LEGISLATIVE COUNCIL

Tuesday, February 17, 1976

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

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

The PRESIDENT: Will an honourable member move, under the new amended Standing Orders, that the report of the managers of the conference be postponed and taken into consideration on motion?

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

That the report by the managers on the progress made at the conference be postponed and taken into consideration on motion.

Motion carried.

Later:

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

That the report of the managers of the conference on the Bill be taken into consideration forthwith.

Motion carried.

The Hon. D. H. L. BANFIELD: I have to report that the managers have been to the conference, but no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, pursuant to Standing Order 338 the Council must now resolve either not to further insist on its amendments or to lay the Bill aside.

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

That the Council do not further insist on its amendments.

I congratulate the managers from this Council, who attended the conference this morning. They put the position to the managers from the House of Assembly and told them why this Council believed it was necessary to have the amendments in the Bill. The Chairman of the conference indicated that at least one amendment that had been inserted by the Council was under investigation by the Government. He thought that there was a certain amount of merit in the proposal, but that at this stage insufficient research had been undertaken into the complications of the amendment.

The House of Assembly managers indicated they were looking at this matter and undertook that, after they had made investigations, they would consider introducing a new Bill. The Legislative Council managers were not satisfied with the reply given by the Attorney-General, as they believed it did not go far enough. That was the only compromise mentioned; perhaps I should say the only semi-compromise. It came from the Attorney-General, when he indicated that he would do something in that line.

Several attempts were made by the managers to discuss other amendments. The Attorney-General indicated that the Government could not, in any way, agree to those amendments, with the result that no agreement was reached. For those reasons and because some of these amendments can be introduced later through this Council, by the Government or by members opposite, or brought into Parliament at a later date when more research has been done in either House, it would be most unfortunate if, as a result of the inability to reach a compromise on the amendments (which were outside the provisions contained in the Bill when it first entered this Council), the Bill were to be lost. I urge members to support my motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): Whilst I should like to be able to support the Chief Secretary in this matter—

The Hon. N. K. Foster: Why don't you be honest and do that?

The Hon. R. C. DeGARIS: I did not promise to do that. The honourable member is wrong.

The Hon. N. K. Foster: You should—

The Hon. D. H. L. Banfield: The Leader did not promise to do that.

The PRESIDENT: Order! The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I ask the honourable member to read *Hansard* to see what I really said. The managers from the Legislative Council met the managers from the House of Assembly in relation to the disagreements on the Electoral Bill. The Bill introduces optional preferential voting for the House of Assembly, to which the Legislative Council added the provision that the counting system for votes cast in a Legislative Council election should be on the same basis as the Bill's proposal for the House of Assembly; that is, that where a preference is expressed in the Legislative Council it should always be counted. Under the present voting system for the Legislative Council a voter can express a preference, then be denied the right to have that preference counted. Also, an amendment was moved by the Hon. Mr. Whyte to allow for the establishment of a permanent postal voters roll. On the Hon. Mr. Whyte's amendment, the only compromise offered was that the Government would look at this, some time in the future, as correctly referred to by the Minister in his report to the Council.

On the amendment concerning the counting of expressed preferences in Legislative Council elections, the House of Assembly managers offered no compromise whatsoever. On both amendments the Council managers offered compromises for discussion. Concerning the first amendment, the Hon. Mr. Whyte offered to drop two provisions from his amendment, the first concerning a permanently disabled voters roll comprised of people permanently disabled being entitled to enrol, and the second concerning those who because of religious grounds could not vote on the day of an election. He sought only to include in the permanent postal roll those who, because of their place of living, are often denied the right of casting a vote in an election.

The House of Assembly managers refused to accept this proposal, offering only that the Government would look at it some time in the future. On the amendment dealing with voting procedures, the Council managers offered to discuss, as the basis of a compromise, the use of a pure list system, using a natural quota, but this offer was not proceeded with by the House of Assembly managers. In the second reading debate, I said that the Bill was in a special category and, for Bills in that category, I would in most cases support that legislation. However, being in that category, one had to look at them with a critical eye. I supported the second reading of the Bill and I indicated to the House of Assembly Managers that, because of the intransigence of their views on these two acceptable amendments to the Electoral Bill and the inability to initiate any discussion on areas of compromise, the Government could no longer rely upon my support for the Bill, as originally introduced.

The proposition was put to the House of Assembly managers that, because of the objection of the managers to any change in the original Assembly Bill, the managers of the Council would be willing to drop their amendments, if firm commitments were undertaken by the Government to

introduce and pass new Bills dealing with the two matters under discussion, along the lines of any agreement that could be reached. The use of "compacts" in such situations has operated on many occasions before. The original compact of 1857, between the two Houses, stood the test of 56 years until 1913, when finally the compact was included in the State Constitution Act. Within the last two years, a compact was arranged, I think, in the Prices Act Amendment Bill, where the Government agreed to introduce a separate Bill and the detail of that Bill was arranged at conference, if the Legislative Council did not further insist on its amendments. This compact was duly honoured.

In the passage of the Constitution Act Amendment Bill, introducing list system voting for the Legislative Council, a firm compact was undertaken by all concerned with that conference, supported unanimously by statements in the House, in relation to replacements for casual vacancies in the Legislative Council. I have not the slightest doubt that such solemn compacts entered into by managers of the Houses will always be strictly honoured. The offer of reaching agreement on this basis, that is, some agreement regarding future Bills, when the Government introduced them and in relation to what they will contain, was the basis of an agreed compact. That, too, was also rejected by the House of Assembly managers.

What I have said, I believe, is a fair summary of the proceedings. I realise the particular category into which this Bill falls, but one expects some acceptance also from the House of Assembly of the spirit of compromise with which conferences between the Houses should be conducted. Therefore, I cannot support the Chief Secretary's motion, and I do not intend to support the Government's Bill any longer.

The Hon. M. B. CAMERON: I do not support the Chief Secretary's motion. As I have already stated, I am extremely disappointed that what appeared to me to be a fairly minor amendment to the Electoral Act, to bring about what was intended in the first place in relation to Legislative Council elections, that is, that there be a full count of preferences, was rejected by the Government. I cannot understand the Government's view on this matter. I wonder whether, while for all these years we have heard it support one vote one value (each voter of the State having equal say), it has been serious, because it is now denying that percentage of people whose votes will not be counted under a system where it is possible to have them counted the right to have their votes counted in a meaningful way under the proportional representation system. This is not a major amendment. It is what is required to bring about the full count for elections to this Council. I repeat what I said the last time I spoke, that the Government, while it may be doing this for political reasons because it believes it may gain some political advantage at some time in the future (because this is a double dissolution Bill), may regret taking this stand against this amendment, because it may be its turn next time to just miss out on the last member elected under this system. I am saying that because I do not want to hear any cries of pain from the Government when it becomes the Opposition and it does not have the numbers it thought it might have had.

The Hon. D. H. Laidlaw: It got 40 per cent in December.

The Hon. M. B. CAMERON: Yes.

The Hon. D. H. L. Banfield: We got 43 per cent, the same as the Liberal Party; let's be fair about it.

The Hon. D. H. Laidlaw: We got 51 per cent in South Australia.

The Hon. M. B. CAMERON: I must congratulate the Government on getting 43 per cent; that is very good.

The Hon. C. J. Sumner: Have you joined the Liberal Party again?

The Hon. M. B. CAMERON: I do not know where I have indicated that.

The Hon. C. J. Sumner: The Hon. Mr. Laidlaw said that the Liberals got 51 per cent of the vote.

The PRESIDENT: Order! I think we had better get back to the motion before the Chair.

The Hon. M. B. CAMERON: I repeat that I hope the members of the Labor Party who are opposing this amendment do not come crying after the next election because they just happened to miss out on the last seat; but, knowing politicians, I suppose they will forget all about this time and come screaming and saying, "It's not fair." I can hear it now. If we point out to them that they had an opportunity to bring about a fair and just system, they will not remember it. I guess that is politics. I do not want any member of the Government again to say that he believes in one vote one value, because Government members do not believe in it. I used to think that honourable members opposite were genuine about it, but I do not believe it any more. They want this Bill merely to be in such a position as to perhaps enable them to bring about a double dissolution. They will not do that, not after the last election result; they would not have the means to do it, because they know they would face certain defeat. The Government's attitude to the amendments moved by the Hon. Mr. Whyte shows its lack of genuine feeling for the people, because there is the opportunity to make certain that the people who have been deprived of a vote, as the Hon. Mr. Whyte pointed out, ever since elections have been held, have a vote; although they have been eligible to vote, they have not had a vote. They have not been able to get one.

The Hon. D. H. L. Banfield: Some had their names taken off the roll.

The Hon. M. B. CAMERON: And some left their names on the roll, too. There are quite a number of electorates around South Australia stacked up to the eyeballs with the names of quite a number of people who have left their names on the roll. It is time we looked at this again, because people have left their names on the roll for many years after they left a district. As the Hon. Mr. DeGaris has said, this position has obtained for as long as 10 or 15 years. In fact, it was as much as 5 per cent in the case of one roll, with which I was associated.

The Hon. D. H. L. Banfield: That is the type of roll the Hon. Mr. Whyte was asking for.

The Hon. M. B. CAMERON: I am certain that the Government is holding some electorates purely on the basis of stacked enrolments—because of the names left on those rolls. People were told, "Leave your name there; it will be all right." The real issue before the Council—

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: —is whether the Government believes in democratic government. No, it does not, because it is not prepared to bring about a democratic result. The Government is denying people the right to have their votes counted; it has fooled the people for too long, and at the next election it will get its answer.

The Hon. D. H. L. Banfield: Do you want to bet?

The Hon. M. B. CAMERON: Yes.

The Hon. A. M. WHYTE: Like the honourable member who has just resumed his seat, I am disappointed. I am disappointed that another place could not consider any sort of compromise at all. It is true that compromise was available, and I offered a compromise on the amendments I had initiated in this Chamber, but it fell on deaf ears.

The Hon. D. H. L. Banfield: It didn't, you know. What did the Government say to your compromise?

The Hon. M. B. Cameron: Nothing.

The PRESIDENT: Order! The Hon. Mr. Whyte.

The Hon. A. M. WHYTE: Are you talking about the Government?

The Hon. D. H. L. Banfield: The compromise you made.

The Hon. A. M. WHYTE: I was talking about the managers of the House of Assembly, who were not, of course, empowered to make any real recommendation of any substance on behalf of the Government. So there is a difference there. If the Government was genuine, it could come forward and make a proposition that perhaps would be acceptable; but just by word of mouth from the managers of another place, it really had no compromise in it. As it was not in any way connected with Party politics and the amendments were straightforward, containing no implications, it was rather strange, to me, that there was no compromise. As far as the Hon. Mr. Cameron's remarks are concerned, here again his amendments merely meant that every vote that was cast would have a proportionate value at the next count. I could see no real danger in that; it was furthering the cause of democracy in connection with voting.

The Hon. D. H. L. Banfield: You didn't agree with the Hon. Mr. Cameron's amendments originally.

The Hon. R. C. DeGaris: He agreed with them as a second choice.

The Hon. D. H. L. Banfield: But originally he couldn't see any merit in them.

The Hon. A. M. WHYTE: The Chief Secretary is wrong. My amendments were much better than the Hon. Mr. Cameron's.

The Hon. D. H. L. Banfield: And you said so.

The Hon. A. M. WHYTE: The Hon. Mr. Cameron did not support my amendments, so I thought it advisable to take the little that was left. The Hon. Mr. Cameron seems to be sorry at the fact that the Labor Party may cry after the next election if it is defeated. It will not upset me one bit if it does.

The Hon. F. T. Blevins: You won't be here.

The Hon. A. M. WHYTE: I am sorry the situation has reached such a deadlock without any attempt at compromise for which conferences are designed.

The Hon. F. T. BLEVINS: This was my first conference since I was elected as a member, and it was a rather peculiar pantomime.

The Hon. M. B. Cameron: You didn't do too well.

The Hon. F. T. BLEVINS: That is quite correct, because I am put in the invidious position of theoretically supporting this Council when I have nothing but derision for its decision in this matter, so it leaves me without much to say and I did not say it very well.

The Hon. R. C. DeGaris: The Hon. Mr. Sumner, on the Legal Practitioners Bill, argued against the case he believes in.

The Hon. C. J. SUMNER: On a point of order, Mr. President.

The PRESIDENT: Order! I cannot even hear the point of order the honourable member wishes to raise.

The Hon. C. J. SUMNER: The Leader of the Opposition, by way of interjection, has accused me of arguing for a position regarding the Legal Practitioners Bill which I did not really support, and that is an absolute misunderstanding.

The Hon. F. T. Blevins: It is a lie.

The Hon. C. J. SUMNER: It is a lie. I ask that the honourable Leader withdraw it.

The PRESIDENT: I did not hear the statement made.

The Hon. R. C. DeGARIS: I am prepared to withdraw, provided the Hon. Mr. Sumner gives an assurance to this Council that, in Caucus, he supported the existing clause 101 of the Legal Practitioners Bill. Then I will withdraw.

The Hon. C. J. SUMNER: I am happy to explain to the Leader what I did in relation to clause 101 of the Legal Practitioners Bill.

The Hon. A. M. Whyte: What the hell has this got to do with the electoral legislation?

The Hon. C. J. SUMNER: I explained it in the second reading debate, if the Leader had been listening. If he would like me to clarify it—

Members interjecting:

The PRESIDENT: Only if the honourable member wants to pursue his point of order. Does the honourable member wish to withdraw his point of order, as the Hon. Mr. DeGaris says he withdraws?

The Hon. N. K. Foster: He qualified that to some extent, did he not?

The PRESIDENT: I think we had better proceed with the remarks of the Hon. Mr. Blevins.

The Hon. C. J. SUMNER: If it was a qualified withdrawal it is not acceptable.

The PRESIDENT: I did not hear it as a qualified withdrawal.

The Hon. N. K. Foster: Ask him to repeat his allegation and, if he is an honest man, he will do so, will he not?

The PRESIDENT: I think we had better proceed—

The Hon. N. K. FOSTER: I rise on a point of order, which you will probably not accept, Mr. President, because you said that you did not hear it, and if you let someone as unscrupulous as the Leader of the Opposition take advantage of that—

The PRESIDENT: I did not say that.

The Hon. N. K. FOSTER: No, I did.

The PRESIDENT: Order! The honourable member will cease arguing with the Chair. What I said was that, as I understood what the Hon. Mr. DeGaris said, he gave an unqualified withdrawal of the remark.

The Hon. C. J. SUMNER: It was not unqualified.

The PRESIDENT: Then it is up to the Hon. Mr. Sumner to take further objection.

The Hon. C. J. SUMNER: I have and I will take it.

The PRESIDENT: The Hon. Mr. Sumner had better state his objection.

The Hon. C. J. SUMNER: The objection is that what the Hon. Mr. DeGaris said about my attitude to the Legal Practitioners Bill was not correct, yet he has continued to assert it and he has not withdrawn it. In fact, it is a lie, and he has not withdrawn it without qualification.

The PRESIDENT: I call upon the Hon. Mr. DeGaris to withdraw the statement.

The Hon. R. C. DeGARIS: I firmly believe that what I said is factual. I am prepared to withdraw, provided the Hon. Mr. Sumner gives an unqualified undertaking that at no stage in Caucus did he oppose the inclusion of clause 101 in the Legal Practitioners Bill. If he will give that undertaking I will withdraw.

Members interjecting:

The PRESIDENT: The honourable member has objected, and the withdrawal by the Hon. Mr. DeGaris now appears to be qualified. That, unfortunately, cannot be allowed, and I therefore call upon the Hon. Mr. DeGaris to withdraw his imputation.

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

The PRESIDENT: The Hon. Mr. Blevins.

The Hon. F. T. BLEVINS: It causes a great deal of difficulty for a person to be on a conference such as this when his heart cannot be in it. Let us be perfectly honest about it: nor were the hearts of a couple of managers from the other place in it. The whole thing was a pantomime, a charade.

The Hon. M. B. Cameron: It is like arguing in Caucus for something, and coming here and voting against it, or the other way around. It is no different from your Caucus, surely.

The Hon. N. K. FOSTER: A point of order, Mr. President.

The PRESIDENT: The Hon. Mr. Foster has raised a point of order, and he had better state his point of order.

The Hon. N. K. FOSTER: I thought you ruled a while ago in regard to an objection taken by the Hon. Mr. Sumner against the Hon. Mr. DeGaris (if I have to go through all this "Honourable" rot) that there should not be any comparison in this debate between a decision of Caucus and a decision of this Council.

The Hon. M. B. CAMERON: Will the honourable member give way?

The Hon. N. K. FOSTER: Yes.

The Hon. M. B. CAMERON: I see no difference. I would have thought that the Hon. Mr. Blevins was practised in the art of arguing one way upstairs and the other way here. I would have thought he would be a genius at arguing in the conference, and I am surprised that he has expressed the view we have now heard.

The Hon. F. T. BLEVINS: I am very flattered by the kind remarks of the Hon. Mr. Cameron. What he does not realise is that in Caucus I am always on the side of the just. It is easy for me to come here and express the Labor Party point of view. I put it well, because I put it with conviction. I really believe in it. I must confess that honourable members are stealing my time and effort. The proposition the Bill puts forward has nothing to do with this Council, but relates strictly to the method of voting for the other place. The other place has said that this is what it wants, and the people of South Australia have said they want it. What right has this Council to say otherwise? It may technically be a majority of this Council, but it is certainly not a democratically elected majority. What right has this Council to say that the House of Assembly and the people of this State do not have the right to choose the voting system they request?

We have heard on occasions from the Hon. Mr. DeGaris about the matter of mandate. Apparently, we did not have a mandate for the railways legislation, but we did for the beverage container legislation. I have not worked that out. However, there is no doubt that the Government and the House of Assembly have a mandate for this Bill. For that reason, I strongly support the Leader of the Government in this place in his motion that we do not insist on our amendments. In relation to the Hon. Mr. Whyte's amendments, it astonishes me that suddenly such an alteration is absolutely essential. There appear to be one or two men on the Birdsville track who have written to the Hon. Mr. Whyte explaining that they do not have a vote. He was challenged to bring forth the evidence, but we are still waiting to see it. He brought forward some telegrams saying that people on the Birdsville track supported this legislation, but I would have thought it would be easier for him to produce the evidence that people do not have a vote. If the Hon. Mr. Whyte reads *Hansard*, he will see that he did not make the position plain.

The Hon. M. B. Cameron: Are you questioning his integrity?

The Hon. F. T. BLEVINS: No, but he is pretty slow in bringing the evidence. I have no doubt he has the evidence, but it is taking him a long time to produce it.

The Hon. M. B. Cameron: You didn't ask for it.

The Hon. F. T. BLEVINS: Look in *Hansard*. The Hon. Mr. Cameron is not reading his *Hansard*, not doing his homework. I am surprised. It is strange that there is this desperate urgency to make sure that everyone has a vote. I do not accept that we do not all have a vote, anyway. Why does it happen suddenly now? Where were the Hon. Mr. Whyte and the rest of the democrats over the years when they had a majority in both Houses?

The Hon. N. K. Foster: Wallowing in dishonesty.

The Hon. F. T. BLEVINS: Yes, wallowing in dishonesty, as the Hon. Mr. Foster said. They are still doing it today. Someone said this morning, "That's history." Someone else has said that those who do not take note of history are doomed to repeat it. We are certainly not going to do that, and anything put up by members of the Opposition who sat here for years denying thousands of South Australians a vote will be looked at with suspicion.

The Hon. M. B. Cameron: Support our amendment.

The Hon. F. T. BLEVINS: The Hon. Mr. Cameron is very impatient. It is difficult to say I doubt the sincerity of the Hon. Mr. Whyte, but I can only ask where he has been all these years. The amendment of the Hon. Mr. Cameron is clearly only a matter of sour grapes. The electoral system is completely fair. In my second reading speech, I referred to some of the things that members opposite have said: how good it was and how the State would benefit from it. The Hon. Martin Cameron said that the optional preferential voting system was good; his Party supported it. So we look forward to that support when a vote is taken.

