LEGISLATIVE COUNCIL

Wednesday, February 11, 1976

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

QUESTIONS

SUCCESSION DUTIES

The Hon. R. C. DeGARIS: Has the Chief Secretary received from the Premier a reply to my recent question regarding succession duties?

The Hon. D. H. L. BANFIELD: My colleague reports as follows:

The Commissioner of Succession Duties does not keep statistical information as to the number of beneficiaries in the various categories. The revenue calculations preceding the recent amendment to the Succession Duties Act were made by Treasury Department officers using recognised sampling techniques. The information obtained from the sample was summarised in such a way as to indicate the proportion of duty paid in each category rather than the number of beneficiaries in those categories. The figures were:

	Per cent
Widows	33·2
Widowers	4·4
Children and ancestors	37·8
Other relatives	16·4
Strangers in blood	6·8
Charitable institutions	1·4

Children under 18 years and ancestors formed a small proportion of their category.

PINE TREES

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

Leave granted.

The Hon. M. B. CAMERON: Yesterday's *News* contained a report concerning a group calling itself GROAP, which, according to the report, stands for "Get Rid Of All Pines". In the middle of the report the following appears (and I am not sure whether this is attributed to a Mr. John Wamsley, who is said to be the spokesman for the group):

And GROAP plans to introduce the Sirex wasp into the Adelaide Hills. It is one of the most serious killers of pine trees.

I understand that this group is trying to get rid of all pine trees in certain areas of the Adelaide Hills. It has made what appears to be the most incredible threat to this State's pine industry by saying that it intends to introduce into the Adelaide Hills an extremely bad pest. I suppose the Minister is aware that it is always possible for any group in the community to take stupid action such as this. Indeed, I suppose that even exotic diseases could be introduced from overseas by stupid individuals or groups. Is the Minister aware of the threat which has been issued by this group and which, I understand, was repeated on television last evening? Also, what action does the Minister intend to take in relation to this threat to the pine industry contained in the statement attributed to this group calling itself GROAP, which has said that it will introduce an extremely bad pest into South Australia?

The Hon. B. A. CHATTERTON: I think it is a great pity that this group has adopted such an extreme viewpoint. I could easily agree with many of its aims, in terms of trying to keep seedling pines out of native forests. This matter has been of great concern to the Woods and Forests Department. If there is an invasion of native vegetation by seedling pines, I can quite understand the group's concern. However, the extreme attitude it has taken—

The Hon. M. B. Cameron: Fanatical.

The Hon. B. A. CHATTERTON: Yes. Such an attitude causes me great concern, because it is based on a lack of understanding of our policies. Pine plantations are planted on farmland. The group talks about an ecological desert and the lack of native flora and fauna, but I point out that there are no native flora and fauna on farm grasslands. So, the group's attitude is based on a lack of understanding of our policies. The specific question of the Sirex wasp is of great concern, and I do not know that we can take any action. It would be impossible to try to patrol the area to stop anyone doing what has been referred to. It seems to me that it is extremely irresponsible and, again, it is based on a lack of understanding of the situation. While the Sirex wasp was an extremely serious pest in pine plantations some years ago and would have caused irreparable damage to the plantations, we now have biological control methods that are proving quite successful in Victoria. So, control would cost a large sum but the pest would not result in the destruction of pine plantations in the Adelaide Hills. It seems to be a completely irresponsible and fanatical attitude.

The Hon. R. A. GEDDES: If I understood the Minister correctly, he said there was little the department or the Minister could do if a group of people introduced the wasp into South Australia. This concerns me. Are there no penalties for people bringing in such pests as Sirex wasps or exotic types of disease?

The Hon. B. A. CHATTERTON: I intended to convey that there was little the department could do in practical terms to control a group of people who were so fanatical and irresponsible as to try to bring in the Sirex wasp. It seems to me, certainly on the basis of the news report that we have before us, that it would be quite impracticable to set up controls for anything like this to try to catch the people concerned. We certainly have legislation prohibiting the importation of pests and things like that. However, I was referring to them in practical terms. It would be impossible to set up road blocks or controls through forests and so on. That is the sort of matter to which I was drawing attention: trying to control the situation when a group of fanatics wants to act in this way.

ABALONE DIVERS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Fisheries.

Leave granted.

The Hon. A. M. WHYTE: An article, headed "Abalone divers licence 'is discriminatory'", in the *West Coast Sentinel* of February 2 states:

"The licensing of abalone divers is discriminatory and we have had enough," the President of the South Australian Abalone Divers Association (Mr. Vin Murphy) said today.

The complaint raised in the article is valid inasmuch as any other group in the fishing industry is entitled to license a boat, and there is thereby an equity which can be valuable in the case of the sickness, retirement or death of the owner. The equity remains and is valuable to the dependants of the owner. They have something that they can fall back on, because they can sell the boat, which is licensed to fish. By way of contrast, abalone divers themselves are licensed. So, if an abalone diver becomes ill, there is no way in which there is any income for his

family. Abalone diving is an extremely hazardous enterprise. Having watched these divers at work, I can say that abalone diving is not easy, and I would not like to be involved in it. Because of this discrimination, abalone divers are at a disadvantage. The article continues:

We want what all other managed fisheries have and that is the licence on the boat, in addition to the right to use one diver at any given time.

The expression "one diver at any given time" indicates that the divers should be able to employ another diver in the case of fatigue or ill health. A searching medical requirement must be met by these men, and I do not believe there is any great objection to that. However, they do object to the fact that they are not allowed to employ a stand-in diver. This has led to their having to work shallow waters. One of their arguments is that, because they do not get out into the deeper beds, because of fatigue and for other reasons, they are over-fishing those shallow waters. That is not good for the industry. Will the Minister review his present attitude to the abalone divers' request?

The Hon. B. A. CHATTERTON: The matter raised by the honourable member is not new. This approach has been made by abalone divers to me and my predecessor on several occasions concerning attaching of the necessary licence to the boat rather than to the diver. On the occasions when the divers' association has made approaches to me, I said that I would wait until the Coates inquiry had looked into the principles and policies of fisheries management to see what could be done. Professor Coates has now reported on the principles and his recommendation is in direct contrast to the view advanced by the honourable member. He said that the authorities should not license boats involved in managed fishing industries. I will not necessarily accept all of Professor Coates's recommendations, but that is the recommendation he has made in this case. The honourable member is correct in saying that the abalone industry is the only managed fishing industry that has a licence applying to the man and not to the boat, but Professor Coates has recommended that that be the situation in respect to all managed fisheries. I think the main point in Professor Coates's argument is that, when a licence is put on a boat and it becomes negotiable as a piece of paper, it acquires a large value and this destroys very much the benefit that is accruing to the industry. We have seen a situation in other States where taxi-cab licence plates carry a high value, and that is not a situation that we want to see develop in any of our managed fisheries where the actual licence, the piece of paper, carries a high value. I can see a situation where it would be difficult for the next generation of fishermen to get into the industry, because they would be involved in such a heavy debt commitment to buy not only the boat and the gear required for fishing but also to acquire a licence. This area is of great concern to us.

SUPERPHOSPHATE BOUNTY

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

Leave granted.

The Hon. N. K. FOSTER: Recently we have seen much cutting back by the present Federal Government. It has been aided publicly by the radical rag which sometimes graces this Chamber during the afternoon: I refer to the Adelaide *News*. The *News* goes along with all the cuts levied against age pensioners to save only $1 500 000. I refer also to the attempts of the Fraser Government to knock $29 000 000 from those who can least afford it—

The Hon. C. M. Hill: What are you—

The Hon. N. K. FOSTER: No wonder it fetches some form of comment from the Hon. Mr. Hill. The Hon. Mr. Laidlaw said yesterday that there was no way that the Fraser Government would reintroduce some of the measures upon which my question touches.

The Hon. D. H. L. Banfield: Television licences?

The Hon. N. K. FOSTER: That is only a start.

The Hon. C. M. Hill: Are you worried about your coloured television licence?

The Hon. N. K. FOSTER: No, I am not worried about it at all. The original proposal was $90 for a colour television licence. It was reported in today's *Financial Review* that several leading rural spokesmen have indicated that they would have accepted a decision not to have the superphosphate bounty restored, in line with the Australian Government's policy of fiscal restraint. However, today's *Country Hour* carried interviews that indicate that the bounty decision is welcomed by some. In view of the Minister of Agriculture's past criticism of the bounty, does he still maintain that this bounty is money spent unwisely?

The Hon. B. A. CHATTERTON: I have opposed the superphosphate bounty in the past, and I still oppose it. I believe it merely restores in the eyes of the community the image of farmers as being featherbedded and dependent on Government handouts, an image the farmers do not want to have. It is most unfortunate that this superphosphate bounty has been restored. It is very strange, too, in view of the Prime Minister's many statements that there were no soft options so far as fiscal restraint was concerned; certainly, in this case he has taken the soft option. It is also relevant how the superphosphate bounty really affects so few farmers to any worthwhile extent. The figures I have here show that in South Australia there are about 25 000 farmers, 18 400 of whom would receive an average bounty of $141, whereas two farmers in South Australia would receive an average bounty of $59 050.

The Hon. J. E. Dunford: Who are they?

The Hon. N. K. Foster: The thing is crook.

The Hon. R. A. Geddes: Will you please give those figures again?

The Hon. B. A. CHATTERTON: Two farmers get $59 050. For the benefit of the honourable member, the whole list I have here shows that 40 farmers would average $8 857; 10 farmers would get an average of $17 715, and two of the largest farmers would receive over $59 000, while the average farmer, who uses only 12 tonnes of superphosphate, would get $141. So it is an incredibly inequitable distribution of money, particularly—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation.

The Hon. N. K. Foster: That is because of the Liberals; we cannot help it.

The Hon. B. A. CHATTERTON: It is a particularly inequitable use of funds, particularly as the Hon. Mr. Foster drew attention to cuts made in social benefits and so forth.

The PRESIDENT: The Hon. Mr. Carnie.

Members interjecting:

The PRESIDENT: Order! I have called upon the Hon. Mr. Carnie for his question.

METROPOLITAN TRANSPORT

The Hon. J. A. CARNIE: I wish to make a brief statement before asking a question of the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. J. A. CARNIE: Yesterday, I received an answer to a question that I had on notice concerning metropolitan transport. I should like to quote briefly from the question and answer. Part of the question was as follows:

What recommendations contained in the Metropolitan Adelaide Transportation Study are being carried out by the Government?

The Minister replied:

With the exception of the recommendations concerning freeways, expressways, the Glenelg tram, and the rail rolling stock, the transport proposals in the Metropolitan Adelaide Transportation Study, are proceeding.

The next part of my question was as follows:

What land and property has been acquired pursuant to recommendations of the Metropolitan Adelaide Transportation Study? What is the value of property acquired in this way and where is it situated?

The reply to these two questions was as follows:

These statistics are not readily available and would require considerable effort and expenditure to obtain.

I will accept that the amount of effort and expenditure could be considerable in finding that out, but as I believe the Minister is dodging the question to some extent I will rephrase it. Can the Minister say whether any property is being acquired on any of the freeway or expressway routes recommended by the Metropolitan Adelaide Transportation Study; if so, on what routes is this land being acquired?

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

HOSPITAL BENEFITS

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

Leave granted.

The Hon. F. T. BLEVINS: I have been approached by a couple of people, one a pensioner, on the apparent practice of the Mutual Hospital Association in Whyalla of demanding that, before it will pay the difference between the Medibank contribution and the amount of the doctor's account, the member must accumulate $20 worth of claims. This happened to the pensioner. She had an X-ray, which cost $18, and the balance owing by the Mutual Hospital Association was $2. When she went to claim the $2 she was told to come back when her claim had accumulated to $20. It would appear that this is a highly undesirable practice. I am sure the Mutual Hospital Association does not allow much leeway in contributions, and does not allow contributors to store them up until $20 is owed. Can the Minister say whether the Mutual Hospital Association is acting legally in not meeting claims immediately; if the action of the Mutual Hospital Association is not legal, will the Minister ask that organisation to stop the practice or at least ensure that claimants are advised of their rights by the counter staff and by way of large notices in the organisation's offices?

The Hon. D. H. L. BANFIELD: I am not aware of the legal position, but I can imagine the anxiety that would be caused to the person wanting to get money back, because it could be perhaps five years before she had accumulated $20 worth of claims. However, I will look into the matter to ascertain the position.

HER MAJESTY'S THEATRE

The Hon. C. M. HILL: My question is directed to the Chief Secretary, representing the Premier. In view of the publicity surrounding the possible disposal by the Williamson interests of Her Majesty's Theatre, can the Premier say whether the Government is negotiating to acquire the property; if not, is the Government taking any action to ensure that the building remains available as a theatre for the South Australian public?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to the Premier.

PARLIAMENTARY BUSINESS

The Hon. C. J. SUMNER: I direct my question to you, Mr. President. Do you recall that on two previous occasions I have raised the question of a daily list of business before the Parliament being published during each session and, if so, would you let the Council have a report on the undertakings that you gave when I raised the matter previously?

The PRESIDENT: Having written to the Editor in Chief of the *Advertiser*, I received a reply some time ago indicating that he was looking into the possibility of doing this and that he would communicate with me. However, he has not done so. As the matter has now been raised again, I will take the opportunity of jogging his memory.

REGENCY PARK CENTRE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Chief Secretary a question.

Leave granted.

The Hon. N. K. FOSTER: No doubt all thinking members are aware of the cuts that have been made by the present Federal Government in revenue for the Australian Broadcasting Commission. That Government has reduced grants and discouraged everyone in the community. Its assistance to hospitals in all States is of no help whatsoever. My question surrounds the somewhat hypocritical visit of the Prime Minister to open—

The PRESIDENT: Order! The honourable member must not express his own opinions when asking a question.

The Hon. N. K. FOSTER: I am expressing the opinion of thousands of people.

The PRESIDENT: The honourable member must state the facts on which he intends to ask his question. He is not permitted to express his own special opinions.

The Hon. N. K. FOSTER: I had only one small step to go. That good description of the gentleman to whom I referred may apparently upset some people. We on this side of the Council have got sick and tired of members opposite saying that everyone who voted for the Labor Party was an idiot, yet you, Sir, object if I call him a hypocrite. What rot! I am being kind to him.

The PRESIDENT: Order! I have already pointed out what are the provisions of Standing Orders concerning expressions of opinion in Question Time.

The Hon. N. K. FOSTER: I understand that Mr. Fraser is coming here some time next week to open the complex at Regency Park on the old Engineering and Water Supply Department site. This land is being used in a number of ways, one of which is to provide a centre for the more unfortunate people in our community, the crippled children. Will the Chief Secretary say whether, under the present Federal Government's policies, this project would be possible and what Commonwealth assistance has been given in this regard? Also, who was the Minister involved, and whose Government gave the assistance?

The Hon. D. H. L. BANFIELD: True, Mr. Fraser is coming to Adelaide for the opening of this complex, which is being opened next Friday by His Excellency the Governor of South Australia. It seems to me that, had the scheme been commencing right now, it is doubtful whether it would have proceeded in the light of certain action that has been taken and because of the present restraints, there having been cutbacks, and so on. Regarding the actual sum provided by the Australian Government, I will ascertain the figure and bring down a reply for the honourable member.

CARCLEW

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: I refer to the most recent publication of the magazine *Get Out* covering the period from February 6 to February 13 this year, and particularly to a Lois Lane investigative special entitled "Doom, Deceit and Destruction at Carclew", in which the following appears:

The Carclew arts centre is dying. Just 12 months after its inception as a performing arts centre for young people, the centre is now fated to spend the Festival of Arts masquerading as the Amscol fun palace. The blame for its demise lies with the board of management. The board is made up of businessmen, establishment "socialites", and executives from the Education Department and the Arts Development Branch of the Premier's Department. These people can also be found, in one form or another, on at least 18 similar boards or committees.

Then follows a long report of criticism. Will the Premier say whether the Government agrees that the criticism contained in this report is justified, and what are the Government's plans for Carclew generally and the Carclew arts centre particularly?

The Hon. D. H. L. BANFIELD: It is nice to hear that members opposite are interested in the preservation of the arts.

The Hon. C. M. Hill: We always are.

The Hon. D. H. L. BANFIELD: Of course, this is in direct contrast to the attitude of the present Federal Government. I sincerely wish that the honourable member would take up many of these matters with his Federal colleagues.

