendment to this Bill moved by the Hon. Mr. Laidlaw that I have not had time to consider in great detail, but I would be opposed to the amendment on the brief consideration that I have been able to give it. I believe that it is an impractical amendment. It is impractical to write this sort of proscription against certain forms of agreement into legislation. I believe it would be extremely difficult to police and it could lead to employers and employees staying out of the Industrial Commission and accepting payments under the table, as it were. In other words it would tend to—

The Hon. D. H. Laidlaw: That is nothing new.

The Hon. C. J. SUMNER: That is all the more reason for my saying that it is an impractical suggestion and, as I say, it would tend to drive people out of the commission and would lead to employers and employees reaching agreements that were completely under the lap that could involve other offences relating to taxation.

The other reason that has been hinted at by the Hon. Mr. Dunford is that it would be clearly unacceptable to a large section of the union movement and, if the Hon. Mr. Laidlaw is looking to spark industrial unrest in this country—

The Hon. D. H. Laidlaw: No.

The Hon. C. J. SUMNER: He says "No", but this sort of amendment is likely to do that. At the moment indexation is working to a reasonable degree; there is a degree of acceptance of it by at least some employers and I believe by the great bulk of the trade union movement. That is indexation with allowances for anomalies and the catch-up already mentioned.

The Hon. D. H. Laidlaw: Why have clause 8 at all then?

The Hon. C. J. SUMNER: Because when an agreement is registered it has the force of an award; it is legally binding. Employees who are not paid in accordance with that agreement can take action to recover wages. If that agreement does not fit in with the guidelines, the commission can refuse to register it. Generally, there seems to me to be some advantage in registration of agreements both to the employers and to the employees, and it does at least inject into the legislation some concept of the public interest. There are a number of other answers in opposition to the suggested amendment. I do not believe that the question of so-called sweetheart agreements is a particularly large problem in this State. Very few such agreements are currently being negotiated. Because there is price control in this State, if such an agreement is entered into by employers, they may not be granted a price increase.

The Hon. D. H. Laidlaw: It is surprising that the Premier devoted so much time to it at election time.

The Hon. J. E. Dunford: One paragraph.

The Hon. C. J. SUMNER: In view of the successful operation of wage indexation, there is a definite need for flexibility in industrial relations at present. The proposed amendment is an example of using a sledge hammer to crack a nut, and it is completely unnecessary. I support the Bill, and I shall oppose the amendments that the Hon. Mr. Laidlaw has foreshadowed.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Powers of Full Commission under section 36 of the principal Act."

The Hon. C. M. HILL: Representations have been made to me by salaried medical officers, who are at present very concerned about the relativity of their salaries compared with those of their counterparts in other States. The South Australian salaried medical officers fear that their case will be set back about two years if this Bill is passed in its present form. However, having studied the Bill, I do not believe that their fears are justified, because it appears to me that the catch-up principle is included in the guidelines. I ask the Minister of Health to confirm that the guidelines include genuine catch-up arrangements.

The Hon. D. H. L. BANFIELD (Minister of Health): This Bill will in no way put anyone at a disadvantage. It will not prevent people from going to the Full Commission. If people can prove to the Full Commission that they are entitled to consideration under the catch-up principle, the Full Commission has power to grant any catch-up payments. So, the medical officers' fears cannot be supported.

The Hon. M. B. CAMERON: How far back can the Full Commission go in dealing with the question of catch-up?

The Hon. D. H. L. BANFIELD: If people are disadvantaged in this respect, it does not matter whether they have been disadvantaged for 12 months or three years.

The Hon. C. J. SUMNER: The answer to the Hon. Mr. Cameron's concern is contained in the decision I quoted during the second reading debate. It was stated that they were aware of a number of anomalies and of the necessity for a firm basis on which indexation should work. They were not bound to accept every detail of the Commonwealth guidelines. There is enough discretion in their powers to overcome whatever anomalies can be proved to exist by litigants.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—"Agreements."

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

After subclause (1) to insert the following new subclause:

(1a) Notwithstanding anything in the principal Act or any other Act or law contained, no employer shall enter into or give effect to a prescribed agreement, until the Commission, upon application made to it by any person in that regard, certifies that that agreement is not against the public interest.

Penalty: Two thousand dollars.

and after subclause (2) to insert the following new subclause:

(3) In this section a "prescribed agreement" means any agreement, arrangement or understanding that directly or indirectly relates to or effects the payment of over-award wages or salary to 20 or more employees.

I have favoured wage indexation for at least 15 years. If this Bill is passed, employees will get quarterly increases in line with movements in the consumer price index. In addition, by Mr. Justice Moore's guidelines, there is provision for applications for catch-up if an industry is behind. The Government has seen fit to provide that, if employers and employees have an agreement for over-award payments that they want to register, they must prove that it is in the public interest. This is what the Government wants to do, and it has said so. A loophole exists because only a small proportion of agreements are registered. Therefore, to give this provision teeth (and this is what the Government has said it wants to do, as espoused in the Premier's policy speech), I believe this amendment is completely consistent with what the Government is seeking to do. That is why I have moved my amendments.

The Hon. M. B. CAMERON: I support the amendments.

The Hon. C. J. Sumner: Don't you want the Bill?

The Hon. M. B. CAMERON: Of course I want the Bill. The reason for the Bill, in the words of the Premier, is to get rid of sweetheart agreements. Surely, if one is going to stop sweetheart agreements, this amendment is essential because otherwise, as the Hon. Mr. Laidlaw has indicated, there will still be a right to collective bargaining, which involves sweetheart agreements. Members opposite want it both ways, and that is not on if we are to accept the principle of indexation.

The Hon. C. J. Sumner: Do you know what the problem is?

The Hon. M. B. CAMERON: Yes, I know what the problem is.

The Hon. C. J. Sumner: There are hardly any agreements presently being negotiated. It is a non-issue.

The Hon. M. B. CAMERON: That is a remarkable statement for the honourable member to make. If we are to stop wage agreements outside indexation, this amendment is essential. The Hon. Mr. Dunford has already claimed that he wants it both ways.

The Hon. J. E. DUNFORD: Will the honourable member give way?

The CHAIRMAN: I have ruled that the give way rule does not apply in Committee.

The Hon. M. B. CAMERON: This amendment will mean that agreements outside of indexation cannot be entered into without an agreement of the Industrial Commission. That is the way it ought to be, because that is how indexation will work. Under the present system, unions with industrial muscle will be able to do what they like: they will be able to get their agreements while unions without industrial muscle will have to put up with what they are given. This will include the Public Service Association, which has adopted a responsible attitude and which can do nothing in that regard. For this Bill to have any effect, I believe this amendment is essential.

The Hon. J. E. DUNFORD: True, I said that I agreed with collective bargaining. Moreover, I understand what happened at the Australian Congress of Trade Unions executive meeting in June. However, it is the Government's intention that indexation will work. Once we have comparative wage justice and a base from which to work it will possibly work in city areas and in industry where employees have good conditions such as proper heating, dining, toilet and general work facilities. In referring to collective bargaining I was referring to situations that the Industrial Commission does not see, for example, where employees work in isolated areas where unsuitable working conditions prevail; such conditions do not meet the 1975 requirements. In such cases people can seek over-award payments in a collective bargaining situation. The Government's policy is that of indexation, but there will be collective bargaining in the circumstances to which I have just referred.

The Hon. C. J. SUMNER: By way of interjection, I said that sweetheart agreements were a non-issue so far as wage fixation was concerned at present. Not many of these agreements are being entered into presently in South Australia, especially given the existing industrial and economic climate. I also referred earlier to the price fixation which exists in this State and which, to some degree, controls the extent of sweetheart agreements. The amendment is as it were a sledgehammer being used to crack a nut, so far as wage indexation is concerned and, to a large section of the work force—

The Hon. M. B. Cameron: To take away the right of having sweetheart agreements?

The Hon. C. J. SUMNER: We must face industrial reality.

The Hon. J. E. Dunford: Members opposite know nothing about it.

The Hon. C. J. SUMNER: True.

The Hon. D. H. Laidlaw: It's your Bill.

The Hon. C. J. SUMNER: Giving the Industrial Commission power to introduce indexation has been accepted, albeit reluctantly, by some sections of the trade union movement. If honourable members opposite want the provisions of the Bill to become law to enable wage indexation to be introduced in this State in an orderly manner, they should withdraw the amendment. This situation is a non-issue so far as wage-fixing is concerned, but it is another matter altogether in regard to simple industrial relations. If members opposite ignore that and insist on this amendment, they will lose the Bill, and there will be a completely disorderly approach to wage indexation in South Australia if this happens.

The Hon. R. C. DeGaris. How will that happen?

The Hon. C. J. SUMNER: I just spent a whole second reading speech explaining how that will happen. Presently the Industrial Commission is not sure that it has the power; individual Commissioners are unsure about whether they have the power to adopt the Commonwealth guidelines relating to wage indexation. That is what this legislation is all about.

The Hon. D. H. Laidlaw: But they have already granted the wage indexation flow-on.

The Hon. C. J. SUMNER: There is doubt about whether they have power relating to the other aspects of those guidelines. We will have Commonwealth awards in this State governed by one set of guidelines and State awards governed by a completely different set of guidelines. There could be a completely disorderly approach to wage fixation in South Australia. It could put the whole of wage indexation in jeopardy.

The Hon. D. H. Laidlaw: Why did you not include sweetheart deals in another Bill? Why did you try to hide it in this Bill?

The Hon. C. J. SUMNER: It is not a matter of trying to hide it. There will be disorderly wage fixation if this Bill does not pass. However, with this amendment tacked on to it, it will not be accepted. The reasons I have advanced are extraordinarily valid. They come down to plain hard commonsense industrial relations and, if members opposite cannot accept that, heaven help us.

The Hon. J. C. BURDETT: I believe that the Hon. Mr. Laidlaw's amendment is entirely logical.

The Hon. C. J. Sumner: It is logical, but it is not acceptable.

The Hon. J. C. BURDETT: It is logical. In fairness to the Hon. Mr. Sumner, he is talking about practicalities, but I am just pointing to the logicality of the Hon. Mr. Laidlaw's amendment. Clause 8 was included in the Bill by the Government. The Government can say that it is of minimal effect, but the Government put it there, and it might as well make sense and be logical, because the effect of clause 8 as it stands at the moment is that certain agreements only (namely, registered agreements) must bear a certificate. However, it is logical that all agreements should bear such certificates. Clause 8 is clearly pointless; it is simply window-dressing, because employers and employees will certainly not register an agreement, so it is necessary, if there are to be any teeth, to provide a penalty. There would be no point in simply making an agreement illegal.

The Hon. N. K. Foster: If they wanted to apply that throughout an industry, would they have to register such an agreement?

The CHAIRMAN: Order! This is a Committee debate.

The Hon. N. K. Foster: I know that.

The Hon. J. C. BURDETT: As I say, the clause is pointless and mere window-dressing, because an employer and employee could avoid its provisions by not registering an agreement. The only way to make it effective is to impose a penalty. If we simply made it illegal and unenforceable if it did not bear a certificate, an employer and employee would still avoid the position of having to get a certificate. It should be noted that the penalty is imposed on the employer, not on the employee. If the Government is sincere in doing anything about sweetheart agreements and has not put clause 8 in merely for window-dressing to try to honour its election promises, it will agree to the Hon. Mr. Laidlaw's amendment.

The Hon. N. K. FOSTER: I appreciate that the Hon. Mr. Laidlaw has some knowledge of awards and agreements. I could point to some areas that have been the subject of an industrial agreement, which has had the blessing of an industry council that has been supported by Government and has had Government and departmental representation on it. We all know to which industry I am referring. Because of that, the dangers from the employer's point of view are not overcome by this amendment, if the Hon. Mr. Laidlaw considers what I have just said. It is now over two years ago since the first speech was made in any Parliament about indexation as we know it today.

The Hon. R. C. DeGaris: Fifty years ago.

The Hon. N. K. FOSTER: No; I am talking about the present indexation; I am not going back to 1951 or thereabouts to discuss what happened then. My point is that it is a little over two years ago that Clyde Cameron, as Minister for Labour, addressed himself to this matter in the Federal Parliament, and we all recall the reaction from employer and employee organisations at that time. We should all realise that we cannot in a country like Australia, with an industrial establishment of hundreds of employers on the one hand and hundreds of unions on the other, be expected to make some pronouncement on what a basic and objective policy should be for the benefit of everyone, and proper in the national and public interest (I do not wish to define what the "public interest" would be in this connection).

There was a great reaction and much contradiction on both sides of industry (employer and employee); many words have been spoken and there has been much bitterness, but basically we should be saying to ourselves today that the situation, in which an industry could gallop away with wage increases as a result of a round-table discussion with the employers, has been arrested. By no concept could anyone here say that it was a form of collective bargaining, in the proper application of that term. The expression "sweetheart agreement" is most misleading. This afternoon, are we going to consider and accept the value of the principle of indexation, which is now becoming so evident? True, sweetheart agreements can apply themselves with great benefit to certain areas and, at the same time, deprive many other areas.

The Hon. F. T. Blevins: The term is being misused.

The Hon. N. K. FOSTER: This afternoon, we have an opportunity to endorse what has been going on for two years, to evaluate and pass this Bill so that it can do what it is intended to do—give power to remove the many areas of anomaly. I commend the Bill to the Committee. I am not critical of the mover of the amendment, for he has experience of these things and I respect his views on this matter, but I think he should reconsider what the amendment would do. After all, the Bill has only a short lifetime of some 12 months.

The Hon. M. B. CAMERON: First, let me reply to the Hon. Mr. Sumner, who indicated that perhaps, as a simple country boy, I did not have the ability to understand what this Bill was about. It does not need much common sense to realise that this clause allows the continuation of sweetheart agreements. When I first read of the Premier's announcement, I thought he had made a good point. The next day, the Hon. Mr. Dunford was misquoted as saying that the Premier was not going to get anything at the Trades Hall. I accept that he was misquoted and that he agreed with the Premier that we had to get rid of sweetheart agreements.

The Hon. J. E. Dunford: I did not say that.

The Hon. M. B. CAMERON: That is the conclusion one could draw.

The Hon. J. E. Dunford: I was misquoted. I said no other words. I could give you the name of the journalist.

The Hon. M. B. CAMERON: I would have to infer from that that the honourable member agreed to what the Premier said at the time, and I give him credit for supporting the Premier in his move to get rid of sweetheart agreements. It is a creditable attitude on the part of the Hon. Mr. Dunford, and I am certain he will support the amendment to make sure that sweetheart agreements are no longer a part of the system while we have indexation. We should not have it both ways. I urge the Committee to support the amendment.

The Hon. D. H. L. BANFIELD (Minister of Health): Members from both sides have put up a case, but we believe that members on this side have put up a much stronger case, and I am quite convinced that I must oppose the amendment. An amendment of this nature cannot cover the field with sufficient precision to justify the creation of a criminal offence punishable by a fine of up to $2 000. It is interesting to see how vicious members opposite can be in imposing such heavy penalties on the employers, the people they represent. Certainly, they are making sure the employers do not step out of line. People opposite have complained about the penalties the Government has included in various Bills from time to time, and although those penalties did not reach $2 000 we received many complaints

from members opposite. We oppose this amendment. We believe that the Bill covers the situation admirably, and we know that it is in the best interests of everyone concerned for the Bill to pass. I would hate to think that any action on the part of this Committee jeopardised the passing of the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I believe that what the Hon. Mr. Burdett has said is correct; the clause as it stands is of not much value. It is window-dressing on the question of sweetheart agreements. The Premier made a clear promise on this matter to the electorate, and there has been some disagreement with what the Premier said in relation to it. I would guess that the Government's intention has been largely watered down in this clause by pressures from certain interested groups; that is a logical conclusion. Even at this stage, certain trade union organisations would not want to go so far in cutting out sweetheart agreements. I would think some trade union organisations would have accepted this on the basis that it does not go as far as the Government first promised the people of South Australia. We have a Bill being promoted as fulfilling that promise when, in my opinion, it goes nowhere near doing that.