There are other problems with the electoral system besides this alleged difficulty experienced at the end of the count. A large element in any electoral system is whose name will be placed at the top of the ballot-paper, as decided at the draw. That the Australian Labor Party was fortunate enough to draw No. 1 position at the last Council election probably contributed greatly to the Hon. Mr. Sumner's presence here today. This will obviously happen in future, as it happened in the Senate election on December 13.

In the past, it has worked in favour of the Liberal Party or the Liberal Movement. On December 13, the Liberal Party derived much benefit throughout the Commonwealth

by drawing first position on the ballot-paper, and good luck to it. It was not something that that Party could fiddle, although it was about the only thing left that it could not fiddle. It was pure chance, and we will never eliminate the element of chance in this respect.

The Hon. Mr. DeGaris constantly says that he is concerned about people not having the right to vote. Although I have had an opportunity to examine *Hansard*, I do not intend to weary the Council by reading extracts from it. However, I certainly commend this to people interested in the record of the attitude of members opposite in relation to voting. The extract to which I am about to refer relates to the Millicent by-election. The Hon. Mr. DeGaris claims that everyone should be entitled to a vote, and he spent much time in 1968 discussing the matter as it applied to the Millicent by-election. Many people had their right to vote challenged, and dozens of people were wrongfully challenged by the Hon. Mr. DeGaris and others.

The Hon. R. C. DeGARIS: On the same grounds as those raised by the Hon. Mr. Sumner previously, I object to what the Hon. Mr. Blevins has just said. What he said was untrue, and I should like him to withdraw his statement that I deliberately withdrew the names of people from the electoral roll.

The PRESIDENT: The Hon. Mr. DeGaris has objected to that statement.

The Hon. F. T. BLEVINS: What was the statement?

The PRESIDENT: That the Hon. Mr. DeGaris deliberately removed the names of persons from the Legislative Council roll.

The Hon. F. T. BLEVINS: I challenge his statement that I said that. In connection with the Millicent by-election, the Hon. Mr. DeGaris and others challenged the right of people to remain on the electoral roll. Indeed, dozens of people were wrongly challenged. However, they had the right to stay on the roll, and were able to persuade the Electoral Office that they had that right. Was the Hon. Mr. DeGaris concerned about their right to vote then? Obviously, he was not.

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

The Hon. F. T. BLEVINS: Yes.

The Hon. R. C. DeGARIS: I object to the honourable member's imputation that people's names were wrongfully removed from the roll. No-one was removed from the roll.

The Hon. F. T. Blevins: I didn't say that.

The PRESIDENT: Order! The Hon. Mr. DeGaris has up to three minutes in which to speak.

The Hon. R. C. DeGARIS: Many people had left the district, and the Electoral Office was told that mail addressed to those people had been returned marked "Left district". The electoral officer, having made inquiries, removed those names from the roll. What the Hon. Mr. Cameron has said is true: people who had left the district 15 years before still had their names on the roll. However, no-one was challenged.

The Hon. F. T. BLEVINS: What the Hon. Mr. DeGaris has said does not alter the fact that he and others today—the great democrats who are worried about the man who allegedly does not get a vote—instituted challenges in the 1968 Millicent by-election.

The Hon. R. C. DeGaris: No.

The Hon. F. T. BLEVINS: I refer now to what the Hon. Murray Hill, then Minister of Local Government, said.

The Hon. A. M. Whyte: Were you in Australia at that time?

The Hon. F. T. BLEVINS: That is indeed a racist remark. It takes a while for this to come out, but I can always rest assured that, if I am getting at honourable members opposite, that sort of remark will be made. That is the only way in which members opposite can fight, but I will not become involved in that sort of tactic. I apologise to the Council for taking so long, but honourable members opposite obviously do not want to hear what I am saying. I am sure, however, that you, Mr. President, want to hear me. The Hon. Murray Hill, representing the Attorney-General, said the following in the Council, in reply to a question asked by the Hon. Mr. Banfield:

Since March 2, 1968, the Electoral Registrar has issued 168 objections by the Assembly District of Millicent. Of this number, 36 objections were dismissed by the Registrar.

That means simply that objections were raised to the names of people staying on the roll, 36 of which objections were invalid. Those people had every right to have their name on the roll. The Hon. Mr. Hill continued:

In each case, the objections were made by the Electoral Registrar. The information to originate the objections came mainly from the Hon. R. C. DeGaris and the Hon. F. J. Potter.

So, in 1968, they tried to remove from the electoral roll the names of people who had every right to vote. Despite this, these people come in here, full of hypocrisy, and say that they are interested in the person living by the Birdsville track and who, they allege, is not getting a vote.

The Hon. Mr. Cameron made a disgraceful statement when giving his report on how the managers at the conference behaved. He said, "This Government stands on stacked electorates." That is exactly what he said, as reported in *Hansard*, and it was a disgraceful and shameful thing for him to say. If the Hon. Mr. Cameron had any guts whatsoever, he would say that outside this Council, where he could be challenged and where he could either put up or shut up, because this Government does not stand on stacked electorates. I support the motion, and urge the Council not to insist on its amendments.

The Council divided on the motion:

Ayes (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.

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

The PRESIDENT: There are 10 Ayes and 10 Noes. This Bill, in its original form, was passed at its second reading and third reading by the House of Assembly on the casting vote of the Speaker. It has now undergone all stages in this Council and has been considered by a conference of managers appointed by the two Houses. It is patently obvious that it is a highly contentious Bill on which honourable members are now equally divided. It is my view that in these circumstances it is not a measure that should become law by the casting vote of the Presiding Officer in a House of Review. Time should be allowed for further thought to be given to the original proposals in this Bill as well as to the amendments that were brought forward in this Council. So that the existing law will not meanwhile be changed, I give my casting vote for the Noes, and the Bill consequently is laid aside.

QUESTIONS

DENTISTS

The Hon. C. M. HILL: My questions, addressed to the Minister of Health, arise from a report in this morning's *Advertiser* of comments made by His Excellency the Governor on the dental health arrangements at Flinders University. First, in the Minister's opinion, are our existing dental school facilities in this State sufficient for our current needs and, secondly, are there any plans for the establishment of a dental school at Flinders University?

The Hon. D. H. L. BANFIELD: It was interesting to note in His Excellency's speech last night that he stated that the school at Flinders University was not complete without having dental facilities incorporated in it. His Excellency went on to say that, with the advance in various dental techniques, it would not be long before we would not need any more dentists. There was therefore some conflict in the statements made by His Excellency on this matter. It would be wrong of us to train more dentists than would be required. True, His Excellency went on to say that more should be done in dental research, and he indicated that Flinders University would be the ideal place for such research. His Excellency's remarks will be taken into consideration, but present indications are that the output of dentists (we are training about 45 dentists a year) is keeping up with the community's requirements. The distribution of dentists is not exactly as we would like it because, in some areas, it is difficult to get dentists to take up practice. Overall, the number of dentists in relation to the State's population is being maintained. Regarding the suggestion made by His Excellency about research, we will keep that in mind.

WHYALLA BEACH

The Hon. A. M. WHYTE: Has the Minister of Lands a reply to the question I asked recently relating to the cleaning up of an area on one of the Whyalla beaches and the establishment of a proper rubbish dump?

The Hon. T. M. CASEY: I am pleased to inform the honourable member that approval has been given for the cleaning up of the existing rubbish dump in the area that the honourable member mentioned. This will require the establishment of a new dump and, as far as the erection of signs is concerned, I have made arrangements for the Secretary of the Whyalla Shack Owners Association to contact the local departmental district inspector, Mr. Kinney, who resides at 31 Playford Avenue, Whyalla. I assure the honourable member that this officer will liaise with the Whyalla Shack Owners Association about the location of the new dump and the erection of the signs that have been asked for.

AUSTRALIAN EDUCATION COUNCIL

The Hon. ANNE LEVY: I address my question to the Minister of Agriculture, representing the Minister of Education. I understand that the Minister of Education has just returned from a meeting of the Australian Education Council, which comprises the Australian and all the State Ministers of Education. Can the Minister inform us whether any concrete achievements have resulted from that meeting and, in particular, whether the attitudes of the new Federal Government with respect to education policy have been clarified at all?

The Hon. B. A. CHATTERTON: I will pass on the honourable member's question to the Minister of Education and bring down a reply.

PORT LINCOLN ABATTOIR

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

Leave granted.

The Hon. M. B. DAWKINS: I am pleased to see, according to today's newspaper, the announcement of the completion of a stage of redevelopment of the Port Lincoln abattoir, which, I understand, is controlled by the Government Produce Department through Samcor. This is a most necessary requirement from the point of view of efficiency, health and, most importantly, the need to attain a standard that will be acceptable for exports to the United States, thereby attracting a United States export listing. Is the Minister confident that this desirable standard can be achieved and, if not, what other requirements are needed to bring the Port Lincoln abattoir to that standard?

The Hon. B. A. CHATTERTON: Just as a background to the honourable member's question, in fact the Port Lincoln abattoir is not under my control at present. The Government Produce Department has been abolished and the abattoir is in the State Supply Department but it is envisaged that the abattoir will be transferred to Samcor as soon as legislation can be drafted and the necessary financial arrangements between the Treasury and Samcor can be finalised. There has been quite a programme of upgrading, and I am confident the abattoir will maintain its position as an export abattoir. Certain problems are associated with the amenities and the segregation of various parts of the works in relation to the Federal Department of Primary Industry, but we are working in a good relationship with them and I believe this will continue and so long as we show our willingness to meet their requirements we will hold our position as an export works.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: Will the Chief Secretary make every effort to see that replies to questions which have not yet been given because of the need to refer the question to a Minister in another place are given during this week in view of the adjournment that will take place, I understand, at the end of the week? It will be some time before we sit again, and it is proper that, wherever possible, replies should be given in the Chamber rather than by letter during the adjournment.

The Hon. D. H. L. BANFIELD: The Government is just as anxious to supply the answers as Opposition members are to receive them. It is true that some questions asked are of a searching nature and require considerable research, and that some questions must go from one department to another, which all takes time. However, every effort will be made without any promises being given.

WATER HYACINTH

The Hon. C. W. CREEDON: I seek leave to make a brief statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. W. CREEDON: On today's *Country Hour*, a report was broadcast that the Gwydir River, in New South Wales, is now seriously flooded, increasing the risk of water hyacinth entering the Murray River and causing problems with the South Australian water supply. The whole matter of water hyacinth infestation is becoming increasingly urgent. Can the Minister say whether any further steps have been taken to implement three-State control of water hyacinth?

The Hon. B. A. CHATTERTON: I reported in this Chamber last week, and also mentioned in the urgency debate, that, at its meeting in Perth, Agricultural Council had agreed to set up a meeting of State Ministers concerned and Mr. Anthony, Chairman of the Water Resources Council. I was pleased to receive today a telegram from Mr. Cowan, the Minister of Agriculture and Water Resources in New South Wales, supporting moves to get this meeting formed as a matter of great urgency to meet the present critical situation in New South Wales.

MINISTERIAL STATEMENT: BEVERAGE CONTAINERS

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

Leave granted.

The Hon. T. M. CASEY: In the debate on Thursday of last week on the Beverage Container Act Amendment Bill, the Leader of the Opposition sought an indication of the form regulations would take in defining prescribed containers. I gave an assurance, in response to that question from the Leader of the Opposition, that I would obtain a statement from the Minister on what action the Government may take in regard to such regulations. I have sought the advice of my colleague, who informs me that detailed regulations have not yet been finally drafted, as his officers have not yet obtained all the technical information which they require. However, the Minister has assured me that he will inform the Leader of the Opposition of the approach which the Government intends to take in this regard as soon as the necessary definitions have been completed.

MARRYATVILLE CO-EDUCATIONAL HIGH SCHOOL CONVERSION

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Marryatville Co-Educational High School Conversion (Stages I and II).

MOTOR VEHICLES 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.

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

Leave granted.

EXPLANATION OF BILL

It contains a large number of miscellaneous amendments to the principal Act. The Registrar of Motor Vehicles keeps the Act under constant and critical review, with the object of ensuring, as far as reasonably possible, that the Act keeps abreast of present-day requirements. Efforts are continually being made to render the Motor Vehicles Act as flexible as possible, so that the need for constant amendment is obviated. To this end, the Bill seeks to remove from the Act as much of the unnecessary detail as can be dealt with satisfactorily under the regulations. With an Act of this kind, it is unavoidable, unfortunately, that there will always be some people who will try their hardest to avoid the various obligations imposed by the Act. One of the objects of this Bill is therefore to close possible loopholes and to clarify the effect of certain provisions.

I shall explain the purpose of each of the amendments contained in this Bill as I deal with the clauses in detail. Clause 1 is formal. Clause 2 permits the operation of certain clauses to be suspended for a period of time where necessary. Clause 3 amends the arrangement of the Act. Clause 4 amends certain definitions. The definitions of "authorised examiner", "balance of the prescribed registration fee" and "reduced registration fee" have been removed from the body of the Act to the general definition section. The definition of "mobile crane" is amended so that a tow-truck does not come within its ambit. The definition of "prescribed registration fee" reveals that all registration fees will now be computed in accordance with the regulations. The definition of "tow-truck" is modified so that a vehicle will only come within its meaning if the vehicle carries equipment for lifting other vehicles that have broken down or have been damaged in an accident. The definition of "tractor" is struck out, as it overlaps the definition of tow-truck and is capable of interpretation without specific provision in the Act. The definition of "weight" is simplified; accessories and equipment to be included in the weight of a vehicle will be dealt with under the regulations.

Clauses 5, 7 and 8 provide for the prescribing of registration fees by regulation. Clause 6 inserts a penalty provision for failure to comply with the conditions of a permit granted under Part II of the Act. Clause 9 enables extra classes of vehicles to be exempted from registration fees by the regulations. The clause further provides that, if the owner of an exempt vehicle subsequently applies for "full" registration, his application will attract full stamp duty, and so on. Some people have been successfully avoiding payment of stamp duty on new vehicles under this section of the Act as it now stands. Clause 10 amends the section of the Act that deals with the registration of interstate trade vehicles at a low fee; the loophole referred to in clause 9 is similarly closed.

Clauses 11 to 18 inclusive are consequential amendments that effect no substantive changes. Clause 19 repeals section 29 of the Act; the definition provided by this section now appears in the general definition section of the Act. Clause 20 re-enacts section 40 of the Act. This new section now provides for payment of the balance of the registration fee when a reduced fee has been paid. Interstate trade vehicles are excluded from the operation of this section, which until now has been used for the purposes of evading stamp duty in relation to vehicles that are not genuinely to be used for interstate trade. Clauses 21, 22 and 23 are consequential amendments. Clause 24 effects some minor statute revision amendments. Clause 25 enables all the technical details relating to number plates to be dealt with under the regulations. Clauses 26 to 33 inclusive effect consequential amendments.

Clause 34 repeals the section of the Act that deals with fees for trader's plates; now to be a matter for the regulations. Clause 35 brings section 64 of the Act into line with the rest of the Act. All formal matters such as the specifications of trader's plates are now dealt with by the Registrar and not the Minister. Clause 36 merely seeks to clarify section 66 of the Act that deals with general trader's plates. Clause 37 similarly seeks to clarify and simplify the wording of section 67 of the principal Act that deals with limited trader's plates. Clause 38 repeals sections 68, 69 and 69a of the Act, the provisions of which are incorporated in sections 66 and 67, as amended by this Bill.

Clause 39 is a consequential amendment. Clause 40 repeals section 71aa of the Act. The definition contained in this section now appears in the general definition section of the Act. Clause 41 repeals section 72a of the Act which

provided for temporary driving permits. This section is now redundant as a consequence of the various amendments effected by this Bill to the driving licence provisions. Clause 42 brings the wording of this section into line with present-day drafting practice. Clause 43 repeals three sections that deal with tow-trucks. All the tow-truck provisions are put into a new Part of the Act by this Bill. Clause 44 provides that the Registrar may insert conditions in drivers' licences. For some time now it has become apparent that there is a need to restrict the kinds of vehicles that, for example, the holder of class 5 (that is, bus driver) licence may drive. The sizes of vehicle that come within the meaning of omnibus may vary greatly. A person who wishes to drive a small van for private family purposes should not be necessarily entitled to drive a large passenger bus. There is also a need sometimes to restrict the purposes for which a class 5 licence holder may drive a bus. A person who may wish to drive a small passenger van for private purposes, or in the course of certain employment, should not necessarily be entitled to drive passengers for hire.

Clause 45 effects consequential amendments to section 75a of the Act which deals with learners' permits. Subsection (3) is redrafted in a clearer form. Clause 46 repeals another fee-fixing section of the Act. Clause 47 provides a clearer redraft of section 79 (1) of the Act, which deals with the written examination that is a prerequisite of obtaining a licence or learner's permit. The operation of this section is widened to include a person who has previously held a licence, but not within the three years preceding his application. Such persons, of course, have to undergo a practical driving test; it is an obvious road safety precaution to require them to pass a written examination as to the rules of the road. The clause also provides that examiners may be appointed by the Registrar (instead of the Governor). Every member of the Police Force is an examiner.

Clause 48 re-enacts those provisions of the Act that deal with practical driving tests. New section 79a clarifies the situation regarding persons newly resident in this State. If such a person satisfies the Registrar that he has at some time during the three years preceding his application held a licence elsewhere, and that his driving experience is adequate, then he is not required to undergo a practical driving test. Clause 49 provides that the Registrar may make directions as to the manner in which a person who has failed a practical driving test must subsequently satisfy the Registrar as to his competence to drive. Clause 50 repeals section 83 of the Act which provides for appeals. This section is inserted by this Bill in a later part of the Act. Clause 51 repeals some further sections that deal with tow-trucks.

Clause 52 provides for the issue of drivers' licences for three-year terms. The administrative costs relating to the annual renewal of licences are fast becoming prohibitive and, in an effort to keep licence fees at a reasonable level, the Registrar seeks this new provision. Persons over the age of 70 years will still have their licences renewed for periods of one year. Provision is also made for the payment of a proportionate refund on the surrender of a licence. The issue of three-year licences will be phased in, in accordance with the regulations; hence, the reference to "subject to . . . the regulations" in subsection (1) of new section 84. Clause 53 repeals section 87 of the Act, which deals with the suspension of a person's licence on the ground that he is not competent to drive a vehicle without danger to the public. This section is unnecessary, as the Registrar has an identical power to suspend under section 80 of the Act. The Registrar has on occasions found that the provision in section 87 of a right to be tested every 28 days has constituted a serious danger not only to the examiner, but also to the public at large. Any person whose licence is suspended will have a right to appeal.

Clause 54 expands section 97a of the Act, which currently provides only for visiting motorists. Provision is made for persons who are new residents in this State. Such a person may drive in this State in accordance with his interstate licence for only so long as is reasonably necessary to obtain a licence under this Act. He must, of course, apply for a licence as soon as is practicable. Clause 55 provides for further exemptions from the obligation to hold a motor driving instructor's licence. A need has arisen to exempt persons whose job it is to teach other employees in the same place of employment to drive company trucks. The Registrar's approval is not needed as this requirement places an unnecessary burden on the Registrar. The provision relating to instructors' licences was only ever intended to apply to persons who carry on, or are employed in, the business of driving instruction.

Clause 56 makes several amendments to the points demerit scheme, with a view to clarifying the meaning of several of the provisions. New subsection (11) provides that a person may request that his disqualification begin forthwith after a conviction that will bring his total of points to 12 or more. This means, in effect, that a person may waive his right of appeal. The period of disqualification under this section commences upon the service of a notice by the Registrar, unless the person is already disqualified, in which case the points demerit disqualification takes effect immediately upon the termination of the prior disqualification. New subsection (12) provides that all points incurred up to (and including) the offence that leads to disqualification under this section are extinguished upon that disqualification taking effect. New subsection (15) provides that the court may, on appeal, reduce the aggregate of points to 11, thus effectively giving the appellant one more chance. A disqualification under this section does not take effect until an appeal is determined or withdrawn. The reduced points are struck off the appellant's record in the order in which the recorded points were incurred. A person cannot appeal again in respect of any points that form part of an aggregate that was the subject of a former successful appeal. A person incurs demerit points on the day on which he commits the prescribed offence. Upon disqualification under this section, all other licences are to drive similarly suspended.