The Hon. C. M. Hill: Our Federal people are doing very well, thank you very much.

The Hon. D. H. L. BANFIELD: We have just heard what Mr. Fraser has done in relation to the superphosphate bounty.

The PRESIDENT: Order! A simple question has been asked, and I wish the Minister would give a simple answer.

The Hon. T. M. Casey: They shouldn't interject, Mr. President.

The Hon. D. H. L. BANFIELD: I should like the honourable member to exert pressure on the Federal Government to continue with grants to the arts. I should also like him to hand me a copy of the article he has read from so that I can refer it to the Premier at the same time as I ask for a reply to his question.

LEGAL PRACTITIONERS BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to regulate the practice of law; to repeal the Legal Practitioners Act, 1936-1972; to amend the Supreme Court Act, 1935-1975; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It establishes a new code regulating the practice of law. The present Legal Practitioners Act is largely based upon the views of Sir Mellis Napier. As one would expect in the case of an Act drafted so long ago, there are many provisions that need to be modernised and brought into conformity with present practice so that they are adequate to meet contemporary problems. About 10 years ago a revised draft of the Act was prepared by Mr. H. E. Zelling, Q.C. (as he then was). Since that time, much work has been done on the draft by the society and by the Government. The Government wishes to pay a tribute to those officers of the society who have devoted so much time and trouble to the preparation of the Bill.

The Bill embodies many new features. It proposes the establishment of a commission for legal education, which will have the function of formulating the academic and practical requirements that must be satisfied by a person who seeks admission as a practitioner of the Supreme Court. The Bill proposes the establishment of a legal practitioners board, which will be concerned with many areas of professional practise. For example, it will issue practising certificates, and will exercise a general oversight of the auditing of trust accounts. The Bill provides that certain bodies corporate will be able to practise the profession of the law. Thus, legal practioners will be able to arrange their affairs in the same manner as architects who have also recently been permitted to establish corporate practices.

The Bill provides for the appointment of supervisors and managers who can step in to legal practices when serious irregularities occur and protect the interests of clients. The Bill sets out the right of audience of legal practitioners before courts or tribunals established under State law. A Legal Practitioners Disciplinary Tribunal is established. This tribunal will take over the functions formerly exercised by the Statutory Committee of the Council of the Society. However it will be invested with greater powers than the statutory committee and will itself be able to deal with minor matters of discipline. The Supreme Court itself is given a greater range of disciplinary powers that it may exercise against a defaulting practitioner. The Bill contains a number of other novel features. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 repeals the present Legal Practitioners Act and enacts various transitional provisions. Clause 5 sets out a number of definitions necessary for the purposes of the new Act. I should like to refer particularly to the definition of "unprofessional conduct". This is defined to include the commission of an offence in the course of professional practice or an offence for which imprisonment is prescribed or authorised by law. It should be noted that the definition is inclusive; that is, its meaning is expanded and not limited. However, the very broad references in the present Act to "illegal or unprofessional conduct" are replaced by references merely to "unprofessional conduct" as defined by this clause. The total effect is to restrict slightly the basis of disciplinary proceedings under the new Act. While under the present Act disciplinary proceedings are theoretically possible if a practitioner commits a parking offence, that will no longer be so. Clause 6 provides for the continuance of the Law Society. Clause 7 deals with the officers of the society. Clause 8 provides for the membership of the council of the society.

Clause 9 provides that no act or proceeding of the council is to be invalid by virtue of vacancies in its membership. Clause 10 provides for the administration of the society and empowers the council to delegate its powers to a committee or to an officer or employee of the society. Clause 11 deals with the keeping and inspection of minutes of the society and its various committees. Clause 12 permits the society to appear in any court, commission or tribunal in any proceedings in which the interests of the society or a member of the society are affected. Clause 13 empowers the society to make rules.

Part III deals with the admission and enrolment of legal practitioners. Division I sets up the Commission for Legal Education. Clause 14 establishes and provides for the membership of the Commission. It is to consist of the Attorney-General or his nominee, three judges of the Supreme Court, three nominees of the society, three nominees of the University of Adelaide and one law student. In addition, the commission may co-opt non-voting members. Clause 15 deals with the conditions of appointment of members of the commission.

Clause 16 deals with the proceedings of the commission. Clause 17 is a saving provision. Clause 18 provides for the appointment of a Secretary to the commission. Clause 19 empowers the commission with the concurrence of the Chief Justice to make rules prescribing academic qualifications and the practical training that an applicant for admission as a barrister and solicitor of the Supreme Court must have. In formulating rules the commission is required to attempt as far as possible to promote reciprocity between this State and other places. The judges of the Supreme Court retain their power to make rules relating to admission and ancillary matters. Clause 20 deals with admission as a barrister and solicitor of the Supreme Court. An applicant for admission must satisfy the Supreme Court that he is of good character, that he is resident in Australia and that he has complied with the rules under the new Part or that he should be exempted from compliance with those rules.

Part IV of the Bill deals with the practice of the law. Clause 21 establishes a Legal Practitioners Board. The board is to consist of three nominees of the Attorney-General and three nominees of the society. At least one of the society's nominees must be a junior practitioner. Clause 22 deals with the conditions on which the members hold office. Clause 23 deals with the proceedings of the board. Clause 24 is a saving provision. Clause 25 empowers the board to delegate its powers or functions under the new Act. Clause 26 provides for the appointment of a Registrar of the board. Clause 27 confers a general right of appeal against decisions of the board.

Clause 28 provides for the issue of practising certificates. Practising certificates are to be issued to natural persons who have been admitted as practitioners of the Supreme Court and also to companies whose memorandum and articles satisfy prescribed conditions. These conditions are formulated with a view to ensuring that any such company is controlled solely by legal practitioners. Clause 29 deals with the issue of a practising certificate to a person who has allowed his certificate to lapse. Clause 30 prescribes the term of a practising certificate and provides for its renewal.

Clause 31 provides for a register of practising certificates and enables any interested person to inspect the register. Clause 32 deals with entitlement to practise the profession of the law. The section sets out in some detail what constitutes the practice of the law and contains a number of exemptions designed to protect existing commercial practices. Clause 33 prevents a person from falsely pretending to be the holder of any degree, diploma or certificate in law. It prevents a person from holding out an unqualified person as a legal practitioner. Clause 34 provides that a company to which a practising certificate has been issued must furnish various annual returns to the Registrar.

Clause 35 prohibits any such company from practising in partnership. Clause 36 limits the number of employees that any such company may have. Clause 37 makes the directors of a company that holds a practising certificate severally liable for any criminal liability of the company. Clause 38 provides that any civil liability incurred by a company that holds a practising certificate is to be enforceable jointly and severally against all legal practitioners who were directors of the company, or employees of the company, at the time the liability was incurred.

Clause 39 prohibits the alteration of the memorandum and articles of a company that holds a practising certificate without the approval of the board. Clause 40 exempts any such company from the provisions of the Companies Act dealing with audit and official management. Clause 41 requires a legal practitioner to pay any trust moneys received by him in the course of his practise into a trust account. It provides that those moneys are not to be withdrawn except for certain specified purposes. Clause 42 provides that a bank in which trust moneys are deposited is not affected with notice of any specific trust to which the moneys are subject.

Clause 43 enables the Governor to make regulations dealing with the audit of trust accounts. Clause 44 empowers the Supreme Court to order a legal practitioner to deliver up papers held by him on behalf of a client. Clause 45 empowers a legal practitioner to complete urgent business on behalf of a client who has become insane. Clause 46 provides that before a legal practitioner brings an action for recovery of legal costs or appropriates money towards satisfaction of a claim for legal costs, a bill specifying the costs and describing the legal work to which the Bill relates must be delivered to the person from whom recovery of the costs is sought.

Clause 47 empowers the Supreme Court to tax bills of costs. Clause 48 defines the application of the provisions relating to costs. Clause 49 enables the board to appoint a supervisor in respect of the practice of a legal practitioner where some serious irregularity has occurred. The supervisor will act to protect the trust moneys held by the legal practitioner. After appointment of a supervisor no moneys are to be paid out of the trust account to the legal practitioner without the express authorisation of the supervisor.

Clause 50 empowers the board to appoint a manager in respect of the practice of a legal practitioner. This may be desirable where the legal practitioner has died leaving outstanding matters unattended to, or where for any other reason the legal practitioner is unable, or has failed, to attend properly to the business of his practice. The manager may transact any urgent business of the legal practitioner and may with the approval of clients of the legal practitioner carry out any other business on their behalf. Clause 51 enables a supervisor or manager to apply to the Supreme Court for directions. Clause 52 provides for the payment of the remuneration and expenses of a supervisor or a manager out of the guarantee fund. It also confers on the board rights to recover such expenditure from the legal practitioner or the clients of the legal practitioner.

Clause 53 deals with a legal practitioner who becomes bankrupt or applies to take the benefit of a law for the

relief of bankrupt or insolvent debtors. Any such legal practitioner must obtain from the board authority to carry on his practice. Such an authority may be given subject to such conditions as the board thinks fit. Clause 54 enables the personal representative of a deceased legal practitioner, a trustee in bankruptcy of a legal practitioner, or a receiver or liquidator of a corporate legal practitioner to carry on the business of the practice subject to conditions stipulated by the board.

Clause 55 deals with the right of audience of legal practitioners before the courts or tribunals established under the law of this State. Those permitted to practise are: (*a*) the Attorney-General and any other legal practitioner in the employment of the State; (*b*) the Attorney-General of the Commonwealth and any legal practitioner in the employment of the Commonwealth; (*c*) any legal practitioner whether he is practising as a principal, or in the employment of some other legal practitioner; (*d*) any legal practitioner employed by an instrumentality of the Government of the State or of the Commonwealth, the society, or any prescribed person or body; and (*e*) any other person permitted by law so to practice.

Clause 56 provides that legal practitioners are to deposit a prescribed proportion of moneys held in their trust account with the society. Clause 57 provides for the investment of those moneys. Clause 58 protects the society and legal practitioners for liability for any action done in compliance with these provisions. Clause 59 provides for the administration of the statutory interest account. This is the account that receives the income from the investment to which I have previously referred. After deduction of management expenses, the balance of this account is paid into the legal assistance fund and the guarantee fund which are dealt with under clauses 60 and 61 of the Bill. Clause 62 provides that the society shall keep proper accounts of all moneys dealt with under Part V of the Bill. Clause 63 exempts certain instruments from stamp duty. Clause 64 empowers the society to borrow moneys for the purposes of Part V of the Act.

Clause 65 empowers the society to maintain a Legal Advisory Service. Clauses 66 to 71 deal with the society's legal assistance scheme. Under this scheme a person may apply to the society for legal assistance and the society may assign a legal practitioner to represent that person in legal proceedings or to give such other forms of legal assistance as may be appropriate. The legal practitioner receives a proportion of the costs that he would have received in the ordinary course of practice. Clause 72 provides that certain Government fees are to be remitted, at the direction of the Attorney-General, in relation to proceedings taken on behalf of an assisted person.

Clause 73 provides that stamp duty is not to be charged on any statutory declaration made in connection with an application to the society for legal assistance. Clause 74 provides that Part VI of the new Act does not affect any other scheme or arrangement for the provision of legal assistance that may be established or funded by the Government of the State. Clauses 75 to 81 deal with claims against the guarantee fund. A person may make a claim against the guarantee fund where he suffers loss as a result of some fiduciary or professional default on the part of a legal practitioner or for which a legal practitioner is responsible. A claim may be made where the person who has suffered the loss has no reasonable prospect of recovering those moneys from any other source.

Clause 82 is a new provision. It enables the society to submit to the Attorney-General a scheme providing for the insurance of all legal practitioners against liability for fiduciary or professonal default. Such a scheme would be funded partially from the guarantee fund and partially by the levying of contributions upon legal practitioners. Clauses 83 and 84 deal with investigations by the Registrar. The Registrar is required to make an investigation into the conduct of a legal practitioner where he is required to do so by the Attorney-General or the board. Reports upon any such investigation are to be furnished to the Attorney-General, the board, and the society.

Clauses 85 to 89 set up the Legal Practitioners' Disciplinary Tribunal and provide for the appointment of a secretary of the tribunal. The tribunal is to consist of nine persons, three of whom are to be appointed on the nomination of the Chief Justice, three upon the nomination of the Attorney-General, and three upon the nomination of the society. Clauses 90 to 95 deal with proceedings before the tribunal. The tribunal is required to adjudicate upon complaints made by the Attorney-General, the board, the society or any person claiming to be aggrieved by reason of alleged unprofessional conduct on the part of a legal practitioner. The tribunal is empowered to reprimand a legal practitioner, impose a fine not exceeding $1 000, disqualify the practitioner from holding a practising certificate for a period not exceeding three months, impose conditions upon the practice of law by the legal practitioner, or transmit the findings of the tribunal to the Attorney-General and the society with a view to further proceedings before the Supreme Court.

Clause 96 sets out the disciplinary powers of the Supreme Court. These powers are largely analogous to those of the tribunal, but it may impose a fine of up to $10 000, impose an unlimited disqualification from practice, or order that the name of the legal practitioner be struck off the roll of legal practitioners. Clauses 97 to 100 deal with public notaries. These provisions largely follow the existing provision in the Legal Practitioners Act.

Clause 101 empowers a barrister to sue for his fees and makes him liable for gross negligence in the performance of his professional work. In the Government's view there is little reason why a barrister should not be subject to the same kind of liability for negligence as for example, a surgeon or an architect. It has therefore decided that the present anomaly in the law of negligence should be removed. Clause 102 deals with proceedings for an offence against the new Act. Proceedings are not to be commenced except upon the certificate of the Attorney-General. Clause 103 provides that the Government may make regulations for the purpose of the new Act.

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

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

In Committee.

(Continued from February 10. Page 2174.)

Clause 39—"Employers not to dismiss or injure employees."

The Hon. C. M. HILL: I thank the Hon. Mr. Sumner for the contribution he made yesterday to the debate on this clause. I also discussed the matter with the Hon. Mr. Burdett, who indicated to me that perhaps it might be prudent not to pursue the matter that I had raised. Further, I do not believe that the provisions of this clause will be used at all, because of the high standard of ethics of employers generally. For those two reasons, I am willing to accept the clause as it stands.

Clause passed.

Remaining clauses (40 to 42) and title passed.

Bill reported without amendment. Committee's report adopted.

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

That the Bill be recommitted for the purpose of reconsidering clauses 2 and 8 and new clause 22a.

The Hon. R. C. DeGARIS (Leader of the Opposition): I ask the Minister to recommit the whole Bill, because other matters may need discussing.

The Hon. D. H. L. BANFIELD: I would hate to lose the vote that the Government won yesterday. However, I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

The Hon. D. H. L. BANFIELD moved:

That the Bill be recommitted.

Motion carried.

Clause 2—"Commencement"—reconsidered.

The Hon. D. H. LAIDLAW moved:

Page 1—Line 7—Leave out "This" and insert "(1) Subject to subsection (2) of this section, this".

After line 7—Insert:

(2) A proclamation under subsection (1) of this section shall not be made unless the Governor is satisfied that in respect of the two successive quarters that immediately preceded the day proposed to be fixed by that proclamation the increase in the cost of living as evidenced by the Consumer Price Index (all groups index for Adelaide) has in total been less than four per centum.

The Hon. D. H. L. BANFIELD: I am concerned about this practice. If there is something new to be brought forward or if there is some doubt about the way a vote was taken, recommittal of the Bill is a reasonable way of dealing with the matter. However, these amendments were moved and voted on yesterday. Indeed, the Committee divided on the question. Are we to recommit every Bill if someone is out of the Chamber at a particular time?

The Hon. M. B. Cameron: That is fair enough.

The Hon. D. H. L. BANFIELD: It is not. There is nothing new about the amendments. Evidently the Hon. Mr. Laidlaw wants another vote on them, but they were fully discussed and voted on yesterday. I am willing to accept the recommittal of clause 22a because of the oversight that occurred. That is a different situation altogether. I would not be pleased to see this tactic adopted continually in the future.

The Hon. R. C. DeGARIS (Leader of the Opposition): It is only fair that the Bill should be recommitted. There is nothing new in this approach. I remember Bills being defeated and then being recommitted under Standing Order 281. Standing Orders are there to advise the Committee, and I see nothing wrong with a reappraisal of this Bill. A vote was taken which may or may not have been the will of the Committee.