If we are serious about tackling the question of sweetheart agreements, this clause, in my opinion, will not do that; it must have more teeth to achieve that purpose. That being so, the penalty must be sufficient to act as a deterrent to getting around the provisions of the amendment. I cannot see why the Government so strongly opposes the Hon. Mr. Laidlaw's amendment. I have listened with interest to the Hon. Mr. Foster and the Hon. Mr. Dunford. This clause now is a watered-down version of what the Government originally intended, and I believe that it has reached a compromise position with the trade union movement.

The Committee divided on the amendments:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw (teller), 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 PRESIDENT: There are 9 Ayes and 9 Noes. To enable these amendments to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 9 and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

I have already outlined the reasons why the Government believes that the Bill is necessary and why the amendments should not be made.

The Hon. R. C. DeGARIS (Leader of the Opposition): Clause 8 does nothing, because agreements that the clause attempts to catch are never registered. All that the amendments do is carry out what the Government promised the people of South Australia that it intended to do. In other words, the amendments provide that, where there is an agreement, whether registered or not, the court must give a certificate that that agreement is in the public interest. I cannot understand the Government's opposition to amendments that only put into words what the Government said that it intended to do. As much as I would like to assist the Government, I believe that clause 8 is of no value if it is not amended. If it was deleted from the Bill, the Bill would be just as effective. Therefore, clause 8 is pure window-dressing, with no teeth at all. I therefore oppose the motion.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. J. E. Dunford. No—The Hon. M. B. Dawkins.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered by the House of Assembly, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.45 p.m., at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, M. B. Cameron, D. H. Laidlaw, and C. J. Sumner.

At 9.45 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 12.50 a.m. on Friday, November 14. The recommendation was as follows:

That the Legislative Council do not further insist on its amendments.

Consideration in Committee of the recommendation of the conference.

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

That the recommendation of the conference be agreed to.

Without being at all hypocritical, I want to say that the managers on behalf of this Council put the case fully. It was discussed and a decision was arrived at by the conference. It is true to say that the managers from the House of Assembly informed us that they were not able to move from the terms of the Bill; they believed the Bill was still workable with clause 8 not being amended in any way, and there was no doubt in the minds of the managers from this place that there was no way in which we could alter the views of the managers of the House of Assembly. We requested the managers from the House of Assembly to leave the conference room while we summed up the position concerning another place and, after some discussion, it was felt that we could get no further with this position.

As regards the other clauses in the Bill, the managers considered that it would not be in the best interests of the situation generally if the Bill was lost, and I think the managers from this place took the right view and said, "In the circumstances, while we would have liked our amendments to be adopted by the managers of another place, we realise that we can get no further." We then agreed to recommend that the Council do not further

insist on its amendments, because we believe there are sufficient benefits in the Bill to make it worth while. I congratulate the managers from this Council on the way in which they put the viewpoint of this Council, although we could not reach any compromise.

The Hon. J. C. BURDETT: I support the motion and the remarks of the Minister of Health. I am only disappointed that he did not report to the Council in precisely the same terms as those in which he reported during the conference. Contrary to the other conference we have just heard about, there was no spirit of compromise whatever. The House of Assembly was not prepared to compromise in any way at all, and therefore this Council came to the conclusion that it had not been convinced that it was wrong, but we thought that clause 8 should have been amended in the form moved and carried in this place. We still think that clause 8 is useless as mere window dressing without it, but because we were convinced of the benefits in the other parts of the Bill we were not prepared to allow the Bill to be lost, as would have happened if we had not given in. I support the motion.

The Hon. M. B. CAMERON: I support the remarks of the Hon. Mr. Burdett. Probably the reason why the spirit of compromise was more present with members of the Legislative Council than with members of the other place was that the Bill extends only to 1976. I am sure this Council and anyone else associated with the measure will be watching closely to see the effects of the Bill by that time. It could be that quite a different attitude will be taken after that date.

The Hon. C. J. SUMNER: I wish to back up the words of the Leader of the Government, particularly in relation to his comments regarding the conduct of the managers during the conference. I can assure honourable members that the managers put the case extremely well and with a great deal of enthusiasm, and I would like to put on record the tremendously important role that I personally played in this matter in putting our views to the managers of the other place, who were completely intransigent! We did have to battle to try to get some semblance of sanity into their attitude.

I played an extremely important role in this, Mr. President! I can assure members of the Council, all honourable members who were not at the conference, that I went in boots and all! There was a tremendous amount of enthusiasm and fervour as I supported the views put very strongly by the Leader of the Government, the Hon. Mr. Laidlaw, and the Hon. Mr. Burdett. One can imagine the pain that I felt when the intransigent managers from the Lower House would not compromise one bit! The Minister has informed me that we have another Bill to get through tonight, but I wished to place on record so that all members—

The Hon. R. C. DeGaris: You believe the Assembly managers were instransigent in their views?

The Hon. C. J. SUMNER: There is no doubt about that. They were extraordinarily intransigent!

The Hon. R. C. DeGaris: You do not agree with that attitude?

The Hon. C. J. SUMNER: Certainly not! As a member of this Chamber, and going into a managers' conference in this way, I could not possibly support their views. I was elected by this Chamber to go into that conference to support the views of this Chamber, and I can assure all honourable members that I did it very, very well!

Motion carried.

Later:

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

ACTS INTERPRETATION ACT AMENDMENT BILL

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

STATUTE LAW REVISION BILL (GENERAL)

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

SEX DISCRIMINATION BILL

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

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

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 1871.)

The Hon. R. A. GEDDES: I rise briefly to speak to this Bill. The Hon. Mr. Hill last evening spoke on it in detail, with the knowledge that he, as a former Minister of Transport, has of all the ramifications of the problems of transport control, which seems to be necessary in this day and age. My contribution to the second reading debate will consist of a series of questions that I wish to ask the Minister in clarification of his second reading explanation, in which he referred to the Municipal Tramways Trust Act Amendment Bill and the South Australian Railways Commissioner's Act Amendment Bill. This Bill and the two Bills to which I have referred are to be regarded as the intermediate stage in the Government's legislative programme relating to public transport, the final stage being the consolidation of all legislation relating to public transport under the administration of the State Transport Authority.

This raises the question of what other public transport will in due course need to come under this all-embracing legislation. Why has it not been brought in under this enabling Bill? Why has it been made necessary to have two bites at the cherry? One would have imagined that, now that the Municipal Tramways Trust has acquired all privately-operated bus services in the metropolitan area, that side of public transport was under its control and would, therefore, have been brought under this legislation. Administration of the South Australian Railways Commissioner's Act is delegated to the Railways Commissioner, now that the State has sold, for a mess of pottage, its rural railway lines. Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R. A. GEDDES: I think I have covered the point I was trying to make. What other legislation will be necessary in future? The only other point to which

I wish to refer was that raised by the Hon. Mr. Hill regarding taxis in the metropolitan area and, I presume, in other parts of the State. In his second reading explanation, when dealing with clause 10, the Minister said:

The proposed new Part provides for a licensing system for the operation of vehicles for the purpose of transporting passengers for hire that is substantially the same as that administered at present by the Transport Control Board under the Road and Railway Transport Act.

The point made by the Hon. Mr. Hill was indeed a valid one. If all vehicles licensed to carry passengers are to come under this legislation, no reference is made to taxis. Perhaps this matter needs to be clarified by the Minister, who could perhaps give an undertaking that taxis will possibly be dealt with under amendments to be introduced later.

Finally, I cannot see where a licensee has any right, under this Bill, to appeal against an injustice. I wonder why, when we are dealing with licences for transport and passenger-hiring vehicles, no right of appeal from the Minister or to the Minister or a court is given. I ask the Minister to give the Council a considered reply regarding this matter. In his second reading explanation, the Minister also said that this Bill should be read together with the Municipal Tramways Trust Act Amendment Bill and the South Australian Railways Commissioner's Act Amendment Bill. I therefore intend to address myself to this Bill only, at the same time giving my concurrence in the other two Bills. With those remarks, I support the second reading, in the hope that the Minister will be able to answer the questions I have asked.

The Hon. T. M. CASEY (Minister of Lands): The honourable member has raised a few points that were raised previously by the Hon. Mr. Hill in his contribution to the debate on the three Bills in question. I would have to speak off the cuff regarding what other forms of transport would be likely to come under the central authority. I do not think I could say any more in this respect than could the honourable member. We could be talking about mono-rail transport, or anything else. Other forms of transport may be devised in the future. I point out to the Hon. Mr. Geddes and the Hon. Mr. Hill that taxi-cabs come under a separate Act altogether. So, taxi-cabs are not affected. I do not believe that there was any right of appeal in connection with the Road Traffic Board, so I guess that the same situation will apply under this legislation.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Enactment of Part IIA of principal Act."

The Hon. C. M. HILL: I was very disappointed when I heard the Minister's replies to the queries that I raised last evening, when I sought a clear undertaking that the Government intended to exempt the taxi-cab industry from this Bill. The Minister has not given that undertaking. Unless I get such an undertaking, I shall have no alternative to endeavouring to amend this Bill to exclude the taxi-cab industry. New section 15c (1) provides:

On and after the commencement of the State Transport Authority Act Amendment Act, 1975, a person shall not operate or in any way hold himself out as being willing to operate, any vehicle for the purpose of transporting any passenger for hire . . .

Those words mean that a taxi-cab is involved in this Bill in the same manner as a passenger omnibus is involved. The Government knows this, because in new section 15c (5) it has provided:

The authority may by notice published in the *Gazette* exempt any person or person of a class of persons, or any vehicle or vehicle of a class of vehicles, specified in the notice from the operation of this section.

I am trying to short-circuit the process of amending the Bill. In his second reading explanation, the Minister did not mention the taxi-cab industry or the Metropolitan Taxi-cab Board, yet the taxi-cab industry is automatically included within the provisions of this Bill. I again ask the Minister to give a clear undertaking that the Government does not intend at this stage to include the taxi-cab industry and that the Government will, on the proclamation of this Bill, exempt the taxi-cab industry from the provisions of this Bill.

Last evening I also sought a clear undertaking that the terms and conditions applying to licensees on country roads would continue under the new licensing authority. Country bus operators have given good service in the past, and they will continue to do so. Through no fault of theirs, changes are being made in connection with their licensing authority. I want a simple undertaking that the general terms and conditions of licensing applying at present will continue to apply. If the Government gives that undertaking, the licensees and I will be perfectly happy.

The Hon. T. M. CASEY (Minister of Lands): I can give the honourable member an undertaking that the Government has no intention of including taxi-cabs in this provision. They come under a different set of rules altogether, as the honourable member knows.

The Hon. C. M. HILL: They do, but it appeared that they were also coming within these provisions.

The Hon. T. M. CASEY: I am giving the honourable member an assurance that they will be exempted. Other people who are now operating buses will not be disadvantaged.

The Hon. J. C. BURDETT: New section 15m provides:

(1) An inspector may . . .

(*e*) require any person to answer a question that in his opinion may disclose information as to whether or not the provisions of this Part are being complied with, or may facilitate the exercise and performance of his powers and functions under this Act, whether that question is put to that person directly or through an interpreter;

(3) A person shall not . . .

(*b*) refuse or fail to comply with a requirement of an inspector made under subsection (1) of this section. Penalty: Five hundred dollars.

(4) A person is not excused from complying with a requirement of an inspector made under paragraph (*e*) or (*f*) of subsection (1) of this section on the grounds that the information disclosed thereby might tend to incriminate him, but such information shall not be admissible against him in any proceedings, civil or criminal, other than proceedings for an offence against this section.

These provisions are extraordinarily harsh and unusual. The ordinary position is that a person does not have to answer questions asked of him by a law enforcement authority. If a person is suspected of a criminal offence he does not, subject to a few exceptions, have to answer questions asked of him by a policeman. Regulatory Acts, particularly those that have come before us in the last couple of years, have provided for an obligation to answer questions asked by an inspector. But almost always it is provided that the question does not have to be answered if it tends to incriminate the person concerned; that self-incriminatory question does not have to be answered. However, here we have the specific statement that a person is not excused from complying with a

requirement of an inspector on the ground that the information disclosed thereby might tend to incriminate him.

There is the let-out that such information shall not be admissible against him in any proceedings, civil or criminal, other than proceedings for an offence against this section. However, that is not of much help because, if he had made that admission and answered the questions fully, it is usually possible to obtain that evidence. I do not oppose that clause, but I draw the notice of the Committee to this extraordinary harsh and oppressive provision.

Clause passed.

Remaining clauses (11 to 13) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

(Second reading debate adjourned on November 12. Page 1873.)

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

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL

(Second reading debate adjourned on November 12. Page 1866.)

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Power of authority to operate omnibuses."

The Hon. C. M. HILL: I move:

In new section 30, after "omnibuses" first occurring, to insert "only" and to strike out all the words after "State" first occurring.

First, the Bill transfers many of the responsibilities of the Municipal Tramways Trust to the new State Transport Authority. It must seem strange that the M.T.T. in metropolitan Aelaide is being given power specifically under the Bill to operate motor omnibuses outside South Australia. The excuse for this extra control—

The Hon. T. M. Casey: The excuse, or the reason?

The Hon. C. M. HILL: The excuse is that some interstate work has been undertaken by the M.T.T. That situation has resulted since the M.T.T. took over certain private metropolitan bus operators. Whether or not the M.T.T. had the legal power to undertake such operations is arguable. Surely the work of the M.T.T. should not involve interstate operations.

The Hon. T. M. Casey: Why not?

The Hon. C. M. HILL: I will continue and hope to make some impression on the Minister. I see no reason at all why the State Transport Authority, which is established to assist the South Australian public in its normal public transportation requirements, should be involved in an interstate passenger service or should become involved in the tourist industry at all. It should concentrate on, and make a success of, transporting commuters from metropolitan suburbs into central Adelaide, and then continue its operation during other parts of the day and evening by providing people with an adequate public service.

I believe that interstate passenger services are amply supplied by private operators on the roads, by the railways and by other forms of transport, such as airways. Private operators who have established themselves as carriers of interstate passengers and as charter operators should not be confronted with a new form of competition by the State. The State should keep out of interstate operations and should see that the authority confines its activity to operations within South Australia. My amendment restricts its operations in this way. I believe it is fair and just for such a situation to apply.

The Hon. M. B. CAMERON: I support the amendment. I, too, fail to see why the Transport Authority should operate outside the State. Already, we have handed over our country rail services to Commonwealth Railways. It is somewhat impertinent of us now to say to other States, "We shall be sending our local transport system into your area to do whatever it may want to do in the way of handling interstate transport." Those services are well provided for by private enterprise and should not be interfered with. The principal purpose of this Transport Authority is surely to provide public transport within South Australia and to aim to do that 100 per cent.

Until we get to 100 per cent, let us leave that system alone. We shall be spending enormous sums of money, as every new bus costs about $110 000. It is important that this authority carry out the task for which it has been set up, to provide public transport in South Australia. When it does that to the absolute maximum, then perhaps it can look elsewhere.

The Hon. J. C. BURDETT: I support the amendment. The Minister asked, "Why should not the authority enter the interstate field?" The boot is on the other foot: why should it?

The Hon. T. M. Casey: I asked for a reason.

The Hon. J. C. BURDETT: I am asking why it should, because the Transport Authority is a State utility. Interstate transport is viable and effective and I see no reason why the State Transport Authority should enter that field. The portion of the Bill that the Hon. Mr. Hill is seeking to remove is a sneaky way of extending the authority. This portion of the Bill was probably not fully noticed, but there is no valid reason why a public utility, which grew from the old Municipal Tramways Trust, should enter this field.