Clause 57 inserts a new Part in the Act, which contains all the provisions relating to tow-trucks. The area to which this Part applies is to be fixed by proclamation of the Governor. New section 98d provides for the application for, and issue of, tow-truck certificates. New section 98e empowers the Registrar to issue temporary tow-truck certificates when he thinks fit. New section 98f provides for the cancellation or suspension of certificates. New section 98g provides that all tow-truck certificates remain in force for a period of three years. (Under the Act as it now stands a tow-truck certificate has no term at all.) Current certificates will expire on August 31, 1976. New section 98h provides that a certificate has no force in certain circumstances. New section 98i provides that a person shall not drive or operate a tow-truck on a road within the area unless he holds a valid tow-truck certificate. This is a wide prohibition, but it must be borne in mind that specified classes of persons may be exempted under the regulations. The Bill provides one special exemption. A

person who conducts a towing business outside the area may drive his tow-truck within the area for the purpose of his business, providing he does not use the vehicle in relation to an accident that occurs within the area. New section 98j provides that no person may remove a damaged vehicle from an accident scene for fee or reward unless he holds a tow-truck certificate and has the necessary authority from the owner.

A member of the Police Force may sign an authority. Certain information must be set out in the authority. A member of the Police Force may revoke an authority in certain specified circumstances. A person who obtains an authority must comply with the authority unless it is not practicable for him to do so. A person must produce both his tow-truck certificate and his authority to tow to a member of the Police Force, if requested to do so. New section 98k provides that certain contracts for repair are not enforceable unless they are in writing and signed by the owner, and so on. New section 98l provides that a person who has a damaged vehicle in his possession must surrender it to the owner if that person has had all lawful claims for towing, storing and repairing the vehicle satisfied. It is intended that charges for the towing of damaged vehicles be fixed under the Prices Act, because at the moment the Automobile Chamber of Commerce may only fix towing charges when a contract for repair has been signed. New section 98m sets out three offences in relation to the obtaining of authorities to tow. New section 98n provides that a tow-truck bearing trader's plates must not be used in connection with the towing of another vehicle that cannot proceed under its own power.

Clause 58 provides that a third party insurance policy must insure the owner and the driver of a vehicle against all liability (that is, not only for negligence) arising out of death or bodily injury caused by the vehicle—thus this section is brought into line with the provisions of the fourth schedule policy of insurance. Clause 59 repeals two sections that became redundant on the passing of the 1971 amendments relating to third party insurance. Clause 60 is a consequential amendment. Clauses 61 to 64 inclusive also remove inappropriate references to "negligence" from certain sections of the Act.

Clause 65 clarifies the situation with relation to a vehicle that is insured in another State. Such a vehicle is not uninsured for the purposes of this Act if the policy of insurance complies with the law of that other State and insures the owner and driver of the vehicle against all liability. The troublesome reference to a person "temporarily within the State" is omitted, thus bringing this section into line with section 102 of the Act. New subsection (4) requires a claimant to give notice to the nominal defendant of a claim against him. New subsection (5) empowers the court to take into account the failure of a claimant to comply with subsection (4) where such failure has prejudiced the defendant's case. As the Act stands at the moment, the situation could arise where the nominal defendant may not know of an impending claim until some years after the accident. Thus this section must contain similar provisions to those in section 115 of the Act.

Clause 66 removes another inappropriate reference to "negligence". Clause 67 provides a new scheme in relation to the indemnification of the nominal defendant by approved insurers. The repealed section 119 is of course no longer of any use, as there are not 10 approved insurers in existence. The alternative provided by section 120 of the Act is considered by all persons involved in this area to be cumbersome and inconvenient. New section 119 provides that the Minister may publish a scheme that provides for contribution by all approved insurers in specified proportions in and towards satisfying all claims against, and payments made by, the nominal defendant. The Minister may at any time vary or revoke such a scheme. It is felt by all concerned parties that the new section provides a far more flexible and satisfactory scheme.

Clause 68 provides a new appeal provision. A person may appeal against any decision of the Registrar under those Parts of the Act that deal with drivers' licences, tow-trucks and motor driving instructors' licences. The appeal provisions under the Act as it now stands are anomalous since appeals may be made against some decision of the Registrar, but not against others—with no logical distinction between the two. Clauses 69 and 70 effect some general improvements to two evidentiary provisions of the Act. Clause 71 provides for the prescribing of certain matters by the regulations. All of those regulation-making powers are obviously necessary to the proper working of the Act.

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

LICENSING ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to close a loophole in the provisions of the Licensing Act which provide for the assessment of licence fees. The Act fixes the fee for most kinds of liquor licences as a percentage of the gross amount paid or payable by the licensee for the purchase of liquor during the 12 months ended on the last day of June preceding the date of the application for the grant or renewal of the licence. These provisions are open to exploitation in the following manner: a person takes over a hotel that carries on a modest business and therefore attracts a low licence fee; he proceeds to make enormous sales of liquor at a well-advertised discount during the ensuing period of 12 months; he then abandons the licence in order to avoid meeting what would otherwise be a dramatically higher renewal fee. He can then, of course, proceed to other licensed premises where the process is repeated. Not only does this stratagem result in a substantial loss of revenue to the State, but also it creates gross inequities between licensees. The honest liquor merchant is placed at a severe disadvantage, while the fly-by-night operator reaps substantial profits at the expense of the revenue of the State and his fellow licensees. The present Bill is designed to overcome this deficiency in the licensing law and, because the Government believes that it has a duty to remedy inequities that have already occurred, the unusual step of including in the Bill a clause making its operation retrospective has been taken. 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 makes the Bill retrospective to September 28, 1967. This is the day on which the principal Act came into operation. Clause 3 makes a consequential amendment. Clause 4 extends the period within which a re-assessment of a licence fee may be sought from 12 months to three years from the date of grant or renewal. A provision is included enabling the Superintendent in seeking recovery of moneys from a body corporate to "pierce

the corporate veil" and recover from directors and shareholders where steps are taken to dissolve or impoverish the company in order to defeat the object of the proceedings.

Clause 5 is the major substantive provision. It provides, in effect, that, where a major change in the nature of the business conducted in pursuance of a licence takes place through removal of a licence, a structural change to licensed premises, or the adoption or cessation of a prescribed trading practice, the court in assessing the licence fee may treat the application for renewal of the licence as if it were an application for a new licence. The court then need not look at the actual turn-over during the relevant antecedent period, but may calculate the licence fee on the assumption that business of the kind actually conducted during the licence period had been conducted during the relevant antecedent period. A saving provision is included in case the new provisions should be held to be invalid as imposing an excise contrary to the provisions of the Commonwealth Constitution.

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

JURIES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its principal object is to correct an anomaly that has become evident since the new system of jury pools came into operation late last year. The section of the principal Act that provides for jury pools has been interpreted to mean that the Sheriff must call in all the jurors summoned for a month even when only one trial is to commence on a particular day of that month. In practice, this has meant that the Sheriff has had, on occasions, to call in many more jurors than could possibly be required to constitute a panel. On at least one occasion about 40 more persons were in attendance than were required. Apart from the extra burden of work placed upon the Sheriff, the cost factor is significant. A further object of the Bill is to correct some anomalies in relation to the persons who are exempt from jury service, and to achieve equality between men and women as regards jury service. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. Clause 3 repeals section 14a of the Act which enables a woman to cancel at any time her liability to serve as a juror. Thus a woman will now only be able to be excused under sections 13, 16, 17 or 19 of the Act. Clause 4 provides for the service of jury summonses by ordinary pre-paid post. Registered mail is now very costly and does not always provide the most effective mode of service.

Clause 5 empowers the Sheriff to divide a jury pool into sections, by ballot. Only one section need be called in to render jury service if only one jury panel is required. The ballot for division of a jury pool into sections may be conducted before or after the first day on which the jurors are required to attend. All ballots under section 32 must be conducted in public.

Clause 6 repeals section 60b of the Act which provides that a woman may be excused from serving as a juror on the trial of any issue that she considers would be, for example, unduly offensive to her. Clause 7 deals with persons exempt from serving as jurors. The item dealing with colleges of advanced education is placed in proper alphabetical order. All references to "wives" are removed. The word "spouse" covers the situation where a judge, etc., is a woman. The amendments to the items relating to the Electricity Trust and the State Transport Authority provide that only officers of those authorities are exempt. Other employees of these authorities will now serve as jurors, as is the case with State Government employees. Finally, it is provided that both male and female members of a religious order are to be exempt—the Act at the moment only exempts women.

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

SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This Bill, which makes a number of amendments to the principal Act, the Superannuation Act, 1974, arises from recommendations of the South Australian Superannuation Board. The disparate nature of the amendments suggests that they may most conveniently be dealt with *seriatim*. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act, the section that provides for the definitions used in that measure. The amendment proposed to the definition of "contribution months" is of a drafting nature, the words proposed to be struck out being otiose and possibly slightly confusing. The two amendments proposed to the definition of "contribution salary" are of considerably more substance. They arise from a decision of the Superannuation Tribunal, established under the principal Act, which makes it clear that the salary payable to a contributor must take into account any variation of salary, having retrospective effect to the day in relation to which the salary is to be ascertained.

The effect of these amendments will, in relation to contributions, ensure that for that purpose no regard need be paid to such variations. If the amendment is agreed to, the board will be relieved of the necessity of making a large number of retrospective adjustments to contribution amounts, adjustments that cannot be justified in terms of cost benefits. The amendment to the definition of "employee" presages the introduction of a provision that will enable former contributors to declared schemes to be accepted as contributors to the fund. Honourable members will recall that " declared schemes" are other superannuation schemes to which the Government is liable to contribute. Under the amendments proposed contributors to such schemes will be afforded the opportunity of entering the general scheme under the principal Act.

The amendment to the definition of "full unit entitlement" again reflects the decision of the tribunal referred to and is intended to ensure that those persons whose pensions were adjusted under section 98 of the principal Act will not be retrospectively disadvantaged. The amendment to the definition of "prescribed deduction" is intended to relieve the Public Actuary of the necessity of engaging in

a somewhat unproductive actuarial calculation. The insertion of a definition of "supplementation amount" will be explained in relation to the amendments to section 75 and section 84 of the principal Act.

Clause 4 inserts a new section 6a in the principal Act and attempts to clarify the legal effect of the expression "whole time" when used in the definition of "employer". From its inception, the scheme of superannuation proposed in this State was one to provide retirement benefits for those servants of the State who were employed in a permanent capacity and who were required to give their "whole time" to their duties. However, as the concept of Public Service employment has developed, there are now many people whose employment has an air of permanency but cannot by any stretch of the imagination be regarded as "whole time" employment.

When one appreciates that the contributions and benefits provided under the principal Act are entirely related to the salary from time to time payable to an employee, it is easy to see that there can be no place in the scheme for those whose hours of duty may be varied at will by their employing authority. Quite inequitable advantages can be obtained where an employee spends the majority of his "contribution life" in say a twenty-hour a week employment situation and then changes to full-time employment shortly before his benefits accrue.

To deal with this situation the proposed new section 6a provides: (*a*) that, in future, only "full-time" employees will be admitted to the scheme; and (*b*) except in special cases, those "part-time" employees who are at the moment in the scheme, or who are entitled to join the scheme, will be restricted in both contributions and benefits to the "equivalent salary" based on the hours they are working on the commencement of this amending measure. Clause 5 makes certain machinery amendments to the provisions of section 13 of the principal Act which deals with the application of moneys in the fund. These amendments are self-explanatory and have been requested by the trustees of the fund.

Clause 6 amends section 45 of the principal Act which deals with entry of contributors into the scheme. The amendment proposed by paragraph (*b*) is to guard against the possibility that a person may obtain double benefits from the scheme. The amendment proposed by paragraph (*c*) is to cover a situation that may arise where a contributor gains entry to the fund on the strength of a false statement as to his state of health. Clause 7 amends section 45 of the principal Act, which provides for the purchase of service, by limiting the times at which this purchase may take place to two occasions, when a contributor joins the fund and when he is about to go on pension. This restriction has been recommended by the board to guard against the possibility of contributors "electing against the fund", a practice that, if widespread, can throw the fund out of balance. The amendments proposed by paragraph (*b*) of this clause at proposed subclause (4) permit the Public Actuary to take into account retrospective increases in salary in calculating lump sums payable and at proposed subclause (5) state expressly what is implied in the scheme of periodical contributions for purchased "contribution months".

Clause 8. The amendments to section 46 of the principal Act made by this clause are consequential on the amendments made to section 45 by clause 7. Clause 9 amends section 54 of the principal Act, which dealt with the situation of a contributor to the fund who was at the same time a contributor to a declared scheme. This section in effect "froze" that contributor's contributions and benefits at the rate applicable when this situation was first dealt with. If the amendments to this clause are agreed to, such a contributor will be permitted to contribute to the present scheme on a basis that will accord with arrangements he may enter into with the Minister. Such arrangements will necessitate his passing to the fund the benefit he would otherwise accrue from the declared scheme. Clause 10 will enable the board to recover any outstanding contributions payable by a contributor from moneys standing to the credit of the contributor in the Retirement Benefits Account.

Clause 11 is a machinery amendment to section 62 of the prescribed Act requested by the board. Its acceptance will remove the possibility of an anomaly being created in the application of this section. Clause 12 inserts a new section 65a in the principal Act, and is commended to honourable members' particular attention. It is quite self-explanatory and is intended to limit the right of withdrawal from the fund by contributors once they have been accepted as contributors.

Clause 13 makes some small but significant amendments to section 67 of the principal Act, this being the provision on which the right to a pension is granted. The main thrust of the amendment is to ensure consistency in the grants of various pensions and to ensure that an appropriate pension is awarded in every case. The amendment proposed by paragraph (*a*) will ensure that an invalid pension will not be available to a person who may obtain a pension by retirement. The amendment proposed by paragraph (*b*) should ensure that common grounds for retirement on invalidity must be established by each employing authority. The amendment proposed by paragraph (*c*) should ensure that common policies for retirement under the retrenchment provisions are also established.

The amendment proposed by paragraph (*d*) will ensure that a person shall not be retrenched if he can be retired. The amendment proposed by paragraph (*e*) ensures that the proper test is five years' contributions, not five years' service in the case of a retrenchment pension. The amendments proposed by paragraph (*f*) establish a fixed commencing day for pensions and also give a right to suspend the pension where a "retired" employee is still in receipt of remuneration for his service.

Clause 14 is a machinery amendment to avoid an anomaly apparent in the application of the formula set out in section 71 of the principal Act. Clause 15 amends section 75 of the principal Act which deals with commutation of pensions. The amendment proposed by paragraph (*a*) is purely a machinery one but the amendment proposed by paragraph (*b*) is significant in that it makes it clear that any amount by which a pension has been increased by supplementation (as to which see the definition of "supplementation amount" inserted by clause 5) will not be taken into account in determining the proportion of the pension that can be commuted for a lump sum.

Clause 16 amends section 76 of the principal Act which deals with invalid pensions and makes a significant change. In effect, it makes the continuation of such a pension dependent on the pensioner seeking appropriate treatment, thus emphasising the rehabilitation aspect of this pension. Clause 17 amends section 78 of the principal Act which deals with remunerative activity of an invalid or retrenched pensioner by somewhat enlarging the area of employment he may accept. Clause 18 merely clarifies the intention of section 81 of the principal Act which is to facilitate the disposition of any residue where benefits paid under the Act do not exceed contributions.

Clause 19 makes amendments to section 84 of the principal Act which deals with commutation of a spouse's

pension which are similar in effect to those made to section 75 by clause 15. Clause 20 has been inserted as an amendment to section 93 of the principal Act, from an abundance of caution, to ensure that no present pensioner who obtained an adjustment of pension under this section is disadvantaged by the application of amendments proposed in this measure.

Clause 21 is a drafting amendment. Clause 22 amends section 102 of the principal Act and is of considerable significance to persons who contribute to the provident account. On attaining the age of retirement such persons will now automatically become full contributors to the fund with its attendant advantages.

Clause 23 repeals and re-enacts section 121 of the principal Act in consequence of the passage of the Family Relationship Act, 1975. No change in principle is proposed here. Clause 24 provides for the making of returns by employing authorities and clause 25 enacts in the principal Act a provision that appeared in the previous legislation but which was omitted from the principal Act. The provision prohibits the assignment of benefits under the Act. Clause 26 inserts two new heads of regulation-making power which are self-explanatory.

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

BEVERAGE CONTAINER ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

QUESTIONS RESUMED

BEVERAGE CONTAINER ACT AMENDMENT BILL

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking a question of the Minister representing the Minister for the Environment.

Leave granted.

The Hon. R. C. DeGARIS: I recently directed a question to the Minister of Lands, representing the Minister for the Environment, concerning the definition of "ring pull" in the Beverage Container Act. I do not know whether the Government has considered the matter since I asked my question. Has the Minister any report to make on the matter?

The Hon. T. M. CASEY: I do not know whether the Leader was in the Chamber when I gave a Ministerial statement on the matter today. I intended to give a copy of the statement to the Leader, but it has been sent to *Hansard*. I will give him the copy when it is returned.

SAMCOR

The Hon. C. M. HILL (on notice):

1. What was the total amount of long-term liability loans made by the Treasurer to the South Australian Meat Corporation as at December 31, 1975, and what interest rates were involved?
2. What loans to Samcor were secured by debenture notes from sundry institutions as at December 31, 1975, which institutions were involved, and what were the interest rates?
3. What was the amount of Samcor's bank overdraft (if any) on December 31, 1975, which bank was involved, and what interest rates were charged?
4. What further borrowings by Samcor are projected for the six months ending June 30, 1976, from what source will these be sought, and what is the estimated interest rate involved?

The Hon. B. A. CHATTERTON: Because the reply to the honourable member's question is in the form of a long schedule, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

SAMCOR FINANCE

1. Total principal outstanding on long-term liability loans made by Treasurer of South Australia as at December 31, 1975, $1 876 158·61.
Interest rates applicable—3, 4, 5·125, 5.5, 6·05, 7·05 and 9·55 per cent.

2. The following amounts of outstanding principal were secured by debentures from the following institutions as at December 31, 1975.

	Outstanding Principal 31/12/75 $	Interest Rates percentage applicable
The Bank of Adelaide Savings Bank Limited	1 005 213·92	5·625, 5·75, 6·9, 8·5
Australia and New Zealand Savings Bank Limited	734 033·57	7·3, 8·5, 10·3
The National Bank Savings Bank Limited	1 600 000·00	7·4, 8·5, 10·3, 10·5
South Australian Superannuation Fund Investment Trust	1 240 643·47	7·1, 9·85, 9·9, 10·5
Commercial Savings Bank of Australia Ltd.	750 000·00	7·3, 9·85, 9·9, 10·5
Commonwealth Savings Bank of Australia	450 000·00	7·3, 9·85, 10·5
Bank of New South Wales Savings Bank Limited	950 000·00	7·4, 9·8, 9·9, 10·3
The Prudential Assurance Company Limited	100 000·00	7·4, 9·9
The Savings Bank of South Australia	4 150 000·00	8·9, 9·85, 9·9, 10·3, 10·5
The Australian Mutual Provident Society	450 000·00	8·9, 10·3
City Mutual Life Assurance Society Limited	100 000·00	8·9
Commissioner of Charitable Funds	250 000·00	8·7
The State Government Insurance Commission	1 400 000·00	8·5, 9·5, 9·8, 10·3
Mutual Life and Citizens' Assurance Company Limited	100 000·00	8·9
The National Mutual Life Association of Australasia Limited	250 000·00	8·5
3. Bank overdraft as at December 31, 1975, with the Bank of Adelaide, Enfield	75 588·05	11·25
4. Projected borrowings six months ending June 30, 1976.		
South Australian Superannuation Fund Investment Trust	200 000·00	10·5
South Australian Superannuation Fund Investment Trust	700 000·00	Depending on terms and conditions of the Loan Council on date of taking up loan.
Source not determined	100 000·00	Depending on terms and conditions of the Loan Council on date of taking up loan.

CONSTITUTION ACT AMENDMENT BILL (PRESIDING OFFICER)

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1975. Read a first time.

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

That this Bill be now read a second time.