The Hon. D. H. L. BANFIELD: I know what Standing Orders provide, but is this to be the practice whenever a matter is defeated?

The CHAIRMAN: There is nothing new in this practice. In fact, we have recommitted Bills when certain honourable members have been missing on a vital matter.

The Hon. M. B. CAMERON: There is no reason for concern about whether or not we deal with the Bill again. A Bill should not be recommitted after it is passed but, until that time, it is in the hands of the Committee and, if a member seeks further information on a matter that could lead him to change his mind and if the Committee sees fit, it should allow him the opportunity to do that.

The Committee divided on the amendments:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw (teller), and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable these amendments to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendments carried; clause as amended passed.

Clause 8—"Constitution of Board."

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

Page 4—

Line 38—Leave out "the member" and insert "any member".

Line 39—Leave out "and paragraph (*d*)" and insert ", (*c*) or (*d*)".

The amendments correct an oversight following the putting together of the amendments flowing from the Select Committee's report. Unfortunately, it was overlooked that the words "paragraph (*c*)" should appear in subclause (6) to ensure that the South Australian Employers' Federation is able to nominate a deputy in the same way as can the Chamber of Commerce and Industry and the United Trades and Labour Council.

Amendments carried; clause as amended passed.

New clause 22a—"Misconduct on part of worker."

The Hon. D. H. LAIDLAW moved:

After clause 22, page 8—Insert new clause as follows:

22a. Where the Board is satisfied that a worker ceased to be a worker in relation to an employer in circumstances arising out of misconduct on the part of the worker, the Board may, after affording an opportunity for the worker and the employer to be heard, direct that that worker shall not for the purposes of this Act accumulate any effective service entitlement in respect of his service with that employer and upon such a direction being given this Act shall apply and have effect accordingly.

The Hon. D. H. L. BANFIELD: Yesterday I said that this new clause reacted against the best interests of the worker. It is not a recommendation of the Select Committee, which thoroughly investigated this matter. The Government believes that long service leave is a right and not a privilege. Many other privileges can be taken away from an employee if he abuses his working conditions. The example was given yesterday of a good employee who had been with a firm for about 15 years and who, as a result of one misdemeanour, could lose 13 weeks long service leave. The acceptance of this new clause could result in a man's losing only one day's long service leave if, after 12 months employment, he commits a misdemeanour. If it happens two or three times, he loses only about three days long service leave in comparison with the 13 weeks that could be lost by a good employee who committed a misdemeanour toward the end of his 15 years service.

The Hon. D. H. LAIDLAW: Provision is made for an employee to appeal to the board. In the case of the example given by the Minister, the board would probably use its discretion so as to protect the rights of a worker. However, a worker, who has decided to leave his job may, in a vindictive mood do something like leaving a pin loose in the shackle of a crane. In that case he should lose his service entitlement with that particular employer.

The Hon. D. H. L. BANFIELD: I remind the honourable member of the reverse position, where the employer sees that a certain amount of long service leave is accruing and sets out to aggravate that employee. That happens as often on that side of the fence as it does on the other,

from the employee's point of view. Let us be fair dinkum about this: there are faults on both sides. This is not the first occasion on which this has happened.

The Hon. D. H. Laidlaw: I hope the board would use its discretion.

The CHAIRMAN: The question is that the new clause be inserted. For the question say "Aye", against "No"; the Ayes have it.

The Hon. D. H. L. BANFIELD: I dispute your call, Mr. Chairman, and call for a division. I am a bit touchy today, but too often there is no doubt which way the voices go.

The CHAIRMAN: I think that matter can always be resolved.

The Hon. D. H. L. BANFIELD: I know it can, but let us have a little bit on both sides. I am calling "Divide".

The Committee divided on the new clause:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw (teller), and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the new clause to be considered in another place, I give my casting vote for the Ayes.

New clause thus inserted.

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

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the third reading of the Bill, as I opposed the second reading. My reasons have already been given: I believe the basic principle involved in the Bill is not the correct principle. I have set out what I believe is the right way to approach the matter.

The Hon. A. M. WHYTE: I want to make my position clear in regard to this legislation. I have never thought it was good legislation. I believe the Bill is an attempt to disrupt the industrial sections. This is the thin end of the wedge: it will spread to every other industry—

The Hon. N. K. Foster: What other industries?

The Hon. A. M. WHYTE: —even though there is already provision within the industries for itinerant workers. I opposed the amendments yesterday because I did not believe they did anything for the Bill. I voted for them today because I believe there is a possibility that this Bill will pass and, if it passes, it could be slightly better with the amendments in it. I oppose the third reading.

The Hon. M. B. CAMERON: I support the third reading of the Bill. I understand that most of the evidence given by employer groups in South Australia was in favour of the Bill. However, I also believe it is necessary somewhere along the line to draw attention to the fact that any Bill of this kind will inevitably add further to inflationary costs in the community. Therefore, the amendments moved to the Bill at least bring that factor into the Bill and secure its final passage. I trust the Government will not attempt further to interfere with that amendment, which is now part of the Bill. As the Hon. Mr. Whyte has said, I believe that, while this is at the moment restricted to the building trade, inevitably it will flow on. I hope the Government has this in mind and that in any further measures to be introduced it will keep in mind that all these things are adding to costs in the community and to inflation.

The Hon. D. H. L. BANFIELD (Minister of Health): We on our side make no bones about our views in this matter. We believe that every worker should be entitled to long service leave, irrespective of what industry he belongs to. As I asked yesterday, why should a person in the building industry, who has been deprived of long service since 1957, when the majority of other workers in this State received that benefit, be deprived of it because of an inflationary period that is not of his own doing? In effect, as I said yesterday, people who oppose this Bill say that employees of the building industry should subsidise everyone else, so far as their conditions are concerned. It has been said that they should be the ones to make the sacrifice, but why should building industry workers be deprived of something the majority of employees in other industries have been enjoying for the past 18 years?

The Hon. D. H. Laidlaw: Because they get a lot more money.

The Council divided on the third reading:

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

Noes (7)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, D. H. Laidlaw, and A. M. Whyte.

Majority of 6 for the Ayes.

Third reading thus carried.

Bill passed.

SOUTH AUSTRALIAN MUSEUM BILL

Adjourned debate on second reading.

(Continued from February 10. Page 2157.)

The Hon. JESSIE COOPER: Honourable members might reasonably have expected an explicit explanation of the reason for the third appearance of this Bill to provide for the administration of the South Australian Museum, but what did we get? It was an identical explanation, except for a pencilled correction. The first explanation was headed "South Australian Museum Bill, 1974", and the one presented yesterday was headed "South Australian Museum Bill, 1976". The words "This Bill is identical" had been changed and the pencilled matter substituted read "This Bill is substantially the same". We do not even have an original statement from the Minister. Although we have changed the Minister, we have not changed the explanation.

The Hon. N. K. Foster: Why should we?

The Hon. JESSIE COOPER: Because we have had a series of amendments made by this Council and accepted by the Government. It is a completely different Bill. Has the honourable member not compared it?

The Hon. N. K. Foster: Of course I have.

The Hon. JESSIE COOPER: Then what a stupid question! The fact that the Bill was debated in 1974 is not even mentioned, although the debate lasted five days in this Chamber.

The Hon. N. K. Foster: What was that all about?

The Hon. JESSIE COOPER: Why does the Hon. Mr. Foster not read *Hansard?* No mention is made of the fact that the amendments of the Legislative Council were accepted by the Government, with the exception of one, which the Government refused to accept without giving any logical reason. That one is the reason for the delay of over two years in getting this Bill through.

The Hon. Anne Levy: Whose fault is that?

The Hon. N. K. Foster: It is their fault. She knows whose fault it was.

The Hon. JESSIE COOPER: I will tell honourable members why: it lapsed on both occasions in the other place.

The Hon. N. K. Foster: Why did it lapse?

The Hon. JESSIE COOPER: For the benefit of this Johnny-come-lately on the other side—

The Hon. N. K. Foster: It was all because the Minister was given a right. Why don't you tell us that and leave it, like a good girl?

The Hon. JESSIE COOPER: In 1973-74, the Bill was received from the other place, amendments were made, it was returned to the other place, and the amendments were disagreed to.

The Hon. N. K. Foster: They have a provision like that in your native State of New South Wales.

The Hon. JESSIE COOPER: Old history! The amendments were returned to this place with the request that they be not insisted on. We made an alternative amendment, and that is what I intend to read to honourable members. At that time the objection to this clause was very well put by Sir Arthur Rymill, who stated:

I classify this provision as "dragnet" draftsmanship. In these days this concept is becoming all too familiar and is creeping into almost every Bill that comes before us. I suggest it is the fault not of the people drafting the Bills but of the people who promote the draftsmanship by saying that they have thought of everything they could but that perhaps there was something they had missed, so they insert a dragnet clause to enable them to cover anything overlooked without the need for further reference to the Legislature. That is a faulty Parliamentary approach, and I do not agree with it at all.

I have opposed Bills this session and in previous sessions for that reason, and I see no reason for changing my mind now. If honourable members look at the draftsmanship of the rest of the clause they will find that hardly anything has not been included.

When the amendments came back to this Chamber to be reconsidered, the Hon. Sir Arthur Rymill made the following remarks:

The Minister keeps referring to confrontation. I do not believe it exists here and cannot see what it has to do with this measure. What I object to in paragraph (*g*) is that it gives the Minister absolute power and by-passes Parliament. Paragraphs (*a*) to (*f*) could be excluded altogether if (*g*) is left in and one could just say that "the functions of the board are to perform any functions of scientific, educational or historical significance that may be assigned to the board by the Minister", and nothing more.

The Hon. Mr. DeGaris suggested at that stage that a compromise might be possible. I therefore withdrew my amendment, and a compromise amendment, which was the same as that before the Council today, was moved and accepted. In 1974, the same procedure was followed. In fact, the Council got the original Bill back and amended it. The Government accepted all amendments, which are now included in the Bill before the Council. Again, clause 13 (*g*) was not accepted.

The Hon. C. J. Sumner: That is why it was not necessary to have a fresh second reading explanation.

The Hon. JESSIE COOPER: The Council thought it was. On that occasion, I moved what originally had been the amendment moved by the Hon. Mr. DeGaris. It was then indicated that the Minister (Hon. T. M. Casey) would have accepted the first amendment but not the second one. So, we are back once again to the first move in the game. No explanation has yet been given by the Government (and I do not believe one will ever be given) why, if the Bill is so urgently needed for the administration and modernisation of the museum, it has not accepted the amendment. I shall be interested to hear whether the Government has anything to say to me.

The Hon. J. A. CARNIE: I shall be brief in expressing my support for this Bill. I am sure all members realise the important part that the museum plays in this State's culture and education, and the fine work done by its staff and board. Its displays, collections and scientific research deserve great praise, especially when one considers the adverse conditions under which the Director and his staff are working. In recent years the museum's function has altered: not only does it now give displays of interest but also it plays an important part in the education of the people of South Australia.

If the museum is to continue to improve this aspect (as of course it must), new premises are urgently needed. Although new premises are not specifically referred to in the Bill, if the museum board's functions as set out in clause 13 are to be carried out, new premises must be obtained soon. The only objection I have to the Bill is a minor drafting amendment to clause 7. I have on file amendments which I believe will correct this anomaly and on which I will speak in Committee. With that minor reservation, I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Hon. Jessie Cooper has outlined rather well the history of this Bill, covering as she did all points. When the Bill was first introduced about two years ago, many amendments that were moved in the Council were not accepted by another place. Thereafter, when the next Bill came before the Parliament, most of those amendments had been incorporated, with the exception of one. I refer to clause 13 of this Bill, subclause (1) of which provides as follows:

(1) The functions of the board are as follows:
- (*a*) to undertake the care and management of the museum;
- (*b*) to manage all lands and premises vested in, or placed under the control of, the board;
- (*c*) to manage all funds vested in, or under the control of, the board and to apply those funds in accordance with the terms and conditions of any instrument of trust or other instrument affecting the disposition of those moneys;
- (*d*) to carry out, or promote, research into matters of archaeological, anthropological, biological, geological and historical interest;
- (*e*) to accumulate and care for objects and specimens of archaeological, anthropological, biological, geological or historical interest;
- (*f*) to accumulate and classify data in regard to any such matters;
- (*g*) to disseminate information of archaeological, anthropological, biological, geological or historical interest;

and
- (*h*) to perform any other functions of scientific, educational or historical significance that may be assigned to the board by the Minister.

I ask why, if it is necessary to delineate paragraphs (*a*) to (*g*), it is necessary to include in the clause the dragnet paragraph (*h*), which covers all the other paragraphs, anyway. We might as well have had a board that would perform all the functions assigned to it initially. However, paragraph (*h*)—

The Hon. N. K. Foster: Are you opposed to that?

The Hon. R. C. DeGARIS: —really means that the Minister may change the board's functions—

The Hon. N. K. Foster: No.

The Hon. R. C. DeGARIS: —with no reference to Parliament. Here, we have an Act of Parliament that

details the functions of the board and, if those functions are to change, surely Parliament should see what changes are being made. I cannot understand the opposition that the Government has expressed to the fact that, if the board's functions are to change or if it is to perform other functions not included in the Bill passed by the Parliament, the Act should be returned for amendment. On the other hand, we offer the reasonable alternative that the Minister can allow the board to perform other functions by regulation, so that at least the Parliament will know exactly what functions the board is fulfilling or what the Minister is asking it to undertake. If Parliament wishes to debate that matter and express an opinion on it, it should have the right to do so. However, it is wrong to detail the functions of the board and then say, "However, the Minister can, at his discretion, widen the board's functions to some other category not included in the legislation." I cannot understand the Government's opposition to that.

The Hon. N. K. Foster: I can't understand your stupid attitude to it.

The Hon. R. C. DeGARIS: The Hon. Mr. Foster will have an opportunity later to speak on this Bill.

The Hon. N. K. Foster: I think I will, too.

The Hon. R. C. DeGARIS: The question the Hon. Mr. Foster must answer is: why have all the functions of the board been detailed, when the Minister is given the right to change those functions or to give the board extra functions without reference to Parliament? So far, honourable members have received no answers to the questions raised regarding this matter. Although I support the Bill, I will also support the original amendment moved in the Council that, if the board's functions are to be altered or extended, Parliament should have the right to debate those changes and be fully informed regarding why the Minister is giving the board extra functions. Also, Parliament should have the right to disallow an extension of functions if it is not in the public interest. I support the second reading and will support the amendment to be moved by the Hon. Mrs. Cooper.

The Hon. N. K. FOSTER: The Hon. Mr. DeGaris, who has set himself up as the great white father of this place, never ceases to amaze Government members. Would he agree that the board is in the form of a Government department? As he is silent, I assume he would agree with that. Does he not think that a Minister in this place or in another place can give certain instructions to boards under his control? He does not have to come back here in the manner in which the Leader suggests.

The Hon. R. C. DeGaris: Then why have a board?

The Hon. N. K. FOSTER: Why not have a board?

The Hon. R. C. DeGaris: Why have a board?

The Hon. N. K. FOSTER: To carry out the functions to which the Leader referred. The Opposition Leader objects to the fact that the Minister may direct the board to carry out some other function.

The Hon. J. C. Burdett: It should be the Parliament.

The Hon. N. K. FOSTER: The honourable member is out of step with his Federal colleagues, because almost every Federal Bill provides that the Minister has a specific power of direction.

The Hon. R. C. DeGaris: Does that make it right?

The Hon. N. K. FOSTER: It does not put it on the basis that the matter has to come back to Parliament. Have honourable members opposite considered the type of undertaking in connection with which the Minister may direct the board? Has the Hon. Mrs. Cooper thought about this?

The Hon. Jessie Cooper: Do you know about the type of undertaking?

The Hon. N. K. FOSTER: Yes.

The Hon. R. C. DeGaris: Tell us.

The Hon. T. M. Casey: It is in the Bill.

The Hon. N. K. FOSTER: There are fossils in Parliament, but they are not sufficiently fossilised to go a few steps down North Terrace. They would be better off with the skeleton of the whale.

The Hon. J. C. Burdett: Are you referring to the museum?