The Hon. T. M. CASEY (Minister of Lands): After listening to the honourable member who has just resumed his seat, the Hon. Mr. Hill, and the Hon. Mr. Cameron, I say that these gentlemen just stagger me. First, they talk about providing a service for public needs. The Hon. Mr. Hill said, "The State Transport Authority should operate for the needs of the public." We have only to look at the situation today and compare it with what it was 10 years ago to discover what are the needs of the public today for interstate transport. The Hon. Mr. Hill would be the first to agree that far more people today are travelling to other States—for instance, social clubs, schools, football clubs, marching girls, church groups, bands, bowling clubs, pensioners, senior citizens, and the like.

These people are using public transport more every year. There is no earthly reason why they should not use State transport in this way. After all, we took over some of the private operations in this State, and these people are using those buses. We went through all these arguments before when we dealt with State insurance. The question was asked, "Why do we want Government insurance in this State?" It is competition. Honourable members opposite agree with competition; they say it is good for the community. I mention that as an example.

The Hon. J. C. Burdett: Government competition is usually unfair because it can undercut free enterprise and drive it out of business.

The Hon. T. M. CASEY: The Hon. Mr. Cameron said it would be absolutely disastrous as these buses cost hundreds of thousands of dollars.

The Hon. M. B. Cameron: And that should be taken into account.

The Hon. T. M. CASEY: The Hon. Mr. Cameron said it would be a loss to the Government to operate these buses, but the Hon. Mr. Burdett is now saying the opposite.

The Hon. J. C. Burdett: No, I am not.

The Hon. T. M. CASEY: You are saying that the Government can run it at a lower cost than private enterprise can.

The Hon. J. C. Burdett: At a lower fare is what I said.

The Hon. T. M. CASEY: It seems to me that the honourable member is trying to hamstring the Transport Authority, which is providing a service to the public, providing for the needs of the public. If he does not go the whole hog, he is not satisfying the needs of the public.

The Hon. R. C. DeGaris: Why not enter the field of international airways?

The Hon. T. M. CASEY: I would not think the Government would have any intention of entering the field of international airways. All we are talking about in this case is utilising buses that will be operated by the Transport Authority for travel to other States. The degree of such travel has grown immensely over the years, and will continue to grow.

The Hon. A. M. Whyte: Is there a shortage of bus lines at present?

The Hon. T. M. CASEY: I would not know, but that does not make any difference. All I am saying is that the needs of the public must be paramount in our minds at all times. All that honourable members opposite want to do is confine interstate travel to private enterprise, and all I am saying is, "Let us have a little more competition." We got it in the case of State insurance; honourable members opposed it in this place but it was brought back and that legislation went through. As the authority has taken over private bus services in this State, it will operate a fleet in the future that will be capable of conducting tours to other States.

One of the problems with interstate bus services is that they are not under strict registration and examination because of the rules and regulations of the various States. Queensland has tried to force bus operators, whether intrastate or interstate operators, to have their licences inspected. However, section 92 of the Commonwealth Constitution overrides that. These buses would be under complete supervision and control and they would be roadworthy. We would be doing a disservice to the South Australian public if we refused the authority the right to provide buses for interstate travel.

The Hon. N. K. FOSTER: The Hon. Mr. Burdett said that free enterprise is in danger because a Government undertaking could enter into competition. That is not so. The Australian National Line is a classic example. It has not driven private enterprise ships from the Australian coast or from the international routes. To apply that principle would be to tear up the system of interstate rail transport. The honourable member would need to examine his conscience about what his peers in Canberra are doing in placing restrictions on Trans-Australia Airlines by the licensing system, granting all the privileges under the Airlines Commission Act to its competitor, Ansett Industries. Ansett buses are registered in Victoria, yet they travel all over the Commonwealth in a privileged position with privileged treatment. Avis Rent-a-Car is another example. The honourable member has no argument against that.

The Hon. J. C. Burdett: I am wondering when you are going to talk about the amendment.

The Hon. N. K. FOSTER: I am pointing out the stupidity of your remarks in relation to the people you represent, free enterprise. The Minister pointed out that when a free enterprise industry is no longer profitable, or when it is reduced to a position of being no longer profitable (as with third-party and other insurances), the cry is for the Government to take it over with the taxpayers' money. The *Troubridge* is a classic example, and Rolls Royce, in the United Kingdom, is another. The private bus operators—

The Hon. C. M. Hill: They came to the Minister for a subsidy and he would not give it to them. He said, "In lieu thereof, we will take you over."

The Hon. N. K. FOSTER: That is damn well not true, and you know it.

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: Thank God the honourable member did not have half a dozen portfolios when he was in Government. He would have driven us all bats. He is bad enough now because he was Minister of Transport in a previous Government and made a botch of it. He thinks he has a God-given right and should be the only one in the place to express an opinion. Honourable members may as well go to Islington and say that railway engines and rolling stock should not be constructed there for interstate needs and requirements. This is placing a restriction to ensure that a monopoly situation will come about or will be continued. The Hon. Mr. DeGaris asked whether we wanted to go international. Does he not know that Australia is an island continent? If he would exercise his mind as to what is done in Belgium, France and other countries, he would know that they go international because there is no barrier of water. If the Victorian Government ran a bus line, the passengers would have to get out at the border and get into a South Australian bus. The legislation may never be required, but this is a discrimination and a restriction, and the amendment should not proceed.

The Hon. R. C. DeGaris: You are much more devastating when you are simply interjecting.

The Hon. N. K. FOSTER: The Hon. Mr. DeGaris should get up and make a contribution. His contribution was mumbling, by way of interjection, "They might go international." What a ridiculous damned thing to say. He has been watching too many television advertisements.

The Hon. M. B. Cameron: Sell them to the Commonwealth!

The Hon. N. K. FOSTER: The honourable member would do that if his Party was in Government. It is like telling a suburban system that it can run from Christies Beach to O'Halloran Hill but not down the damn hill.

The Hon. C. M. HILL: I point out to the Minister that the State Government Insurance Commission had a net loss last year of $1 500 000 and in the previous year of $2 900 000, according to the Auditor-General's Report. The amendment does not really go far enough. The new authority should have been restricted to urban areas within the State. By the previous Bill, the Minister is going to license or renew the licences of existing passenger bus services within this State. Private enterprise buses have operated at a low profit and have given tremendous service to the people of South Australia. Under this Bill, and under my amendment, the M.T.T. could put those people off the road by competing against them.

It is a subsidised State authority, and such authorities can run private enterprise out of business, because they do not have to make a profit and they can undercut fares.

We have foreseen this danger, but we place some trust in the Government when it says it will carry on. It gave an undertaking this afternoon that it would go on renewing the licences of the present private country bus operators and continue the arrangements that have existed in the past. The operations of the new authority in relation to passenger buses should be restricted to urban areas, because in those areas transport requires subsidy. It cannot operate there without subsidy, and that applies in this State and throughout Australia.

The Minister does not seem to take into account that this new subsidised authority, if it blossoms into bus operations interstate, as it could do with the Bill in its present form, is operating as a subsidised authority. It is not fair competition for it to compete with private enterprise on the same routes and under the same conditions. I stress that point as strongly as I can, and I ask the Committee to support the amendment.

The Committee divided on the amendment:

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, F. T. Blevins, T. M. Casey (teller), 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 PRESIDENT: There are 9 Ayes and 9 Noes. To enable this amendment to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 15—"Operation of omnibuses and condition of roads."

The CHAIRMAN: I point out to honourable members that there is a typographical error in line 23. The word "with" should be "within", and I intend to make that alteration.

Clause passed.

Remaining clauses (16 to 27), schedule and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

Because the Bill originated in another place, and because the amendments unduly restrict the operation of the Bill, I ask the Committee not to insist on its amendments. In this day and age we must realise that motorised transport covers the four corners of this vast continent. There is no reason why State Government enterprise and private enterprise should not be on the same wavelength, transporting people as they will and at the wish of the people. The people should travel in the way in which they want to travel. This Committee, in my opinion, has no right to forestall any operation of transport in this State. Transport is expanding rapidly to many areas.

The Hon. C. M. HILL: I hasten to point out that members on this side have not endeavoured to forestall the general purpose of this Bill, which is that the Municipal Tramways Trust is to be dissolved and that the M.T.T. buses seen in the city will come under the control of the new State Transport Authority. Nothing is being done by these amendments to prevent that taking place. The Minister asked why we cannot all be on the same wavelength. How is it possible for a subsidised State instrumentality to be on the same wavelength as private enterprise when one is backed up and supported and has its losses recompensed by the State, while the other has to balance its books and make a profit to stay in business? It is impossible for those two entities to be on the same wavelength, but that is what the Minister cannot seem to accept.

The purport of the amendments is to prevent a situation in which the State can take people over to Mount Buffalo for a week or to Melbourne for a week and cut the fares of the private enterprise operators, simply because the State instrumentality has its losses made good by the people. That is a philosophy with which members on this side do not agree.

Members interjecting:

The Hon. C. M. HILL: This State Government is trying to run private operators out of business by this measure, and that is shameful. It has never had any high regard for private enterprise in the past. When the private bus operators could not make ends meet and came to the Government in good faith to seek a subsidy to carry on giving the people of the metropolitan area the service they deserved, this socialist Government said, "We will not give you a subsidy. We will take you over. We will give birth to another tentacle on the socialist octopus, and that tentacle will bear the name, 'Bus previously owned by private enterprise'." Here again, the Government is trying to graft still another tentacle on this socialist octopus.

Members interjecting:

The CHAIRMAN: Order! I know that sometimes, on the last night before the adjournment, we have a little comic relief, but the situation is going a little beyond that and degenerating into a shouting match: he who shouts loudest gets reported in *Hansard*. I will ask the honourable member to moderate his tone and get back to the motion.

The Hon. C. M. HILL: I am doing my best, in spite of the raucous interjections, to make the point. Members on this side have moved and supported these amendments and intend to go on supporting them, because we do not believe the State should be involved in this aspect of transportation. It never was until recently, when the private operators were swallowed up by the State.

The Hon. N. K. Foster: Name one company that was swallowed up by this so-called socialist Government!

The Hon. C. M. HILL: Bowman's.

The Hon. N. K. Foster: They were not. They had to get—

The Hon. C. M. HILL: The honourable member talks a lot of rubbish. Because of that move, the M.T.T. tasted the fruits of interstate trade, and now it wants the position made legal for it to carry on. In my view, that is wrong. We wholeheartedly support the amendments.

The Hon. T. M. CASEY: I cannot understand the Hon. Mr. Hill. In other debates in this place he has talked about looking after the little people and the workers of this State. Yet, when it suits him, he does a turn-about and accuses the Government of being socialistic. He

changes his tune at the drop of a hat to suit his own political philosophy. I cannot follow him. The honourable member has talked about the Government's swallowing up these private bus operators. Let us examine the situation. When the honourable member was Minister of Transport, he subsidised bus operators to enable them to operate routes in this State.

The Hon. C. M. HILL: I rise on a point of order. I emphatically deny that statement and ask the Minister to retract it.

The Hon. T. M. CASEY: Some operators could not meet the obligations of the transport system in this State and were therefore subsidised by the Government. However, they later wanted even greater subsidies. The present Government decided that it could operate these services through the Municipal Tramways Trust more cheaply than by paying subsidies to the private operators. It therefore took over those services. Actually, private enterprise asked the Government to take over their services because they could not operate efficiently and economically. The Hon. Mr. Hill says, "You should take over all the routes that do not pay and let the taxpayer pay for them." However, when the Government wants to enter a field which may be economic to operate and which will be advantageous to the people of this State who, after all, have the opportunity to choose with whom they want to travel (they do not have to travel with the Government's bus service), he says—

The Hon. C. M. Hill: What about the question of price?

The Hon. T. M. CASEY: Regarding the cost factor of Government *versus* private enterprise services, how does the honourable member link up the situation that exists between T.A.A. and Ansett Airlines of Australia? He cannot. There is co-operation between those two airlines.

The Hon. B. A. Chatterton: They even run their flights at the same time.

The Hon. T. M. CASEY: That is so, and they provide the same service. The honourable member cannot justify his claim that, because this involves a Government enterprise, a cheaper mode of transport will be provided. That is just not on. The honourable member has not convinced me in this respect. He is silent now, because he cannot advance an argument against that.

The Hon. C. M. Hill: You cannot give me—

The Hon. T. M. CASEY: That is the only example—

The Hon. C. M. Hill: The Minister will not even let me answer what he is saying.

The Hon. T. M. CASEY: —on which the honourable member can hang his coat. It is all right for him to say that these things could happen. The honourable member has, typically, dragged a red herring across the trail. On the present information before the Committee, the honourable member cannot sustain his argument. This matter can be examined only in the light of what is happening in Australia regarding Government enterprise *versus* private enterprise, and the only situation to which we can relate it is that of T.A.A. and Ansett Airlines of Australia. I could say that the advantages that Ansett had over T.A.A., particularly from my experience on the north-south run between Adelaide and Darwin, were fantastic. The Ansett flights went from Adelaide to Alice Springs, and then on to Darwin. But what did T.A.A. have to do?

The Hon. J. E. Dunford: The milk run!

The Hon. T. M. CASEY: That is so. It is only in the past 18 months, since the Government changed in Canberra, that T.A.A. has been able to alternate the services provided between Adelaide and Darwin. Honourable members opposite cannot deny that. I ask the Council not to insist on its amendments.

The Hon. R. A. GEDDES: Having listened to the arguments advanced by the Minister, I ask him whether the Government-run bus service going to other States will have to pay full registration fees, as do the private operators. Will the insurance premiums on Government buses going to other States be the same as those on private buses? Will the Government buses be able to obtain fuel and spare parts more cheaply than will the private buses? Also, will the Government have to pay sales tax on its buses delivered to South Australia, on the understanding that the Commonwealth will have to pay for those buses? The Hon. Mr. Hill tried to make the point, amid many interjections, that a Government-run bus service would be able to run more cheaply than would the private operators.

The Hon. R. C. DeGaris: And still lose money.

The Hon. R. A. GEDDES: That is so. If it did, it would involve a charge against the taxpayers, which would be absorbed into the general costs of administering the Act.

The Hon. J. E. Dunford: You would rather that people be robbed by private enterprise. That's what they do. Ansett proved that.

The Hon. R. A. GEDDES: The people, and not just one section of private enterprise, would have to pay for any losses incurred by the Government-operated services. Will the Minister say whether Government interstate bus services will be given concessions?

The Hon. T. M. CASEY: I would say that the Government is at an advantage in some respects. For example, the Government has an advantage in connection with sales tax. Of course, buses travelling to other States carry interstate discs, but I am not sure how the system operates. I do not think the Government would be at an advantage on that score.

The Hon. R. A. Geddes: Do Government vehicles have to pay registration fees?

The Hon. T. M. CASEY: Not while they operate in this State. However, if they go to other States they must carry an interstate disc. One would think that T.A.A. could be supplied with aircraft more cheaply than could Ansett. If there are four or five hotels in a town, they usually co-operate in fixing accommodation charges.

The Hon. R. C. DeGaris: That was before the restrictive trade practices legislation.

The Hon. T. M. CASEY: In an interstate operation, there would not be any undercutting. It would be detrimental to the industry generally if there was any undercutting by the Government in connection with interstate charter tours. It would destroy the whole concept of private enterprise, which the Government has no thought of destroying at this stage.

The Hon. R. C. DeGaris: At this stage!

The Hon. T. M. CASEY: The public is entitled to choose between a private firm and the Government enterprise. This proposal will possibly tend to reduce charges for interstate travel. The more competition there is, the more likely it is that prices will be stabilised. I do not think the Government, even though it may have a few advantages, has any intention of setting out to destroy private enterprise in this field; I do not think the Government could do that. We cannot have too many people providing services for the ever-increasing number of people travelling to other States.