This short Bill is intended to deal with a situation that arose following the untimely demise of Speaker Hurst some time ago. Honourable members will recall that Speaker Hurst passed away while the Parliament was not sitting. While appropriate steps were devised to meet the situation that then arose, it is thought prudent that the principal Act, the Constitution Act, 1934, as amended, should be further amended to ensure that, as far as is possible, at all times there should be a person capable of exercising the powers and functions of the Speaker of the House of Assembly and that there should also be a person capable of exercising the powers and functions of the President of the Legislative Council.

For this purpose the legislative philosophy given effect to by this measure is based on the premise that the choice of a Speaker or President is essentially one for the House of Parliament in question to make. For this reason the existing provisions of the principal Act have been left substantially undisturbed. Nevertheless, a situation can arise, and in fact did arise, where the relevant House was simply not in a position to provide a presiding officer and it is here that some outside intervention is necessary and, in the mind of the Government, this intervention should be by His Excellency the Governor. Further, an examination of the relevant clauses of the Bill will make it clear that a person appointed under the measure by the Governor will have no power to act as Speaker or, as the case may be, as President while the relevant House is actually sitting.

The importance of ensuring that the offices of both Speaker and President are kept constantly occupied cannot be over-emphasised. Aside from the special responsibility of the Speaker under section 50 of the Electoral Act, 1929, as amended, to issue writs for by-elections, both of the occupants of these high offices have a number of administrative functions to perform in relation to the staff of their respective Houses.

Clause 1 is formal. Clause 2 enacts a new section 25a of the principal Act and its terms are quite self-explanatory. This clause deals with the appointment of a temporary President of the Legislative Council. Clause 3 inserts a new section 36a in the principal Act which is identical in form with proposed section 25a, save that it deals with the position of the Speaker of the House of Assembly.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill provides for a means whereby the offices of Speaker of the House of Assembly and President of the Legislative Council can continue when the Houses are not in a position to provide those particular officers. The last occasion when a House was without a duly elected Speaker or President was on the occasion of the death of Speaker Hurst. Under the existing provisions of the principal Act, no member can act in that capacity fully until the House meets to choose a successor. The Bill allows the Governor to intervene and nominate a person to be the Speaker or the President but that appointment terminates with the meeting of the relevant House. I believe that is the position.

As was pointed out in the second reading explanation, the Speaker and the President have a special responsibility, both constitutionally and administratively. That responsibility can be carried out only by the properly appointed and properly elected members to those positions. I do not believe that such a deputy under either the Electoral Act or the Constitution Act can carry out completely the functions of the Speaker, or the President of this Council. Therefore, while the House may elect a deputy, it does not totally satisfy the position.

There are some provisions in the Constitution Act to allow for the position to be filled, such as in the case of leave of absence, or for sickness but, when Parliament is not sitting, it is conceivable that the situation could arise which demands the authority of the duly appointed or duly elected President or Speaker. The Bill seeks to overcome that anomally. True, there could be other solutions to this problem, but I believe that one of the difficulties faced in seeking a solution to it concerns the question of the need for a referendum in some circumstances to change the powers of each House to do certain things.

Therefore, the proposal in the Bill is that the Governor, using his powers, appoints a Speaker or a President if a vacancy occurs for any reason. The only thing about which I am worried, and honourable members appreciate that the Bill has not been in the Council long (although I have done some work on it), concerns Her Majesty's representative actually choosing the Speaker. I have not done much research on this point and I merely raise it for the information of the Council. I do not know whether other honourable members wish to adjourn this debate so that we can further examine the matter, but I should like the opportunity in the future to examine it.

As I see the position, especially in relation to the President of this Council, there is only one way to overcome the problem without going to a referendum, and that is to adopt the procedure outlined in the Bill. I find the Bill unobjectionable, and I support its second reading.

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

APPROPRIATION BILL (No. 1) (1976)

Adjourned debate on second reading.

(Continued from February 12. Page 2304.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill, which seeks the appropriation of about $15 000 000. The Treasurer has made a full statement on the current financial position and has reported on the possibility of a surplus in this financial year of about $25 000 000. It is usual each year that Supplementary Estimates covering variations in wage increases and the like come before the Council, generally, in May or June. However, this year we have such a Bill before us during the February session concerning the large sum of $15 000 000.

I should now like briefly to refer to the amounts sought and the reasons for the Government's seeking them; for example, salaries and wages payable by the Police Department exceed the estimate made in August last year by more than $1 200 000. Under the heading "Treasurer—Miscellaneous" we find that the Budget provision of $836 000 was made for payments to the Electricity Trust to subsidise the supply of electricity to country areas. Also, there is a large increase in workmen's compensation payments and claims on the fund in relation to the trust. Appropriation is also required to cover transfers to the Government Insurance Fund to provide fire insurance cover on Government and school buildings, damaged or destroyed by fire. These costs exceed the estimate by about $150 000. The total provision under "Treasurer—Miscellaneous" is more than $500 000.

Throughout this Bill one finds that Lands, Public Buildings, Works—Miscellaneous, Education, Agriculture, Railways, and Transport have the same story. I refer to the increased cost of workmen's compensation and the increased cost of wages, as well as increased claims in various areas requiring in total an appropriation of $15 000 000. I do not object to this. There is much to say on it, but this is the first time I have seen an Appropriation Bill before the Council in February. This indicates what is happening to our community.

The other point I want to make is that the Treasurer talks about a $25 000 000 surplus for this financial year. The Government should be examining areas of taxation closely. There have been some minor changes made in the collection of succession duties. There are to be minor changes to be made to pay-roll tax, but the area which has not been looked at and which is bringing much difficulty to sections of the community, is land tax. If one looks at the community and sees some of the charges being levied through land tax assessments on small farms, etc., especially in small farming areas close to urban settlement, one can see that it is time the Government took a close look at the impact of this capital tax on farming areas. The Council can do little about this Bill. Nevertheless, I support the Bill, although I believe that, before the financial year is out, we will have a second Appropriation Bill coming before us seeking approval for further Supplementary Estimates.

The Hon. C. M. HILL: I, too, support the Bill, which is a money Bill and which cannot be rejected by this Council. The Bill deals with important aspects concerning the people of this State, and it is to some of these matters that I now wish to refer. First, I want to criticise the Treasurer and his representative in this Council for the considerable time spent in the explanation of the Bill deprecating the actions of the Prime Minister (Mr. Fraser). In effect, they said that clearly the actions of Mr. Fraser were responsible for people being thrown out of work.

The Hon. J. E. Dunford: I believe it.

The Hon. C. M. HILL: The people do not believe it. The Hon. Mr. Dunford may believe it, but we saw the responsible actions of Mr. Fraser recently in trying to curb the major problem facing Australia at the moment—inflation—by taking a responsible attitude towards wage indexation. The granting of the 6·4 per cent wage increase was indeed something that will not help unemployment; it will worsen it, for the simple reason that employers will find they cannot employ the same amount of staff or number of employees when they must pay increases of this kind.

The Hon. T. M. Casey: He went back on his election promise.

The Hon. C. M. HILL: He said that it was because of the general economic situation. I refute the claim by the Treasurer when introducing this Bill that Mr. Fraser's actions were clearly throwing people out of work. My point about the items listed deals with unemployment. The State Government, which in this document states that it is finishing its financial year with an estimated credit of $25 000 000 and is seeking a further $15 000 000-odd in this supplementary Budget, proposes to apply a further $2 000 000 to help the unemployment situation in this State. Will the Government say, either in its answer to this debate or at some time when the Chief Secretary has had time to confer with his officers, the manner in which this money is to be spent?

Can we, as representatives of the people, have some information on how the Government intends to allocate this $2 000 000? Amongst the people at large, there is much concern that some people who should and could be working are obtaining benefits.

The Hon. T. M. Casey: Can you name them?

The Hon. C. M. HILL: No; I do not intend to name anyone.

The Hon. T. M. Casey: Then you can't make statements like that.

The Hon. C. M. HILL: Yes, I can. It does not mean anything to you; you belong to a Party that hands out money hand over fist.

Members interjecting:

The Hon. C. M. HILL: I am concerned about the Government's policy on what kind of check or investigation it will make of such allocations before it makes all these hand-outs. I want to make the point clearly.

The Hon. T. M. Casey: You are not doing it very well.

The Hon. C. M. HILL: I am doing all right. In all matters of unemployment, those people who are genuinely unemployed should be helped. I make that point clear.

The Hon. N. K. Foster: Who is not genuine?

The Hon. C. M. HILL: That is a good question. How will the honourable member take steps to find out?

The Hon. N. K. Foster: How would you take any steps?

The Hon. C. M. HILL: It is not my job to tell you. You are the Government that is asking for $2 000 000 from the people's pockets. I want to know how you will spend it.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: You admit that you have been handing out money?

The Hon. F. T. BLEVINS: Will the honourable member give way?

The Hon. C. M. HILL: The honourable member has not given way yet in this Council.

The Hon. F. T. Blevins: I have.

The Hon. C. M. HILL: Then he appears to have changed his ways. For a long time he has not observed the "give way" rule. He now asks me to give way.

The Hon. F. T. Blevins: Will you give way?

The PRESIDENT: The honourable member has asked the Hon. Mr. Hill to give way. I point out we have only another two days for this rule to operate.

The Hon. F. T. BLEVINS: Exactly which type of unemployed person does the honourable member mean? Does he mean the wealthy unemployed, who do nothing at all and get massive hand-outs in the way of taxation lerks or the unemployed person who has no money and depends on benefits?

The Hon. C. M. HILL: I should have thought the honourable member would understand clearly that the people to whom I am referring are, first, those in the genuine group who deserve help—

The Hon. N. K. Foster: Who are they? Tell us.

The Hon. C. M. HILL: —and whom I favour getting help.

The Hon. F. T. Blevins: Who are they?

The Hon. C. M. HILL: They are the people who genuinely cannot get work and are willing to work. The wealthy people to whom the honourable member refers I have no knowledge of. Perhaps he is an expert in that field. I return to the simple basic question that the Government is asking Parliament to appropriate $2 000 000 for this

purpose. Will the Government give some details of how it intends to allocate this money, and what kind of investigation and questioning of the applicants will the Government and its officers make before this money is allocated?

My next point, to which I have previously referred, is that there is a further allocation in the Estimates to the Public Buildings Department. I have asked many questions but I do not get many replies on this matter. I want to know clearly the Government's policy on public works in this State being given to private enterprise by the contract system and the general tender system. Does the Government intend to get more work done with its available money by following a policy of public contract and giving out this work to private enterprise, or is the Government increasing, as its policy, its staff within the Public Buildings Department and doing work through that department by that means?

The Hon. M. B. Cameron: If it does not, you will move to reject Supply?

The Hon. C. M. HILL: No, I will not; but there is no doubt in my mind as to the better course to adopt. Just where does the Government stand on this policy? I also mention that I support the Government's proposal to subsidise the *Troubridge* out of general revenue.

The Hon. N. K. Foster: You made a mess of that when you were the Minister. You gave to private enterprise, the Adelaide Steamship Company, round about $4 000 000 to $6 000 000 for a project that had to be taken over by a so-called socialist Government; and the amount was kept secret.

The Hon. C. M. HILL: The honourable member is expounding rubbish.

The Hon. N. K. Foster: No, I'm not.

The Hon. C. M. HILL: First, there was nothing secret about the subsidy that was given.

The Hon. N. K. Foster: The amount was secret; you were the Minister.

The Hon. C. M. HILL: It was not.

The Hon. N. K. Foster: You refused to disclose it here or anywhere else.

The Hon. C. M. HILL: No. The figure was about $200 000, and it was disclosed. There was nothing secret about it. Ever since he has been in this place, the honourable member gets up when the *Troubridge* is mentioned. Does he expect the Government to stand by and see the *Troubridge* cease its operations?

The Hon. N. K. Foster: No.

The Hon. C. M. HILL: Does he want—

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. C. M. HILL: Yes.

The Hon. N. K. FOSTER: I do not criticise you on the point you make about criticising what was done with the *Troubridge*. What I am saying to you and what I object to is the fact that you accepted that as being in the best public interest, particularly for the people of Kangaroo Island. What I object to is your hypocritical attitude of condemnation when a socialist Government does it and the Government buys out the ship.

The PRESIDENT: Order! I hope the honourable member will be brief in answering that, because we are dealing with the Appropriation Bill.

The Hon. N. K. Foster: He introduced that argument. It was not me.

The PRESIDENT: Come back to relevant matters.

The Hon. C. M. HILL: In deference to you, Sir, I will do my best to be brief, but I must remind the Hon. Mr. Foster that when we subsidised the *Troubridge* we instigated an inquiry as to the possibility of a new service from Cape Jervis to Penneshaw. We pursued that inquiry, and I hope the Government will go back to that plan, because I believe that ultimately it will be the only answer to the transport problem to Kangaroo Island, namely, to have a ferry service travelling back and forth on what is probably the shortest route between the mainland and the island. A facility of that kind should take over from the *Troubridge*, which is becoming a most expensive item.

The policy of the Government of which I was a member to subsidise the *Troubridge*, to keep it afloat, and to plan for a new connection by sea from the mainland to the island in my view was a responsible policy and responsible Government. Nothing the honourable member has said or can say will change my mind about that. It is clear from the Minister's explanation that the costs of running the *Troubridge* have reached an extremely high figure. It is expected that the loss on the Government run service this year will reach $860 000, so in a year or so it will probably be more than $1 000 000. The actual figure last year was $560 000.

Instead of deducting the subsidy from the Highways Fund, as in the past, the Government is taking some of the extra money from general revenue. As the Minister has said, it recognises that in some respects the *Troubridge* is comparable with other unprofitable transport systems. I do not oppose the $190 000 being provided from the general revenue for that purpose, but I would like to know the Government's future plans. Does the Government want to see this public facility going on and on, losing more and more money? The Hon. Mr. Foster, and no doubt the Hon. Mr. Blevins, who will be interested because of his former connection with the sea, should be aware that depreciation has not been taken into account, although depreciation on the ship is mounting each year.

The Hon. M. B. Cameron: What is its life expectancy?

The Hon. C. M. HILL: I do not know.

The Hon. N. K. Foster: When was the ship launched?

The Hon. C. M. HILL: The Hon. Mr. Foster should know. He seems to know so much about it. It seems odd to me, when a Government states clearly that it expects $25 000 000 credit in this financial year, that it intends to spend a further $15 000 000. It would appear that good housekeeping should be the order of the day, and that some of the surplus the Government and the State now enjoy should be used in such a way that further taxation, further charges, and further fees will not need to be imposed on the people of South Australia within the next year or two.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given the Bill. The queries raised by the Hon. Mr. Hill will be answered. Perhaps our housekeeping is not so bad, because South Australia is the only State in Australia showing a balance—

The Hon. C. M. Hill: Our taxation is the highest, too.

The Hon. D. H. L. BANFIELD: That is not so. Does the honourable member believe that that is correct? Does he believe that, per head of population, South Australia has the highest taxation?

The Hon. C. M. Hill: Including fees and charges.

The Hon. D. H. L. BANFIELD: Every other Treasurer in this country would like such good housekeeping as we have so that he could have a balanced Budget or money in

kitty. The accusation that the Government is not doing good housekeeping is wrong, because our Government is the envy of every Liberal Premier in Australia.

The Hon. N. K. FOSTER: I would like to say something—

The PRESIDENT: Order! The Minister has closed the debate.

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

POLICE PENSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 12. Page 2305.)

The Hon. J. C. BURDETT: I support this Bill. I have spoken to various police officers, both before and after the introduction of this Bill. Many of them have been anxious for some time that the Bill should be introduced and those I have spoken to are happy with its provisions. They are happy with the pension rates. We have in South Australia a Police Force of which we can be proud, and it is proper that the Government should have seen fit to provide the proper superannuation scheme it deserves.

I would comment only on the retiring age of 60 years which, with options in various rates of pension, can be reduced to 55 years. I understand that in almost every other comparable country the retiring age of members of the Police Force is 55 years. In such countries, the ordinary general retiring age in the community is 60 years or 65 years, but it is common in most countries for the retiring age of police officers to be lower. That is understandable when one considers the amount of violence in the community at present.

I do not like to think of a 59-year-old police officer going on duty, knowing that there is every likelihood that he will be confronted with violence during his tour of duty. I should like the Government, at an appropriate time, to consider reducing the retiring age for members of the Police Force to 55 years because of the special dangers and problems confronting them. I refer especially to the ever-present likelihood that they will be confronted with violence. In the meantime, however, the Government has provided a suitable rate of superannuation, with suitable superannuation provisions and conditions. At some future time I hope that the retiring age might be reconsidered. However, in the meantime, the provisions of the Bill are satisfactory to all members of the Police Force. I support the Bill.

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

PUBLIC AUTHORITIES (EMPLOYEE APPOINTMENTS) BILL

Adjourned debate on second reading.

(Continued from February 11. Page 2238.)

The Hon. D. H. LAIDLAW: The Premier said in a television interview recently that this is a rather innocuous Bill which will allow any employee to sit on the board of a public authority and remove any conflict of interest because the person concerned is an employee of that authority and receiving a salary. I take the opposite view. This Bill, if passed, could have a great impact on the future of our State. As the Chief Secretary said in his second reading explanation:

This measure is 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.

I stress at the outset that this Bill relates to public authorities which, as defined, means bodies whose directors or committees of management are appointed by the Governor or the appropriate Minister. It does not apply to Public Service departments, which are managed by a chief executive who is responsible to a Minister. In that case, the policy of the department is established by the Government of the day and not by a semi-autonomous board.

The Bill still covers a large part of the public sector, because Governments in South Australia have over the years created innumerable public authorities, in each instance created by a separate constituting Act. Rarely has any mention been made in those Acts whether the chief executive or some other employee may serve on the controlling board. In the case of the South Australian Theatre Company there is such a provision, and an appointment has been made. However, the Act creating the Electricity Trust of South Australia specifically precludes employee directors and I refer to section 6 of that 1946 Act.

If this enabling Bill is passed, it will not be necessary to alter the Acts constituting various authorities, other than that relating to E.T.S.A. and perhaps one or two others, in order to appoint worker directors. For example, section 5 of the Housing Trust Act provides as follows:

This trust shall consist of a chairman and five other members, all of whom shall be appointed by the Governor.

Likewise, section 11 of the State Bank Act provides:

The board shall consist of five members who shall be appointed from time to time by the Governor.

Because this enabling Bill imposes no restriction on the quality or number of worker directors, it would be possible for some doctrinaire socialist Government in future to appoint a majority of workers, elected from the shop floor, to the boards of these public authorities. For example, four such persons could be appointed to the Housing Trust board and three to the State Bank board. Thus, through the medium of this Bill, elements in our community who regard the plan for industrial democracy as a means of obtaining worker control will achieve their ends. The Premier may throw up his hands in mock horror at such a suggestion but, as he well knows, he cannot speak for his successors.

I stress at this stage that I do not oppose the appointment of the chief executive and perhaps one other senior executive of a public authority to its board. During the early development in England of corporate bodies, it was usual for their boards to consist wholly of non-executive directors who were appointed generally on grounds of credit standing and whom they knew. But in recent times the activities of many organisations have become increasingly complex and it has been beneficial to place one or more senior executives responsible for day-to-day operations on the board. It would be hard for me to argue otherwise because I served for 15 years as chief executive of Perry Engineering and during this time was a member of the board. Several other senior executives with specialist knowledge have also been appointed directors. I should add that three other public companies, with which I am associated, have a managing director as chief executive, and I have had some part in advocating their appointment.

Sir Thomas Playford apparently opposed the appointment of chief executives to the boards of public authorities. I frankly can see little distinction between public authorities and companies in the private sector in this regard because both should be managed as efficiently as possible, and I suggest with respect that the views of Sir Thomas Playford are perhaps outmoded. It is unfortunate that section 6

of the Electricity Trust of South Australia Act prevents the General Manager, Mr. Huddleston, from being appointed a director.

There is, of course, a great difference between the Liberal Party policy of appointing an employee to the board, provided that that employee has qualities which will aid the board in its deliberations, and that of the Labor Party, as enunciated by the Premier, that the workers should have the right *per se* to elect representatives, say, from the factory floor, the transport pool or the accounts office to the boards of public authorities and companies in the private sector. I am aware that the Premier has travelled to many parts of the world during his term in office to study worker participation in management and job enrichment, which means, in effect, to make boring jobs, especially on the production line, less monotonous. The appointment of workers as directors is one aspect of this subject. At one stage the Premier used to quote the experiments in Sweden as models for South Australia but since the rate of worker absenteeism in Sweden has climbed to the highest in Europe he has looked to other countries for enlightenment.