The Hon. N. K. FOSTER: Let us suppose that something happened to the rocky regions along the banks of the Murray River about which an honourable member opposite spoke. He might think that the board had an expert to tell us what was happening. If this kind of thing is not stated specifically in the Bill, honourable members opposite will deny themselves the services of competent people, because they have not spelt it out: that can be covered by the phrase, "The Minister may direct." We had the problem of the crown of thorns starfish because no specific directions were given as to what was then considered to be a major problem for the Great Barrier Reef. Something may happen in one of the gulfs to which honourable members opposite may want to direct experts' attention.

The Hon. Jessie Cooper: They have got the power.

The Hon. N. K. FOSTER: Honourable members opposite cannot cover everything. If something comes up tomorrow, the Minister may have it drawn to his attention by the Hon. Mr. DeGaris or the Hon. Mrs. Cooper. We want to be able to say that the Minister has the power and will use the services of experts. What do honourable members opposite suggest as an alternative? They may still come up with a problem that needs investigating. Here again, the provision may be valuable. I do not think anyone on the Museum Board would object: he would probably be happy to undertake additional duties. However, honourable members opposite have a Party-political attitude that is petty minded. That attitude has permeated the whole of their thinking for many generations, and they have not progressed in any way. There could not be any real objection to a clause such as this. Why do honourable members opposite not be honest? Why do honourable members opposite not say that they think it is the thin end of the wedge, whereby the Minister may take to himself powers so that he may not have to come back to Parliament? That is how old the Opposition's thinking is. This is an accepted practice by Governments which accept their responsibilities. A clause such as this is always welcomed by a Minister who accepts his responsibilities.

The Hon. ANNE LEVY: I had not intended taking part in this debate, but I feel moved to do so by some comments made by the Opposition. I am not referring to the contribution of the Hon. Mr. Carnie, who spoke of the valuable work done by the museum; I completely endorse those remarks, and I shall be glad when the museum has its new premises, so that it can undertake its important work in better surroundings. The Hon. Mrs. Cooper asked, "Why is the Government holding up an extremely important Bill merely for this one clause?" However, it is equally appropriate for me to ask, "Why on earth have Opposition members held up an extremely important Bill for this one clause?" They say that they recognise the importance of this Bill as a general measure for the museum, yet on previous occasions they refused to allow the Bill through unless an amendment was made which was unacceptable to the Government. Surely the onus is on

Opposition members to say why they refuse to allow through a measure that they admit is important and necessary for the smooth functioning of the museum.

Paragraph (*h*) says, "To perform any other functions of scientific, educational or historical significance." The Hon. Mr. DeGaris suggested that with it the Minister would be able to instruct the Museum Board to do absolutely anything at all, and he feels that this should not occur without Parliament's approval. Under this clause, the Minister could direct the board only to do something of scientific, educational or historical significance. These are the areas with which a museum is concerned. Further, the museum is concerned with anthropological and archaeological investigations. To say that Parliament should have to debate functions given to the museum is ludicrous. Why should Parliament debate a particular scientific function which the Minister wishes to assign to the museum?

The Hon. J. C. Burdett: It is to extend the—

The Hon. ANNE LEVY: It would be a legislative function if it were not in the area of scientific, education or historical interest. If the Minister wished to give the museum a function in the artistic field, to take a role in the arts, crafts or some other cultural activity, this would not be permitted under this legislation and would require Parliamentary approval; but I do not see that Parliamentary approval is required for assigning a scientific function to the museum.

That is what the museum is for. We agree that a museum is concerned with scientific work. Why should Parliament need to debate a particular piece of scientific work undertaken by the museum? It is not the province of Parliament to discuss whether a specific Aboriginal burial site should be examined or not by the museum if a new site is found. Parliament is deciding that matters of archaeological, anthropological, biological, geological and historical interest are the function of the museum. To suggest that the museum has to come back to Parliament before specific work is undertaken is ludicrous in the extreme. Clause 13 (1) (*d*) provides that the function of the board is to carry out matters of archaeological, anthropological, biological, geological and historical interest. This does not mean to say—

The Hon. J. C. Burdett: What about paragraph (*h*)?

The Hon. ANNE LEVY: That is the provision I am talking about. Consider the example of a newly discovered Aboriginal burial site, which is well within the competence of the museum to examine, be it under paragraph (*d*) or paragraph (*h*). However, if the board overlooked the existence of this new site and did not undertake such an investigation, surely it would be a proper and correct Government responsibility for the Minister to suggest to the board that it undertakes such an examination.

The Hon. R. C. DeGaris: The Minister can do that under paragraph (*d*).

The Hon. ANNE LEVY: It is the board's job under that paragraph and, if it overlooks that site, the Minister would have no power to remind the board and no power to suggest that this should be done. For such important matters the Minister should have the power to refer such a situation to the board if by some chance the board overlooks it. It is not extending the board's function. Matters of scientific, educational or historical significance are surely covered by matters of archaeological, anthropological, biological, geological or historical interest. The value of paragraph (*h*) is that it gives the Minister power to ensure that investigations in these fields are undertaken where they are important in the public interest.

The Minister has the responsibility in the public interest to see that such investigations are carried out. He would be remiss if the one body in the State capable of carrying out such investigations did not do so. The Minister should have the authority to ensure that the investigations are carried out by the one suitable organisation in the State. This is an important Bill. It has been introduced on numerous occasions previously, as has been detailed by previous speakers. Obviously, the museum is waiting for this Bill to be passed, and I do not believe that the Opposition, recognising that it is an important Bill, should hold it up any more by insisting on its amendments.

The Hon. J. C. BURDETT: In rising to speak briefly to this Bill I point out that the Opposition has never held up this Bill in any way.

The Hon. T. M. Casey: How can you say that?

The Hon. J. C. BURDETT: I am now going to show how that has not been the case. All the Opposition has done in this Council has been to move amendments. What the Government has then done has been to drop the Bill: the Government has never proceeded to a conference and has never provided an opportunity for the differences to be discussed.

The Hon. T. M. Casey: What about three years ago?

The Hon. J. C. BURDETT: I do not know what happened then. I was not here three years ago. In my time, when this Bill or a similar Bill was introduced, all the Opposition has done has been to introduce amendments. That is the proper thing for the Opposition to do when it believes that that is the appropriate course to be followed. The Government has never proceeded to a conference: it has simply dropped the Bill. It cannot accuse the Opposition of causing a delay and holding up the Bill, because we have not done that.

The Hon. M. B. Cameron: The Government has not been enthusiastic about it.

The Hon. J. C. BURDETT: True. Clause 13 (1) commences, "The functions of the board are as follows:". What the Hon. Anne Levy was talking about concerned cases where the board did not carry out certain things that the Minister considered it should carry out and it was suggested that, if clause 13 (1) (*h*) stands as it is now in the Bill, the Minister would be able to direct the board to do so. However, that is not what the clause provides. The Minister is not given power to direct. If clause 13 (1) (*h*) stands as printed the Minister will not have any power to direct the board, because the clause simply states what the functions of the board are.

The Hon. Anne Levy: The functions of the board are assigned by the Minister.

The Hon. J. C. BURDETT: If clause 13 (1) (*h*) stands as printed, the Minister could assign further additional functions, but that is all. All the Minister then could do would be to assign further areas into which the board could inquire if it wished to do so, but it would not give the Minister the power to direct it to act in a specific area: it merely extends the board's function. This Bill has been brought to Parliament for the purpose of defining, amongst other things, the functions of the board. It is a legislative operation to define the functions of the board. The Hon. Mr. Foster spoke about the position in the Commonwealth sphere, but it is certainly the usual legislative practice in South Australia that, when the field of operation of a board is to be extended, it is done by regulation. It is a legislative act to allocate the functions of a board.

For these reasons the comments which have been made by the Hon. Jessie Cooper commend themselves to me. Clause 13 does not, in any event, give the Minister power to direct the board on what to do: it merely defines its functions. If under clause 13 (1) (*a*) or (*b*) the board decided not to exercise a function, the Minister could not direct it to do so and, if one is going to extend a function, that is a legislative act. In this State, and in this Legislature, this power to extend the function of a board is usually done by regulation. This is the proper way of doing it. Subject to those comments I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. J. A. CARNIE: Mr. Chairman, I seek your guidance in this matter. I have several amendments on file, the main one being to clause 7, and the rest are consequential on that amendment. So my amendment to clause 5 is really consequential on my amendment to clause 7 being carried. I seek your permission to deal now with all the amendments I have on file.

The CHAIRMAN: The honourable member may speak now to the general tenor and effect of the whole series of amendments.

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

Page 1, lines 13 and 14—Leave out definition of "appointed member".

Clause 7 (1) provides:

The board shall consist of the following members:

(*a*) the permanent head who shall be a member of the board *ex officio;*

and

(*b*) five other members appointed by the Governor.

One of my objections to this whole matter is that there is no complete definition in the Bill of who is to be the permanent head. Clause 7 further provides:

(2) The Governor may by proclamation declare an officer to be the permanent head for the purposes of this Act and may by subsequent proclamation vary or revoke any such declaration.

(3) In this section the "permanent head" means the officer for the time being declared by proclamation to be the permanent head for the purposes of this Act.

My objection here is that there is no definition of who the permanent head will be; it may be anyone. Worded in this way, problems could arise in the future. I see no reason, for the purposes of this Bill, for a permanent head to be appointed, because there is no need for the permanent head of the Conservation Department to be on the Museum Board that is being set up under this Bill. The Director of the Museum is answerable to the permanent head of the Conservation Department, and clause 12 provides:

The Director shall, unless excused from attendance by the board, attend at every meeting of the board.

In other words, the Director, who is answerable to the permanent head, will always be present at board meetings. If there is no need for the permanent head of the Conservation Department to be on the board, there is no need for him to be named in the Bill. This series of simple amendments is to delete all reference to the permanent head from the Bill. I ask the Committee to support them.

The Hon. T. M. CASEY (Minister of Lands): The Government cannot accept these amendments, because I think it was 12 months ago or a little earlier that there was an Australia-wide conference of directors of museums, when this whole matter was thrashed out. As a result of that conference, the Queensland Government introduced a Bill exactly on the lines of this Bill, and New South Wales has acted similarly. They were running into all sorts of difficulties by not having on the board a permanent head. That permanent head as defined is the normal way in which the Parliamentary Counsel spells it out. I believe the permanent head should be on the board, because we must bear in mind that the officers of the museum are public servants, whereas members of the board are appointed by the Governor and may not be public servants, although I believe one of them may be. From that point of view, the permanent head has a responsibility to keep the board informed of those members who are members of the Public Service with whom he has direct contact. Although I see the honourable member's point of view, the normal way to appoint the board is for the six to be appointed by the Governor. I cannot see anything wrong with the present way in which it is drafted in the Bill, for the reasons I have suggested. Both Queensland and New South Wales have found that it has worked very well with the permanent head of the department as an *ex officio* member. For these reasons, I ask the Committee not to accept the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): In view of what the Minister has said, it might be as well if the Hon. Mr. Carnie had a talk with the Parliamentary Counsel about this matter. It appears that what the honourable member says makes sense, but the Minister's explanation seems to be on the ball as well. If the Minister would at this stage defer consideration of clauses 5, 7, 8, and 10 and allow the honourable member to talk to the Parliamentary Counsel on this point raised by the Minister, we could go on with the rest of the Bill.

The Hon. J. A. CARNIE: I appreciate the point raised by the Hon. Mr. DeGaris. I did mention drafting. In addition to that, I accept the remarks of the Minister that he believes a member of the board should be a public servant, but I am at variance with him on that: it is often an advantage if these boards do not have public servants on them. As I mentioned when explaining my amendment, the Director must be present at board meetings; he is a public servant and is answerable to the permanent head of the Conservation Department. However, in view of what the Hon. Mr. DeGaris has said, if the Committee agreed, I would be prepared to move that progress be reported so that I could have a talk with the Parliamentary Counsel.

The CHAIRMAN: There is no need to move that progress be reported, as we can go on with the rest of the Bill, as has been suggested.

Consideration of clauses 5, 7, 8, and 10 postponed until after consideration of clause 20.

Clauses 6, 9, 11, and 12 passed.

Clause 13—"Functions of the board."

The Hon. JESSIE COOPER: I move:

Page 4, line 31—Leave out "the Minister" and insert "regulation".

This amendment has become historic. I realise now that there has been a change of Ministers.

The Hon. T. M. Casey: In another place.

The Hon. JESSIE COOPER: However, I wish to say to the present Minister that there has never been a conference on this Bill. The first time it was debated was in November, 1973, and the next time was in November, 1974; but there never was a conference on the matter.

The Hon. T. M. CASEY: I am in agreement that there was a conference on this several years ago.

The Hon. Jessie Cooper: No.

The Hon. T. M. CASEY: Opposition members have risen to the bait. I have handled this Bill in this Chamber for quite a few years. I looked for a bite, and I got one. There was no conference on this measure. When the Bill originally came to this place, amendments were moved by members opposite and accepted by the Government, with the exception of one amendment. No conference was called, probably because that amendment would have been insisted upon. The honourable member would not deny this.

The Hon. R. C. DeGaris: But these amendments were not accepted either.

The Hon. T. M. CASEY: The Hon. Mrs. Cooper mentioned that some amendments were moved originally and most were accepted by the Government.

The Hon. Jessie Cooper: The second time around, when you were more agreeable.

The Hon. T. M. CASEY: The majority of amendments originally moved were accepted by the Government. One was not accepted. In my mind, this would have been a case of insisting on the amendments, a course for which this Council is well known and which has resulted in many Bills being thrown out. I have always wondered which is really the Government: the duly elected Government or the people comprising the majority in this place. We hear about the Opposition members all acting as Independents, but it is ludicrous to think that they will not stand united. I am sure that the Minister in another place who is now responsible for this Bill, as well as the former Minister, would be under the impression that if a conference was called this place would have insisted on its amendment, making the whole exercise a waste of time.

The Hon. R. C. DeGaris: That is not—

The Hon. T. M. CASEY: When the Hon. Mr. DeGaris interjected, the Hon. Mrs. Cooper shook her head. I do not think she knows where she is going.

The Hon. Jessie Cooper: That is very rude.

The Hon. T. M. CASEY: The Government cannot accept the amendment.

The Hon. R. C. DeGARIS: The Government still has not given the reason why it objects to the amendment. We have heard a good deal from the Hon. Mr. Foster and the Hon. Miss Levy, but not one of the things they mentioned could not have been carried out in the functions in paragraphs (*a*) to (*g*) in this clause. Neither would clause 13 (1) (*h*) give the Minister the power the Hon. Anne Levy says it would. No-one has said why the Government should not, in extending the functions of the board, let Parliament know what those functions are going to be. We should be able to find out from the Government why it wants the Minister to have this power of direction. It is not a question, as the Hon. Anne Levy said, of seeking Parliamentary approval for the extension of the function, but it allows Parliament to disallow. The functions can be increased, but Parliament has a right to look at the functions the Minister is asking the board to fulfil. I cannot see why the Government objects to this provision. If I could understand why it does so, I might be able to agree, but when the Government gives no reason and will not tell us of the functions that the Minister in future may wish the board to fulfil, I think Parliament should exercise its right in saying that, if the functions of the board are to be increased, at least Parliament should be informed of those functions.

The Hon. JESSIE COOPER: In 1973 the autonomy of the South Australian Museum Board was taken from it, and the Environment Department became in effect the boss. We were anxious at the time I moved my original amendment to remove what was then 13 (1) (*g*), leaving paragraphs (*a*) to (*f*). Our object was primarily to keep the autonomy of the Museum Board. The amendment which replaced my original one was a compromise, because my original amendment was rather extreme. The compromise was a more gentle way of achieving what we wanted to achieve. At no time have we been given a concise reason for the objection, and until that is forthcoming we cannot fail to continue with our amendment.

The Hon. J. A. CARNIE: I, too, wonder why the Government is objecting so strongly. We heard the Hon. Mr. Foster and the Hon. Anne Levy object vehemently to any suggestion that clause 13 (1) (*h*) be amended. However, no reason was given. With such strong opposition, and while they continue to oppose it so strongly without giving a reason, I cannot help but be suspicious.

The Hon. M. B. Cameron: They have delayed the Bill for three years.