The Committee divided on the motion:

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

Noes (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.

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

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the House of Assembly to consider the position further, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the House of Assembly conference room at 9.45 p.m., at which it would be represented by the Hons. J. A. Carnie, T. M. Casey, J. R. Cornwall, R. A. Geddes, and C. M. Hill.

At 9.45 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 12.38 a.m. The recommendations were as follows:

That the Legislative Council do not further insist on its amendments but make the following amendment in lieu thereof:

Clause 14, page 4, lines 16 to 18, leave out all words in these lines and insert in lieu thereof the words—

30. The authority—

(*a*) may, within the State, operate—

(i) motor omnibuses;

and

(ii) passenger carrying vehicles in consideration of a lump sum paid for the use of the vehicle;

and

(*b*) may, outside the State, operate passenger carrying vehicles in consideration of a lump sum paid for the use of the vehicle and as part of that operation operate the vehicle as a motor omnibus.

Consideration in Committee of the recomendations of the conference.

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

That the recommendations of the conference be agreed to.

This was not an easy matter on which to reach finality; indeed, it seemed at one stage that we would not get very far. However, the managers from this Council and from another place showed great spirit in reaching a compromise. If the matter had not been resolved, the Bill probably would have lapsed and, if that had happened, the State Transport Authority would have gone out the window, so to speak. That would have been calamitous so far as the State was concerned, for the Government has been inundated in the past with requests to take over certain bus services in South Australia.

The Government, in order to provide public transport facilities for, and in the interests of, the community in general, has had little alternative but to take over these services. It is a credit to the Government that it has acted in this way. The services so far taken over have been taken over as a going concern, whether they operate within South Australia only or whether they involve charter services extending into other States.

The Hon. N. K. Foster: Including all employees.

The Hon. T. M. CASEY: The Government has taken over the whole operation.

The Hon. J. E. Dunford: Including non-unionists.

The Hon. T. M. CASEY: Yes. The Government was determined that it was not going to be disadvantaged in any way by being placed in a position where it did not enjoy the same privileges as those enjoyed by the companies previously. Indeed, that is the position that the managers from both Houses were trying to achieve. I believe that the compromise reached was the best compromise that could have been reached in the circumstances.

Parliament will probably be required to examine this legislation again in the future in cases where companies that now operate interstate services ask the Government to take them over. That would require amending legislation, and personally I think this is a crazy situation—that we cannot deal with this matter while the Bill is now before the Council. Nevertheless, I am happy that that compromise has been reached.

The Hon. C. M. HILL: I support what the Minister has said in his explanation of the spirit of compromise on the discussions that took place at the conference. I support the motion that the Council agree to this new clause 14.

New section 30 (*a*) is identical to the amendment passed by this Council earlier in the debate, dealing with the operations of omnibuses as passenger carrying vehicles and for use in charter services. New section 30 (*b*) has resulted from the compromise reached and will permit the S.T.A. to operate in charter work outside of South Australia and in instances where, as part of that charter work, there may be vacant seats on buses, the S.T.A. being able to sell individual fares so that those seats may be occupied. In general terms, the endeavour in this compromise was to limit the S.T.A. to its present operations interstate, and this was thought to be the only method by which the aim could be achieved.

I must disagree with the Minister of Lands when he said that the authority would have had to "go out the window" if agreement had not been reached. The S.T.A. was established by Act of Parliament in 1974. What would have happened was that, in this next stage of the authority's activities, the stage being accomplished by the three Bills before us at present would have had to wait until Feburary before the legislative process could be put in train once again in regard to these measures; but I am happy that agreement has been reached, and I support the new clause.

The Hon. J. A. CARNIE: Briefly, I support what the Minister and the Hon. Mr. Hill have said. The conference achieved what I believe to be a reasonable compromise. I believe this Council went a long way beyond the amendment that was carried yesterday. We did not believe that the authority should be allowed to operate line services interstate. The result of the conference is virtually to preserve the *status quo*, because many of the companies that the Government has taken over were operating charter services to other States. We had no objection to this continuing but we saw a danger to private enterprise in any expansion of these services. The Minister has said that, if the situation arises that a company may wish to be taken over by the Government and it operates interstate services, the Government will have to come back to Parliament. I see nothing wrong with that. I think the conference achieved a reasonable compromise.

The Hon. R. A. GEDDES: The thrust and parry, the argument and the rejection, the doubts and the worry, the

perseverance and then agreement always make a conference worthwhile. I compliment the managers on the way in which they persevered with the total problem concerning this amendment; I compliment the Minister on his attitude to it and the Government's acceptance of it.

The Hon. J. R. CORNWALL: Everyone is patting each other on the back over this matter. I think some hypocrisy is involved in this, and we should be honest about it. Some honourable members were intransigent in their attitude. It looked as though the whole Bill would have been thrown out had we not been prepared to compromise on what is a somewhat unsatisfactory sort of amendment.

The Hon. R. C. DeGaris: Whom do you mean by "we"?

The Hon. J. R. CORNWALL: I mean the Government.

The Hon. R. C. DeGaris: But you were a manager for this Council.

The Hon. J. R. CORNWALL: Certainly.

The Hon. R. C. DeGaris: That is the "we" you are referring to.

The Hon. J. R. CORNWALL: That may be so but, nonetheless, there is a deal of hypocrisy, and I make the point—

The Hon. R. C. DeGaris: You are not making a point at all. There was no hypocrisy. You are the one who is being hypocritical at the moment.

The Hon. J. R. CORNWALL: Some managers were almost intransigent.

The Hon. R. C. DeGaris: You were a manager; you were intransigent.

The Hon. J. R. CORNWALL: Let us say that some of the people involved wanted to socialise the losses and capitalise the gains. I think that should be on record.

The Hon. C. M. Hill: Who said that?

The Hon. J. E. Dunford: Murray Hill has been saying that for the last three weeks.

The Hon. R. C. DeGARIS: I am disappointed in the attitude of a manager for this Council, who has seen fit to criticise a decision made by the managers appointed by this Council to stand for the point of view of this Council. Irrespective of a person's viewpoint, when our managers go to a conference, they stand for the viewpoint of this Council. That is what they are there for, and that job should be carried out in that spirit.

Motion carried.

Later:

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

LOTTERY AND GAMING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ARCHITECTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 1867.)

The Hon. J. C. BURDETT: I support the second reading of the Bill. I have almost come to think that every Bill that has come to me recently has turned out to be a Statute Law Revision Bill. Having recently spoken on two Bills that were called that, I have also found that several other Bills have turned out to have the same kind of effect. This certainly makes me look forward even more keenly to the consolidation of the Statutes. I was sorry to hear last evening that the consolidation is not expected by the end of next year. The Bills that we have recently dealt with have made voluminous minor, consequential, and drafting amendments; they make one realise the magnitude of the task.

This Bill amends the principal Act to make it consistent with the operative substantive provisions that are now to be found in the Community Welfare Act. The question of the Aboriginal Lands Trust is extremely important, but this Bill does not make any substantial change in this area. I support the second reading.

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

NATIONAL TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

(Second reading debate adjourned on November 12. Page 1856.)

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—"Amendment of principal Act, section 6."

The Hon. T. M. CASEY (Minister of Lands): I move to insert the following new clause:

1a. Section 6 of the principal Act is amended by striking out the passage "set out in the schedule to" and inserting in lieu thereof the word "under".

This is merely a drafting amendment recommended by the Parliamentary Counsel.

New clause inserted.

Clause 2 passed.

Clause 3—"Rules and by-laws."

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

In new section 9 (3) to strike out "rule and by-law have by resolution submitted to" and insert "rule or by-law has by resolution of".

This, too, is merely a drafting amendment recommended by the Parliamentary Counsel.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

Later:

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

[*Sitting suspended from* 6 *to* 7.45 *p.m.*]

COAST PROTECTION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes miscellaneous amendments to the principal Act. First, it provides for an expansion in the membership of the board. The Nature Conservation Society of South Australia has suggested that the membership of the Coast Protection Board should be enlarged to include a further member with experience in biological sciences. This submission has been examined by the Government and the Coast Protection Board, and there is universal agreement that the suggestion is a good one which should be embodied in the Act.

The Bill also contains provisions which were previously submitted to Parliament but which lapsed owing to the recent dissolution of Parliament. Under these proposals

the powers of the Coast Protection Board to acquire and deal with land are expanded. The need for this expansion of the board's existing statutory powers became evident when the board was asked to assist in the acquisition of an area of particularly attractive dune land in the hundred of Koolywurtie, on Yorke Peninsula. It appeared that the board had no power to acquire the land except for what could broadly be described as "engineering" reasons. As the board will probably be faced with increasing pressure to acquire parts of the coast for retention as open space or for the preservation of its aesthetic value, it is desirable to amend the Act to allow such acquisition. At the same time, the board is to be given the power to deal with surplus land or to put it under the control of a local council. Provision is also made for the board to share the costs of acquisition with local councils.

The Bill also increases the maximum grants that may be made to a council covering work done by the council in improving or restoring the coast and coastal facilities. The definition of "storm repairs" is amended to enable the board to reimburse a council fully for work done in repairing damage to a coast facility (for example, a jetty) caused by a storm. Moreover, the Government's policy of maintaining certain jetties, even though their retention is not justified by commercial usage, requires that the board should be authorised to meet up to 80 per cent of the cost incurred by councils in repairing coast facilities where the repair is necessitated by ordinary wear and tear. The principal Act is amended accordingly. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 amends the definition of "storm repairs" to cover repairs to a coast facility following upon storm damage. Clause 3 provides for the appointment to the board of a person with experience in ecological sciences and environmental protection. Clause 4 amends section 22 of the Act and widens the board's powers of land acquisition. It also permits the board, with the consent of the Minister, to dispose of surplus land or to place it under the care, management and control of the local council. Clause 5 amends section 32 of the principal Act. The section, as amended, will enable the board fully to indemnify a council for work done to repair damage to the coast or a coast facility caused by storm or pollution, and to make a grant of up to 80 per cent of the cost of other work done by a council to repair or improve the coast.

Clause 6 enacts new section 32a of the principal Act, which provides that a council intending to acquire land may be granted up to 50 per cent of the cost by the board. Clause 7 amends section 33 of the Act to enable the board to recover from a council up to half the cost of land acquired by the board within the area of the council. This contribution will be recoverable only where the council has given prior approval to the proposed acquisition.

The Hon. J. C. BURDETT: I support the second reading of this Bill. A measure similar to this Bill came before the Council in the dying hours of the last Parliament, which was dissolved. This measure in one respect is an improvement on the previous one. In the original measure, if the Coast Protection Board acquired any land in the area of a council, it could call on that council to contribute and recover the money, as a debt, up to 50 per cent of the cost of the acquisition. The present Bill is, in this respect, very much an improvement and entirely satisfactory, in that that can apply now only with the consent of the council.

The first part of the Bill, so far as it relates to the board itself, I agree with, but I join issue with the Bill in regard to acquisition for general purposes. The parent Act provided powers of acquisition, compulsory if necessary, of land which was required for the purpose of coast protection work (that is to say, for engineering purposes): I agree with that and do not want to disturb it. However, in the second reading explanation we heard of the necessity to acquire land on occasions under the Act and, if necessary, compulsorily in order to preserve the aesthetic features of the coastline.

I strongly support the necessity to preserve the aesthetic features of the coastline but the Bill enables the board, with the approval of the Minister, to acquire land, under the Land Acquisition Act, "for any other purpose consistent with the functions and duties assigned to, or imposed upon, the board under this Act". We are told in the second reading explanation, with which we agree, that the reason for this is such areas of land as were referred to in the second reading explanation. First, this Bill treads on new ground in so far as it empowers the acquisition of land for this kind of purpose, simply for the preservation of its aesthetic quality. When I say "acquisition", I mean "compulsory acquisition", because the principal Act contemplates that.

I agree that at times it will be necessary probably (as in the sample case cited in the second reading explanation) to acquire coastal land compulsorily for the purpose of preserving it in its natural state and preserving its aesthetic beauty. I know that the same example was given in this second reading explanation as was given in the second reading explanation when the legislation was last before Parliament. However, I fear that this power could be abused and used wrongly. Let me hasten to say that I have the greatest confidence in the personnel of the present Coast Protection Board but it is possible in the future, with changing personnel of the board, that a little bureaucratic group may say, "Here is a piece of coastline we want to acquire, and there is a piece of coastline we want to acquire", and so on. Some protection against this happening will, of course, be the fact that it will cost money, but I fear that that will happen.

The Hon. T. M. Casey: Or it may not.

The Hon. J. C. BURDETT: I fear that it will.

The Hon. T. M. Casey: That it will?

The Hon. J. C. BURDETT: Even if I only fear that it may, it justifies my remarks. I fear that it will happen and I am thinking of such areas of coastline as Hillock Drive on Yorke Peninsula, Whalers Way, on Eyre Peninsula, near Port Lincoln, and another area near Coffin Bay—Yangie Trail. These are beautiful areas of coastline that are being preserved by the owners and are being made available to the public at a modest cost. What disturbs me is that the board may in the future say, "We will have that."

The Hon. T. M. Casey: You didn't say "may"; you said "will".

The Hon. J. C. BURDETT: I am not changing my opinion at all. What concerns me is that the board may in the future.

The Hon. T. M. Casey: You said "will".

The Hon. J. C. BURDETT: I do not care what I said.

The Hon. T. M. Casey: That's different.

The Hon. J. C. BURDETT: It is not different at all. What I am referring to now is the possibility of the board in the future saying, "This is going along very nicely; we will have that." If the real need exists to acquire land for the purpose of preserving the aesthetic quality of the land, fair enough; but that is not written into the Bill. There is no test, there is no kind of appeal. The possibility would remain of the board's acquiring any coastline land as defined in the parent Act—100 metres above high water mark—for purposes consistent with those expressed in the parent Act. These have been set out in the second reading explanation as preserving the aesthetic features of the land. If the board decided to acquire any piece of land for those purposes, there would be no appeal at all. That concerns me particularly when we consider that the acquisition procedure is under the Land Acquisition Act. I am certainly not satisfied that the procedures under that Act always give a just price.

The Hon. T. M. Casey: You're reflecting on the members of the Land Board when you make that assertion.

The Hon. J. C. BURDETT: No, I am not; I am talking about the Act itself. I am entitled to do that, as it is not an Act of this session of Parliament. I am not reflecting on the officers. In 1973, when I spoke on the Appropriation Bill (No. 2) at page 1956 of *Hansard*, 1973-74, I drew the attention of the Council to various defects in allowing a proper compensation.

The Minister asked for this, and now he will get it. I drew the attention of the Government to various defects in the Land Acquisition Act, in the Act itself, not the officers. In my opinion, the Act is defective and the Minister may care to read in detail the authorities I cited and my explanation of why the Act often does not give proper compensation. I suggest that this power of acquisition of land for general purposes simply to preserve its aesthetic qualities should be subject to some protection for the landowner.

The power of compulsory acquisition simply for this purpose is, I think, unique. It seems to me that proper protection to the landowner would be that the power to acquire land for the purposes of coastal protection works should be retained in the parent Act, and that when the board proposes to acquire land simply for general purposes to preserve its aesthetic quality this should be done by private treaty or compulsorily under the provisions of the Land Acquisition Act with the approval of the council in the area in which the land is situated. I acknowledge the difficulty in that the council might be under pressure by the landowner concerned, but if the council does not consent I propose that there be, in effect, an appeal by the Coast Protection Board to the Parliament. I heard some sort of utterance that I will not repeat from the Minister of Lands.

The Hon. C. M. Hill: I don't think you should.

The Hon. T. M. Casey: What did you hear?