I have had some practical experience in this subject, having experimented in profit sharing amongst the staff and the establishment of consultative committees of workers at different levels at Perry Engineering over the years with varying degrees of success. I also served as a member of the Committee of Inquiry into Worker Participation in Management in the Private Sector, which produced its report in 1973 after 15 months of interviews and deliberation. The Premier originally invited me to be Chairman of this inquiry.

Simultaneously there was an inquiry into this subject with respect to the public sector. Whereas the private sector report was distributed widely here and overseas, the public sector one was not published, although copies can be obtained from various libraries. I suspect that the latter report was restricted because its findings ran counter to the philosophy of the Labor Government. The committee inquiring into the public sector was comprised, if I recall correctly, of Mr. Graham Inns (Chairman, Public Service Board), Mr. Lindsay Bowes (Secretary, Labour and Industry Department), and Mr. W. Voyzey (head of the Policy Secretariat of the Premier's Department). Their views on worker directors are quite specific. They said:

> The committee recommends that, in the light of current thinking and experience, appointments to public boards, trusts and corporations should not include representation (by nomination or election) of employees. The committee does, however, support the appointment of persons who have experience and understanding in employee problems and affairs.

This recommendation is in line with Liberal Party policy and contrary to the objects of this present Bill. I hope, however, that honourable members opposite will not claim that the three senior public servants whom I named as being on this inquiry were stooges of the Liberal Party. Their reasons for opposing the election of workers to boards are interesting and should be spelled out.

They quoted the views of Dr. Fred Emery from the Australian National University who has an international reputation in job enrichment and was apparently persuaded to return to Australia at the request of Mr. Bob Hawke. Dr. Emery saw no real advantage in appointing employee representatives to boards. Indeed, he envisaged the overriding danger of the worker director either "going management" or isolating himself by an employee-orientated stand. The public sector report noted the favourable reports of appointments of employees to the boards of the South Australian Theatre Company, Samcor and the Victorian Public Service Board but concluded nevertheless as follows:

> Any advantages likely to evolve from the appointments of worker directors would be outweighed by the disadvantages, which may be summarised as follows:
>
> (*a*) the difficulties in conflicting loyalties to the employees on one hand and the board of management on the other;
>
> (*b*) the compromising position likely to be suffered by unions, where members are participants in and are bound by decisions of the board;
>
> (*c*) the trust and creditability problem where the worker director may either desert his worker background for the management position or isolate himself by aligning himself with worker interests;
>
> (*d*) the problem of selecting worker directors in a situation where various unions are involved and the likely ensuing bickering between unions following the appointments; and
>
> (*e*) the problem of ensuring that worker directors have a sufficient range of skills and background to make a contribution to the efficient management of the organisation.

Strong words indeed. This recommendation on elected worker directors in the public sector was submitted to the Labor Government less than three years ago. Little has changed in employer-employee relations in the meantime to suggest that the views of this committee headed by Mr. Graham Inns would be different today. For those reasons, I oppose this Bill in its present form. I shall vote for the second reading so that it can move to the Committee stage, where I shall move amendments to ensure that, unless the constituting Act is altered, (*a*) no more than two employees may serve on the board of a public authority; and (*b*) one of those employees should be the chief executive, because in my mind it would be intolerable for an elected worker to serve as a director and, in effect, be able to issue instructions to his chief executive, who was not one.

The Hon. C. M. HILL: I support the second reading of this Bill, and I congratulate the Hon. Mr. Laidlaw on his contribution to the debate. The Council is very fortunate that it has a man of Mr. Laidlaw's experience, and I am sure that the points he has made will be weighed very seriously by honourable members on both sides of the Chamber. In supporting the Hon. Mr. Laidlaw's remarks, I support the Bill as it is limited by the amendments that have been foreshadowed. If those amendments are accepted by the Government it will be possible within the public sector (and I stress that this Bill deals only with the public sector) for one member from the shop floor of any of the organisations to be appointed to the board. In connection with the public sector, I believe that there is nothing wrong with that practice. Whether the machinery would work in that way is entirely in the Government's hands, but the possibility is there that, if the Government favours that course, it could occur. I support the Bill.

The Hon. J. A. CARNIE: The Hon. Mr. Laidlaw referred to the Premier's comment made during a television programme the other evening, that this was an innocuous Bill; at first sight, it appears to be an innocuous Bill. In both Houses it was introduced in almost a throw-away manner. In his second reading explanation, the Minister said:

> 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 . . .

The second reading explanation took only 30 or 40 lines in *Hansard*, but this Bill nevertheless has the most far-reaching implications for South Australia, implications which

I do not believe to be in the best interests of this State. The Government has been under constant fire since last June, when the Premier stated a policy on worker participation. Even the name has, in the interim, been changed from "worker participation" to "industrial democracy", presumably in the belief that perhaps the latter expression may have connotations that are less disturbing to the general public. Actually, it does not matter what the name is: it is still the same policy. It is proposed that one-third of the board be elected by shareholders, one-third by the shop floor, and one-third by the Government. There was an argument recently in the press as to whether the one-third to be appointed by the Government were to be trained by the A.L.P. or not. Mr. Max Harris and the Premier had an unfortunate exchange in the *Sunday Mail* on this matter. Actually, the whole point is irrelevant because, in connection with boards set up in this way, control will disappear from the people who own the companies. I wonder whether the Government believes that this should be carried one stage further, and that one-third of union councils should be elected by the union members, one-third by the management concerned, and one-third by the Government. It is the same principle as that promoted for worker participation.

The Hon. J. R. CORNWALL: Will the honourable member give way?

The Hon. J. A. CARNIE: Yes.

The Hon. J. R. CORNWALL: It seems to me that the Hon. Mr. Carnie has moved considerably away from the Bill under discussion. He said that it would take only a short time for the ownership to pass from the people who owned the organisations. Perhaps the Hon. Mr. Carnie could tell the Council how this could happen when the organisations specifically referred to in the Bill are already public enterprises.

The Hon. J. A. CARNIE: I will accept the point made by the honourable member, except that I brought this matter in because of the Government's actions, and I will soon deal with that aspect. The Government has publicly stated that it looks on worker participation in public authorities as an experiment prior to worker participation being introduced in the private sector. Therefore, I intend now to deal with parts of the private sector. The Premier has made many conflicting statements concerning worker participation. His original statement was definite, and he said that after experiments in the public sector over a few years he would then legislate to have worker participation introduced into the private sector.

The Hon. J. R. Cornwall: From what are you quoting?

The Hon. J. A. CARNIE: Members opposite seem a little impatient about this. Are Government members denying that the Premier made that statement in June last year?

The Hon. B. A. Chatterton: What is your source?

The Hon. J. A. CARNIE: I should now like to refer to a more recent statement of the Premier.

The Hon. B. A. Chatterton: From where did your reference come?

The Hon. J. A. CARNIE: It was published in the press of June or July last year, but I do not have the report with me.

The Hon. B. A. Chatterton: I merely want to know what paper it was in.

The Hon. J. A. CARNIE: He said it all right. I do not have the report with me now, but I will get the report for the Minister. However, my next quote will please the Minister, because this is what the Premier stated:

The Government has repeatedly stressed that it has no intention of trying to impose its worker participation policy on private companies.

I believe that the two statements I have referred to are at complete variance with one another.

The Hon. B. A. Chatterton: You have yet to prove the source of your first statement.

The Hon. J. A. CARNIE: When the Minister speaks in the debate, will he deny that the Premier stated that view or that it is stated Government policy? I do not believe he can do that. I believe that the first statement to which I referred showed the true position, but there has been so much reaction from the community, from both management and unions, that the Premier is now approaching this matter through the back door. I am surprised that he went on with this matter at all, because in 1972 the Government established a committee of inquiry to report on worker participation in management in the public sector, as referred to by the Hon. Mr. Laidlaw. I do not intend to deal with that report at length, because the Hon. Mr. Laidlaw has validly canvassed those points, but I refer again to the recommendation contained at the end of that report, as follows:

The committee recommends that, in the light of current thinking and experience, appointments to public boards, trusts and corporations should not include representation (by nomination or election) of employees.

This gets to the point of what is really wanted: is it worker participation, or is it worker control? Last year I attended a seminar on worker participation at the Hotel Australia. One of the speakers was Mr. J. D. Scott, Secretary, Amalgamated Metal Workers Union. He made no bones about what he and his union sought: their aim was not worker participation but worker control. He stated this publicly at that seminar.

I have no objection to worker participation, as such, in relation to the day-to-day practicalities of running a business. However, I do not believe that anyone, other than people with a financial interest in a business and voted to the board by shareholders, should be on a board, which exists to control the long-term policy of the company.

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. J. A. CARNIE: Yes.

The Hon. N. K. FOSTER: From his remarks, I take it that the honourable member would have no objection, where the Government has supplied funds to private enterprise, for its representatives to be placed on the board?

The Hon. J. A. CARNIE: No. There is one unfortunate aspect, Mr. President, with this new give way rule. Often, honourable members do not wait until a speaker has finished whereas, if they did so, they would find that the points they have raised would be brought out and another member could refer to the point at issue when he made his contribution to the debate. Regarding day-to-day management of companies, I believe in worker participation. Most people know that most big companies already have worker participation, because no companies can successfully operate without having contact with its employees to know their feelings and wishes in respect of day-to-day operations. They already have worker participation.

One matter which has at last been brought out into the open by this Bill is the fact that the Government does intend to continue worker participation. This point was clearly stated in the second reading explanation, as follows:

. . . to the carrying out by the Government of its announced policy of promoting industrial democracy in relation to public authorities.

The second point I raise is that the Bill has been introduced to overcome a legal impediment. In speaking in the debate on this Bill in another place, the Premier said that the Electricity Trust was the only public authority which specifically exempts employees from being on the board. Does the presentation of this Bill mean a flaw has been found in other Acts, namely, the Housing Trust Act and the State Bank Act? I refer to section 9 of the Housing Trust Act, which provides:

No person shall be or continue to be chairman or a member of the trust if he has any interest, direct or indirect, in any contract made by the trust.

Section 13 (1) (*e*) of the State Bank Act provides:

If he becomes in any way, except as a member, concerned or interested in any contract made by or on behalf of the bank . . .

These provisions raise the question of whether the employee/employer relationship is a contract in terms of the Act. I believe that it is, and I think many others believe that, in law, this is a contract under the terms of the Acts. Apparently, a flaw has been found in those Acts which provides an impediment to the model worker participation programme suggested for the Housing Trust and foreseen in relation to the Savings Bank of South Australia and the State Bank.

I now refer to the point raised by the Minister of Agriculture by way of interjection. He asked me when the Premier made his statement on worker participation in relation to legislating for it to apply to private industry. I can now tell the Minister that it was on June 12, 1975, in a report published in the *Advertiser* on page 12. The report states:

Mr. Dunstan hinted earlier that worker participation might be enforced if private industry did not co-operate.

To say that the Electricity Trust is the only public authority which specifically exempts employees from being on the board is misleading, to say the least, because I believe that the two sections to which I have just referred also prevent employees from being members of boards. What will be the position if this Bill is passed? The Hon. Mr. Laidlaw said that the Government can appoint a majority of workers as members of a board. He referred to four workers on the Housing Trust board and three workers on the State Bank board. I say that, if this Bill is passed, the Government could appoint a board comprising all employee members. It may be said that I oppose workers being on the board, and that a precedent can be set. It is a precedent that I oppose. I am not happy with this Bill and have noted the amendments put on the file by the Hon. Mr. Laidlaw. They may do something to mitigate the real fear I have that this is not worker participation but worker control. For this reason, I support the second reading but, if the amendments are not accepted by the Committeee, I will not support the third reading of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

New clause 5—"Non-application of Act."

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

After clause 4, page 2—Insert new clause as follows:

5. Except as is provided in this section, nothing in this Act shall apply to or in relation to a Proclaimed Public Authority—

(*a*) that does not have as a member the principal executive officer of that Proclaimed Public Authority;

or

(*b*) that has three or more employees as members, unless the constituting Act of that Proclaimed Public Authority expressly provides for the appointment of three or more employees as members;

As I pointed out in the second reading debate, this is purely an enabling Bill. The Government of the day can of course move an amendment to the constituting Act creating various authorities. What this amendment purports to do is, first, to provide that, if the Governor or the appropriate appointing authority wishes to appoint—

Members interjecting:

The Hon. D. H. LAIDLAW: I am having difficulty in explaining a difficult amendment.

The CHAIRMAN: Order! I am having difficulty in hearing it. I ask all honourable members to refrain from interjecting.

The Hon. D. H. LAIDLAW: The purpose of this amendment is to ensure that the Governor or the appropriate Minister who desires to appoint employees as directors should appoint no more than two to the board unless the constituting Act is amended. I understand there can be one employee elected to the Samcor board and one employee elected to the South Australian Theatre Company under existing constituting Acts. In that case, two employees could be appointed.

The other part of the amendment is to ensure that, if an employee is appointed, the principal executive officer of the authority should be the first appointee. I feel strongly about this, because it is invidious to have a situation where the General Manager, say, of the Housing Trust or of the State Bank, has to attend board meetings and two people who work for him are on the board. These could ask that the manager be removed from the room while a matter of policy is being discussed. That is not right.

With regard to the second member, I hope he is a person appointed who has the confidence of people, but there is nothing in this amendment to preclude the Minister from asking for an employee group to allocate a representative whom he, in his wisdom, thinks should be appointed.

The Hon. J. A. CARNIE: I support the amendment. As I said in my second reading speech, it goes some way towards mitigating what could be a real problem in the Bill. To have this constitution set up in such a way that an employee could be on the board while the chief executive of that body was not necessarily on the board would be invidious.

The Hon. J. R. CORNWALL: I am amazed by the attitude of honourable members opposite. It seems to me that the net effect of this amendment would be completely to sabotage the spirit and intent of the Bill.

The Hon. D. H. Laidlaw: No.

The Hon. J. R. CORNWALL: In practice, it would mean that the whole thing would be restricted to a little bit of window dressing. I think the Hon. Mr. Laidlaw's attitude was made clear when he said what an intolerable situation it would be (I am paraphrasing his words a little) to have a common or garden worker on the board and not have the manager in a position where he could stand over him and intimidate him.

Members interjecting:

The Hon. D. H. Laidlaw: No.

The Hon. J. R. CORNWALL: That is the way I read it.

The Hon. D. H. Laidlaw: I did not say that.

The Hon. J. R. CORNWALL: That was the implication. The other point raised by the Hon. Mr. Carnie, and I think also by the Hon. Mr. Laidlaw, is that virtually they say it is all part of a dreadful socialist plot and that, when the workers—the Trotskies and the Lenins—come, we will

still have to have these safeguards built in. If the popularly-elected Government of the day was constituted principally of these sorts of people (and, for the life of me, given conservatism on the part of the electors, I cannot imagine that that will ever happen, certainly not in our lifetime; it is theoretical and, if we have these people who want that sort of Government, that is their business), we still cannot build in safeguards for what will happen in 50, 60, or 100 years time. Therefore, I regard the amendment as an endeavour to thwart the attempt to introduce industrial democracy, even though the Premier has given an undertaking that it will be flexible and pragmatic.

The Hon. M. B. Cameron: Ha, ha!

The Hon. J. R. CORNWALL: I do not see the humour in that. It is not the statement of a mad left-wing radical; it is the statement of someone who approaches the matter reasonably.

The Hon. M. B. CAMERON: I think the Committee should support this amendment.

The Hon. N. K. Foster: Why?

The Hon. M. B. CAMERON: We are going to discover the truth of this Bill: it is not for worker participation—it is for worker control. What an inbred organisation we shall have, for instance, in the Housing Trust if the majority of the employees of the Housing Trust are on the board! It would end up looking inward, being introspective. I do not believe anything the Premier has said on this matter, because he has shifted ground and he has backed off until we do not know where he stands on the issue. The original proposal was for the Government to move into the private sector and to do something that I do not think would have been acceptable in this State. Members opposite cannot deny that, because at the State convention of the Australian Labor Party the policy was passed—

The Hon. N. K. Foster: No.

The Hon. M. B. CAMERON: Yes, it was. Ever since it was published there has been criticism, and the Government has shifted away from it, retreating to this position of safety, and then it will move out again. I regard this as a most suspect piece of experimental legislation which should be thrown out the window.

The Hon. N. K. FOSTER: I never cease to be amazed by the woolly-headed thinking by members opposite.

The Hon. M. B. Cameron: Don't worry! We are quite clear.

The Hon. N. K. FOSTER: It is all very well for the Hon. Mr. Cameron to enter this place as a person who owns sheep and does his own shearing. He is acceptable in this Chamber as a shearer. However, if he worked for that same pastoralist as did the Hon. Mr. Dunford, he would not be acceptable. Have I made the point clear to the dim-witted people opposite?

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: Very well, I will withdraw, although I could use stronger language. Members opposite are reading something into this provision that is not there. How many of them, especially the Hon. Mr. Laidlaw, have read about the Swedish system in the automobile industry? You have read it, and yet you are so damned hypocritical—

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: —as to promote such an amendment—

The CHAIRMAN: Order! The honourable member must not refer to other honourable members as being "damned hypocritical".

The Hon. N. K. FOSTER: It has a definite meaning in the dictionary, but I will withdraw it if you insist. Members opposite have read the documents and the material available in relation to what operates in Sweden.

The Hon. D. H. LAIDLAW: Will the honourable member give way?

The CHAIRMAN: We are in Committee. The honourable member can speak as often as he likes.

The Hon. N. K. FOSTER: The Hon. Mr. Laidlaw attempts to misconstrue Standing Orders by insisting that I should give way. He will know from the documents he has read that not only are workers involved on the boards in the automobile and shipbuilding industries of Sweden, as well as other major and capital works—

The Hon. F. T. Blevins: And in a majority.

The Hon. N. K. FOSTER: Yes, some of them as union representatives on the boards get their head chopped off by their members, too. That is a risk they take. If members opposite have read, as the Hon. Mr. Laidlaw has, of the changed concept of the automobile industry in Sweden so that some personal interest can be put into a job which has no personal interest, they would know that the workers in Sweden and other countries rebelled some years ago about the situation where a man screws the same nut on the same stud for eight hours a day, so many days a year. Nothing has been done in South Australia, however. I oppose the amendment on the basis that it does not include what some members on the opposite side call "worker control". They have been told this by some inefficient Chamber of Manufactures officers. In Sweden, it was at supervisory level, foreman level, and employee participation level that the system of car manufacture was introduced where, instead of the endless conveyor belt type of manufacture, a circular system was introduced.

This was evolved at board level, with employee representatives and management directly at the invitation of management. Not only did this change the method of production in the industry but it provided a totally new concept of manufacture. The old factory was knocked down (if this happened with General Motors-Holden's, for instance, the Woodville plant in its present form would go), a new building was erected, and management insisted that workers should be on the board. If the Hon. Mr. Hill and I were in the same production line, we would not be putting the same cylinder into the same monotonous hole in the engine block day after day. As a result of participation at board level we would decide that the 30 workers involved in that area of production would rotate.

The Hon. C. M. Hill: I thought you were going to say we would be on the board.

The Hon. N. K. FOSTER: They would rotate on the different aspects of that engine plant.

The Hon. D. H. Laidlaw: But that is job enrichment. That is a different subject.

The Hon. N. K. FOSTER: Is it? Put a bloke on a board because he is an employee and then tell him he is there for job enrichment. Come off it! What university did you go to?

The CHAIRMAN: Order! The honourable member did not say that. You are misrepresenting what he did say.

The Hon. N. K. FOSTER: He said job enrichment, did he not?

The Hon. D. H. Laidlaw: I said you were talking about job enrichment, and that is not in the Bill.

The Hon. N. K. FOSTER: I am not. You are misconstruing my remarks. Never mind what the Chairman

said about what you did to mine. I said that, as a result of worker participation at board level, a whole changed method of production resulted. The industry is not owned by the workers; it is owned by private enterprise. Any board of management, including the one the Hon. Mr. Laidlaw sits on, is prepared to have workers or worker representatives at board meetings when a dispute occurs, probably over lack of communication or stupidity on the part of either party. He is prepared to have them in his boardroom to sit with the captains of industry and the representatives of the shareholders, but he is not prepared to accord them any other rights of participation in what is going to occur in the plant. This is the question on which the present Federal Government is running into a great deal of trouble, if I may transgress.