The Hon. J. A. CARNIE: That is so. I see no reason for rejecting this amendment. Whatever the Minister or the board wants to do under 13 (1) (*h*) could be done by way of regulation. The only difference is that regulations come to Parliament for perusal.

The Hon. T. M. Casey: What if Parliament is out of session?

The Hon. J. A. CARNIE: The Minister knows that, once gazetted, regulations are in effect until they are disallowed. At least the Minister has finally given a reason, although I do not consider it a good one. I see no reason why the amendment would not improve the Bill, and I support it.

The Hon. C. M. HILL: I support the amendment. I think the evidence is overwhelmingly in favour of it, simply because the Government will not indicate its true intent. I have a strong suspicion that the Minister who is in charge of the South Australian Museum would like to assign to the Museum Board some instructions and some new functions that might overlap the responsibility of the Art Gallery Board. The Art Gallery Board is under the control of a different Minister.

The Hon. Anne Levy: The Art Gallery is not scientific.

The Hon. C. M. HILL: It is educational, and there is considerable discussion in Adelaide as to the respective responsibilities of these two boards, whether there is overlapping, and whether there should possibly be an amalgamation. Indeed, it could be argued that both institutions are museums. If the Minister has in mind any intentions like this, this is the kind of legislation which he would try to put on the Statute Book and with which he would persist, exactly as he has done over the last few years. If the Minister has intentions along these lines, so as to cause the Museum Board to take a greater interest in the visual arts and in other collections such as, say, coin collections, we ought to hear what are his real intentions and debate them.

It may well be that the Minister could make out a case that warrants serious consideration. However, it is no good his trying to push through Parliament secret plans like that, because it will not work. I cannot see why the Minister should object to the amendment because, if my suspicions have any ground at all to them, the Minister could still bring forward his plan by regulation and Parliament could examine it before it was brought

to fruition. I therefore see no reason (and I have certainly not heard one) why the Government should object to this amendment, which I support.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper (teller), M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. So that this amendment can be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 14 to 20 passed.

Clause 5—"Interpretation"—reconsidered.

The Hon. J. A. CARNIE: Earlier, when opposing the amendments, the Minister raised the point that there should be at least one member of the Public Service on the board. The Bill requires that at least one board member shall be the permanent head of the department, whoever he may be. I said that this position was not adequately defined, and therefore suggested that I should re-examine the amendments with a view to formulating a better definition. The Minister raised a point regarding my objection to the inclusion of the permanent head on the board. I believe that boards of this nature function better if they do not comprise public servants. Of course, the Director would have to attend board meetings and, being a member of the Public Service, could report back to his department concerning the board's findings. I should therefore like the Committee to pass all amendments on file without alteration.

The CHAIRMAN: I think I will put the first amendment as a test case for the series of amendments. The honourable member has referred to this as being a matter of definition. However, it seeems to me to be a matter of principle.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. So that the House of Assembly may consider this amendment, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 7—"Constitution of board."

The Hon. J. A. CARNIE moved:

Page 2—

Lines 28 to 31—Leave out all words in subclause (1) after "consist of" in line 28 and insert "six members appointed by the Governor".

Lines 32 to 37—Leave out subclauses (2) and (3).

Amendments carried; clause as amended passed.

Clause 8—"Terms and conditions upon which members of the board hold office."

The Hon. J. A. CARNIE moved:

Page 3—

Line 1—Leave out "appointed by the Governor".
Line 9—Leave out "an appointed" and insert "a".
Line 15—Leave out "an appointed" and insert "a".
Line 23—Leave out "an appointed" and insert "a".
Line 25—Leave out "an appointed" and insert "a".

Amendments carried; clause as amended passed.

Clause 10—"The Chairman."

The Hon. J. A. CARNIE moved:

Page 3, line 35—Leave out "appointed".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PEST PLANTS BILL

In Committee.

(Continued from February 10. Page 2174.)

Clauses 2 to 6 passed.

New clause 6a—"Duty of the Crown."

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

Page 4, after line 12—Insert new clause as follows:

6a. (1) It is the duty of the Minister in whom the control or management of Crown lands is vested to attempt with due diligence to achieve so far as is reasonably practicable—

(*a*) the destruction of all primary pest plants on those lands;

and

(*b*) the control of agricultural and community pest plants on the lands to the extent necessary to prevent their propagation on to neighbouring land.

(2) It is the duty of a Minister or other instrumentality of the Crown in whom the ownership of any land is vested to attempt with due diligence to achieve so far as is reasonably practicable—

(*a*) the destruction of all primary pest plants on that land;

and

(*b*) the control of agricultural and community pest plants on that land to the extent necessary to prevent their propagation on to neighbouring land.

During the second reading debate I referred to the difficulty that occurs when there are privately owned lands adjacent to Crown lands, especially national parks and wildlife reserves. Often, pest plants are not controlled on such parks and reserves. This imposes a burden on the owners of the adjoining lands. My amendment does not seek to bind the Crown; it imposes no duty on the Crown that could be complained about in the courts. It would not be possible for anyone to seek to prosecute a Minister on the ground of a breach of statutory duty. My amendment simply writes the policy into the Bill, thereby giving some protection to people who would otherwise complain. At least they can take a copy of the legislation to the relevant department and say, "The Bill says that the Minister is supposed to do so-and-so."

The Hon. B. A. CHATTERTON (Minister of Agriculture): It seems to me to be impractical and undesirable to bind the Crown in such legislation. This amendment spells out quite reasonably the policy already being carried out. Consequently, I accept the amendment.

New clause inserted.

Clauses 7 to 34 passed.

Clause 35—"Notifiable plants."

The Hon. R. A. GEDDES: I move:

Page 14, line 22—Leave out "seven" and insert "fourteen".

It would be difficult in practical terms for a landholder to comply with the provision in this clause within seven days, and my amendment seeks to allow a landowner 14 days in which to notify the board of any primary pest plant.

The CHAIRMAN: I point out that this clause provides for the notification in writing by the landowner.

The Hon. B. A. CHATTERTON: I find the amendment acceptable.

Amendment carried; clause as amended passed.

Clauses 36 and 37 passed.

Clause 38—"Duties of control boards with respect to certain lands."

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

Page 15, line 18—Leave out paragraph (*c*).

This amendment is consequential on the previous amendment. The paragraph becomes redundant.

The Hon. B. A. CHATTERTON: The amendment is acceptable.

Amendment carried; clause as amended passed.

Clause 39 passed.

Clause 40—"Commission to reimburse boards for controlling pest plants on certain lands and roads."

The Hon. B. A. CHATTERTON: In the second reading debate the Hon. Mr. Whyte raised matters concerning this clause and I said that I would reply to them. The intention is that the commission assume the expense for pest plant control on defined areas where it is considered that such cost constitutes hardship to the adjoining landholder who would normally be responsible for the cost of control upon half the width of the road adjoining his property. Originally the area concerned was defined as a 5-metre wide strip parallel to and adjoining each outer edge of the carriageway upon certain roads.

This area included the road shoulder and the "fringe" of weeds frequently found growing along the outer edge of the grader mark. Run-off water from the carriageway by collecting at this outer edge does at times cause successive germinations and thus, by repeated cost, causes hardship to the adjoining landholder Finally, it was decided that other areas of hardship could occur, for example, a flood-out area. Therefore, the 5-metre definition in clause 40 (1) was abandoned. The area of hardship upon a proclaimed road will now be described or delineated by the proclamation. This is the more equitable method from the landholder's point of view. It permits the flexibility required to cover any area of hardship.

The Hon. A. M. WHYTE: I am satisfied with the Minister's explanation. There is greater flexibility and the provision can be applied more effectively.

Clause passed.

Clauses 41 to 46 passed.

Clause 47—"Prohibition against selling infested produce or goods."

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

Page 18—

Lines 17 and 18—Leave out ", offer for sale or have in his possession for sale" and insert "or offer for sale".

Line 25—Leave out "or".

After line 27—Insert paragraph as follows:

or

(*c*) acted in pursuance of the written authorisation of a State authorised officer or a local authorised officer.

After line 27—Insert subclause as follows:

(3) The regulations may provide that this section shall not apply in circumstances, or circumstances of a kind, specified in the regulations and the operation of this section shall be modified accordingly.

I referred in the second reading debate to the hardship that would result if this clause were passed in its present form. The clause is rather objectionable and the difficulty would be that, if anyone had crops affected by saffron thistle or affected wool on his sheep, he would not be able to sell his produce. These amendments seek to mitigate the situation by providing for specific authorisation to be given to allow classes of sale to be regulated out of the clause. I understand that the Minister will accept the amendments.

The Hon. A. M. WHYTE: I support the amendments, as I indicated in the second reading debate. This legislation would have been better with clause 47 deleted entirely, but the amendments cover most of the queries raised. The Hon. Mr. Burdett's amendments are satisfactory, albeit slightly cumbersome, and I support them.

The Hon. B. A. CHATTERTON: Clause 47 is a poor clause, and perhaps it was too wide in its application. The amendments improve the clause and I accept them.

Amendments carried; clause as amended passed.

Clauses 48 to 57 passed.

Clause 58—"Notices."

The Hon. R. A. GEDDES: This clause deals with notices authorised to be given by a board to any person. It provides in subclause (2):

Any notice required or authorised to be given under this Act to the owner of any land shall be deemed to have been duly given when—

(*a*) it is served personally on (i) the owner, or one of any joint owners; or (ii) the agent of the owner;

(*b*) where the notice is posted in an envelope addressed to the last known place of business or residence . . .

Those are instructions to the board. Under clause 35 the owner is responsible for notifying the board, but there is no instruction or let-out for the owner. Is it to be the board in Adelaide or is it to be a local board set up by the local council under the Act? Where is the notice under clause 35 to be addressed to? I do not move an amendment, but this point may be worth looking at—instructions to the owner of the land who has the problem of pest plants. He has not the same sort of instruction under the Bill of where to go and what to do.

The Hon. B. A. CHATTERTON: Clause 35 provides:

. . . give notice in writing to the control board in whose area his land lies . . .

So the answer to the question whether the board is in Adelaide or is a local board is fairly clearly spelled out in clause 35.

The CHAIRMAN: But clause 58 does not cover that.

The Hon. R. A. GEDDES: Clause 58 (2) (*b*) states:

where the notice is posted in an envelope addressed to the last known place of business or residence . . .

It would be delivered in the ordinary course of the post. That is the point. But what about the owner: is it sufficient for his notice to be delivered by post or should it be delivered by any other means?

The Hon. B. A. CHATTERTON: I accept the point. I was really taking up the other point raised by the honourable member, whether it was a local board or whether it was the commission, as in clause 35. The other point is not the definition of the delivery of the notice.

The CHAIRMAN: Does the Minister wish to take instructions on this?

The Hon. B. A. CHATTERTON: No, unless the honourable member wants to pursue the matter further.

The CHAIRMAN: He cannot do it off the top of his head. Would the honourable member like the consideration of clause 58 to be postponed?

The Hon. R. A. GEDDES: I would appreciate that. I would like the Minister to look at this point. If he would report progress and consider it later, I would appreciate it.

Progress reported; Committee to sit again.

Later:

Remaining clauses (58 to 61) and title passed.

Bill recommitted.

Clause 35—"Notifiable plants"—reconsidered.

The Hon. R. A. GEDDES: I move:

Page 14, line 23—After "writing" insert "personally or by post".

Following discussions I had with the Minister, aided by you, Mr. Chairman, the point was made that the owner of any land who found that he had a primary or an agricultural pest plant did not have any instructions as to how he was to notify the control board in the area concerned, and it was thought necessary that a small amendment be inserted to clarify the point that the owner of the land was to give to the board notice in writing personally or by post.

The Hon. B. A. CHATTERTON: I accept this amendment. In thinking over this matter, I thought of a story by A. P. Herbert when, in one of his *Misleading Cases* (I do not know whether the honourable member remembers this one), the hero of the story paid his cheque to the Income Tax Department, putting it into a bottle and dropping it over Hammersmith Bridge; it floated down the river to the Income Tax Department in London. He claimed in court that he had delivered his cheque to the Income Tax Department. I can see here that with this amendment we can cover that eventuality, if anyone wants to put his notice to the control board into a bottle and drop it into the river.

The Hon. N. K. Foster: Couldn't we all adopt the attitude of flushing our cheques to the E. & W.S. Department down the drain?

The Hon. R. A. GEDDES: There is the story of the late Frank Walsh, when he was the Premier of the State, promising a deputation that he would give them a letter in writing.

Amendment carried; clause as further amended passed.

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

That this Bill be now read a third time.

The Hon. C. M. HILL: I make the point at the third reading stage that this legislation was conceived some considerable time ago in a form, I think it is fair to say, rather similar to the present one. During the period in which the Bill has been considered throughout the State, principally by local government people, there was originally much opposition to it from local government. Since that original time, from my observation, gradually local government has come, in the main, to accept and approve the legislation.

The Hon. R. C. DeGaris: With certain changes.

The Hon. C. M. HILL: Yes. I commend those people who have brought some changes about to conform to the wishes of local government. I pay my respects also to the Minister for agreeing to the changes that local government sought. However, some people involved in local government (I do not think there are many) are still strongly opposed to either the Bill or some of its provisions.

When this legislation has come into effect and a trial period has elapsed, if representations are made by local government, based upon its then experience of living within the provisions of this measure, that further change would be in the best interests both of local government and of the State, I hope the Minister will heed those representations and give them every possible consideration so that, in the light of practical experience, a further improvement can be made.

I am pleased that local government will be represented on the commission and that the boards are to be composed totally of members of councils. So local government will be closely associated with the measure. If futher change is suggested by local government, and particularly by those people who find from experience that the provisions of the Act can be improved, I hope that at that stage in the future the Government will give every possible consideration to implementing the change so that ultimately even those people in local government who are now against the measure will approve it.

The Hon. B. A. CHATTERTON: The smooth working of this legislation certainly will depend on the co-operation of local government. I will certainly take into account the views of local government at any time on how the legislation can be improved and be made to work more smoothly.

Bill read a third time and passed.

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 10. Page 2160.)

The Hon. A. M. WHYTE: The concept of the Bill is acceptable. It sets out to license people who hold themselves out to be destroyers of pests. Over the years, there has been a need to control those people, because many attempts have been made by various firms and individuals to portray themselves as exterminators of pests. Their knowledge of the trade has been limited and in many cases they have been expensive experiments for the people who have employed them. Any person who intends to act for hire as a pest exterminator should be licensed and have some qualifications and some legislation to answer to if his product and his conduct are not as they should be. I know from experience that there have been some false operators in this field.

However, although I agree with the intent of the Bill, I find it far too wide in its interpretation as at present drafted, and it would, in fact, be a liability to many people who depend on pesticides to maintain their enterprise. Practically every person in the agricultural and horticultural fields is involved in the use of pesticides and, under the wording of this Bill, it seems that almost every landholder, agriculturist or horticulturist would need to have some training or would have to employ someone with the necessary knowledge. Under Part IXD, headed "Pest Control", I will read the interpretation in new section 146t:

For the purposes of this Part, unless the contrary intention appears—"pest" means any animal, plant, insect or other living thing that for agricultural, pastoral, horticultural, industrial, domestic or public health purposes is troublesome or destructive.

The wording "insect or other living thing" is a little strange. I should think "other living pest" would be fair enough, but to say "other living thing" is a wide definition that could, of course, be applied to any living thing. "Pest controller" is defined as being a person who carries on the business of using pesticides for the destruction or control of pests. New section 146u (1) states:

Subject to this Act, no person shall operate as, or hold himself out in any way as being, a pest controller unless he is the holder of a pest controller's licence granted to him pursuant to this section.

That is very good. There is no reason why any person who holds himself out as being a pest controller should not be licensed. A "pesticide" is defined as meaning any

substance capable of being used for the destruction or control of pests and is prescribed for the purposes of the definition. We should have some indication of what is to be prescribed. Almost every week some new formula comes on the market for the destruction of pests, and we should have defined for us the basic ingredients that will be prescribed so that we can make further suggestions as to the substances we believe are most effective in control. New section 146w provides, in part, as follows:

(1) Subject to this Act, no person shall have in his possession or control, or use, any prescribed substance for the purpose of destroying or controlling any pests.