The Hon. J. C. BURDETT: I did hear an utterance, but I will not repeat it, because it would be unparliamentary.

The Hon. T. M. Casey: Come on!

The PRESIDENT: Order! The Minister is protesting. If he wants to ask the honourable member to give way, I suggest he should do so.

The Hon. T. M. CASEY: I do ask the honourable member to give way. He is implying that I uttered something, and I do not know what he is driving at. I ask him to be more specific. I have never in this Chamber been guilty of using unparliamentary language, and I defy the honourable member to say specifically what he heard me say.

The PRESIDENT: I did not hear any unparliamentary language, and the honourable member has not objected. I think we might leave it at that point.

The Hon. J. C. BURDETT: The procedure which I outline and which is the subject of a foreshadowed amendment is that, if the board wishes to acquire land for that purpose simply of preserving its aesthetic value, either it does so by private treaty or with the approval of the council in the area; otherwise, as I said previously, by resolution of both Houses of Parliament. This is not an unduly cumbersome procedure. It is used, and it is reasonable. It is used in the Lands for Public Purposes Acquisition Act. Some motions come before Parliament from time to time, and every honourable member who has been here for some time would know that. Only last week we had a resolution dealing with community centres. Such motions, when well based, come before both Houses of Parliament and are promptly dispatched. I am sure in most cases the councils concerned would agree if it were a reasonable case, one where there is a real and genuine need to acquire the land to preserve its aesthetic features, as in the case cited in the second reading explanation.

What concerns me is that most certainly this power could be used where there is no real need. If it is not a reasonable case, the acquisition should not be undertaken. If the council does not agree, perhaps for some improper reason (perhaps because the landowner had exerted some pressure), there is in effect an appeal to Parliament through a resolution. The procedure is not cumbersome and, where the reasons are good, sound and reasonable, I predict that, as with other resolutions which have been before the Houses of Parliament in a similar connection, they will be promptly dispatched. Where the reasons are not good the acquisition should not proceed, so there is no difficulty.

One difficulty with the amendment I foreshadow is the suggestion that, because of the other provisions of the Bill in relation to councils' being called on to contribute up to half the cost of land where they do approve, they may be inhibited from approving. If that is so, however, there is still the appeal to Parliament. In any event, if the Coast Protection Board wants the land badly enough it can still proceed with the acquisition and inform the council that it does not propose to recover the money from it.

It is pertinent to point out that "land" includes buildings, fixtures, houses and shops. Further, "coast" is defined as land above and within 100 metres of the high water mark. In the metropolitan area, the coast would include shops and houses which could be acquired under the legislation if this Bill was passed. This becomes particularly frightening when we realise that in the legislation, if this Bill is passed, there is also the power of disposition. It would therefore be possible to acquire houses and shops along metropolitan beaches, without any proof that such acquisition was for the purpose of improving the aesthetic qualities of the coastline, and then later dispose of them; that power of disposition is there.

I therefore suggest that we provide the simple protections that I have outlined. The power to acquire land to preserve the aesthetic qualities of the coastline is important, but there should be protections against abuse, and at present there are no such protections in the Bill. If the Government can suggest better protections, I am willing to consider them, but the protections I have suggested are the best that I am aware of. So that amendments

may be considered in Committee, I support the second reading.

The Hon. N. K. FOSTER: It almost becomes monotonous to hear honourable members opposite foreshadowing amendments. While they were in Government for so long they did not introduce one piece of legislation to protect the environment. The Coast Protection Board has an important function. Along the metropolitan coastline there have been grave abuses, dating back to the time when Adelaide people erected Fort Largs and Fort Glanville. In past years, people were not conscious of the fact that some buildings encroached on the coastal area. Later, large sums had to be spent to protect that area. We have come a long way since 1900, and we now realise that the encroachment of buildings and car parks on the coastline represents an abuse against nature. We now believe that legislation is necessary to protect the coastline, and from time to time we must update such legislation.

The Hon. Mr. Burdett has a mania about amendments. Surely he can see the stupidity of putting a highway along the whole length of the coastline. The fine range of sandhills has been depleted. If properties are acquired where there may be high seas, money will be saved and we will provide nature with the opportunity of redepositing sandhills. The very fine sandhills on the West Coast are protected by this Government under legislation. I magine what would happen if the legislation did not exist. Those sandhills would not last for 50 years. Honourable members opposite would have them carted away by Australian Consolidated Industries.

The Hon. J. A. Carnie: Get back to things you know something about.

The Hon. N. K. FOSTER: I am talking about the sandhills that are protected.

The Hon. A. M. Whyte: Are they natural?

The Hon. N. K. FOSTER: Of course they are. Don't be such a goat, man.

The Hon. R. C. DeGaris: You are the goat.

The Hon. N. K. FOSTER: No. Go to the goats in the Flinders Range! You are the greatest lightweight in this Chamber. You are a myth in the past. The foreshadowed amendment does nothing to serve the cause of coast protection. Honourable members opposite are flying a false flag: they are really concerned only about landowners. In the interests of conservation, the landowner cannot be sacred.

The Hon. J. C. Burdett: I am not saying that he should be.

The Hon. N. K. FOSTER: Yes, you are. You are working against the cause of coast protection. That is the aim of the Bill. The amendment of the honourable member is an attempt to water that down. The only part of the amendment with which I can agree is the phrase, "with the approval of the Minister". The amendment also contains the words, "If the land falls within the area of a council". The honourable member knows that councils can vary in their opinions from one council area to the next, especially regarding land which is to be acquired and which encroaches on both council areas. There can be a difference of opinion between the two councils. How does that assist in coast protection, which is the subject of this Bill? Members opposite can only make inane interjections.

The Hon. J. A. Carnie: What is wrong with consulting with local government?

The Hon. N. K. FOSTER: We are not saying that local government should not be consulted. How is local government ignored by this measure? How does the amendment do what the honourable member suggests it will do? The Bill allows for this. Some councils recognise the need for coast protection. All foreshore urban councils would have to obtain much greater revenue from their ratepayers if it were not for grants provided by the Government for restoration of car parks and sea walls and similar items.

The Hon. A. M. Whyte: You said they should be washed out to sea.

The Hon. N. K. FOSTER: I did not say that. I said there should be a right to acquire car parks that have been built almost to a point below the high water mark. There has been much stupidity in the past. If it has taken 20 years to build such car parks, it might take another 20 years to get rid of them. It will not happen in five minutes. Members opposite think that everything happens in two or three years in this place. This Bill must be considered as wise and objective policy.

The Hon. D. H. Laidlaw: That is why we should be here for six years.

The Hon. N. K. FOSTER: I could almost swear, but propriety forbids that. The honourable member should not be such a damn fool. By the same logic the honourable member is saying that if he were here for 100 years and did nothing the sandhills would reappear on our coastline naturally. No wonder members opposite have opposed the constitutional reform that we sought to undertake recently. Members opposite represent that popular Party that maintained control of this Council 16:4 and 14:6 and still did nothing for so many years. I refer to the earlier interjection of the Hon. Mr. DeGaris, and I suggest that the Hon. Mr. Burdett should, at least, not proceed with his amendment. The amendment will achieve nothing for coast protection. Members opposite should realise that this responsibility came to this Government not merely because members of Parliament recognised the need but because people outside Parliament recognised the need and discovered that the environment required more consideration than had previously been given to it.

At last we see an abating of the mentality, "If it does not move, chop it down; if it does move, shoot it." That attitude at last is fading. I commend the Bill to the Council. Too much play is made by the Opposition in this place that it is the protector of local government. Local government can stand on its own feet. Local government has extremely wide powers and can protect itself against legislative abuse. There is no value afforded coast protection in the long term or in the short term by the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill and agree that there should be legislation to protect the South Australian coastline. I point out that no Party can claim to be the first in relation to protection of the environment. Such a claim as that made by the Hon. Mr. Foster is fallacious, unfair and unjust. The first move taken on a general approach to the protection of the environment was the appointment of the Jordan committee, the recommendations of which have been followed by Governments since that time. I commend this Government for following as far as possible the recommendations of that committee.

That was the beginning of the programme of environmental protection in South Australia, and it is no good anyone saying that one Government has a better record in this field than another Government. Parliament, itself,

has ensured that the people of South Australia are turning their attention more and more to the protection of the environment. Does the Hon. Mr. Foster agree that local councils should be lumbered with the financial burden of half the cost of the acquisition of coastal properties on the foreshore in council areas? Does the honourable member believe that the Coast Protection Board should have the right to acquire land along the coastline in coastal areas and send a bill to the relevant council for half the cost of the acquisition? Does the honourable member agree with that proposition?

The Hon. N. K. Foster: Look at clause 5 (*b*).

The Hon. R. C. DeGARIS: I know what 5 (*b*) contains; I have read the Bill. Does the honourable member agree that that is a fair proposition?

The Hon. N. K. Foster: Look at clause 5 (*b*) and pull your head in.

The Hon. R. C. DeGARIS: Does he agree it is a fair proposition that the Coast Protection Board should have the right to acquire land for coast protection from the Western Australian border to the Victorian border and, when it has acquired that land, to send a bill for half the cost of it to the local council?

The Hon. N. K. Foster: It is not in the Bill.

The Hon. R. C. DeGARIS: I am not saying it is in the Bill; I am asking you.

The Hon. N. K. Foster: You're asking a stupid question; you haven't enough brains to work that out.

The Hon. F. T. BLEVINS: Mr. President, on a point of order, what the Hon. Mr. DeGaris is discussing is not in the Bill. In that case, he is out of order.

The PRESIDENT: Order! I am afraid I am a little confused about what is and what is not in order. If the honourable member is talking about something that is not in the Bill, it must be related to the Bill.

The Hon. R. C. DeGARIS: What I am saying is related to the Bill and is directly related to what the Hon. Mr. Foster said. He will not answer the question and I know he will not answer it because, if he does, he puts himself in an awkward position. When this measure came before this Council the last time, this provision to which I am referring was in it. This Council amended that Bill to prevent the Coast Protection Board acquiring land in a council area, although the council wanted nothing to do with it, and sending the bill for half the cost of that acquisition to that council. This Council amended the Bill, and that amendment was rejected by the Government. The Hon. Mr. Foster accused the Hon. Mr. Burdett of moving amendments simply for the sake of moving amendments. That is the point that the Hon. Mr. Foster made on this Bill.

I see that the Government has reassessed its position, agreed with the amendment that was moved in the last Parliament, and has now included it in this Bill. We do not move amendments in this Chamber unless they are genuine and necessary. In exactly the same way, the amendment that the Hon. Mr. Burdett has foreshadowed in his second reading speech is just as important. This gives the Coast Protection Board the right to acquire land from people holding land in a coastal area. I have seen how the Government acts with its compulsory acquisition powers and what happened in the acquisition of land for a road leading to the Flinders Medical Centre. That is no credit to this Government.

The Hon. N. K. Foster: You wouldn't give credit to anyone.

The Hon. R. C. DeGARIS: If the Hon. Mr. Foster knew what happened there, he would be just as opposed to what happened as I am. When one sees the power of acquisition given to organisations like this, it is necessary that Parliament should exercise some control when we are looking at the possible acquisition of land from the Victorian border to the Western Australian border. The Hon. Mr. Foster called people "goats" in this Chamber.

The Hon. N. K. Foster: You used that word first; if you can't take it, don't give it, mate.

The Hon. R. C. DeGARIS: I can give it and I can take it. The Hon. Mr. Foster first used the term when he referred to goats in this Chamber. It is obvious that the honourable member does not know what he is talking about, because most of the sandhills in South Australia are not natural; they were caused by rabbits. People are rushing around trying to preserve sandhills as though they are a natural part of the environment; they are not. Most of them have occurred in the last 60 years. When we start running around protecting—

The Hon. N. K. Foster: How did they get there?

The Hon. R. C. DeGARIS: Never mind how they got there. When people run around trying to protect sandhills and there is much rehabilitation to take place along the coastal sector to try to return this land to its natural environment, it is more sensible to buy it than try to protect it. The Bill deserves a second reading but I ask that consideration be given in this Chamber to the amendments foreshadowed by the Hon. Mr. Burdett; they are reasonable in that Parliament should have some control over the compulsory acquisition of land from the Victorian border to the Western Australian border.

The Hon. A. M. WHYTE: If the coastline was as windy as some of the speakers in this Chamber, we would not have much sand left. The Bill is worth supporting. When it was first introduced, The Hon. Mr. Burdett said it had anomalies and weaknesses and did not give the necessary protection. I do not think it was purposely designed that way but, because of debate in this place, it came back with most of the suggestions and arguments put up by us incorporated in it. For that reason, I am pleased to support it; it is good. The only point of significance is a point that the Hon. Mr. Burdett suggested could be remedied. Where people have established and protected the aesthetic values of the coastline, they should have the right to retain their present powers over that stretch of country. We have come a long way because, when the Bill was first introduced, there was no protection for local government; but we see in clauses 6 and 7 adequate protection, I believe, for both local government and the board to reach compromise agreements.

The Hon. R. C. DeGaris: That originated in this Council.

The Hon. A. M. WHYTE: Yes; we proposed this in the earlier Bill and negotiated powers for both the board and the council. They have been incorporated in the Bill and I am happy to support it. What the Hon. Mr. Burdett has proposed is an extra protection. It is one of those measures that may be invoked only once in 20 years, but that added protection is there, and there is no reason why it should not be, because it does nothing to interfere with the value of this Bill. The amendment does not interfere with what the Government proposes to do. It puts in an additional safeguard for some people, and I do not see there is any need for all the fuss and windy spasms we have had. The Bill is a good one; the Government will recognise

that this additional safeguard does not interfere with what it proposes, and there is no reason why the Government cannot accept the Bill. I support it.

The Hon. C. M. HILL: I commend the Government for the manner in which it has brought this Bill forward. I recall that the amendments to which the Government has agreed since the last session of Parliament were the amendments I moved in the previous session. I then sought to impress on the Government the need for partnership between local government and the Coast Protection Board. The amendments were intended to fashion that partnership. That hurdle has now been overcome in the general evolution of the board and its work in the community.

There is a need for such a board. There is a need for the board and local government to work together, and that has been achieved by this Bill. Regarding the Hon. Mr. Burdett's proposed amendment, all the honourable member is doing is tackling the matter of the acquisition of land for aesthetic purposes. The board's basic objective is the protection of the coastline, and this can be achieved in the Bill. The Hon. Mr. Burdett is saying that, if the board wants to go further regarding land acquisition, it should fulfil the conditions that he has outlined. The conditions are fair and reasonable. In simple terms they are that the board can proceed and try to negotiate by private treaty and purchase in the first instance. The board, through the amendment, is given a second opportunity compulsorily to acquire the land, provided the relevant local government body agrees with that acquisition.

I cannot see anything unfair about that. If the board has been unsuccessful, at that stage it can go one step further under the amendment and bring its appeal to Parliament and seek a resolution of both Houses of Parliament to acquire the subject land compulsorily. Nothing can be fairer than that. I think the Minister is nodding his head in agreement with me.

The Hon. T. M. Casey: I shook it the other way.

The Hon. C. M. HILL: The Government should be commended for remodelling the legislation.

The Hon. A. M. Whyte: So should this Council for insisting that it be remodelled.

The Hon. C. M. HILL: True. The only matter remaining concerns the urgent need to ensure that the board gets on with its work, especially regarding the metropolitan coastline. I refer to the board's excellent report concerning future work on the metropolitan coastline. I want to see the board get down to business, and I want to see the passage of this Bill. The Hon. Mr. Burdett's amendment does not inhibit the board's coast protection activities. It merely means that, if the board wants to go further than the matter of coast protection and deal with aesthetic values, it must go through certain procedures before land can be taken from an owner, who does not want to be parted from his land but who would otherwise be dispossessed. The machinery of the amendment is fair and reasonable, and for this reason I support it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Powers of acquisition."