The Hon. J. C. Burdett: No!

The Hon. N. K. FOSTER: All right. I will not. That typifies the attitude in this place. Members opposite get their instructions and they are absolutely rigid. They do not apply any degree of flexibility. With one possible exception, no-one sitting in this Chamber has any idea how industry works. With one possible exception, not one member has had any experience on the factory floor. The Hon. Mr. Burdett will probably support this amendment. When we were talking this afternoon he said that the workers at Mannum (who belong to the same union as the union he opposes in the city) get on very well with management because it is a small town. That is quite right, and why not apply that here? The purpose of the Bill is to appoint people on the board. Members opposite have cited the Housing Trust. If we come down to a legal opinion, perhaps it would be determined that every person in the Housing Trust is an employee—

The CHAIRMAN: Order! The honourable member must address the Chair, not the gallery.

The Hon. N. K. FOSTER: Mr. Chairman, may I draw your attention to the fact that the Hon. Sir Lyell McEwin is no longer a member of this place. If the Hon. Mr. Carnie were to have a court decide who were the employees of the Housing Trust, I think the decision would be that everyone who receives salary and wages from that body is an employee of the trust. The honourable member is discriminating between those persons who are considered to be at the top level and those at the lower level in that establishment. The whole Housing Trust labour force works in that area, and sees one another each day.

The Hon. C. M. Hill: On your reasoning one of those employees lives in Sydney.

The Hon. N. K. FOSTER: The Hon. Mr. Hill, if he wants to start a witch hunt on this matter, will soon see—

The Hon. C. M. Hill: You said that directors are employees.

The Hon. N. K. FOSTER: The person concerned is due to take up his appointment, and will probably be in Adelaide eventually. On that basis, the Hon. Mr. Hill's objection is perhaps relevant. However, it is a small point, as many people must fly to Adelaide to attend board meetings. I am sure, therefore, that the Hon. Mr. Hill could have made a better interjection than that. I support the Bill and oppose the amendment, which does nothing to assist the correct and proper concept of industrial relations.

The Hon. D. H. LAIDLAW: The Hon. Mr. Foster asked whether I had read details of worker participation and job enrichment in Swedish industry. It is a pity that he did not listen to my second reading speech, during which I said that I had served for 15 months on a committee of inquiry relating to worker participation in the private sector, and that the Premier had asked me to be Chairman of that committee. I also pointed out that the Premier had been to various parts of the world to study worker participation. He used to quote Sweden as the model but, since a recent statement that absenteeism of workers in Sweden is the highest in Europe, he has looked to other countries for enlightenment!

The Hon. D. H. L. BANFIELD (Minister of Health): If the Committee agrees to this amendment, the ability of each public authority so to arrange its affairs as to take advantage of the essentially facilitating provisions of this Bill would be unreasonably inhibited. Unless the principal executive officer of a public authority was appointed to be a member of that public authority, the authority could not secure the advantages of the Bill. There may be circumstances in which it would not be appropriate to appoint the principal executive officer. Furthermore, if the amendment was agreed to, the number of employees over and above the principal executive officer who could be appointed to the authority would be limited to one, without the specific provision in the constituting Act of the public authority. For these reasons, the Government opposes the amendment.

The Hon. M. B. DAWKINS: I support the amendment. We have heard much about the captains of industry and the private sector. However, the title of this Bill is, "a Bill for an Act to amend the law relating to certain public authorities", and the public authorities in this State are largely managed by boards of five people. We have also been told that the Government does not want worker control. This amendment will allow two representatives (and in most cases it would be two out of five members) to be elected from the employees of the organisation concerned. It also provides (I think correctly) that the chief executive officer, who is an employee and who in many cases would have come up through the ranks, should be one of the two members. If this amendment is not acceptable to the Government, it would be admitting that it wants worker control and not worker participation; in other words, it wants a majority.

The amendment is reasonable, providing as it does for the appointment to the board of the chief executive officer and one other employee who, as the Hon. Mr. Laidlaw said, may be a competent person with experience and expertise, or someone elected from the floor. However, that is up to the staff of the organisation concerned. I support the amendment.

The Committee divided on the new clause:

Ayes (9)—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, and D. H. Laidlaw (teller).

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

Pair—Aye—The Hon. A. M. Whyte. No—The Hon. C. W. Creedon.

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

New clause thus inserted.

Title passed.

Bill read a third time and passed.

WATER RESOURCES BILL

Adjourned debate on second reading.

(Continued from February 12. Page 2309.)

The Hon. M. B. DAWKINS: I support this Bill, which is, by and large, a good Bill. I was somewhat disturbed by some aspects of it when I first examined it, but representations by members of another place as well as by myself induced the Minister in another place to accept amendments which I believe improve the situation. The Bill repeals the Control of Waters Act and the Underground Waters Preservation Act and several amending Acts. This Bill is the culmination of a considerable amount of work. It largely consolidates the Acts to which I have referred, but it also includes some important new provisions. Most people (not all people, because I have had some complaints) concede the necessity for controlling the water resources in this dry State, which is often referred to as the driest State in the driest continent in the world; I believe that the Minister referred to South Australia in this way in his second reading explanation.

The vast majority of thinking people in South Australia realise the need to husband our water resources when we have such a small amount of water. I think South Australia has 2 per cent of the water resources in Australia, yet this is relatively a large and populous State; indeed, South Australia has about 9 per cent of Australia's population. We therefore need to husband our water resources and to use them in the best possible way. I believe that an educational approach is needed for people who do not realise the gravity of the situation in regard to the growth of the State and its potential. Certainly, heavy-handed dealing with such people will not bring the desired results. Previously in this Council I have contrasted, favourably, the realistic, sensible approach of the Electricity Trust of South Australia to easement problems with the approach of a prominent Commonwealth department which has been known to be heavy-handed and inconsiderate. The Commonwealth department has caused trouble as a result of its approach. I trust that the relationship of the Engineering and Water Supply Department to individuals, who may at first resist and not fully understand what they regard as unwarranted interference, may be modelled on the Electricity Trust's approach, not on heavy-handedness.

Certainly, some of the legislation appears at first glance to be unduly restrictive, particularly if areas are proclaimed too soon. However, we must surely realise the ultimatt threat to South Australia's expansion if we do not husband our water resources properly. It is necessary to conserve our surplus water and to use recycled water effectively and not to allow it to be wasted. A very serious position exists in some parts of the State in regard to the conservation and judicious use of underground water supplies.

Not many years ago, the South-East was regarded as having unlimited underground water; this may still be the case in some parts of the South-East. I realise that some honourable members have a much greater knowledge of the area than I do. However, I have some knowledge of it as a result of the years of service I had on the Land Settlement Committee when that committee was active in this regard. In some places artesian water was readily available, and in other areas large quantities were available at a sub-artesian level of only a few metres. There was some fairly loose thinking about the use of this water in other areas, particularly in connection with bringing it to the drier parts of the State and even to Adelaide. This thinking was certainly not wise. We should use the water where it is. I shall refer to this point in relation to the question of recycled water.

The position now is that in some parts of the South-East the water table has declined to some degree. I am told that, where a bore of 3 m to 6 m would previously suffice, it is now necessary in some cases to go to a much greater depth. In other areas, an artesian situation has ceased to exist, and water has to be pumped. In other areas, while the quantity has not declined, the quality of the water has done so. When I was a member of the Land Settlement Committee we did much work in that area in connection with draining surplus water, so that the country would not be water-logged. Now, we must think in terms of conserving the water there. Drains were constructed to remove surplus water, and some of the drains certainly now have a reduced flow. I believe that Eight Mile Creek also has a reduced flow. Secondary industry, in addition to primary industry, is using large quantities of water in the South East.

While I would be the last person to suggest that the South-East situation is dangerous, no longer can there be any talk of using surplus water elsewhere. The water must be properly conserved and used in the South-East. If this is true of the South-East to some extent, how much more is it true of some other areas, particularly in the Adelaide Plains sub-artesian basin? However, there are some parts of the State where underground water is now available and is not used to capacity, and where usage does not threaten supply at present. In those areas, it is probably premature to take action. However, the statutory authority must be available to be used if the use of such water should start to snowball to an unsafe extent; particularly is this the case where reticulated supplies by the Engineering and Water Supply Department are either based on or supplemented by considerable quantities of underground water. Honourable members will know that this is the case in a considerable number of country districts.

In the Adelaide Plains we have a situation where pumping in the basin exceeds the recharge in some instances by three to one. This cannot go on indefinitely, because it is a dangerous situation, as the Minister is well aware. Even now, we are living on borrowed time, and I believe that members opposite would agree that the market gardening industry, which is based in the Adelaide Plains, must continue in that location. Many ideas have been aired about the transfer of market gardens. It has been suggested that market gardens could be picked up holus bolus, that the market gardeners should be paid off, and they should be relocated in an area adjacent to Murray River water.

The Hon. N. K. Foster: Who suggested that?

The Hon. M. B. DAWKINS: That suggestion has been made in this Council and, if the honourable member reads *Hansard*, he will find out when. That suggestion is impracticable, yet it has been raised. If the suggestion were taken up, it would mean that market gardeners would be first users of Murray River water, and they would be using part of the quota that should be made available for expansion of the State. The market gardening industry located on the Adelaide Plains must continue. The cost of growing vegetables in market gardens and transport costs would be increased if any such scheme were implemented. Indeed, I believe that the use of reticulated recycled water in market garden areas is a system which is infinitely to be preferred in favour of any suggestion to relocate the industry. In spite of the escalation of costs, the cost of providing such a water reticulation system, even in relation to the size of the scheme, could be relatively small, especially in comparison with the schemes constructed in past years

(when the State had far fewer resources) which related to the Murray River.

I should like now to express my appreciation to the Minister of Lands for his work as Minister of Agriculture. He made available competent people to conduct an inquiry into water use. I have referred to this matter in the past and I will do so again, because the former Minister of Agriculture gave the late Hon. Harry Kemp and me the opportunity to observe the progress which had been made; indeed, much progress was made. However, the situation is still very serious. When the late Hon. Harry Kemp still sat in this Council over three years ago we were still waiting for a final report and the implementation of a scheme of reticulation in relation to market gardening. We are still waiting for it. We have not made progress in those three years.

I am hopeful that a final report will recommend a positive move, and I hope that the Minister of Agriculture is of the same opinion. I now refer to the second reading explanation of the Minister, who stated:

Many aspects of this policy—

the water resources policy—

were expressed in a statement of water resources policy that was adopted last year by all States and the Australian Government. The relevant objectives of this policy are:

I want to refer to two or three of the eight points listed. The first point is as follows:

The provision of adequate water supplies of appropriate quality to meet urban and rural domestic needs, as well as those of viable primary and secondary industries.

That is what I have just been talking about, that is, the safe use of recycled water, which provides a solution to the problem associated with the maintenance of a viable primary industry. The fourth objective is as follows:

The development of effective waste water treatment facilities in conjunction with water supply systems and the encouragement of recycling and re-use of water where appropriate.

In the light of my past comments I need not make any further comment about that objective. Another point I have raised is dealt with in the seventh objective, which is as follows:

The implementation of a programme of public education aimed at ensuring the proper understanding of the factors affecting the development and use of water resources and a sense of responsibility in these matters.

That objective is most important, not only in regard to the people who use underground water but also in relation to people who use reticulated water. Everyone in South Australia should have a proper understanding and sense of responsibility of water use, and I cannot agree more with that objective. The Minister went on to make the following statement:

Until now, legislation related to water resources management has been provided by a number of separate Acts in the fields of surface waters, underground waters and water quality. The present situation is fragmented—

I go along with that—

and inadequate from the legislative viewpoint, and as a result is fraught with administrative difficulties.

Doubtless, some difficulties arise from time to time. The Minister continued:

Completely new and consolidated legislation is required in these three fields, and in addition new ground must be covered.

That is what this Bill is about. In his explanation the Minister also stated:

It is worth noting that, in the northern Adelaide plains, underground water is being extracted three times faster than it is being replenished.

That statement would qualify for a good position in the stakes for the understatement of the year. Indeed, the Minister opposite knows this situation has been going on for a long time. The situation is fraught with danger, and it must be corrected at the first opportunity. The Minister continued:

This Bill provides for the control of the discharge of wastes into waters throughout the whole State, and in respect of all beneficial uses of water.

That, too, is a concept which I commend. The Bill is comprised of 79 clauses, and I do not intend to deal with each one of those clauses at this stage. Some are machinery clauses, but I refer honourable members to clause 5, which provides the definitions. "Proclaimed Region" means any area of the State for the time being declared under section 41 of this Act to be a proclaimed region. This definition relates to underground waters. Landowners with bores outside a proclaimed region will now need a permit, but not a licence, to drill a bore. Presently, in what is described as a defined region under the Underground Waters Preservation Act it is necessary to have a permit for a bore and it is necessary to have a licence and a quota to draw from the bore. Outside such a proclaimed region control is practically non-existent but, in the future, this definition means that, whenever one drills for water in this State, one must first obtain a permit.

If one is not in a proclaimed region one will not need a licence until it is considered necessary to proclaim such a region. "Proclaimed watercourse" means any water course for the time being declared under section 25 of this Act to be a proclaimed watercourse. Pumping from a proclaimed watercourse will require a permit, and I believe that is a proper move. As a result, the authorities will know exactly how much water is being drawn off from a stream, especially if that water is needed elsewhere. For example, I refer to water in the Onkaparinga River, which flows into reservoirs. The water in this river should not be drawn off by private users. Therefore, it is necessary to have some proclaimed watercourses and for people to have a permit to pump surplus water from them, although I understand that a permit will not be required if a watercourse is not proclaimed.

I draw the attention of honourable members to clause 6, but not because I would agree with it in normal circumstances. Fundamentally I disagree with the clause, but, because of the seriousness of the situation before us, I must go along with it. Clause 6 refers to the Crown right in water, as follows:

The right to the use and flow and to the control of all waters in the State shall, subject to this Act, be vested in the Crown and shall be exercised by the Minister in the name of and on behalf of the Crown.

Clause 7, an important clause, provides:

This Act binds the Crown.

I find clause 6 hard to digest, because I believe in private enterprise, though some of my friends may disagree with me on that, and, where a man owns something, he should have some right to it, and naturally he is unhappy about the fact that the water under the ground is not his. Nevertheless, the water underground is flowing water, and therefore in this State this clause is necessary. In fact, if it were to be deleted, the Bill would largely be nullified. Clause 9 sets up a council entitled the South Australian Water Resources Council. I said earlier that in another place the Minister was wise enough, in my opinion, to accept an amendment that improved the situation as far as "two persons nominated by the Minister as being persons

experienced respectively in irrigated horticulture or viticulture and other primary production" are concerned. I believe that the way that clause was worded previously was not good, and this is an improvement that I appreciate:

The Council shall consist of 12 members appointed by the Governor being: (*a*) two persons nominated by the Local Government Association of South Australia Incorporated; (*b*) one person nominated by the Chamber of Commerce and Industry, South Australia Incorporated; (*c*) one person nominated by the governing body of the prescribed conservation body; (*d*) two persons nominated by the Minister as being persons experienced respectively in irrigated horticulture or viticulture and other primary production, and (*e*) six other persons nominated by the Minister respectively having professional experience,

and so on. I will not read out the different spheres of professional experience they are required to have. The provision of the council is a good thing. Also, I believe that the council could, because of its composition and the fact that it must be central, be rather remote to some areas of administration or requirements of the Bill. Therefore, I commend clause 16, which provides:

The Minister may by notice in the *Gazette* in relation to any area of the State establish a water resources advisory committee.

I commend the Government for including this clause. There are two or three other subclauses to it, which I will not read at the moment (my friends may elaborate on it later). However, I believe that the provision of local advisory committees is vital to the proper concept of this Bill and that clause 16 needs to be strengthened. I shall submit an amendment there which I hope will increase the Minister's requirement to do that.

The Hon. N. K. Foster: On clause 16?

The Hon. M. B. DAWKINS: Yes, on clause 16. This is a necessary amendment to the Statute. I am convinced that the present Minister, who has lived in the South-East for a number of years and is conversant with the requirements of irrigation there, would be happy to go along with this. However, the clause needs to be strengthened so that, if some future Minister thinks that advisory committees are not necessary, he will still be required to establish them where necessary. The need for local advisory committees is vital to the success of this legislation. Clause 17 provides for a tribunal entitled the Water Resources Appeal Tribunal. This is somewhat similar to appeal tribunals that we have in other legislation. Several clauses, as are the clauses following clause 9 referring to the South Australian Water Resources Council, are machinery clauses, and I have no objection to them.

I pass to Part IV, which deals with underground waters and proclaimed regions, which I have already mentioned, and clause 42 provides:

(1) A person shall not, unless he is authorised by licence under this Act or any other Act, withdraw or take any water from a well in a proclaimed region.

Following that, there are provisions for offences under that clause. Also, in preceding clauses, the Minister may grant a person a licence, which is not very different from the present situation. Clause 46 provides:

(1) The Governor may by proclamation declare that any provision of this Act specified in the proclamation shall not apply to or in relation to any well of a class, kind or description specified in the proclamation and this Act shall have effect accordingly.

(The following subclauses gives the Governor power to revoke such a proclamation.) This gives an opportunity for a shallow well to be exempted. Clause 49 (*i*) provides:

Subject to this Act, the Minister may, on application by a person in the prescribed manner and form grant to that person a permit in the prescribed form to carry out any of the operations referred to in section 48 of this Act.

Clause 48 provides for a prohibition on unlawful well-drilling. If a person meets the desired requirements, he can get a permit to engage in this type of activity. I refer now to clause 79, which provides for a power to make regulations. I should like to insert an amendment designed to control water hyacinth, which honourable members know is becoming a great danger to the Murray River system at present. While it is thought that such a situation may be provided for, to some extent, in the Pest Plants Bill, it would be better that provision be included in this Bill, which binds the Crown. I shall be referring to a number of other clauses in Committee. By and large, I agree that it is a good Bill and is most necessary. At the second reading stage, I support it.

The Hon. M. B. CAMERON: This Bill has been regarded with much scepticism in the South-East of the State, an area of which I have some knowledge.

The Hon. N. K. Foster: I thought the Hon. Mr. Dawkins had it all; he has talked about it enough.

The Hon. M. B. CAMERON: The reason for its being regarded with scepticism is that in the past Governments have tended to regard water as a curse, particularly in the South-East, where we have seen the most extraordinary series of obstructions to water courses.

The Hon. N. K. Foster: What year would that be?

The Hon. M. B. CAMERON: Now, too late to save the resources, we have this move. It is not the first time I have spoken on this matter, because, when I was engaged with another Party in the South-East, I recall bringing forward a policy for a water conservation council to replace the South-Eastern Drainage Board and other bodies that had raped the South-East of the water supply that is now supposedly so essential.

The Hon. N. K. Foster: What year was that?

The Hon. M. B. CAMERON: It was in 1966, 10 years ago.

The Hon. N. K. Foster: The Tories put the drains there.

The Hon. M. B. CAMERON: I am not blaming the Hon. Mr. Foster. He can just relax for a change. He is not getting the blame except that now, whenever a Government takes action in the matter of water in the South-East, with local residents having to pay drainage rates to get rid of this supposed curse, we are suspicious indeed to see a Government taking such a great interest, not so much in the surface water (which we wanted to keep, which is probably the greatest factor influencing the underground water which we want safeguarded, and which is the reason certain areas are now running short of underground water), but because it is all too late. We have great drains dissecting the South-East the wrong way.

Members opposite should go down there in the winter and late spring to see fresh water, better than the water we have to drink in Adelaide, pouring into the sea in vast quantities each day. It is quite a sight, and it is a damned shame that this State did not wake up long ago that it had this most precious resource at its disposal. It was treated with contempt—

The Hon. N. K. Foster: That was the Liberal Government.