The Governor may, by proclamation, exempt a person or class of person. It seems to me that the provision that no person shall have in his possession or control any prescribed substance is once again a loose interpretation of what can be done by people involved in agriculture or primary production. They have such an extensive use of pesticides that, provided they do not hold themselves out for hire, I do not see why they should not be able to handle any of these prescribed pesticides, as long as they comply with the instructions. They should be able to assist their neighbours, as is done quite often. Surely we will not reach the point where everyone engaged in primary industry must hire a registered pest controller. The situation would be laughable, and there is no possibility that it could happen. There would not be enough pest controllers to go around, and it would be impossible to engage people at the time they were required. It would mean that a person could not dip his own sheep. The intention of the legislation is quite good, and to that degree I support it. Before the Bill goes into Committee, however, I should like time to formulate some amendments to overcome the anomalies I see in the present drafting. Otherwise, I have no objection to the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given the Bill. The Hon. Mr. Hill raised a question in relation to the accounts of local boards of health no longer being required to be published in the *Government Gazette*. As the Hon. Mr. Hill himself pointed out, the Local Government Act was amended in 1971 to remove the same requirement regarding council accounts. Local boards are the same bodies as councils, exercising limited functions in regard to health. It is not reasonable to publish full accounts of health expenditure by these bodies, amounting often to as little as 1 per cent of their total expenditure, now that they are no longer required to publish the great mass of figures relating to the other 99 per cent of their expenditure on council matters. I remind honourable members that there are some 130 councils (local boards), that their accounts are available to their own ratepayers, but that they take up an unreasonable amount of space in the *Government Gazette*.

The Hon. Mr. Hill sought assurances that, when regulations are brought down regarding the keeping of pigs, close liaison will be maintained with those in the industry to ensure that the regulations are sensible, workable, and realistic. It has always been, and will continue to be, the policy and practice of the Public Health Department and the Central Board of Health to do this. Regulations under the Health Act may also be made by local boards with respect to their own areas. Such regulations are tabled in Parliament, and honourable members can have their say when the regulations are tabled. The question raised by the Hon. Mr. Hill has been raised by the Hon. Mr. Whyte. I can give them both an answer now, but I know they want to get into Committee to report progress at an appropriate stage.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Accounts."

The Hon. C. M. HILL: I raised the matter of the accounts of local boards of health during the second reading debate, saying that I do not agree with the principle. I thank the Minister for the reply he has given. He said there is nothing wrong with the clause in the Bill, that local government accounts do not have to be printed in the *Government Gazette*, and that local government accounts comprise about 99 per cent of a council's accounting figures, while local board of health figures amount to only about 1 per cent of the total expenditure. When Parliament agreed that the accounts of local government bodies need not be printed in the *Government Gazette*, considerable opposition to the change was expressed in this Chamber. I do not think the Chief Secretary expected the measure before us to go through this place without serious questions and objections.

I do not accept his argument that, because Parliament has agreed that most of the final accounts of a council need not be printed, the small amount of accounting work pertaining to the local board of health should not be included in the *Government Gazette*. The principle is still there. Going to the council office is one thing, but people have always been able to look in the *Government Gazette* to see the accounts printed there. The Government, without giving any reason for the change, is pursuing this course, but where will it all end?

Time and time again the Government can bring forward measures to say that local government accounts do not have to be printed, that local boards of health need not print their figures, and therefore further changes can be made. It leads in the end to a trend in which we see more secretive Government activity; local government is a form of government, the third tier of government. This trend should not be allowed to continue simply because some precedent has been set. It is a great pity that those who have always interested themselves in how a certain region or council is managing the affairs of its local board of health and who in the past have always looked in the *Government Gazette* for these figures will no longer be able to find them there.

Research on this question will also be unable to use the *Gazette* for reference purposes. This is evidence of secretive government. Stage by stage, the processes of local government, assisted by the present State Government, are becoming more and more secretive and difficult for the average citizen to peruse. That cannot be denied, as the Minister by this clause is excluding these annual accounts from being published in future *Government Gazettes*. This principle is wrong, and I disagree entirely with it. I will not therefore vote for this clause.

The Hon. D. H. L. BANFIELD (Minister of Health): I assure the honourable member that there is nothing secretive about this, as the local ratepayers concerned know how their money is being spent, having as they do a right to examine council books. What is secretive about that? This council agreed previously that councils should no longer be required to publish their figures in the *Government Gazette*. That was agreed to in relation to 99 per cent of their records. If the Council was willing to agree previously that 99 per cent of a council's records should not be gazetted, why should it now insist that the remaining 1 per cent, relating to the expenditure of local boards of health, should be gazetted?

The Hon. C. M. HILL: I make the point that the ratepayers of a certain area are not the only ones interested in their council's records. For instance, the ratepayers in, say, Port Pirie may, for the sake of comparison, like to ascertain the situation at Whyalla. In the past, they would merely have had to look up the *Government Gazette*, the State's official record. Apparently, the Government, having introduced this Bill, does not believe that this sort of practice should continue. I rebut the point made by the Chief Secretary that the only people interested are the local ratepayers and that no rights are being taken away from them because they will still have access to their council's records.

The Hon. D. H. L. BANFIELD: I defy the Hon. Mr. Hill to refer me to one case in which a council has been denied the right to see another council's books. Does he say that if, say, the Port Pirie council wrote to the Whyalla council and asked for this sort of information it would be told to jump in the lake? Of course it would not. The Hon. Mr. Hill knows that there is much liaison between councils, and that one council would undoubtedly have access to another council's records.

The Hon. C. M. HILL: The Chief Secretary asked me to refer him to a case of a council's being denied this right. However, that does not apply, because in the past councils have been able to look in the *Government Gazette*.

The Hon. D. H. L. BANFIELD: They have had the right in relation to 99 per cent of council's records, a principle that was accepted by this Council. Have they at any time been knocked back? The honourable member should not say that this principle is being introduced only now.

The Hon. C. M. Hill: It was introduced only a few months ago.

The Hon. D. H. L. BANFIELD: Councils can easily write to one another to obtain the information they want.

Clause passed.

Clauses 7 to 13 passed.

Clause 14—"Enactment of Part IXD of principal Act."

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill and the Hon. Mr. Whyte have both raised questions regarding this clause. As there are a couple of points on which I should like to seek further information, I ask that progress be reported and that the Committee have leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. A. M. WHYTE: I move:

Page 5, line 1—Leave out "person" and insert "pest controller".

In the second reading debate the Minister concurred in several points I made concerning a clearer meaning of the clause. The clause deals specifically with the person who should correctly be registered as a pest controller. Pest controllers generally have not been answerable for their contracts, but it is time that they were registered and were responsible for the contracts they entered into. "Pest" means any animal, plant, insect or other living thing. What is "or other living thing"? In discussions held, it was obvious that "living thing" did not really relate to politicians but, among other things, related to bacteria, and I agree with that interpretation. People engaged in primary industry use insecticides almost every week and it does not appear right that a person who sprays his neighbour's crop has to qualify as a pest controller. My amendment seeks to solve this problem. If my amendment is accepted by the Committee, I am happy with the clause.

The Hon. N. K. Foster: Do you mean a controller or a contractor?

The Hon. A. M. WHYTE: "Controller" is the word used. It was apparently not intended that there be any restriction on people carrying out normal pest control activities; it was considered that only the person who held himself out for hire should be subject to registration and control.

The Hon. C. M. HILL: I agree with the comments of the Hon. Mr. Whyte. I raised a strong objection to this clause at the second reading stage. Much of the concern that has been expressed on this side of the Chamber would not have been expressed if we had been given a satisfactory explanation of the intentions of the clause when the Minister introduced the Bill. However, I commend the Hon. Mr. Whyte for his interest in this clause. The Bill relates mainly to the rural areas and, for that reason, the Hon. Mr. Whyte investigated the clause carefully; and I think this amendment and the explanation we have now received from the Minister and his officers indicate that the result of the clause will not be as bad as was first feared.

I hope that, if the clause passes and when the licensing system is introduced and the regulations and proclamations follow, the fears we have expressed will not prove to be well founded and that the system that the Government is introducing will work effectively in the future. I support the amendment.

The Hon. M. B. DAWKINS: Briefly, I support this amendment. Although I did not speak in the second reading debate, I was involved in a conference on this matter this afternoon and, I am sure that the legislation in the way it was worded could have caused some confusion, a confusion that the Minister had no intention of causing. This amendment will overcome that situation, and the Bill when it becomes law will affect only those people whom it was intended to control and will not be as wide as it appeared it could have been by the original wording. I commend the amendment to the Minister.

The Hon. D. H. L. BANFIELD (Minister of Health): True, there is not much difference between a person and a pest.

The Hon. N. K. Foster: I'm glad you are looking over there, Mr. Minister.

The Hon. D. H. L. BANFIELD: This was the intention of the Bill, and we are happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 15 and title passed.

Bill read a third time and passed.

BUILDING 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 is designed to prevent the recurrence of a disastrous fire in a building, such as that which occurred last year in the People's Palace, so far as this may be achieved by regulation under the principal Act, the Building Act, 1970-1971, in respect of the fire safety of buildings or structures. The Bill follows upon the report of a panel of the Building Advisory Committee appointed by the Minister in May of last year. The most significant aspect of the Bill is that it will empower an expert committee to require the owners of buildings that conform to the legal building requirements in force when the buildings were erected to carry out such building work as will ensure that the fire safety of the buildings is adequate by present

standards. At present the principal Act has no such operation in relation to old buildings which are deemed to conform to the principal Act if they conform to the legal building requirements that were in force when the buildings were erected. The Government is aware that such up-dating of the fire-safety of old buildings will, in some cases, involve considerable expense, but the recent disasters here and in Sydney illustrate the need for such action.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 3 of the principal Act which sets out the arrangement of the Act. Clause 4 amends the interpretation section of the principal Act.

Clause 5 amends section 7 of the principal Act. This amendment will enable regulations to apply to old buildings if express provision is made to that effect. Clauses 6, 7 and 8 make drafting amendments only. Clause 9 empowers the Minister to assign a classification to an old building. Classification of such buildings is regarded as the necessary first step before a determination can be made of the adequacy of the fire-safety of such buildings. Clause 10 makes a drafting amendment only. Clauses 11 and 12 increase the penalties relating to structurally dangerous buildings so that they correspond to the penalties proposed in relation to the fire-safety of buildings.

Clause 13 inserts a new Part VA in the principal Act dealing with the fire-safety of buildings and structures. New section 39a establishes a committee for each local government area comprised of a nominee of the Minister, the chief officer of the Fire Brigades or his nominee, and the building surveyor for the area. New section 39b regulates the proceedings of such committees. New section 39c relates to the validity of certain acts of the committees. New section 39d is designed to prevent conflicts of interest of members of a committee. New section 39e empowers the members of a committee to enter and inspect a building for the purpose of determining whether the fire-safety of the building is adequate. New section 39f empowers a committee to serve notice on the owner of a building setting out the building work or other measures they consider necessary to ensure that the fire-safety of the building is adequate.

Provision is made for a period of two months for consultation and representations relating to the building work necessary to achieve adequate fire-safety. At the end of that period the committee may require specified building work to be carried out within a specified period, and a penalty is provided for failure to comply with such requirements. It is proposed that the building work required by a committee is to be subject to the usual council approval. New section 39g provides for an appeal to referees against the requirements of a committee. New section 39h empowers a court of summary jurisdiction to order the cessation, or a restriction, of the use of a building that has inadequate fire-safety. New section 39i provides that provisions of the new Part apply to old buildings. New section 39j provides that a committee is to give notice to the responsible Minister of any building of the Crown with inadequate fire-safety.

Clauses 14 and 15 make consequential amendments only. Clause 16 makes drafting amendments only. Clause 17 provides legal protection for persons acting in good faith pursuant to the Act, and a penalty for obstruction of such persons. Clause 18 empowers the charging of a fee for the issue of a licence to encroach on a public place and the imposition of penalties for breach of by-laws. Clause 19 amends the regulation-making section of the principal Act, section 61, by empowering the making of regulations relating to the fire-safety of buildings and the keeping of records relating to buildings and their fire-safety.

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

FIRE BRIGADES 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.

This short Bill deals with two disparate matters. First, complementary to the amendments proposed to the Building Act, 1970-1971, relating to the fire-safety of buildings, it extends the powers of the fire brigades relating to the prevention of fires and the regulation of fire-safety. Secondly, the Bill provides the Fire Brigades Board with a borrowing power of the same kind as that usually provided to statutory corporations.

Clause 1 is formal. Clause 2 repeals sections 26, 27 and 27a of the principal Act which provide elaborate borrowing powers to the Fire Brigades Board and inserts a new section empowering the board to borrow from the Treasurer or, with the consent of the Treasurer, from any other person, in which case the liability is guaranteed by the Treasurer. Clause 3 amends section 48 of the principal Act by extending the power of officers of the Fire Brigades to police fire-safety. Clause 4 amends section 77 of the principal Act empowering the making of regulations relating to fire-safety and increasing the penalty for breach of a regulation.

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

GOVERNORS' PENSIONS 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.

It creates machinery by which, in appropriate circumstances, a pension may be payable to His Excellency the Governor and his successors in office. It also provides means for the payment of pensions to the spouses of Governors of the State who die in office or who die after retirement. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 sets out the definitions used for the purposes of the measure. Clause 3 provides for Orders to be made by the Treasurer providing for pensions for life for former Governors, spouses of deceased former Governors, and spouses of Governors who die in office.

Clause 4 sets out the maximum pension that may be paid under an Order, the maximum being half the salary for the time being payable to the former Governor to whom the pension is granted immediately before he retired. Maximum pensions for spouses are fixed at three-quarters of this amount. However, subclause (2) of this clause provides for indexation of pensions granted. Subclause (3) of this clause empowers the Treasurer to pay regard to other pensions and retiring allowances applicable in

determining the amount of pension under an Order. Clause 5 is a machinery provision. Clause 6 is a formal appropriation clause.

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

PUBLIC AUTHORITIES (EMPLOYEE APPOINTMENTS) 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.

This measure is, as its long title suggests, introduced to ensure that there will be no formal legal impediment to the carrying out by the Government of its announced policy of promoting industrial democracy in relation to public authorities. There are general principles of law which may be subject to express statutory enactment, that a person in a fiduciary position must not profit from his position of trust, nor must he put himself in a position where his interest and duty conflict. With the law in its present state, these two principles act against the formal lawfulness of an employee of a public authority, as defined, being appointed to the body responsible for the management of the affairs of that authority.

In the legislation of this State there are, of course, examples of specific provision being made to permit the appointment of employees as members of the governing bodies of public authorities. One such provision that comes readily to mind is section 6 (2) (*c*) of the South Australian Theatre Company Act, 1972. This Bill is intended to deal with the legal impediments in a manner that is both general and specific. Its generality is derived from the fact that it is capable of encompassing most, if not all, public authorities in the State. However, its application to any particular public authority is touched off only by a specific proclamation made after examination of the situation of that Public Authority and its suitability for the application of the measure. 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 sets out the definitions used for the purposes of the measure, and I draw honourable members' particular attention to them. The definition of "member" recognises the fact that some public authorities have a management body which is separate and distinct from the body itself and the term "member" in relation to a public authority has been extended to include "membership" of that management body.

Clause 3 provides for the application of the measure to particular public authorities. Clause 4 is the meat and substance of the measure, and at subclause (1) disposes of the formal legal barrier to employees becoming members of proclaimed public authorities and at subclause (2) deals with two specific matters; that is, remuneration of members of public authorities and questions of "interest".

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from February 10. Page 2164.)

The Hon. C. M. HILL: This Bill follows the usual practice of a lengthy local government Bill coming before Parliament in each session in an endeavour to keep up to date as much as possible with local government legislation in this State. It is a long Bill to which, in the main, I have no objection; in fact, I agree wholeheartedly with many of its provisions. It is a pity some of these changes could not have been legislated upon at a much earlier date.

I would like to comment on one or two matters throughout the measure. The first deals with clause 5 and the provision for the establishment of the Local Government Advisory Commission. A point of important principle should be stressed. My honourable friend Mr. Dawkins made the point very well, in his usual way, when he spoke yesterday. Previously, when a Government received a petition from ratepayers seeking secession, or seeking to be joined with another local government area, the procedure under the Local Government Act was that the Minister of the day referred that petition to a special magistrate and an inquiry was held, to which the parties interested could make their representations.