The Hon. J. C. BURDETT: I move:

To strike out all words after "is" first occurring and insert: "repealed and the following section is enacted and inserted in its place:

22. (1) Where the board is satisfied that it is necessary or expedient to acquire any part of the coast for the purpose of executing works authorised by this Act, the board may, with the approval of the Minister, acquire land constituting, or forming part of, that part of the coast.

(2) Where the board is satisfied that it is necessary or expedient to acquire any part of the coast for any other purpose consistent with the functions and duties assigned to, or imposed upon, the board under this Act, the board may—

(*a*) with the approval of the Minister;
and

(*b*) if the land falls within the area of a council—

(i) with the approval of that council;
or

(ii) upon the authority of a resolution passed by both Houses of Parliament;

acquire land constituting, or forming part of, that part of the coast.

(3) The Land Acquisition Act, 1969-1972, shall apply in respect of the acquisition of land under this section.

(4) The board may, with the approval of the Minister—

(*a*) sell, lease or otherwise dispose of land acquired under this section;
or

(*b*) by agreement with the council for the area in which the land is situated, place the land under the care, control and management of that council."

I support the concept of coast protection and the concept that at times it is necessary to acquire land in order to preserve the aesthetic beauty of the coastline. The amendment affords a reasonable balance between the powers of the board with the approval of the Minister to acquire land for that purpose, on the one hand, and, on the other hand, protecting the interests of landowners. When land is to be purchased not for any public utility or in relation to any works but to preserve its aesthetic value, landowners should be entitled to protection against their land being compulsorily acquired unless either the local council approves or there is a resolution passed in relation to the matter by both Houses of Parliament.

It is not likely that Parliament will be unreasonable. Such protection is reasonable. The amendment deals only with land to be acquired for the purpose of preserving its aesthetic beauty. I refer to the example of a landowner preserving the aesthetic beauty of his land and doing nothing to detract from that beauty whatever. Why should the board be able to acquire that land compulsorily without the landowner's having any form of redress at all? The amendment is not in any way effete. Currently, a landowner has no redress at all under the Bill. All he gets is the value of his land.

The Hon. N. K. Foster: You don't know what you're talking about.

The Hon. J. C. BURDETT: All he gets is what is assessed under the Land Acquisition Act, and nothing else. If the object is to protect the coastline and to preserve the aesthetic beauty, there is no reason why a person who is doing that should have his land taken away from him. There should be a redress to the council and a redress to this Parliament.

The Hon. N. K. FOSTER: I want to correct something regarding the Hon. Mr. Carnie. He mistook an area to which I had referred in an earlier contribution I made on this matter. I respect the honourable member's views and the reason why he interposed, because he thought I was referring to an area of sandhills in another region on the West Coast; he did not know I was referring to an area of sandhills that is protected, south of Franklin Harbor. I wanted to correct an erroneous impression I may have created unknowingly.

The Hon. T. M. CASEY (Minister of Lands): If I recall correctly, when this Bill was before us on the last occasion, the honourable member now moving this amendment drew the attention of the Committee to one reason why he was then moving the amendment—the fact that there was no reference to the aesthetic value that was the point under discussion at that time. This Bill puts on to the board a member experienced in biological science. We can interpret that how we like. It is unfortunate that we are getting people of this calibre into the society, which covers a multitude of things. It is a good suggestion, but the honourable member previously had one case in mind and he based his argument on that case. He now agrees that we have covered that point, so he has gone a little further in this case. As I see it, the situation is that the Coast Protection Board has been set up and we all agree this evening in this Committee that there are various boards connected with practically every Ministry in the Government. No-one questions their integrity. They make decisions, they advise the Minister. Legislation comes forward and everyone agrees with it. Then suddenly, for some reason or other, the integrity of the Coast Protection Board is being challenged.

The Hon. J. C. Burdett: I made it clear that I did not.

The Hon. C. M. Hill: That is grossly unfair.

The Hon. T. M. CASEY: No, it is not.

The Hon. C. M. Hill: You can't accuse us of that.

The Hon. T. M. CASEY: The situation is that the Coast Protection Board—

The Hon. C. M. Hill: We have the highest regard for the members of that board.

The Hon. T. M. CASEY: You are two-faced. The situation is that, if the Coast Protection Board approached a council and said, "We believe this strip of coastline should be purchased", and the council agreed, whether for aesthetic or for engineering value, the board would go ahead and purchase it and the council would accept 50 per cent of the cost.

Let me give the honourable member a practical experience I had recently. I was coming from the South-East and I visited a strip of coastline on the south coast that it was absolutely essential, in my honest opinion, to acquire, for reasons I will not disclose now, but they were not aesthetic reasons. I said to the officers with me, "There is only one way to acquire this." It was freehold property. I say here and now that I believe that all the coastline of this country should belong to the people and should not be owned as freehold property. It is one of the anomalies that occurred in the early days of settlement in this country. As I say, the coastline of this country should be preserved for the public—for what distance above the high water mark is another matter.

Unfortunately, in the early days, much of the freehold country extended right down to the high water mark, and now the Government and the board have to acquire this strip of land, whether for aesthetic or for other purposes. On this occasion, I looked at the strip of land and said, "This strip must be purchased in the interests of so-and-so." An officer said to me, "How are we going to do it?" I replied, "The best people to approach are the Coast Protection Board." It was not for aesthetic value but it was absolutely essential that this land be purchased. It may be that the board, if it was approached by officers of this department, would not be convinced and would not purchase it or would not go ahead and do something about it. I do not know whether the council would be interested, but that is not the point.

The Hon. C. M. Hill: But you thought it should be purchased?

The Hon. T. M. CASEY: Yes, and therefore if the recommendation came to me (I cannot make a recommendation to the board; it must make a recommendation to me, as Minister, though not in this case because it concerns the Minister for the Environment) I would approve it. In this case, it covers more than aesthetic value. I can cite many incidents where this sort of thing takes place. The provision states categorically that, if the Coast Protection Board is of the opinion that it is necessary and expedient to acquire land and a council is not interested (it may be that the council has no money; it may say, "We are not interested because we have no money"), then the board, with the approval of the Minister, shall be able to purchase the land.

What would happen under this amendment? If the council did not want to touch it, it would have to come back to Parliament. How ridiculous can we get? Boards appointed by the Government make decisions every day of the week. Members opposite say that members of the Coast Protection Board are wonderful guys, but suddenly they say they do not agree with the board's decisions and say that any decision of the board should come before Parliament. What would happen if the Coast Protection Board next week was confronted with the situation in which it had limited time to purchase a strip of coastline? It could not be done because, under the amendment, it would have to wait until next February to bring the matter to Parliament.

The Hon. J. C. Burdett: It would have to wait that long, anyway.

The Hon. T. M. CASEY: Not necessarily. The Highways Department can acquire land.

The Hon. J. C. Burdett: Yes, to carry out works.

The Hon. T. M. CASEY: When the Hon. Mr. Hill was Minister he acquired property. He got a recommendation from the Highways Department to acquire property. The same situation applies here. The Coast Protection Board must get the sanction of the Minister before it acquires property. We cannot talk about the integrity of the board, on the one hand, and on the other agree with what the Hon. Mr. Hill did as Minister of Local Government and Minister of Transport to sanction the acquisition of land by the Highways Department. I suggest that the Committee should not accept the amendments, because they do not hold water.

The Hon. J. C. BURDETT: I do not challenge the integrity of the present personnel of the Coast Protection Board, nor have I changed ground, as the Minister alleges. What I said is at pages 3238-9 of volume 3 of *Hansard* for 1974-75. There is nothing that is in any way inconsistent with what I have said tonight. What I said in principle was exactly the same. The amendment I moved previously was more limiting than the one I am moving now. The previous amendment provided that the land could not be acquired compulsorily unless the council agreed. In the course of the Committee debate, the Hon. Mr. DeGaris pointed out that this could be unduly limiting because the landowner might be able to exert pressure on the council. The Hon. Mr. DeGaris suggested that I should supply some further appeal. I had an amendment drafted at that time, but it was not placed on file because the Parliament was prematurely dissolved. There has been no change of ground. The Minister says the amendment is ridiculous and that boards make decisions every day of the week. So they do,

but not to acquire land purely for aesthetic purposes, and not to acquire land being used by the landowners to preserve its aesthetic beauty.

The Hon. T. M. Casey: Do you think landowners should own coastline?

The Hon. J. C. BURDETT: Yes.

The Hon. T. M. Casey: You don't think it should belong to the public?

The Hon. J. C. BURDETT: No. I respect the right of private property, whether it be at Coober Pedy or on the coastline. In the definition provisions in the parent Act there is reference to "land declared by regulation to constitute part of the coast for the purposes of this Act". It is quite conceivable that land at Cooper Pedy could be declared part of the coastline by regulation; if so, it would be part of the coastline.

I do not believe that the whole of the coastline should be able to be compulsorily acquired by the Government, as apparently the Minister believes. That is the issue between us. Land on the coast should be able to be compulsorily acquired, if necessary, to carry out coast protection work. That is in the principal Act. Land on the coast should be able to be acquired compulsorily for any of the purposes for which it now can be so acquired under other provisions in the Land Acquisition Act and other Acts for public facilities of various kinds.

It should be able to be compulsorily acquired if necessary to preserve the aesthetic beauty of the coastline, but there should be protection to ensure that it is necessary for that purpose. The amendment provides that the board must get the approval of either the council or the Parliament. I cannot agree with the Minister that it would be unreasonable to wait until February. After all, the Government has called this rather long recess, which we do not very much agree with anyway. There is never likely to be that degree of urgency. To talk about the Highways Department is ridiculous. I do not object to the power of compulsory acquisition, without reference to anyone else, but simply on the Minister's approval, where the land is acquired for public works.

The Committee divided on the amendment:

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

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), 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 the amendment to be considered by the House of Assembly, I give my casting vote to the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

The House of Assembly has disagreed to the Council's amendment because the Assembly believes that the amendment imposes an unnecessary restriction on the board's powers. A similar amendment was considered six months ago, and it has been considered since then.

The Hon. J. C. BURDETT: I oppose the motion. It is incorrect for the Minister to say that this matter was considered about six months ago. The time in question was June, and at that time this amendment was not considered. The amendment means that the board may acquire land compulsorily with the approval of council or, if approval is not given, the board has an appeal to Parliament.

The Hon. T. M. Casey: I said that an amendment similar to this was discussed previously.

The Hon. J. C. BURDETT: It is not similar. An appeal to Parliament is provided for.

The Hon. T. M. Casey: What a lot of rot!

The Hon. J. C. BURDETT: It is not rot. I cannot understand a Minister saying that a question of appealing to Parliament is rot. Actually, it is a sensible and proper course. This reasonable and moderate amendment does not in any way impose an unnecessary restriction. It simply means that the board, before acquiring land, has to try to get the council's approval, which will be available in 90 per cent of the cases; otherwise, the board can appeal to Parliament. If it is a proper case, I have no doubt that Parliament will grant it.

The Committee divided on the motion:

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

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

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

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the process of consideration to be undertaken by another place I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council Conference Room at 2 a.m., at which it would be represented by the Hons. J. C. Burdett, M. B. Cameron, T. M. Casey, Anne Levy, and A. M. Whyte.

Later:

A message was received from the House of Assembly agreeing to a conference, to be held in the Legislative Council conference room at 2 a.m.

At 2 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 3.35 a.m. on Friday, November 14. The recommendation was as follows:

That the Legislative Council do not further insist on its amendment.

Consideration in Committee of the recommendation of the conference.

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

That the recommendation of the conference be agreed to.

The conference was not easy. This Council had a few good points that it thought applied to the situation as it saw it but, when the Council managers were confronted

with some of the provisions that could be inserted in other Bills, they realised this situation negatived the amendments moved in this place. We tried to look at other ways in which we could protect some people who owned land right down to the high water mark but, when the facts were related and considered realistically, the managers from this Council did the right thing concerning the Coast Protection Board: they obtained an assurance from the Minister that every protection would be given to the landowners. Whether or not this can be done in the future is another matter. Nevertheless, in the circumstances, the decision that was made was correct. I thank the managers on this occasion for the way in which they conducted themselves during the course of the conference.

The Hon. J. C. BURDETT: I support the motion. I am not satisfied that landowners are properly protected, but the alternative was to lose the Bill with its value to local government, and we could not allow that to happen. I am pleased that the Minister has mentioned the assurance given by the Minister for the Environment and, as the Minister of Lands has mentioned that, I take it I, too, am at liberty to do so. The undertaking was given that the power would not be used capriciously, and there is some value in the assurance given by that Minister, whom I hold in high esteem. I support the motion.

The Hon. ANNE LEVY: As a manager at the conference, I should like to endorse the remarks made by the previous speakers. For my part, I thought there were extremely valuable provisions elsewhere in the Bill, and I was particularly concerned with the addition of a biologist to the Coast Protection Board. That is a desirable provision that I am glad to see implemented.

Motion carried.

Later:

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

PUBLIC SERVICE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The object of this Bill is to amend section 25 of the Public Service Act in order that cases similar to those dealt with (but have not been dealt with) by that section could be dealt with in a similar fashion. There are a number of Acts which contain specific references to departments or parts of departments and to offices in the Public Service which have been discontinued or abolished by proclamation under section 25 of the Public Service Act. Some of those departments and offices could also possibly have lost their identity by virtue of legislative enactment.

Section 25 (3) of the Public Service Act confers power on the Governor, from time to time, upon the recommendation of the Public Service Board, to do a number of things, including the bringing of a department into existence, creating, and assigning a title to, an office of Permanent Head of a department, discontinuing a department or part of a department, amalgamating two or more departments or parts of departments, etc.

Subsection (6) of that section enables the Governor in a proclamation made under subsection (3) or in a subsequent proclamation to provide for the reading of a reference in any Act to a department affected by a proclamation under subsection (3) as a reference to a different department or the reading of a reference in an Act to an office of Permanent Head affected by a proclamation under subsection (3) as a reference to a different office, etc., but, unfortunately, some of the earlier proclamations did not contain provisions for the reading of a reference in any Act to a department as a reference to some other department, and some Acts which established departments and offices of Permanent Head of those departments were not amended so as to bring them into line with proclamations made under the Public Service Act. Moreover, subsection (3) as originally enacted was far more limited in scope than subsection (3) as now in force and, in exercising the statutory powers conferred by that section, it is not unreasonable to assume that some unforeseen situation could well have been, or could well be, overlooked.

For instance, section 15 (1) of the Museum Act, 1939, provided that there shall be a department in the Public Service called "The Museum Department", and subsection (2) of that section provided that "the director shall be the permanent head of the department". However, by proclamation under the Public Service Act published in the *Gazette* on December 23, 1971, the office of Director, Museum Department, was abolished and the Museum Department, as it then was, became absorbed into the Department of Environment and Conservation, and consequently went out of existence, but section 15 of the Museum Act has never been amended, and the Act was not brought into line with the proclamation.

There are references in other Acts to departments and offices which have been affected by proclamations under section 25 of the Public Service Act, but in a significant number of cases recourse to subsection (6) of that section is available only in relation to proclamations under subsection (3), and any changes that take place by Act of Parliament or by any process other than a proclamation under subsection (3) cannot be dealt with by making the kind of provision contemplated by subsection (6) as it now stands.

This situation does not assist the consolidation and interpretation of the Acts which contain provisions that are inconsistent with proclamations under the Public Service Act, and, as paragraphs (*a*) and (*b*) of section 25 (6) do not apply to departments and offices other than those dealt with by proclamation under subsection (3), there is a need to confer power on the Governor to bring references to those departments and offices also into line with changes in the law howsoever they might occur, and this Bill is designed to cover such cases.