The Hon. M. B. CAMERON: It was not just one Government, and some of my fellow farmers are probably responsible, because in those days they did not realise that they had a most valuable resource. It was most unfortunate. I hear criticism of conservation, but it is a great pity that no major conservation programme was undertaken in the 1940's, because I am sure conservation groups would

not have allowed it to happen. We had probably the best example of wet lands in this country, but now practically nothing remains of the wet lands of the South-East as we knew them, where probably the best variety of bird life in South Australia was present.

The most important factor overlooked in this is that the water did replenish the underground water table of the South-East. I am certain that the effect of draining Bool Lagoon has been to increase the possibility of the underground water resources in the Padthaway area decreasing, because I am sure it had some effect. No-one can answer that because, in those days, there was no interest in that aspect of the water resources of the area. It was with great sadness that many of us saw that huge drain constructed to Bool Lagoon. The water should have been kept in the area, because it was extremely valuable. Probably too late, we are now hearing cries from the Padthaway area that the water table is disappearing.

The second point affecting underground water is that in many cases it keeps back huge volumes of salt, and we find now that in the areas north of Kingston the salt content is gradually increasing. This is because the water travels no longer towards the Coorong but across the South-East and into the sea. I have heard it said that the Coorong is not what it used to be. That, too, is certainly because the water no longer goes from the South-East to the Coorong to replenish it in early summer. Under the Bill, we will have an organisation coming down to the South-East and telling us what we will do with that resource. The Minister has indicated that he will not prescribe the South-East in the immediate term, apart from the areas already prescribed. However, that does not stop its happening in future.

Recently, we had quite a fight about the bores in the area and whether we needed permits for them. The underground water in the Mount Gambier limestone area and in other parts of our area overflows every winter. In our area, one can always see water on the surface in the winter. It is not an irrigation area, so there is no possibility of that water supply's being depleted. That is in the Mount Gambier limestone aquifer, the first one. I do not say that the Government should go back on the existing situation in which farmers are able to put down bores provided they do not go below about 33 metres. Honourable members may ask why I am worried about the drains, but one of the greatest problems of drainage is that it depreciates the level of water far too rapidly in the spring time.

We have winter flooding, but the water disappears in spring, when the greatest growth factor takes place in pastures and when we most need it. I do not indicate a lack of support for the Bill. I simply say that I am sad indeed that it has taken so long for people in places of authority in Government to realise that water is valuable. I read with some amusement the explanation given by the Hon. Mr. Casey, who stated:

> The quantity and quality of our water resources is probably the most important and generally least appreciated asset we have. It hardly needs stating that South Australia is the driest State in the world's most arid continent.

It is a pity that statement was not made in 1945 and 1947, or whenever drainage commenced in the South-East. That is when it was needed. In most of these places it is a little too late, and the saddest thing of all is that now we have to pay to have this valuable resource carted away to the sea. That makes people extremely angry, because it is through past Government action. That fee is unnecessary, unwarranted, and unjustified, and people believe it should never have been in existence, because drainage should not have been brought about, especially in the manner in which it has been done.

We have heard a great deal of fear expressed about the provisions of clause 6, giving the Crown absolute right over all water. It is difficult to argue against the clause, because, if it is deleted, the Bill does not exist. However, we must decide whether we want the Bill; if we do, we must support clause 6. Some poeple want me to vote against clause 6, but I want the Bill, even though it is 20 years late, and so I will be supporting clause 6. I am concerned at the level of local participation; we are extremely suspicious of any bodies coming from other areas, because of the lack of understanding in the past of this resource in the South-East. I support any moves to strengthen the advisory committee, and I hope the Minister can give an assurance that, before any new move is made in the South-East, we will have an advisory body with teeth. I was on an advisory committee under the Underground Waters Preservation Act as a representative. and that committee did not have a meeting, because the Minister did not want any advice from us. That always amazed me. I trust that the advisory committes will be consulted and will have some part to play and that they will not, as I have found in the past, be set up as some sort of public relations exercise just to be ignored.

The Hon. C. J. Sumner: Who didn't want advice?

The Hon. M. B. CAMERON: I suppose the Minister.

The Hon. C. J. Sumner: Which Minister?

The Hon. M. B. CAMERON: I am not arguing about which Government was involved. I am not blaming the present Government for everything that happened in the past, even though it has not acted quickly regarding this matter. The Labor Government was in office from 1965 to 1968, when it could have done many of these things had it been interested in them.

Clause 37 concerns me. It makes it the responsibility of a landholder adjoining a stream or waterway to clear any obstruction therefrom. I have been told that this may place an unreasonable burden on some landholders, not so much in the area about which I have been speaking but in other areas where there are waterways that are subject to flooding. Perhaps the landholder may not have placed the obstruction in the waterway; it may have fallen into, or been carried down, a creek. However, he would have the unfortunate responsibility of clearing that waterway if it passed through his land. Although the landholder may obtain no benefits from the waterway, he could be faced with the high cost of clearing the obstruction or with damage suits taken out by persons living adjacent to the obstruction whose land is subject to flooding. I should like the Minister to say whether, in the application of this Bill, a landholder will, in these circumstances, be held liable, even though he played no part in placing the obstruction in the stream. If so, it may be preferable to delete the clause from the Bill.

This Bill is about 20 years too late for the South-East. It is a shame that in the past some knowledge, other than that relating to the Engineering and Water Supply Department, whose main aim it is to shift water from one point to another, regardless of its value, has not been brought to bear regarding water in the South-East. In the past, there has been no participation at the levels at which it should have occurred. If a landholder wanted something, he could not get his case heard.

The Hon. J. E. Dunford: Who was the Minister?

The Hon. M. B. CAMERON: There was a long series of them, and one could not get one's case heard unless one wanted drainage. The authority was concerned solely about water going off the land. The E. & W. S. Department was responsible for shifting large quantities of water from certain areas, but it did not matter whether one wanted a shallow drain or anything else, because one was not listened to.

In retrospect, I am ashamed that I did not play a more active part in stopping this sort of thing, even to the point of participating in some sort of demonstration. Unfortunately, in those days the example had not been set for us. I did, however, hear many of my neighbours expressing ideas that were contrary to the good order of the country. However, none of them reached the point of participating in a demonstration, resulting in a blot on the history of the South-East that will exist forever.

The Hon. N. K. FOSTER: Although I do not usually do so, I commend the Hon. Mr. Cameron for his speech. He was correct in not mentioning the names of former Ministers regarding this matter. There was no such things as carbon dating in days gone by, and people were unable then to ascertain what quantity of water was in the Great Artesian Basin, how long it had been there, or took to get there, or what the replenishment rate was, and so on.

If I remember correctly, one of the first bores in the Bolivar and Waterloo areas was sunk in the 1930's. One had to be sure that it was sealed off when it was not wanted, as the water would rise a considerable height in the air. That is only 30 or 40 years ago, but what is the situation today? When I was engaged in market gardening activities in Virginia, only about 10 or 20 people would have been similarly engaged in that area. Then, after the Second World War, the explosion occurred, the traditional market-gardening areas at Lockleys and Marion being bought up by the Government, largely by the Housing Trust. Indeed, huge purchases were made in the Findon area as far back as 1938 or 1939. After the war, the market-gardening areas of Marion and the Mount Lofty Ranges foothills were brought up by private enterprise. So, those market-gardening areas disappeared.

One of the important decisions to be taken by those engaged in the industry was whether they should go to Virginia, where most people were beginning to realise that water problems could eventually be experienced, or to the Riverland. Those engaged in this pursuit in the traditional growing area in the Adelaide Hills, where fruit and vegetables, particularly salad vegetables, were produced, were able to remain in production solely by using hand tools. After the Second World War, these people had to start thinking in terms of mechanisation, which did not recommend itself in the Hills area, except to a limited extent.

Everything I have said has some bearing on water resources. All the people in the Virginia, Angle Vale and Two Wells area, through to Gawler and almost to Mallala, cannot just be picked up and put somewhere else. The Bill makes some attempt to recognise all the difficulties associated with the problem. One can stand up here and ask, "What idiot ever conceived of building the Para Reservoir?", especially if one accepts that its construction has prevented the creeks from flooding a number of times each winter, which flooding would previously have replenished the artesian basin in the area. A person could seriously condemn those who thought up that scheme. However, I will not do so, as at that time those concerned did not have the knowledge that is avaliable to us today. Because of the need to supply water to domestic and industrial users in the metropolitan area, and also having in mind agricultural pursuits, those concerned came up with the idea of building that reservoir. It has not been proven conclusively whether the building of that reservoir had serious effects on the underground water supply in the Virginia and Two Wells area.

I agree, even with the Hon. Mr. Dawkins, that probably the Bill understates the recovery rate in the artesian basin there. As the level of the artesian basin goes down, particularly where it is near the coast, the water supply will probably become more saline and of poorer quality fairly soon. Whilst we cannot move people from the region we ought to be able, through consultation, to examine what ought to be produced in these areas. In particular, I refer to the potatoes grown in the South-East; it would be much more economic than to grow them at Virginia. Perhaps some type of persuasion should be considered along these lines. The tomato-growing area of Virginia is ideal, and the growers will naturally tend to go to an area where there are no frost problems.

The Hon. Mr. Dawkins referred to transport. He ought to recognise that 70 per cent of the tomatoes grown in the Virginia and Two Wells area do not find a ready market in Adelaide. If they were grown in the River area, they would be much closer to the main market area; the same kind of thing can be said of celery, because the bulk of the celery market is in other States. The Hon. Mr. Carnie has raised the question of the water hyacinth. Federal Government after Federal Government, irrespective of political persuasion, has voted millions of dollars to flood mitigation in the northern river areas of New South Wales. We have ripped out gum trees and put in concrete channels to force the water into the ocean, whereas after the Second World War much thought ought to have been given to turning some of the rivers westwards, to ensure that the Darling River would run 7·6 m all the year. The best water storage area anywhere in the world is a deep, fast-flowing river.

The Hon. R. C. DeGaris: The Darling River will never be fast-flowing.

The Hon. N. K. FOSTER: I agree. One of the great problems is the hundreds of kilometres where the river has very little fall. In the 1860's the early settlers were encouraged, falsely or otherwise, to go into some areas that we now consider to be too dry; the settlers went there and made a profitable enterprise of wheatgrowing, even in Wilpena Pound. Its lifetime was short, but the pioneers may have gone there in years when there was a high rainfall. They certainly trekked into areas where we would not think of growing wheat today. What the Bill cannot cope with is the question of the petty parochialism of shire councils and the State Government in New South Wales. We would have to involve the Queensland Government. The same kind of thing applies to the Snowy Mountains scheme. I do not think we can criticise what has gone on in the past.

I support the Bill on the basis that more attention should be given to these very serious problems. To remove the clause to which some honourable members object would result in our not having a Bill. We cannot continue to allow over-exploitation of water in areas far removed from the water source. We have reached the stage where a complete examination should be made of this State's irrigation systems. The open-drain method of irrigation

should not exist, because it wastes water and it draws salt out of the soil and into the river, resulting in a more contaminated water supply. It has taken three generations to develop the system, and it may take three generations to wind it down.

The Hon. R. C. DeGaris: Doesn't that also apply to underground supplies, where there is a recirculation back to the basin? There is increased salinity.

The Hon. N. K. FOSTER: Yes. One has to control it, and that is my point. True, one might have to hurt people to control it. Indeed, people may believe they have a God-given right to that asset; perhaps they have land adjacent to a river, but their activities, too, must be controlled.

What has been achieved in South Australia in regard to water conservation has been amazing. Have members opposite seen a map depicting this State before the pumping of water from the Murray River commenced and then subsequently examined a map depicting every pipeline and main carrying water across South Australia? Certainly, if honourable members opposite travel to oversea countries, they would be amazed to see what has been achieved here.

The Hon. R. C. DeGaris: We have achieved more than any other State.

The Hon. N. K. FOSTER: True, but at a great cost. However, I have never heard any honourable member opposite refer to the socialist money that has been spent on the water main network of this State. Members opposite have never referred to the great socialist Government and what it does with the people's money in this regard. Indeed, there has never been a word of complaint about the great socialist enterprise, which has been responsible for providing so many water mains throughout this State. I add my support to the Bill.

[*Sitting suspended from* 6.2 *to* 7.45 *p.m.*]

The Hon. R. C. DeGARIS (Leader of the Opposition): I commend the Hon. Mr. Foster for his contribution to the debate on this Bill. Indeed, I believe it was his best contribution in this Council. I have only one argument to raise with the honourable member, as I am sure that there has been as much Liberal money as socialist money poured into our water main system, and there might have been even more, because of the higher taxes paid by Liberals. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. R. C. DeGARIS (Leader of the Opposition): Over many years, Parliament and the State generally have taken an increasing interest in the whole question of conservation of this State's water resources. The first Bill relating to underground waters was introduced in this Parliament in the 1950's, and the first action taken at an administrative level to restrict the draw-off of underground waters was taken in 1969, when I was Minister of Mines. I assure honourable members that it is not a nice decision for a Minister to take when he must apply restrictions on water draw-off from the Adelaide Plains area, especially when those restrictions relate to an area the draw-off of water from which has in the past been unrestricted. In many parts of the State the old story exists that there is an unlimited supply of underground water, but of course that is not so. As the Hon. Mr. Dawkins said, this applies to many parts of the South-East. The whole matter of underground water relates not only to the amount of water that can be removed but also to the effect (to which the Hon. Mr. Foster referred) of that withdrawal on the ultimate quality of the water.

If we draw off more underground water than the annual recharge, we will eventually destroy an important natural resource. In many parts of the world, over-exploitation of underground resources has led to the complete destruction of the available resource. In New York, for example, a worthwhile underground resource became saline because for many years those concerned pumped from below sea level, as a result of which sea water intruded on the aquifer. This has resulted in the destruction of an underground resource which will, it is said, be useless for the next 5 000 years.

The same thing has happened in many parts of California, where the over-use of underground resources has produced a situation in which the aquifer has become completely saline, and it will be many thousands of years before there is a purging of that aquifer. We cannot condone the exhausting of resources which, if properly husbanded, could be a perpetual source of water. Probably the most important survey undertaken in South Australia was that conducted by O'Driscoll in the 1930's. Mines Department bulletin No. 35 deals fully with his research. I commend it to all honourable members who wish to understand something of South Australia's underground resources. O'Driscoll draws attention to the problem, which indeed is an intense one. Because of its relatively high rainfall, the underground water resources in the South-East are practically inexhaustible but, by world standards, the South-East, with a rainfall between 635 and 762 mm, is virtually in the fragile rainfall belt.

Not enough work has yet been done on the hydrology of this State. A much more wide-ranging survey must be made, and much more technological work must be done in relation to South Australia's underground water resources, about which we know precious little. We know, for example, that several separate basins exist in South Australia. In the South-East particularly, there are several unconnected basins. The suggestion made today, that the Padthaway basin receives its recharge from the Lower South-East, cannot be sustained; the two areas are not connected in any way.

Probably the most important water resource in South Australia, particularly in the South-East, is the Knight Sands, which come from Victoria at a depth of about 5·4 m under Kalangadoo and Mingbool, about 600 m below Millicent, and they surface at about 10 metres near Kingston. It is these Knight Sands that are tapped near Kingston to produce artesian water. However, many bores there now have to be pumped to receive sufficient water. There is a declining flow of water from Eight Mile Creek to the sea. A few years ago the outfall was 300 000 000 *l* a day, but it is now 150 000 000 *l* a day. This indicates that there is wastage of the water before it comes to Eight Mile Creek. The Blue Lake has a falling level.

A series of granite outcrops, which are virtually the top of the Padthaway horst, prevent the flow of underground water from the South-East into the Coorong. The Coorong is an area of limited supplies and of saline water. So, there is a massive granite breakwater across the South-East which prevents the intrusion of the underground water into the Coorong basin. There is no doubt there will be an increasing exploitation of these waters. The South-East has a valuable underground water resource, but there is no question that it can be over-exploited. For example, in the Padthaway area, vast quantities are being pumped from the basin. Not only is it a question of a decline

in quantity but also the water is circulated in vast quantities, and there is evaporation and recirculation back into the basin. On each circulation there is an increase in salinity. So, there is also a growing problem of quality.

The Millicent paper mills pump from the 60 m level. The old theory that there were massive underground rivers flowing in the South-East cannot be borne out if one examines the effect of the dozen or so deeper bores providing water for the paper industry in the South-East. As one moves back from the paper mills, there is no effect on the ground water level. People are still pumping from the 2·4 m level, the 2·7 m level, and the 3 m level. However, as we come nearer the paper mills we have to go to 60 m to find water. So, there is no massive inflow into the cone that is being pumped out.

The Hon. R. A. Geddes: There must be a massive reservoir of water there.

The Hon. R. C. DeGARIS: Yes, but there is not this massive movement of water underground that was previously suspected. Otherwise this cone effect would not appear, and the water would move in quickly to take up the slack. Through the Keith area a further problem exists. It is cut off from the South-East underground water, and there is a series of small basins that are overlaid by extremely saline water. Over the years a bore may have gone down through the saline layer to the fresh layer. The bore has gradually gone saline. The casing has rotted, and the saline water has been connected to the fresh water underneath. The farmers have not known what has caused this and moved their bores, leaving the lenses connected. This has destroyed the quality of the water. It is important that we understand the importance of our underground water resources, particularly those in the South-East.

I do not want to see the same situation arise in regard to South-East water as has arisen in regard to the Virginia area. We acted too late to save the underground resources at Virginia for posterity. Even with restrictions on the basin, one must look forward to the eventual destruction of the Adelaide Plains basin. As a Minister, one did not get much support from one's colleagues when one had to take action to restrict the use of water in that area. I was the first Minister to ration underground water supplies in South Australia, and I do not apologise for it. It was the correct move to make to preserve an important resource.

The Hon. F. T. Blevins: Do you apologise for your colleagues who opposed it?

The Hon. R. C. DeGARIS: On both sides. People tend to play politics on this issue. I was criticised by Labor Party members. I am not making any division between Liberal and Labor. When any Minister takes an action such as this to preserve a resource, one tends to take the view of many people on a political basis, rather than look at the genuine attempt to preserve a resource.

The Hon. F. T. Blevins: I am sure you were fearless.

The Hon. R. C. DeGARIS: I appreciate that remark. It was not an easy decision to make, nor an easy decision to implement. I thank the Hon. Mr. Blevins for his assistance in this regard.

One aspect of the Bill is most important, and that is that people at the community level must be consulted. It is useless to try to impose restrictions on the use of water or on the conservation of the quality of water unless local groups are fully consulted and understand what is being attempted. I support the view expressed by the Hon. Mr. Dawkins that the Minister must establish consultative committees.

He must establish some form of contact with local people in relation to their problems, because at that level there is a paucity of information. In many cases, even the department is guessing about the quantities of the actual resource. The local community must be taken into the Government's confidence; it must be told of what is happening. If that is done, there will be little difficulty in convincing people of the need to conserve a resource. It is useless trying to impose restrictions from Adelaide: one has to move out to the community level so that local people can understand what is happening if such a move is going to succeed.

There is a need for education. Local boards are required, and a co-operative approach to the problem is necessary. There are two important aspects in this matter. The first involves research and surveys of the quantity and quality of an underground resource. The second factor concerns education and co-operation. Another important point I wish to make is that I hope the specialist knowledge and information of the Mines Department in relation to drilling and hydrological surveys is not pushed to one side.

There has always been an argument that there should be one authority to handle water resources, and I tend to agree with that argument. However, the Mines Department has important expertise, not only in underground water resources but also in standards of wells, in drilling, and in everything else associated with that area. In any water resources legislation, the expertise of the department, which has served this State extremely well, should not be overlooked, especially in relation to boards, commissions or work done on the utilisation and conservation of underground resources.

The Bill goes much further than the mere question of underground resources, but I am especially concerned about the utilisation of underground resources and the conservation of both quantity and quality of those resources. This has been a developing field for many years. The first Bill controlling the use of underground water was introduced in the 1950's and, since then, there have been additions to that legislation, and now we have this all-embracing Bill, dealing not only with underground waters but also with surface water as well.

This Bill is a realistic approach to the problem, but I find it necessary to make the point that, in taking this approach, I hope the Government does not overlook the absolute necessity for co-operation with the local community and the great expertise of the Mines Department in this area. I support the Bill.