The important point in regard to that machinery was that the person in charge of the inquiry was a party independent of the inquiry and of the issues of the inquiry. I think that principle and procedure was proper. However, with this change the Minister proposes to dispense with that machinery and to provide that the Local Government Advisory Commission will hear such petitions. The Minister states in the second reading explanation that he hopes the commission will comprise the same personnel as those who formed the Royal Commission into Local Government Areas.

It could hardly be said that that commission is totally independent in thought as to where local government boundaries should be and what changes should take place for the improvement, in its opinion, of local government. People will take their cases to this new inquiry, and I doubt whether it could be said that that inquiry will look at all questions with the impartiality and independence that it should, because its members have fixed ideas as to what should happen with boundaries all over the State. I do not think that that is a good principle. How the commission will work in practice if this clause passes, I do not know. I can only hope that the commission will put in the background its already expressed and published views regarding areas under consideration when it hears representations concerning petitions, and that it will try to bring to bear as much impartiality as is humanly possible in the situation in which it will be placed. I criticise the Minister for introducing legislation of this kind, in which the people who will be sitting as an inquiry will be the people who have been so deeply involved with this question of boundaries in the relatively recent past.

Clause 10 relates to the office of chief executive officer. As I said, some of these changes should have been implemented some time ago. When I was in local government in the early 1960's, the question of the town clerk's being deemed to be the chief executive officer was the subject of considerable debate. I can recall that at least one council passed a resolution in that early period that this should be so. This rather indicates the time lag that takes place before changes mooted in local councils can be incorporated within the Local Government Act.

I congratulate the Minister on introducing, in clause 19, the subject of differential general rating. It is a change that will help the progress and development of local government generally, something that has been needed for a long time. I refer also to the time the Minister intends to give for the payment of rates. In most of these changes regarding rates and fines it seems that, almost at the end of each provision, the Minister provides a let-out clause in

which the local council can decide what it will do. For example, in relation to the instalments which the Minister lays down can be used by ratepayers to pay their rates under this legislation, he concludes clause 37, referring generally to the payment of rates, by saying that any instalment may be paid in accordance with the terms agreed upon by the council and the ratepayer.

In the interests of brevity and conciseness in legislation, at which we should always aim, I question whether there is a need for the Minister's plan to be written into the Act when, after it has been argued out and looked into, the council is given power to decide for itself the general terms and conditions upon which instalments may be paid.

Clause 40 deals with the remission of rates. I commend the Minister, because he gives the council initiative and power to decide for itself in what necessitous circumstances payments may be remitted for rates and also for fines. This is the kind of initiative the State Parliament should give to local government because, as time passes, more and more legislators should be convinced that local government takes a responsible attitude toward its obligations.

Finally, I refer to the new Part being written into the Bill to deal with litter and waste material. I am pleased to see these powers being given to local government to control the litter problem. When we had legislation in this Council some time back dealing with litter, many honourable members made the point that the main responsibility for litter control should be in the hands of local government, and here we see the Government introducing legislation so that local government in future faces up to its responsibilities and shoulders the obligation to play a leading part in the challenge to solve the litter in the municipalities and, in particular, in district council areas, where many of us have seen for a long time too much litter deposited, especially along country roads.

I hope that local government, now that it will be armed with this legislation, will show initiative and publicise the fact that it intends to take a leading part in the litter control problem. Then, it will gain even more respect from the public than it enjoys at present if it is regarded as the controlling body for this litter problem. Previously, councils have been restricted in this area because of the limitations of the Local Government Act. However, as I read the provisions of the Bill under this new heading, they will have ample scope in which to play a leading role in relation to this challenge.

This is a long measure. I do not know for how many more years we will have to go on seeing somewhat of a "scizzors and paste" approach in drafting local government legislation. Year after year passes, and we hear from time to time comments about the Act's being totally rewritten. There was an inquiry into this whole matter going back to 1967 or 1968, when it was recommended that the Act should be rewritten.

I acknowledge that this will be a long job and that there is a shortage of staff capable of doing this work. However, I hope that every possible effort is made to rewrite the Act because, if that can be accomplished, we will not see as much amending legislation as we have seen for practically every year since I have been a member of this place. I conclude by making that plea. I hope that the work involved in rewriting this legislation is being considered. I support the second reading, and may have more to say in Committee.

The Hon. C. W. CREEDON: In supporting this Bill, I concur wholeheartedly in what the Hon. Mr. Hill has said. Something should be done about the Local Government Act. Although it may be a slow process, the Labor Government is trying to do something about it, which is more than has happened in the past.

The Hon. C. M. Hill: I am sorry to interrupt you, but that is entirely wrong. For years since I have been here, irrespective of the Government in office, amending legislation like this has been passed.

The Hon. C. W. CREEDON: Well, it has not done much for local government. Only recently has legislation been introduced to free local government from the shackles and controls with which it has had to cope in the past. This Bill is intended to remove one or two of those shackles which have tied it down, and as a result of which it has experienced tremendous difficulty getting anything done.

There are one or two important aspects about the Bill to which I should like to refer. Some of the amendments contained therein will be greatly appreciated by councils. Probably one of the most important is the decision to establish an advisory commission, which will help councils amalgamate when they desire to do so and will have the expertise to advise them, whenever they experience difficulty. To my mind, amalgamation is probably one of the most important things for local government.

In one or two cases, a district council and a town corporation have amalgamated, although generally speaking local government has done nothing to help itself in this respect. Eventually, local government will have to decide to do something positive about amalgamations, and this body will be there to help solve the problems that confront it. I firmly believe that it was a sensible move by the Government to amend the Act to enable councils to act in this manner.

Unlike the Hon. Mr. Hill, I hope that the advisers on the commission to which I have referred will be persons who have spent much time investigating the problems facing local government through the Royal Commission. These people are experts; indeed, they are probably more expert than those who have served in local government for many years. They will be able to give the advice necessary to make things work smoothly for various councils.

Another important point is the decision that has been made to amend the Act to make it possible to place urban farmland under whichever type of assessment councils use to levy rates. At present, urban farmland involves land value assessments. The other system involves the rental capital value assessment, under which persons with urban farmland receive no consideration. The amendment will make it possible for both assessments to be considered in relation to urban farmland. In this way, councils will be able to choose whether or not to operate under both systems. I have heard disgruntled claims from various councils that would have liked to use both systems but in the past have been unable to do so. In future they will be able to use both systems.

Probably one of the most important aspects of the Bill is that it gives councils a feeling of security and the ability to do something for themselves. The ceiling on the amount in the dollar that councils can rate people has been removed. It was 20c or 25c in each $1, depending on whether one lived in a district council or municipal council area. In future, councils will be able to choose their own sum in the dollar on which they can rate people.

Each council should know what are its responsibilities and for how much it will be liable during the year. As this ceiling is being removed, councils will have an opportunity to acknowledge their own responsibilities and, if

they show themselves to be irresponsible, their ratepayers will remove them from office at election time.

Another important aspect is that of rate arrears. I do not know whether all honourable members understand that term. In the past, persons who did not pay their rates within the prescribed time (generally November 30 in the city and the last day of February in the country) were levied a 5 per cent fine in addition to their rates. Certain people who could well have afforded to pay their rates did not do so, preferring to have the 5 per cent fine levied against them. By having the levy imposed on their rates, it saved these people having to arrange a costly bank overdraft.

The Hon. R. C. DeGaris: How much did it save them?

The Hon. C. W. CREEDON: The difference between the 5 per cent levy and 11½ per cent interest on the bank overdraft.

The Hon. R. C. DeGaris: It's 5 per cent for four months.

The Hon. C. W. CREEDON: The Hon. Mr. DeGaris should listen, as I am speaking about the past. The bank overdraft attracts a rate of interest of 11½ per cent, whereas the council levy has been 5 per cent.

The Hon. R. C. DeGaris: But not 5 per cent a year: it is 5 per cent for four months.

The Hon. C. W. CREEDON: It is 5 per cent a year on what one owes. The councils cannot charge people more than 5 per cent a year on what they owe, and they cannot make that charge more than once. If people owe money for two years, they have to pay 5 per cent a year only once.

The Hon. R. C. DeGaris: The councils can take action against them.

The Hon. C. W. CREEDON: Of course, but that does not mean that the people always pay. In many cases, councils find themselves footing the bill, because when the collecting agency issues the necessary notices to collect the outstanding rates, the ratepayer usually rushes into the council office and pays his rates bill. The collecting agency usually finds it impossible to collect his fee from the defaulter so councils are usually asked to pay. In this respect, the situation is similar to parking fines and litter fines: it costs a large sum to chase offenders. I know what goes on.

The Hon. R. C. DeGaris: You don't exhibit such knowledge at present.

The Hon. C. W. CREEDON: If people owe $100 and they do not pay it in 12 months, they pay $105 and, if they do not pay for five years, they still pay $105. If ratepayers do not pay promptly, council finds itself working on overdraft at high interest rates. The Hon. Mr. Dawkins raised the question of Australian Government assistance to local government. Until 1972, when a Labor Government came to power in Canberra, no thought was ever given to local government by the previously long-reigning Liberal Governments. Further, it was only after a Labor Government came to office in South Australia that any attempt was made on a State basis to right many of the glaring anomalies in the principal Act.

Soon after he became Prime Minister, Mr. Whitlam made plain that he intended to do something financially for local government. This new approach from an Australian Government was like a breath of fresh air, and it revived the hopes of those of us who believed in local government. It was a recognition that local government actually existed and deserved support. Having become used to the parsimonious attitude of all forms of Liberal Government, local government wondered what might be in store for it. As time passed, local government became aware that huge sums were available to it, and many councils made good use of the money granted to them. The Grants Commission has been generous to many local government areas. Please understand me when I talk of generosity: almost any sum, no matter how small, would have been considered generous, because local government had not been used to receiving grants, and some councils even refused to be a party to asking for them. Their ratepayers were the only ones to suffer through this shortsightedness. Some councils received large sums through this scheme.

The Department of Urban and Regional Development scheme was very helpful to local government, as was the Regional Employment Development scheme. These schemes poured thousands of dollars into local government. These grants helped to give work to unemployed people. As a result, much work was done in the community that councils could never have afforded from rate revenue. The Hon. Mr. Dawkins may not have liked the Australian Government handing out money to councils, but I wonder how the council and the ratepayers of his area would feel if they had not received any grants. It will be interesting indeed to see what his brand of politician will do for local government, now that they are in power in Canberra. With the exception of some district councils, local government generally has always borne the brunt of the niggardly approach by the retreating conservatives to financing the community's necessities. Local government has had a mighty advance during the last three years, and it would be a catastrophe if conservatism were to dump the community back into the dim past.

The Hon. Mr. Hill referred to the question of litter control. I point out that councils would like to do something about this problem. The council with which I am concerned employs someone full time on the litter problem, but other councils do not bother because it costs too much. Councils need to be recompensed for their trouble. If we do not make an example of people who litter, there will be no discouragement in this connection. I commend the Bill to honourable members.

Bill read a second time.

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause providing for the constitution of the Local Government Association as a statutory corporation.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

New clause 4a—"The Local Government Association."

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

After clause 4—Insert the following new clause:

4a. The following section is enacted and inserted in the principal Act immediately after section 6 thereof:

6a. (1) The Local Government Association of South Australia Incorporated shall continue in existence under the name: "Local Government Association of South Australia".

(2) The association shall be a body corporate with perpetual succession and a common seal and shall—

(*a*) be capable of holding, acquiring, dealing with and disposing of real and personal property;

(*b*) be capable of acquiring or incurring any other rights or liabilities;

and

(*c*) be capable of suing or being sued in its corporate name.

(3) The association shall have the objects and powers prescribed by its constitution and rules.

(4) The constitution and rules of the association, as in force immediately before the commencement of the Local Government Act Amendment Act (No. 2), 1975, shall, subject to any amendments made by the association and approved by the Minister, continue as the constitution and rules of the Association.
(5) The incorporation of the association under the Associations Incorporation Act, 1956-1965, is hereby dissolved.

This amendment provides for statutory recognition of the Local Government Association. It will assist the association in obtaining exemption from sales tax. New section 6a (4) provides that amendments to the constitution of the association require the approval of the Minister. This is to avoid the situation where the association amends its constitution to require all councils to be members of the association with statutory recognition. This would be a legal requirement.

The Hon. C. M. HILL: It is difficult to consider this amendment properly; it has just been put on our desks. We have not had time to refer to the Local Government Association to obtain its opinion on this matter. I know that the association has urged that it be given legislative recognition. The Minister said he would be taking this action, and it has been said that the association would approve this new clause. An association of all local government bodies has often been advocated. Previously, not all local government bodies have been members of the association.

A major development resulted from the joining of the old Municipal Association with the group representing district councils. Although many of us thought that Utopia was just around the corner, it did not work out that way, as a few councils were not happy with some aspects of the association. This was unfortunate, because the Minister did not have one body representing all local government to whom he could go to discuss problems confronting local government. That unsatisfactory situation continues. Recently, the association has restructured itself, and it may be now regarded as satisfactory by all councils. I support the development of a totally independent body.

Who will comprise the controlling body of the new association? Who will speak for those councils? The controlling body will take a much more important role if these amendments are passed. How will the controlling body be appointed? Which councils will be specifically represented? The Minister referred specifically to new section 6a (4). It provides that the rules and constitution of the association shall continue as the rules and constitution. The point is also made that the constitution cannot be changed without the Minister's approval. Is that a good thing? The Minister said it could not be done any other way. Will the association enjoy the independence it should enjoy if any changes to its rules and constitution must be approved by the Minister? Honourable members should know what the rules and constitution of the association are. The rules have recently been changed and restructured.

There has been a long investigation into the appointment of a new executive secretary, because of the retirement of the former secretary. Has the Minister a copy of the rules for honourable members to peruse? Will he allow members time to make contact with the President and other senior office-holders of the association to see whether they are happy with the suggested change? What would be the attitude of the councils who are not members of the association? Would they want to join the association in the future? Will this legislative change influence such councils as the Marion council, in which the Minister of Local Government is so interested, and deter them from joining the association? The Bill brings about a great change in the local government situation in this State. I seek time to ask those people concerned whether they are happy with the amendments.

The Hon. M. B. CAMERON: I support the comments made by the Hon. Mr. Hill. It is difficult to proceed with this matter without consulting the association.

The Hon. T. M. CASEY: I realise that honourable members have not had a real opportunity of looking at these amendments, and I did not expect them to give a definite decision on them at this stage. So I am happy that progress be reported and that the Committee have leave to sit again.

The Hon. R. C. DeGARIS (Leader of the Opposition): Briefly, I say that my present reaction (I know progress is to be reported) is to oppose this amendment, because there are several things I can see at the moment that I do not like. Secondly, there are several councils in South Australia which I am certain do not know the probable implications of these amendments. Let me list one or two of them. First, supposing in the Local Government Association or the new association one group decides that it would be better for the administration of local government to break up into two or three associations in South Australia. That may be a logical development. I know that for some groups of councils one association located in Adelaide is too far away for them to be able to keep in touch.

The Hon. T. M. Casey: You are talking about regionalising them?

The Hon. R. C. DeGARIS: Yes. My second point is that, under these amendments, the Minister will have control over the constitution and rules of the association. Whether that will be accepted by local government I do not know, but my point is that it may take more than just a weekend to establish the viewpoint of local government on these amendments. My first reaction is to vote against them, but let us examine them. There would be no difficulty in bringing down another amendment next session for this purpose if local government is happy about it. I can see several important questions that I believe we, as representatives of the people, must find the answers to.

The Hon. M. B. DAWKINS: I add my comments to those of other honourable members, in that I am concerned to see these amendments. It may well be that local government could be better off with something like this. I am not saying that that may not be so at present but, as honourable members have said, these amendments merit further consideration especially as we have had no communication from local government on this matter. As the Hon. Mr. Hill and the Hon. Mr. Cameron have indicated that they wish to ask for further time to consider them, I hope that can be done to enable this matter and other matters to be considered. I appreciate that the Minister has indicated his willingness to report progress.

Progress reported; Committee to sit again.

FURTHER EDUCATION BILL

Adjourned debate on second reading.