The Bill amends section 25 (6) by inserting after paragraph (*c*) a new paragraph (*ca*) which, in effect, would enable the Governor, in a proclamation referred to in that subsection, to provide for the reading of a provision, word or passage in any Act as some other provision, word or passage where that first mentioned provision, word or passage refers to any department, office, officer or Permanent Head and had previously been in operation but, because of a change in the law, has become inoperative or incapable of interpretation or has become inconsistent with the Public Service Act or any proclamation made and in force under that Act.

The object of the amendment is to bring the Act in which the first mentioned provision, word or passage occurs into line with the change in the law.

If this Bill is approved by Parliament before Parliament rises this year, the necessary or desirable corrective action could be taken by proclamation, and reference to each proclamation could then be made by footnote annotation on the appropriate pages of the new edition of consolidated public general Acts from 1837 to 1975.

The Hon. J. C. BURDETT: This Bill is another of the statute law revision measures, although it is not labelled in that way. It is very much along the lines of the Acts Interpretation Act Amendment Bill, except that it is not as wide and it does not have the potential objections. It enables the Government to insert, by proclamation, any changed definitions of heads of departments into any legislation so that the consolidation of the Statutes may proceed. I support the second reading.

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

SURVEYORS BILL

Second reading.

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

That this Bill be now read a second time.

It is intended to replace the Surveyors Act, 1935-1971, and to provide a system of registration of surveyors and regulation of the practice of surveying which accords with the modern practice of surveying. The present Surveyors Act, 1935-1971, was drafted in 1935, but in many respects dates back to the previous Act of 1857. All these Acts cater almost exclusively for legal surveys (in this Bill referred to as "prescribed cadastral surveys") and have little or no reference to the much greater field of activity now within the province of the professional surveyor.

The principal provisions of the Bill are intended to ensure that a person who holds himself out to the public as being a surveyor, qualified to perform the wide range of activities sought from surveyors by the public, is in fact so qualified. Accordingly, the Bill sets out the basis for registration of persons properly qualified in surveying and proscribes the use of the title of "surveyor" by persons not so registered. Persons who perform activities quite distinct from surveying, as defined, and use the word "surveying" qualified by another word to describe such activity are not to be subject to this provision. The Bill also provides for the discipline of registered surveyors.

The Bill has been prepared in consultation with the South Australian Division of the Institution of Surveyors and provides full recognition of surveyors registered under the present Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Surveyors Act, 1935-1971.

Clause 5 sets out the definitions used in the measure. "Cadastral survey" is a term intended to describe the activity most commonly associated with surveyors, that is, boundary surveying. "Prescribed cadastral survey" is intended to describe legal surveys, that is, surveys that are, for example, for the purposes of the registration of an instrument of title under an Act. Attention is drawn to the general definition of "survey" and to the categories of "registered surveying graduate", "registered surveyor" and "licensed surveyor". A registered surveying graduate as the term implies is to be a person academically qualified as a surveyor and registered while obtaining practical experience. A registered surveyor is to be a person both academically qualified and experienced who, upon showing experience in cadastral surveying, may operate as a licensed surveyor and perform legal surveys.

Clause 6 provides for the establishment and incorporation of the Surveyors Board of South Australia. Clause 7 provides that the Surveyors Board shall be constituted of the Surveyor-General, three registered surveyors nominated by the South Australian Division, two registered surveyors nominated by the Surveyor-General and a registered surveyor engaged in teaching surveying. Clause 8 sets out the terms and conditions of office of the board. Clause 9 provides for the payment of allowances and expenses to the members of the board. Cluase 10 regulates the meetings of the board.

Clause 11 provides for the validity of acts of the board and immunity for its members. Clause 12 provides for the appointment of a Registrar and enables the board to make use of the services of public servants when necessary. Clauses 13 and 14 regulate the finances of the board. Clause 15 sets out the categories of registration, namely surveying graduate and surveyor, licensed surveyor being treated as a sub-category of registered surveyors. Clauses 16 and 17 provide the basis for determining whether a person is qualified for registration, the detail being left for the regulations. Paragraph (*b*) of clause 17 is intended to provide the means for registration of surveyors registered by bodies corresponding to the board with which the board has entered into reciprocal arrangements.

Clause 18 sets out the procedure for applications for registration and clause 19 makes provision for the annual renewal of registration. Clause 20 provides that the board shall register or renew the registration of persons qualified for such, upon payment of the registration fee. Clause 21 provides for endorsement of the registration of registered surveyors to the effect that they may perform prescribed cadastral surveys, if the board is satisfied they have the requisite experience of cadastral surveying. Clause 22 porvides, in effect, that persons who are licensed surveyors under the present Act shall be licensed surveyors under the new Act. Clause 23 provides that the Registrar keep registers of persons registered, and clause 24 provides that the Registrar furnish certificates as to the registration of any person.

Clause 25 makes it an offence to hold oneself out as a surveyor unless registered as such, but at subclauses (2) and (3) allowance is made for those other occupations presently using the word "surveyor", such as marine surveyors, quantity surveyors or building surveyors. Clause 26 prohibits the performance of prescribed cadastral surveys by persons who are not licensed surveyors. Clause 27 sets out the grounds for disciplinary action against persons registered under the measure, and under clause 28 the board may investigate the conduct of such persons. Clauses 29 to 33 provide for the establishment of a disciplinary committee constituted of a legal practitioner and two registered surveyors nominated by the South Australian Division. Clause 34 provides that the disciplinary committee may upon the complaint of the board, or any person, hold an inquiry into the conduct of a registered person to determine whether there is cause for disciplinary action under subclause (2) of this clause.

Clause 35 sets out the procedure upon such inquires, and clause 36 sets out the powers of the committee upon such inquires. Clause 37 makes provision for the committee to order costs. Clauses 38 and 39 provide for an appeal against a decision of the board relating to registration, or the committee relating to discipline, to the Supreme Court. Clause 40 continues the present power of a surveyor to enter land where that is reasonably necessary for the purposes of performing a survey. This power is essential to the activity of surveying, but, in nearly all cases, the occupiers of land readily consent to the surveyor having such access. Subclause (2) ensures that the surveyor is, of course, liable for any damage he causes.

Clause 41 provides that it is an offence to interfere with a survey mark. Clause 42 is an evidentiary provision. Clause 43 provides that notices may be given by post. Clause 44 provides that offences against the Act are to be heard by courts of summary jurisdiction. Clause 45 makes provision for moneys for the purposes of the Act. Clause 46 is the same as section 41 of the present Act. Clause 47 empowers the making of regulations.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thanked the Minister yesterday for giving me a copy of the second reading explanation. Although an amendment to the Bill was carried in the House of Assembly, I have had much difficulty in finding a copy of the Bill at all. However, I am willing to speak on the Bill immediately.

Prior to about 1940, professional surveyors were involved principally with surveys involving the boundaries of land parcels (today known as cadastral surveying), an essential basis for ensuring unambiguous delimitation of ownership rights. These surveys included the survey and resurvey of boundaries, the design of subdivisions of broad acres, and supplying certificates involving the accurate determination of length and position. Some minor engineering work was also undertaken.

During the 1939-1945 war, many professional surveyors were actively engaged in complex military engineering projects, basic precise surveys, photogrammetry, and map production. These engagements became prominent in post-war years in civil practice, and today the professional surveyor is concerned with practically every function involving precise measurements. In addition to his traditional role in cadastral surveying, the professional surveyor's role includes broad planning and design of subdivisions, including layout and grading of roads and streets, complete engineering surveys, control surveys at the highest level of precision to provide a rigid co-ordinated framework for mapping and other detailed surveys, environmental studies, photogrammetry and mapping. His knowledge of the relevant common and Statute law must be more comprehensive than formerly. The responsibility he must assume is correspondingly greater.

Sureyors offer a professional service to both the Government and the community and, in the interests of maintaining this service at an acceptable level, their practice has been subject to statutory control since 1859. The present Surveyors Act dates from 1935, and requires surveyors to be licensed for work embraced by the Act. The nature of the Act restricts this control to cadastral surveys; in fact, few other State Acts state the limitation explicity. Entrance into the profession is now restricted to graduates of a recognised university or equivalent institute of learning. The South Australian Institute of Technology has offered the degree of Bachelor of Technology (Surveying) since 1957.

I approve the objects of the Bill. The objects of bringing a public service under statutory control are essentially to define and register a restricted class of people to engage in the activity of providing the service as experts, within the group, and in turn to ensure that the service is maintained at an acceptable level. Statutory control does not seek to restrict the activity itself to the required group, but rather to advise the community that only members of this group are competent to offer the service as professionals. Any member of the community is free to engage other persons to provide the service. Similarly, the Statute operates only within the registered group. Therefore, only a suitably qualified person is registered as competent by, and subject to, a statutory board. Other persons, though technically competent, operate outside this statutory regulation and control, and the *prima facie* indication of competence will be lacking. However, statutory control does not prohibit any person from engaging in the activity, provided the service is not offered by him posing as a professional, and he avoids any area prescribed as limited to registered persons.

All honourable members have received information from the technician surveyors, and I have some sympathy for their position. However, I believe that where a person holds himself out as a surveyor it is necessary for the public to know that that person is a qualified surveyor. It seems to me, first, that statutory control should extend over all professional surveying practice and, secondly, that the title "surveyor" should be restricted to the professional surveyor capable of being registered by a statutory board. I can find no fault with the Bill, although I have had to rush to deal with it in the time available. I support the Bill.

The Hon. J. A. CARNIE: I know the hour is late and that it is most unusual for the Council to be sitting at this time. I intend to make a speech on this Bill, and I suggest that I will get it through much more quickly if there are no interjections, because I wish to put the point of view of a certain group of people affected by the Bill. It provides for the registration of surveyors, to protect the use of the word "surveyor", and to restrict it to people who are, in the opinion of the Government and the board, properly qualified to be called surveyors. As such, it appears to merit support, and indeed I do support it. I have no doubt it will tidy up many anomalies, and I am sure it is meant to protect the public. I do not intend to canvass this aspect of it. That has been covered, and I have no argument with it.

Mention has been made of a group of people who will be disadvantaged by this Bill, and it is on their behalf that I wish to speak. This is, of course, the group of technician surveyors. Technician surveyors are a recognised group. There is the Association of Technician Surveyors, and the people of this association are known as surveyors. They are perturbed by the provisions of clause 25 of the Bill, the relevant part of which states:

(1) Subject to this section, after the expiration of the third month next following the commencement of this Act, a person shall not—

(*a*) assume, either alone or in conjunction with any other words or letters, the name or title of "surveyor";

or

(*b*) do anything, or cause, suffer or permit anything to be done, that is likely to cause a person reasonably to believe that he is a registered surveyor,

unless he is a registered surveyor.

Penalty: Five hundred dollars.

This clause does not prevent these people from doing surveying work; it merely prevents them using the word "surveyor" to describe their occupation. I do not know how many there are in South Australia, but I know that there are more than 500 members of this association in Australia. In most cases it will not matter from a financial point of view to many (and most of them probably work for the Government), but it could matter financially to those who are in private practice, and it matters to all of them as a matter of status.

In the past there have been disagreements between surveyors and technician surveyors. These appear to have largely disappeared as the result of recent dialogues. I should like to quote briefly from a letter written by Mr. Barrie, the President-elect of the Institution of Surveyors, and I stress that this is the Institution of Surveyors, and not the Association of Technician Surveyors. The letter states:

One of the most important consequences of the recent dialogues between surveyors and technician surveyors is the formal recognition of their existence and status as a group. This in itself has been an important step forward. On the one hand it has tended to dissipate feelings among many surveyors that the technician surveyors are potential usurpers of their own privileged positions, and on the other the technician surveyors have begun to appreciate that a large section of surveyors are not intent upon down-grading their vocation and status. In fact the formal recognition of this group has stripped away much of the hyprocrisy hitherto associated with some surveyors and their less qualified colleagues and removed some of the feelings that the prime activity of some professionals was to keep what they regarded as the lesser breeds, in their place. No man worth his salt will accept this sort of relationship as being respectable or tolerable. Common justice demands the technician surveyor be accorded a proper place in the scheme of things.

Many, or most, technician surveyors have used this title and have been recognised as such for many years. I do not know why the Government is willing to put these people deliberately at a disadvantage. I believe that Parliament should not harm the standing of any group in the community unless there is some good reason for doing so, and I do not believe there is a good reason in this case. The Bill provides that the term "technician surveyor" cannot be used. What will these people be called? I am sure that no-one questions their ability.

Many cadastral surveys are done by technician surveyors and signed by professional surveyors. It has been said that the technician surveyors should do the necessary course and become registered surveyors, but that is not so easy. A three-year, full-time course is involved, and it cannot be done on a part-time basis, A man with a job and with family responsibilities cannot take time to do the three-year course. I shall refer to two specific cases to demonstrate how impossible and unnecessary it is for the people involved to get sufficient qualifications to use the title "surveyor".

The first case is that of Mr. Thomas, who has been with the Engineering and Water Supply Department for 21 years. He has passed subjects for the survey draftsman's certificate, the Bachelor of Technology course, and the Diploma of Engineering Surveys (W.A.). These qualifications were accepted by the Public Service Board as being equal to a survey draftsman's certificate. Mr. Thomas is now a senior survey assistant (Senior Technical Officer, Grade II) and is in charge of surveying work at the Hope Valley treatment works and the Anstey Hill treatment works. He has under his control four assistants and chainmen, but he cannot get time off to get the necessary qualifications to enable him to use the title "surveyor".

The second case is that of Mr. Graham Hooper, who holds a survey draftsman's certificate. He has completed the course for an advanced survey technician's certificate. For 17 years he has been in the Lands Titles Office and the Engineering and Water Supply Department, and he is lecturing in surveying at the O'Halloran Hill Department of Further Education. On applying last year, he was told that he could be granted three subjects out of 15. This Bill will deprive people of a title which they have had for a long time and which they have earned. There is no abuse of the word "surveyor" in the term "technician surveyor". I foreshadow an amendment to differentiate between technician surveyors and registered surveyors. I support the second reading.

The Hon. T. M. CASEY (Minister of Lands): I listened attentively to the Hon. Mr. Carnie, who tried to convince this Council that technical surveyors should be classified as surveyors and should be registered.

The Hon. M. B. Cameron: That is not the case at all.

The Hon. T. M. CASEY: The honourable member is asking that technician surveyors be classified as surveyors. Clause 25 proposes that the title "surveyor" should be restricted to those who are professional surveyors registered under the Act. The Technician Surveyors Association has objected to this proposal in that it claims that the title "surveyor" applies to anyone who is engaged in surveying. That was the basis of the Hon. Mr. Carnie's argument.

Professional people have a service to offer to the public and part of the recognition of that group is distinctive titles. This is true of the surveying profession also. It is important, therefore, that a title chosen by a professional group as part of its indentification should not be capable of being misunderstood when used by an unauthorised group. The proposal by the Hon. Mr. Carnie to insert the word "registered" before "surveyor" in clause 25 (1) (*a*) completely defeats this object. The operative word in the minds of the public is "surveyor", and the distinction between a registered surveyor and an unregistered surveyor does not, to a person requiring the services of a surveyor, point out the difference between professional and technical service. Complaints have been received from people stating that they have engaged a person as a surveyor who, in fact, was not a professional surveyor and who could not, therefore, give a certificate in connection with the work which he performed. It is submitted that the use of the title "surveyor" by an unqualified person in such cases as this has the effect of offending against clause 25 (1) (*b*). There can be no doubt that, to the average person, in all reasonable circumstances a surveyor is a registered surveyor.