(Continued from February 10. Page 2162.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill and I would like to pay a tribute to the role of adult education in South Australia. Since adult education was given support through many avenues by the Government there has been remarkable growth in this form of education. The name "adult education" was recently changed to the new name of

"further education", and sometimes I question why such changes are made. The Weeds Act has been changed to the Pest Plants Act, and we have seen the Vertebrate Pests Act replace the Vermin Act. People wonder what these new names mean.

The growth of further education has been remarkable in South Australia, and the Bill sets up a separate Further Education Department in this State. I approve of the general principles in the Bill, but there are one or two questions I should like to direct to the Minister. I have been a member of this Council for many years and perhaps I have overlooked some points in certain Bills. True, my record over the past 14 years may not be as great as the record created by the Hon. Mr. Foster in just a few months, but for the first time in clause 7 (1) (*a*) I see the following provision:

. . . Minister—

(*a*) shall be a body corporate with perpetual succession and a common seal;

Why should the Minister be a body corporate?

The Hon. B. A. Chatterton: In my capacity as Minister of Forests I am a body corporate.

The Hon. R. C. DeGARIS: This is the first time I have seen that provision in a Bill in this Council. Also, the Bill takes certain parts directly from the existing Education Act. One cannot take exception to that situation for which provision is made in clause 9. The general powers of the Minister in relation to education are moved over, probably exactly as they are in the Education Act, and that is reasonable. If Parliament has agreed to powers for the Minister in relation to the Education Act, it is reasonable to expect that those powers also exist in relation to further education.

The only point on which I argue with the Government concerns clause 5 and Part V. Clause 5 provides that the Bill does not apply in respect of certain institutions or courses of training. However, the Bill then throws out the dragnet, and everything else that is not in clause 5, which is the exclusion clause, is caught in the net. Part V provides the power by regulation to exempt provisions from that part of the legislation. The Council has argued this point previously, and I think that the Council has on several occasions won the argument concerning the regulations. There should not be an executive dragnet whereby there can be exclusions; where things are to come into an Act, they should be brought in by regulation and not exempted by legislation.

If honourable members examine the situation they will see that this is a reasonable suggestion. I suggest that in this Bill such a procedure should be adopted: there is a number of specific exclusions, with everything else then coming into the provisions as stipulated in the regulations (not the dragnet clause), and then the exclusion by regulation results. That is the only part of the Bill I can criticise, and I will be placing amendments on file to correct that situation. It is reasonable that the amendments receive the support of the House. Apart from that, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

[*Sitting suspended from* 5.38 *to* 7.45 *p.m.*]

Later:

Clause 4—"Interpretation."

The Hon. M. B. CAMERON: I move:

Page 2, after line 14—Insert definitions as follows:

'"primary school" means a school established for the purpose of providing primary education:

"secondary school" means a school established for the purpose of providing secondary education:'

This is merely a definition amendment that leads on to the amendment that I have to clause 5. I do not think the amendment needs any further explanation, because it does not really alter the Bill as such; it merely puts things in order for an amendment to clause 5.

The Hon. B. A. CHATTERTON: As this amendment is consequential on further amendments, it has been the practice so far for the mover of the amendments to speak to the amendments as a whole.

The CHAIRMAN: Yes; I understood that that was what the honourable member was going to do. He should speak to the substantive amendment rather than just the first amendment.

The Hon. M. B. CAMERON: Perhaps I should speak to the amendments to clauses 4 and 5, which do not affect the amendment to clause 6.

The CHAIRMAN: I will allow the honourable member to speak to clause 5 as well as to clause 4.

The Hon. M. B. CAMERON: The first part of the amendment to clause 5 (that is, relating to paragraphs (*a*) and (*b*)) is the only part of that amendment to be affected by the amendment to clause 4. The remaining part of the amendment to clause 5 I should like to put separately. I do not believe I need to go through the amendments to any great extent, except to say that the first part of the amendment to clause 5 (paragraphs (*a*) and (*b*)) affects coaching colleges. They are colleges such as the Power Coaching College, which provides instruction outside the normal realm of the education system for children who need extra assistance. I know there have been some complaints but I am not certain that those colleges should be affected by this Bill. I do not believe there has been sufficient explanation as to whether these colleges or institutions for coaching will be subject to prohibition under this legislation or whether they will be regulated out. I should like the Minister to give an indication of what would happen in the regulations in relation to such institutions. The Act is very wide and could be used as an effective means of preventing a business from being carried on, because these colleges in many cases operate as businesses.

The Hon. B. A. CHATTERTON: I oppose the amendment to clause 5 on the basis that I do not think it is appropriate to bind these institutions within the Act. I think the regulations are the proper area. It seems inappropriate to put them within the Act, because amendments might be needed at short notice in relation to various other organisations that fall within the ambit of the Act, and that could be done more appropriately by regulation.

The Hon. M. B. CAMERON: I am disappointed that we have had no reply as to what sort of people will be subject to exclusion from the Act by regulation. I recognise that other amendments to the Act will provide for regulatory powers to be used to regulate various organisations. I think that is probably a sensible course. However, it becomes difficult for Parliament to affect any direction by the Government taken while Parliament is not sitting. It is important that we see that organisations that could be effectively killed while Parliament is not sitting (and we will not be sitting after next week until next June) cannot be killed with Parliament being unable effectively to stop that action. That concerns me. If Parliament sits for only a week we have little time in which to disallow regulations. However, we will have some time up our sleeves when Parliament resumes because we will not have had many

sitting days for the regulations to lie on the table. Nevertheless, the Act stands for all time and I am concerned that worthwhile institutions could be destroyed by action taken through legislation.

The Hon. B. A. CHATTERTON: While I see the honourable member's viewpoint, I still do not think it is appropriate to have this within the Act. I think the case is somewhat hypothetical. The Minister and his department act responsibly in these areas. I am sure they would not want to put an institution out of buisness without a complete investigation. While I appreciate the concern of the honourable member, I am still opposed to the clause.

The Hon. R. C. DeGARIS: I wonder whether we can overcome a problem at this point. There is, in the regulation-making powers in clause 34, to which I have an amendment on file, a means whereby the Government cannot use the dragnet and bring in all institutions with the exception of those named in clause 5. I wonder whether we should deal with that first. The Minister would be able to inform the Committee of the institutions the Government intends to bring in. We can then examine the Hon. Mr. Cameron's amendment on the basis of whether or not there is a dragnet clause. We know that by regulation the Government can bring in specific courses and specific organisations. We can question the Minister on what he intends, and it may affect this amendment now before the Chair. I suggest that the amendment to clauses 4 and 5 be left until we have dealt with that, and then we can come back to look more meaningfully at this clause.

The Hon. M. B. CAMERON: I am happy with that. If the Minister is prepared to give some assurance at that stage regarding the various institutions, that may affect whether or not I will proceed with some of my amendments to clause 5.

The CHAIRMAN: I suggest that clauses 4 and 5 should be postponed until after consideration of clause 43.

Consideration of clauses 4 and 5 deferred.

Clause 6—"Administration of this Act."

The Hon. M. B. CAMERON: I move:

Page 2—After line 31 insert subclause as follows:

(2) The Minister may, in determining the courses of further education to be provided under this Act, collaborate with—

(*a*) the South Australian Board of Advanced Education;

(*b*) the Australian Council on Awards in Advanced Education;

(*c*) the Australian Commission on Advanced Education;

and

(*d*) any other body constituted under the law of the State or the Commonwealth with which collaboration is desirable in the interests of promoting the objects of this Act.

I have changed one word in the amendment on file. I have changed "shall" in the first line to "may". The effect of the change is that the Minister is no longer absolutely required to collaborate, but it does suggest to the Minister that that is the proper course to follow. The Minister is aware, from what I said in the second reading debate, that most institutions and colleges of advanced education are required to collaborate with the Further Education Department, among others, in the provision of courses. Colleges of advanced education provide a higher level of course which leads to accreditation, and much thought must go into each course provided. Nevertheless, it is important that duplication is avoided and that wherever possible the Minister should be urged to ensure that the Further Education Department collaborates with any other organisation engaged in this field.

The Hon. B. A. CHATTERTON: There is a distinct difference between the situation at the colleges of advanced education and that in relation to the Further Education Department. The colleges are autonomous bodies and the various Acts are charters for their operation, whereas the Minister of Education has overall responsibility and must ensure co-ordination between various bodies. The amendment makes a good deal of difference to this, and I think it would be quite acceptable. I think the previous amendment was perhaps inappropriate to the Bill; in putting the situation that the Minister "may" instead of the Minister "shall", I think the position has been made acceptable.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"General powers of the Minister."

The Hon. M. B. CAMERON: I move:

Page 3, lines 17 to 19—Leave out subclause (3).

I said in the second reading debate that I was concerned that the Minister might try to set up teaching institutions to provide teachers for South Australian schools, in competition with colleges of advanced education. I should like the Minister to say why it is necessary for subclause (3) to be included in the Bill, and why he requires the power to establish and maintain such institutions.

The Hon. B. A. CHATTERTON: Certainly, the Minister of Education does not intend to set up training programmes in competition with the colleges of advanced education, although under this clause he will have such a power. He considers this necessary because, as I have already said, the colleges of advanced education are autonomous bodies. Although the Torrens College of Advanced Education is at present carrying out all training required by the Further Education Department, it is not necessarily obliged to do so in future. If for any reason the college changed that policy (although that is not intended) and ceased to carry out the departmental training programme, the Further Education Department would be left high and dry. It is therefore considered necessary to include this clause in the Bill as a safeguard in case other training courses need to be established. I stress that it is not intended to duplicate activities that can be carried out more efficiently by the colleges of advanced education.

The Hon. M. B. CAMERON: Although it may be helpful to the Government to have such a provision in the Bill, it seems that it will be an unlikely requirement in the near future. Certainly, if such a possibility arose Parliament could pass an amendment to the Act. It seems dangerous to put the Minister in a position in which he could set up such institutions. I am concerned that such a power will exist and that training facilities could be duplicated. I therefore urge the Committee to support the amendment.

The Hon. B. A. CHATTERTON: I emphasise that the Minister of Education has the overall responsibility in this matter, and I am sure that he can fulfil his function responsibly. Indeed, if he were to institute a training programme that duplicated another one already in existence, he would lay himself open to severe criticism from both sides of Parliament. As there are already sufficient safeguards in this area, this amendment would unnecessarily tie the Minister's hands.

The Hon. R. A. GEDDES: I think it would be unwise unnecessarily to restrict the Minister. Clause 9 (1) gives him authority to establish and maintain colleges of further education.

The Hon. M. B. Cameron: That's further education, not training. That is getting right away from it.

The Hon. R. A. GEDDES: Surely we do not want to hobble the department, in relation to training people in certain fields, by denying the Minister flexibility in connection with the type of institution that may be needed. I ask the Hon. Mr. Cameron whether he has considered this point, as it seems illogical to give the Minister many powers but to deny him the ability to establish or maintain such institutions.

The Hon. M. B. CAMERON: I do not think that is entirely correct, as at present the colleges of advanced education meet the requirements of institutions that the Minister may set up. Surely, it would be a reflection on the Minister and on the ability of the colleges of advanced education to collaborate if they could not sit down and work out what requirements needed to be fulfilled. It is important that we do not start setting up other training colleges in competition with the colleges of advanced education. If the Minister required a certain training scheme to be set up, surely he could go to the department and explain to it his needs. I should not like in any circumstances to see the Minister moving into this field, in which institutions with the required expertise have already been set up.

The Hon. JESSIE COOPER: As I said during the second reading debate, I cannot support this amendment. The Karmel report made this very point, as follows:

Both the voluntary basis of attendance and the age and economic independence of many students require different approaches to teaching and the different structure of authority from those regarded as appropriate for school-going pupils.

That is, I consider, the basis of the Minister's contention.

The Committee divided on the amendment:

Ayes (5)—The Hons. M. B. Cameron (teller), J. A. Carnie, M. B. Dawkins, R. C. DeGaris, and D. H. Laidlaw.

Noes (15)—The Hons. D. H. L. Banfield, F. T. Blevins, J. C. Burdett, T. M. Casey, B. A. Chatterton (teller), Jessie Cooper, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, R. A. Geddes, C. M. Hill, Anne Levy, C. J. Sumner, and A. M. Whyte.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. M. B. CAMERON: I move:

Page 3, lines 25 to 27—Leave out subclause (6).

I understand that subclause (6) is a lift-out from the Education Act, and I am not at all certain that it should be there. The Minister should be subject to the same directions as are most other Ministers. Any appointments should be made through the Public Service in the normal way.

The Hon. B. A. CHATTERTON: I oppose the amendment. Many people in the Further Education Department are not employed under the Public Service Act; in fact, more people are employed under the Education Act. Many short courses require specialist teachers, and many craft subjects require demonstrators under this provision.

The Hon. R. C. DeGARIS: The Minister will continue to have power under the Education Act, and he could easily use that power.

Amendment negatived; clause passed.

Clauses 10 to 33 passed.

Clause 34—"Interpretation."

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

Page 12, lines 31 to 39—Leave out all words in these lines after "training" in line 31 and insert:

(*a*) declared by regulation to be a course of instruction or training to which this Part applies;

and

(*b*) provided by a school or institution declared by regulation to be a school or institution to which this Part applies.

This point has been raised in connection with other forms of legislation. It is not the correct procedure to have a dragnet clause and then to allow the Government to exempt by regulation. Those coming into the net should be seen by Parliament; in this way, we can effectively handle the problems that concern the Hon. Mr. Cameron.

Amendment carried; clause as amended passed.

Remaining clauses (35 to 43) passed.

Clause 4—"Interpretation"—reconsidered.

Amendment withdrawn; clause passed.

Clause 5—"Application of Act"—reconsidered.

The Hon. M. B. CAMERON: I move:

Page 2, lines 18 to 23—Leave out paragraphs (*a*) and (*b*) and insert paragraphs as follows:

(*a*) instruction or training provided by any primary or secondary school;

(*b*) instruction or training in the nature of coaching provided by any person or institution for students enrolled at any primary or secondary school;

After line 25—Insert paragraphs as follows:

"(*ca*) instruction or training provided by any university college or any other institution established for the purpose of instructing or training students enrolled at any university or college of advanced education established by statute;

(*cb*) instruction or training provided by any theological college or by any other institution established for the purpose of instructing or training ministers of religion, members of a religious order, or persons who desire to become ministers of religion or members of a religious order;

(*ca*) instruction or training provided by any university Educational Association of South Australia Incorporated;

Perhaps the Minister can indicate what bodies he intends to deal with by regulation under clause 34. I refer particularly to paragraphs (*a*) and (*b*) of clause 5. Proposed new paragraph (*ca*) refers to instruction or training provided by any university college or any other institution established for the purpose of instructing or training students enrolled at any university or college of advanced education; this covers university colleges, where coaching is provided after hours by lecturers or others. It is an essential part of university life, but it is not directly associated with the university in many instances. Proposed new paragraph (*cb*) refers to theological colleges, while proposed new paragraph (*cc*) relates to the Workers' Educational Association, which is in competition with the Further Education Department. The W.E.A. provides a valuable service to the community. Can the Minister indicate whether these matters will be covered by regulation?

The Hon. B. A. CHATTERTON: Yes. I have a list of educational establishments detailing those which will be exempt. The list, which is similar to the list suggested by the honourable member, is as follows:

(1) Theological colleges.
(2) Bodies established by Statute.
(3) Employers engaged primarily in the training of their own employees.
(4) Approved learned societies and professional bodies.
(5) Bodies established as non-profit corporations under the Associations Incorporation Act of South Australia or corresponding legislation of Australia, a State, or the United Kingdom.

This matter is covered more widely now than if it were covered merely by the Workers Educational Association, which was specifically referred to by the honourable member. The points raised are adequately covered.

The Hon. M. B. CAMERON: Because of the list read out by the Minister, I accept his intention not to provide for these bodies to be regulated into the Act and, as they are no longer included under the amendment moved by the Hon. Mr. DeGaris and drawn in automatically, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Title passed.

Bill read a third time and passed.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 4. Page 2062.)

The Hon. JESSIE COOPER: As the Minister stated in his second reading explanation, this Bill is consequential upon the Further Education Bill, which has just been passed, and there is no need for any debate. There is nothing controversial about it, and I have much pleasure in supporting it.

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

ADJOURNMENT

At 9.30 p.m. the Council adjourned until Thursday, February 12, at 2.15 p.m.