Since 1957, the only method of entrance to the profession in South Australia has been by way of a tertiary professional degree. In this State it is the Bachelor of Technology Degree offered by the South Australian Institute of Technology. These are the only people engaged in surveying who can be registered under the present or prosposed Act. Should clause 25(1)(*a*) be amended to insert the word "registered" before surveyor, any person, even unqualified and with limited experience, is entitled to call himself "surveyor". As stated above, this does in fact cause people reasonably to believe that he is a registered surveyor and therefore can give a professional service. It should be noted that the title protected under the Architects' Act is "architect", not "registered architect".

The Hon. M. B. Cameron: What about dentists?

The Hon. T. M. CASEY: I suppose that the same goes for lawyers, or doctors. The term "architect" is fairly narrow in its application, but it is submitted that the term "surveyor" is also narrow in its application.

The Hon. R. C. DeGaris: Dental technicians are not the same as dentists.

The Hon. T. M. CASEY: That is so. At the time of the passing of the Architects Act, there were many people practising architecture in South Australia who could not be registered under the new Act. At the present time, there are many people practising surveying in South Australia who could not be registered under the new Act and who cannot be registered under the present Act. The proper method of considering the case of the technicians would be to leave the clause unamended and to consider an application for the use of the term "technician surveyor". The majority of technicians in South Australia would be employed by some Government department or authority. Almost invariably, they would be subject to supervision from a professional surveyor and, where this was not possible, by some other professionally qualified officer, such as an engineer or architect.

Technicians have claimed that they have carried out important work, such as the survey of the festival hall, and the interstate example was given of the sewerage system of Canberra. However, in both those cases their work was subject to supervision and check by professional surveyors. Whatever the lack of distinction may have been 25 or 30 years ago, there can be no doubt whatsoever that the distinction between professional survey practice and technical practice is quite positive. The survey profession throughout Australia believes that it is entitled to a distinctive name, which should not have to be supplemented by a legal term such as "registered". The operation of clause 25 will not restrict the activity of technicians any more than under the present Act. The sole purpose of the proposal is to apply a necessarily distinctive title to the people engaged in professional survey practice.

The professional association in Australia is the Institution of Surveyors, and its predecessor in South Australia, originating in 1878, bore the same name. In practical recognition, therefore, the title "surveyor" has always, with minor exceptions, referred to the professional practitioner, a view which the average person would also hold.

Today, I was host to the Minister of Lands from Queensland, who brought with him the Surveyor-General of that State, and he was so impressed with this Bill that he asked for a copy of the Bill so that it could be implemented in Queensland. Irrespective of what honourable members opposite may say, the Bill is a feather in the cap of the officers of the department who prepared this legislation in the interests of surveyors. I sincerely hope that honourable members will give the Bill the consideration it deserves.

Bill read a second time.

In Committee.

Clauses 1 to 24 passed.

Clause 25—"Offence to hold self out as surveyor."

The Hon. J. A. CARNIE: I move:

In subclause (1) (*a*) to strike out "surveyor" and insert "registered surveyor".

I do not intend to repeat what I said in my second reading speech. There is a group of people, perhaps not large, that will be disadvantaged by this Bill. Clause 25 does not affect the work those people do: it simply alters the title they have used for 20 or more years.

The Hon. M. B. Cameron: It's a convention.

The Hon. J. A. CARNIE: Yes. As I said in my second reading speech, if we say they cannot use the word "surveyor" in their title to describe their work, what are we going to call them? "Technician" covers so many fields; it does not mean anything specific. "Technician surveyor" describes the type of work they do and, as such, these people should be allowed to continue to use that title. The Minister mentioned, as an analogy, "dental technicians". That is a similar situation: they do not do the work of dentists.

The Hon. M. B. Cameron: The word "dental" means something.

The Hon. J. A. CARNIE: Yes, and so does "surveyor". The people concerned should be allowed to use the title "technician surveyor", and that is all that this amendment does. We cannot take away a word that describes a technician, because there are many technicians in many fields, and there must be a word that describes the type of technicians they are.

The Hon. T. M. CASEY (Minister of Lands): I cannot accept the amendment, but the honourable member has my sympathy. He mentioned two or three examples of people—

The Hon. J. A. Carnie: There are 500 members of this association.

The Hon. T. M. CASEY: —who had been engaged in carrying out survey work for some years and who could be disadvantaged by this Bill. Whilst some people probably will be inconvenienced by this Bill, the amendment opens the door so wide that many people with little or no experience could use the title, and that is where the problem will arise. We cannot play around with this sort of thing; we are entering a professional field, and I am sure the professional people in this Chamber would frown upon the idea of someone who had not been properly qualified in their profession being allowed to use their title. Those members who are professional people have obtained a recognised degree, but the people in question have not. I ask the Committee to reject the amendment.

The Hon. J. A. CARNIE: I object to what the Minister has just said, namely, that if we let this amendment go through unqualified people will enter the field. To become a member of the Association of Technician Surveyors takes eight years: these are not unqualified.

The Hon. R. C. DeGaris: Eight years of what?

The Hon. J. A. CARNIE: Four years at certificate level at the Further Education Department at O'Halloran Hill, plus four years in the field, before they become technician surveyors. They are certainly not unqualified. They fulfil a certain need in the surveying field. Dental technicians are allowed to use the word "dental" in their title, and all I am asking is that these technician surveyors be allowed to use the word "surveyor" in their title. The Minister is misleading the Committee if he implies that unqualified people can use the title sought to be inserted by the amendment.

The Hon. M. B. CAMERON: I, too, take exception to the argument of the Minister. One gets the distinct impression that, if one does not have a degree, one is not qualified.

The Hon. T. M. Casey: I didn't say that.

The Hon. M. B. CAMERON: You did. That is an incredible statement. There are many people in many fields—

The Hon. T. M. Casey: Come on; don't tell fibs.

The Hon. M. B. CAMERON: That means that, if a person has no academic qualification, he is not qualified.

These people have used this title for 20 years, and the Minister is taking it away from them. Into which field shall we next move? Will everyone without a degree who is working in a technical field (to use that analogy) have to call himself just a technician? They will have to give themselves a brand new name. That is absolute nonsense. The mere usage of the name has led to this situation, and I do not believe it is proper that we, as a Parliament, should take that away from them.

The Hon. R. C. DeGARIS: The only thing the Bill does, as far as I can see, is not to allow people to style themselves as surveyors unless they are qualified. I think that is reasonable. It does not stop people who are qualified from doing surveying work. Where a person holds himself out as being a surveyor, the Bill states that he should be qualified. Along those lines, I intend supporting the Government, although I have some sympathy for technician surveyors. The Association of Technician Surveyors has raised certain objections by letter to members of Parliament in relation to clause 25 which provides, essentially, that, within the context of surveying as defined, the title "surveyor" shall apply only to professional qualified surveyors registered under the Act.

If the Bill passes in the present form, it means that technicians will not be able to style themselves as surveyors. There is nothing else in the Bill. I think that is reasonable if one accepts that surveying is a professional occupation. For that reason, although I have some sympathy for the position of the technicians, I believe that, if we want to create a situation where people can rely upon the employment of a surveyor who styles himself as a surveyor, they should have the knowledge that that person is a qualified and professional surveyor. The Bill does not prevent the technician surveyor from doing work, but it prevents him from styling himself as a surveyor. I think that is perfectly reasonable.

The Hon. J. A. CARNIE: Clause 25 (1) (*a*) contains the words "to assume, either alone or in conjunction with any other words or letters, the name or title of surveyor". The Hon. Mr. DeGaris has said this Bill simply provides that no-one can set himself up or style himself as a surveyor unless he is a registered surveyor. I have no argument with this. I am not suggesting that anyone should be allowed to style himself as a surveyor unless he is a fully qualified registered surveyor, but the clause provides that he cannot even use the word in conjunction with any other word. These people should be allowed to continue to describe the type of technician they are; they are technician surveyors.

The Committee divided on the amendment:

Ayes (6)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (12)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, Jessie Cooper, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, N. K. Foster, R. A. Geddes, Anne Levy, and C. J. Sumner.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (26 to 47), schedule and title passed.

Bill read a third time and passed.

PRECINCTS OF THE CHAMBER

The Hon. C. J. SUMNER: I seek leave to make a short statement.

The PRESIDENT: What is the basis of the honourable member's statement?

The Hon. C. J. SUMNER: During a division earlier this evening, an important question arose when the Hon. Mr. Laidlaw found himself not actually within the precints of this Chamber.

The PRESIDENT: Is the honourable member raising a point of order?

The Hon. C. J. SUMNER: I am seeking leave to make a statement.

The Hon. J. C. Burdett: What is the basis of the statement?

The Hon. C. J. SUMNER: I do not wish to dispute the vote.

The Hon. R. C. DeGARIS: I rise on a point of order, Mr. President. Is the Hon. Mr. Sumner seeking leave to make a statement?

The Hon. C. J. SUMNER: I am not making a statement. If honourable members give me a little time, I will explain the matter and seek leave.

The Hon. J. C. BURDETT: I rise on a point of order, Mr. President. On what basis is the statement being made?

The PRESIDENT: Will the Hon. Mr. Sumner indicate whether he will raise a point of order or whether he will make a personal explanation?

The Hon. C. J. SUMNER: I am seeking leave to make a statement. The reason is that, during a division, the Hon. Mr. Laidlaw was not within the precincts of this Chamber. I do not wish to dispute the vote, but I wish to raise the matter because it is obviously a matter of concern to all honourable members.

The PRESIDENT: If the honourable member does not wish to raise a point of order and if he does not wish to seek leave to make a personal explanation, he may wish to seek leave to make a statement of some kind. In that case, he must move to suspend Standing Orders to enable him to make a statement of some kind. The honourable member must make his choice from those three possibilities.

The Hon. C. J. SUMNER: I seek leave to make a personal explanation.

The PRESIDENT: The question is: "That the honourable member have leave to make a personal explanation."

The Hon. J. C. Burdett: No.

The PRESIDENT: There being a dissentient voice, leave is not granted.

The Hon. N. K. FOSTER: May I seek your guidance, Sir? Will you, in a few brief words, inform those honourable members who have inquiring minds as to what constitutes the precincts of this Chamber? Do the precincts go beyond the Bar and into the gallery? What constitutes the Chamber for the purpose of taking a vote?

The Hon. C. J. SUMNER: It seems that honourable members opposite are impugning my motives.

The Hon. J. C. Burdett: On what basis is the statement being made?

The Hon. C. J. SUMNER: My motives were *bona fide*. When a division is called, I may be sitting in the gallery.

The Hon. J. C. BURDETT: I rise on a point of order, Mr. President. On what basis is the honourable member's statements being made?

The PRESIDENT: I have been trying to puzzle that out. I think the honourable member is about to ask me a question based on a point of order. If the honourable member is doing that, I am willing to give him an answer.

The Hon. C. J. SUMNER: The point of order relates to the Hon. Mr. Laidlaw's being on the benches in the gallery earlier today. On some occasion, I may be there. I do not want to dispute the vote. I may find myself on the gallery benches while I am engrossed in conversation with someone; at that time, the bells may ring, and I may not move through the door before the Bar is drawn. The point may be taken that I am not in the Chamber for the purpose of the vote. Alternatively, I may be in the gallery upstairs. I understand that the doors to the gallary upstairs are not locked. Does that mean that I am in the Chamber and that I can come over the rail to get into the Chamber? If one is up there or on the benches at the rear of or outside the Chamber, one may be in trouble for the viewpoint of being included in the vote. In raising this matter I did not have a sinister motive: I was merely seeking clarification.

The PRESIDENT: This situation is covered by Standing Order 223, which provides:

When the doors have been locked and the Bar drawn, and all members are in their places, the President shall again put the question . . .

Standing Order 224 provides:

Every member, except the President, present within the Bar when the question is so put . . .

Those extracts from Standing Orders probably answer the honourable member's questions. Another Standing Order provides that a point of order must be raised at the time the incident occurs. However, I have been indulgent on this occasion because I think the honourable member has really been asking me a question.

The Hon. D. H. LAIDLAW: I seek leave to make a personal explanation.

Leave granted.

The Hon. D. H. LAIDLAW: I point out that earlier today I happened to be discussing a serious matter of arson with the member for Mitcham in another place!

The Hon. C. J. SUMNER: I am not really very much the wiser, although I accept that the Hon. Mr. Laidlaw was certainly on business of an extremely grave nature. I was in no way criticising the honourable member and I did not wish to challenge the vote. I was seeking guidance for my benefit and for the benefit of other honourable members.

The Hon. N. K. FOSTER: Is the Bar to be regarded as the boundary for the purpose of determining the precincts of the Chamber?

The PRESIDENT: If an honourable member is within the Bar he is in the precincts of the Chamber. Everyone must recognise what "within the Bar" means. For this purpose, an honourable member must be within the Bar and in front of the President.

The Hon. C. J. SUMNER: Does that mean, Sir, that if I happened to be in the benches at the rear of this Chamber, in the ground floor gallery, when the bar is closed, at that point I am technically outside the Chamber and should not participate in a vote?

The PRESIDENT: The answer is "Yes"; the honourable member would not be allowed to vote.

ADJOURNMENT

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

That the Council at its rising do adjourn until Tuesday, February 3, 1976.

I know we are not proroguing tonight but we are getting near the festive season and I should like to take this opportunity to express my appreciation, first, to yourself, Mr. President, of the way in which you have handled situations that have arisen since your being elected to your high office. You have handled us very well. You have had no occasion to move the appropriate motion to suspend any honourable member. It was good handling.

I also express appreciation to the Whips on both sides, who have assisted tremendously in keeping the Council going. Sometimes, their task has not been the easiest, but they have come through with flying colours. The Clerks and Assistant Clerks have also done a very good job.

The new members have nearly completed a full session in this Council, and I know they have learnt a tremendous amount as a result of their experiences. I congratulate every one of them on the way in which they have performed their duties. It is true that new members come in intending to turn the place upside down in about five minutes, but they find it takes at least a quarter of an hour before they can do this. They have responded very well. I extend the season's greetings to all honourable members. It is not quite December yet but this is the last opportunity I shall have to do that. I trust we shall come back refreshed and full of enthusiasm. There will not be eight months holiday, as someone has suggested. It is only a matter of a few weeks before we resume, but I express my appreciation and extend to everyone my best wishes for the season.

The Hon. R. C. DeGARIS (Leader of the Opposition): This is not the time for a lengthy speech but, on behalf of the Opposition, I support the wishes of the Chief Secretary. To you, Mr. President, to all the officers of Parliament, to the Whips, to all honourable members, and also to the Chief Secretary, I extend the season's greetings. I am not sure whether the Chief Secretary has that title or not; I have not quite worked it out.

The Hon. D. H. L. Banfield: I will tell you in the new year.

The Hon. R. C. DeGARIS: I do not know how he can be Chief Secretary when he does not have a Chief Secretary's Department.

The Hon. D. H. L. Banfield: Look at the Acts Interpretation Act.

The Hon. R. C. DeGARIS: On behalf of the Opposition, I extend my best wishes to the Chief Secretary, all honourable members, and all the staff and officers of Parliament House.

The Hon. M. B. CAMERON: On behalf of the third major Party in this Council, I, too, should like to endorse the remarks of the previous speakers and to extend the season's greetings to all honourable members on both sides of the Council and other people who have assisted our group, sitting between the extreme views that have been expressed from time to time. We have appreciated that assistance in the difficult task we have had and look forward to the slight interruption in our work before we resume in February next.

The PRESIDENT: I thank the Chief Secretary for his good wishes to me personally and, on behalf of the staff of Parliament House, who of course have no voice in this Chamber, I express their thanks for the season's greetings that the Minister has conveyed. I think the session has worked very well up until now. We have had a few rough passages from time to time, but I hope that when we come back we will be refreshed. Perhaps a few more people will be willing to give the give-way rule another try.

Motion carried.

At 3.48 a.m. the Council adjourned until Tuesday, February 3, 1976, at 2.15 p.m.