The Hon. A. M. WHYTE: I rise to add my support to the Bill, too. Previous speakers have highlighted the necessity for such controls throughout the State, in order to gain the necessary knowledge of the various water resources in the State and to keep them under control, especially the aquifers which could be penetrated by incorrect drilling, as well as controlling wastage and pollution. The controls contained in the legislation are overdue but, nevertheless, the Bill has been carefully designed to cope with all the requirements of the Mines Department to do what is necessary. As an earlier speaker has said, the controls form a pattern which could save South Australia from being short of water in the near future.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—"Advisory committees."

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

Page 7, line 36—Leave out "may" and insert "shall, on the recommendation of the council or may of his own motion,";

Page 8, line 1—Leave out "may" and insert "shall, on the recommendation of the council,".

In the second reading debate I said that the requirement on the Minister to appoint advisory committees should be strengthened. Although the present Minister may be seized with the necessity to appoint such committees, a future Minister may not be so apprised of the necessity for local advisory committees. The first amendment deals with the Minister's accepting the recommendation of the council, or, if the council does not recommend areas where the Minister believes an advisory committee should be established, he can establish such a committee on his own initiative. This move is necessary to ensure the future maintenance of advisory committees. The second amendment deals with the fact that it would not be advisable for the Minister, merely by notice in the *Gazette,* to be able to dissolve an advisory committee. The Hon. Mr. DeGaris stressed this situation. With a central council comprised of 12 members, many of whom are academics located in Adelaide, the council could become remote from the local community level. As this clause is so important, I believe these amendments are necessary.

The Hon. T. M. CASEY (Minister of Lands): I cannot accept the honourable member's amendments, because he is trying to give executive power to an advisory body. That is not desirable. This is a matter under the control of the Government and, when a matter is under a Minister's control, it means that the Minister is acting on behalf of the Government. The Government should make such decisions. To change "may" to "shall" gives the advisory committee executive power rather than advisory power. I do not think it is desirable to do that. For those reasons, I cannot accept the amendment.

The Hon. M. B. CAMERON: I am concerned about the lack of continuity of the committees, because it is clear that the Minister can do anything he likes with them. I do not suggest that the present Minister would act like that; however, the power will be there and he will be able to do anything he likes with the committees, even after they have been formed. That concerns me, because I should not like to see a committee that had different views from those of the Minister on a certain issue saying to the Minister, "We will not have you any more." That could be the situation as the Bill stands.

So I support the amendment, unless there is some way of ensuring that advisory committees cannot be controlled at the whim of the Minister, as they are at the moment. I served on an advisory committee associated with water registration, and that committee was left high and dry without any water because it was never consulted. I should like the committees to have some continuity. I accept that there must be a variation on the committees because it is not one committee that will serve for all purposes; there will be variations.

The Hon. T. M. CASEY: Every argument seems to be levelled at the Minister in charge—"He is going to do this; he is going to do that." That is not right. The amendment is to substitute "shall" for "may".

The Hon. M. B. Dawkins: "On the recommendation".

The Hon. T. M. CASEY: "shall, on the recommendation of the council, (*a*) vary the composition of any advisory committee; or (*b*) dissolve any advisory committee". All I am saying is that the Hon. Mr. Cameron is scared that the Minister will do this.

The Hon. M. B. Cameron: I am not scared; I am concerned.

The Hon. T. M. CASEY: He should be equally concerned that a council can direct the Minister to do that very thing. It is better for this to be left in the hands of the Government, because we are giving executive powers to an advisory body, which is wrong. It would be a retrograde step. The Minister is answerable to Parliament and can be questioned on all these things, but with an advisory body there is no redress at all. The Minister says, "You put it in the Bill and I must do what the advisory committee says." If the Minister does something, he can be questioned in Parliament. If we want something brought out into the open, this is the place to bring it out. The committee has an advisory function, not an executive function. All I am saying is that it is too important a matter to take out of the hands of the Government. Looking at this in the years to come, if we are to get the right type of people on to the councils (which is a serious matter), this is probably one of the most important pieces of legislation to come from this Parliament, because water resources are so important in this State.

We can go without food for a week but not without water. That is the most important commodity. The people who will be appointed to this council and also to the advisory committees will take this matter seriously, as the Government will. If we take it out of the hands of the Minister and give it to the council to direct its inquiries, we shall lose the questioning that we can pursue in Parliament of the Minister, which will be a retrograde step.

The Hon. R. C. DeGARIS (Leader of the Opposition): The matter that concerns the Hon. Mr. Dawkins I raised in the second reading debate—the absolute importance of establishing advisory committees in each area over which control is to be exercised. If that is not done, the legislation will bump into many difficulties.

The Hon. T. M. Casey: I agree.

The Hon. R. C. DeGARIS: What the Hon. Mr. Dawkins is trying to achieve is that, if the Minister establishes these local areas, they will operate as clause 16 provides—"The Minister may . . .". I do not know whether or not the council has only an advisory capacity because, under clause 14 (*a*) (ii), the council's powers are to advise the Minister in relation to the establishment of policies.

The Hon. T. M. Casey: What about clause 14 (1) (*a*) (i)?

The Hon. R. C. DeGARIS: Paragraph (ii) provides ". . . policies to be followed in relation to the exercise by the Minister of his powers and functions under this Act." It is a policy-making body as well as an advisory body. If that is so, what is wrong with the council setting down policy in relation to the things that worry both the Hon. Mr. Dawkins and me?

The Hon. T. M. Casey: Unless they had a policy, they could not readily advise the Minister, could they?

The Hon. R. C. DeGARIS: Read what clause 14 (1) states.

The Hon. T. M. Casey: I am reading clause 14 (1) (*a*) (i).

The Hon. R. C. DeGARIS: It provides:

The functions of the council are (*a*) to advise the Minister in relation to (i) the assessment, development and conservation, management and protection of the water

resources of the State; and (ii) the establishment of policies to be followed in relation to exercise by the Minister of his powers and functions under this Act.

The Hon. J. C. Burdett: That is, to advise him.

The Hon. R. C. DeGARIS: I know, but the question I am raising is that the council is more than just an advisory body. I cannot see why the advisory body of the council, under the Hon. Mr. Dawkins's amendment, should not be followed—"on the recommendation of the council". In other words, we are going right back to clause 14 (2).

The Hon. T. M. Casey: He is forced to do that by the word "shall".

The Hon. R. C. DeGARIS: Leave out "may" in subclause (3).

The Hon. T. M. Casey: "shall, on the recommendation of the council . . ."?

The Hon. R. C. DeGARIS: Yes; that means that the council shall advise, surely.

The Hon. T. M. Casey: No.

The Hon. R. C. DeGARIS: If that is not the case, we are down to the situation where the intention of the Hon. Mr. Dawkins should have some validity, because what both Parliament and the honourable member are concerned about is that the advisory committee at the local level shall be established; it must be established if this legislation is to have effect.

The Hon. T. M. Casey: I agree.

The Hon. R. C. DeGARIS: There should not be an airy-fairy situation where the Minister may do these things. Parliament should require that they must be done.

The Hon. N. K. Foster: The amendment that seeks to do just that is very sloppy indeed.

The Hon. R. C. DeGARIS: That may be so. I am saying what the Hon. Mr. Dawkins is trying to do. I think the Hon. Mr. Foster would probably agree with me that there is a necessity.

The Hon. N. K. Foster: You want to change "may" to "shall", and you are wishing to make provision that the Minister shall set up these committees. I think there should have been more words to explain it.

The Hon. R. C. DeGARIS: I want to see something more in this provision than simply that the Minister may do something in regard to these committees. I want to see a provision stronger than that discretion, and I think that is all the Hon. Mr. Dawkins wants. If the Minister will look at it and make a suggestion, I am sure the Hon. Mr. Dawkins would accept it.

The Hon. N. K. FOSTER: I took this amendment, as did the Minister in charge of the Bill in this place, to mean that the alteration was being sought on the basis that the Minister could be so directed. If that is so, a situation could arise where the Minister could introduce some type of amendment into Parliament and have it rejected. He could then possibly go to the committee and have it do what Parliament had refused. The matter should come back to discussion between those interested in moving the amendment and the Parliamentary Counsel, so that the intent is made clear.

The Hon. M. B. CAMERON: Perhaps there is some slight problem with the amendment moved by the Hon. Mr. Dawkins. I am concerned that there must be local participation in any legislation of this sort involving the whole of the State but where, within the whole of the State, separate divisions are different in some way. One might deal with underground water, one with surface water, and with variations even within those water resources. There must be local participation, but it should not be local participation subject to the whim of the Minister. It should be a local advisory group that knows that tomorrow the Minister can notify through the *Government Gazette* that it is dismissed and that a brand new committee is to be set up. The situation then arises that the advisory committee becomes potentially toothless. I am not reflecting on the present Minister, but we are setting up legislation for all time. It does leave the Minister and the committee wide open to the council, and that in itself may be a problem. I wonder whether the Committee would be assisted by changing "may" to "shall", leaving clause 16 (1) as it stands.

The Hon. M. B. DAWKINS: I have listened with interest to the comments of honourable members, and I do not believe the Minister is opposed to what I am trying to do. It may be possible to overcome this situation by inserting a subclause (1) (*a*), rather than by trying to get all of the present subclause (1) into one subclause. That would take time to consider and possibly further discussion with the Parliamentary Counsel. Would the Minister be good enough to report progress?

The Hon. T. M. Casey: What are you trying to do now?

The Hon. M. B. DAWKINS: What is stated here in the clause, without the implication that the council is directing the Minister. I am trying to improve the wording of the amendment and get the same effect without implying that the Minister is being directed by the council. For that reason, perhaps the Minister would agree to report progress.

The CHAIRMAN: Or the Minister may postpone consideration of this clause.

The Hon. T. M. CASEY: We want to do the best we can, but if we start to mess around too much we will get into trouble. However, I am prepared to defer consideration of the clause.

Further consideration of clause 16 deferred.

Clause 17—"The tribunal."

The Hon. M. B. DAWKINS: The tribunal is to consist of a Chairman, and not less than three members, including two people, one of whom shall be qualified in engineering and the other in science, and not less than one additional member selected from a panel consisting of people representing primary production, well drilling, industry, and public health. Would the Minister suggest to his colleague that in many cases it could be advantageous to have two lay people rather than one? I realise that the provision is for one lay person, one additional member representing, say, primary production if the matter refers to that. It might be advantageous for the Minister to consider that the tribunal should have, not possibly by statutory requirement but usually, not more than one of the people mentioned in clause 18 (2).

The Hon. T. M. CASEY: I am open to any suggestion by honourable members, and I will do as the Hon. Mr. Dawkins asks. I do not think it would be applicable in this case. With such a tribunal it is necessary to have a certain number of people and it could become overloaded. Having had something to do with tribunals in other fields, I know that they can comprise too many people. This is not always conducive to good decisions being taken However, I am willing to discuss the honourable member's suggestion with my colleague.

Clause passed.

Clause 18 passed.

Clause 19—"Terms and conditions of office of members of tribunal."

The Hon. N. K. FOSTER: In deference to the Hon. Anne Levy, I remind the Committee that the clause refers to the Chairman of the tribunal as "he" and to the Chairman's term of office as "his" term of office.

The CHAIRMAN: I point out to the Hon. Mr. Foster that, under the Acts Interpretation Act, "he" also means "she".

Clause passed.

Clauses 20 to 24 passed.

Clause 25—"Proclaimed watercourse."

The Hon. M. B. DAWKINS: Can the Minister give the Committee any examples of the watercourses to be proclaimed? I take it that this may relate to the Murray River or Onkaparinga River.

The Hon. T. M. CASEY: The honourable member has answered his own question, as I think the Murray and Onkaparinga Rivers would be proclaimed. They are rivers in their own right and are perennial. Some creeks in the North of the State that are susceptible to flooding would not be proclaimed, because they are not perennial.

Clause passed.

Clauses 26 to 36 passed.

Clause 37—"Liability on owner to deal with obstruction or interference."

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

Page 12—

Line 34—Before the word "remove" insert "take such reasonable action to".

Line 34—After "interference" insert "as is specified in the notice and".

A landholder with a property adjoining a creek or prescribed watercourse, from which he derived no benefit, could be faced with the onus of removing from such a creek or watercourse an obstruction which he took no part in placing therein. Under this clause, he would be forced to get rid of, say, a large tree from a creek or watercourse, at his own expense. As my amendments will remove that onus, I ask the Committee to support them.

The Hon. T. M. CASEY: The Government is willing to accept the amendments.

Amendments carried; clause as amended passed.

Clauses 38 to 40 passed.

Clause 41—"Proclaimed regions."

The Hon. R. C. DeGARIS: To solve the problem which exists and which has already been referred to, I do not think a proclamation should be issued regarding an area unless an advisory committee has already been established. If an advisory committee has not been established, the Minister could certify that it was not possible to do so, in which event the area could be proclaimed. Perhaps the problem could be solved if this clause was amended.

The Hon. T. M. CASEY: If the honourable member examines clause 25, he will see that the Governor may, by proclamation, declare any watercourse, or watercourse of a class, kind or description, to be a proclaimed watercourse for the purposes of the Bill. Clause 41 deals with surface waters.

The Hon. R. C. DeGaris: The problem applies to underground waters.

The Hon. T. M. CASEY: All waters are important. Why, therefore, single out underground waters? If the Minister is to be given the right in the first place, it should be across the board.

The Hon. R. C. DeGARIS: I agree with that. I think the Government is sympathetic to the view expressed by the Hon. Mr. Dawkins. The Committee may have to defer consideration of this clause to solve the problems that the Hon. Mr. Dawkins and I have foreshadowed. I am not concerned about clause 25, because it does not interest me much. However, this clause relates to underground waters, which are to be controlled by Government action.

The CHAIRMAN: Perhaps the Minister may care to have further consideration of this clause deferred until later.

The Hon. T. M. CASEY: Yes, Mr. Chairman.

Further consideration of clause 41 deferred.

Clause 42—"Prohibition on the unlawful withdrawal or taking of water from wells."

The Hon. M. B. CAMERON: This clause sets up the licensing system once an area has been made a proclaimed area. Legislation relating to underground waters was passed recently requiring all concerned to obtain a licence and give information relating to every bore on the property. There was much discussion and argument about that matter. One of the problems is that the aquifer in the Gambier limestone area was used solely for stock purposes. The draw on the water is extremely slight. There could be a tremendous amount of work for the property owners and the Government for very little purpose. Can the Minister indicate whether, if that area becomes a proclaimed area, the normal draw for stock water will be subject to a licensing system?

The Hon. T. M. CASEY: I cannot see how I can give an undertaking of that nature. If one is in a proclaimed area, one must have a licence. Outside proclaimed areas, there will be no trouble but, if an area is proclaimed, all people drawing off water will have to be licensed. In a proclaimed area, the idea is to exercise control over the wells there that are being used, whether for stock purposes, irrigation purposes, or other purposes.

Clause passed.

Clauses 43 to 56 passed.

Clause 57—"Well drillers."

The Hon. M. B. CAMERON: I refer to a bore constructed down to 15 m, the normal depth of a stock bore. It would be ridiculous if we had to get in a well driller to repair a casing or to drill a well of that shallow depth. What will be the position?

The Hon. T. M. CASEY: If a property owner wants to drill a well of less than 15 m, he is at liberty to do so, and he does not have to have a well driller's licence. He has to have a construction permit.

Clause passed.

Clauses 58 to 78 passed.

Clause 79—"Regulations."

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

Page 24, after line 39—Insert paragraph as follows:

(*ca*) provide for the prevention of the propagation of, or the eradication or control of, any plant likely to obstruct any watercourse or otherwise injuriously affect any waters;

It has been suggested that the problem of water hyacinth could be covered by an amendment to the pest plants legislation, but I believe that it would be better to cover the matter in this Bill, which binds the Crown.

The Hon. T. M. CASEY: I am happy to accept the amendment.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

Later:

Clause 16—"Advisory Committees"—further considered.

The Hon. M. B. DAWKINS: I seek leave to withdraw my previous amendment.

Leave granted; amendment withdrawn.

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

Page 7—

Line 36—leave out "may" and insert "shall".

Line 36—After "in relation to" insert "(*a*) every proclaimed region (*b*) every proclaimed watercourse and may by notice published in like manner in relation to"; and after "any" insert "other".

These amendments overcome the problem that I had raised. We have split the provision into two parts. As a result, the clause is strengthened in a manner acceptable to the Minister.

The Hon. M. B. CAMERON: I accept that the amendments strengthen the clause to the point where an advisory committee will be set up, but I regret that the provisions dealing with the Minister's power to vary the composition of an advisory committee or to dissolve it remain in the legislation. I have attempted to find a way around the problem, but there is no way of doing this without altering the whole concept of the Bill. It concerns me that power will exist to vary or dissolve an advisory committee at the will of the Minister, without any power on the part of the committee to protect its position.

The Hon. T. M. CASEY: I thank honourable members for their tolerance, because the problem has not been easy to solve. However, we now have amendments that will work. This Government has always been willing to amend legislation in a following session if experience proves that that is necessary. We have to give the legislation a trial. I accept the amendments, and I hope they will prove to be satisfactory.

Amendments carried; clause as amended passed.

Clause 41 passed.

Title passed.

Bill recommitted.

Clause 79—"Regulations"—reconsidered.

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

Page 24, line 30—Strike out "he considers" and insert "are".

Last session, we had a long argument as to the wording of similar clauses. The Government finally accepted the argument that legislation is not in the best form if it provides that regulations can be brought down which the Governor (meaning the Government) considers are necessary: the regulations are either necessary or are not necessary within the provisions of the legislation. As the Government accepted the situation in the Sex Discrimination Bill and as it has since introduced Bills that have included the terminology, I ask the Committee to accept the amendment.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

PAY-ROLL TAX ACT AMENDMENT BILL (EXEMPTIONS)

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.

When introducing the Supplementary Estimates, I indicated that in view of the State's prospective Budget situation the Government wished to afford further relief to business organisations in respect to their liability for pay-roll tax. Honourable members will recall that late last year legislation was passed which increased the general exemption level under the Pay-roll Tax Act from $20 800 a year to $41 600 a year, with the provision that the increased level of $41 600 was to be progressively reduced until it was completely eliminated at a pay-roll level of $104 000. The legislation also provided certain measures to overcome tax avoidance through the prevalent and increasing practice of "company splitting".

That legislation was introduced at a time when States were budgeting against a background of some economic uncertainty in which the effect of wage indexation had not become readily apparent. As the Government was endeavouring to hold a balanced situation on Revenue Account (without increasing taxation), it was unable to go as far as it would have liked in this matter although its approach was consistent with that adopted by New South Wales, Western Australia and Tasmania. The situation is now such that, despite some uncertainty in the Commonwealth area, the Government feels that it can now go further in this matter and provide exemption levels comparable with those in both Victoria and Queensland: that is to say we will (*a*) maintain the existing general exemption level of $41 600, and (*b*) progressively reduce that exemption level to $20 800 at a pay-roll level of $72 800 rather than eliminate it at a pay-roll level of $104 000.

In other words, business organisations with an annual pay-roll of $41 600 or less will pay no pay-roll tax; those with an annual pay-roll of between $41 600 and $72 800 will qualify for an exemption of between $41 600 at the lower pay-roll level and $20 800 at the higher pay-roll level; and those with an annual pay-roll in excess of $72 800 will continue to enjoy an exemption of $20 800.

The legislation provides for the new level of exemptions to apply from January 1, 1976, and I am sure it will provide a welcome measure of relief particularly to the small business sector of the community. The cost to the Budget in a full year will be about $2 500 000, but it is expected that some of that cost will be offset by the effect of the recently introduced company splitting legislation.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on January 1, 1976. Clauses 3, 4 and 5 amend the principal Act only by providing for the general exemption of $20 800. Clause 6 empowers the Commissioner to repay, of his own motion, any tax overpaid as a consequence of the amendments effected by the measure.

The Hon. R. C. DeGARIS (Leader of the Opposition): I sometimes wonder why the Government does not take more notice of submissions of the Legislative Council, because this is the very thing we advocated when the Pay-roll Tax Act Amendment Bill came here just a few months ago. Indeed, in speaking to the Hon. Mr. Laidlaw on the matter, I asked him to contact the Treasurer to find out whether he would accept in the Bill amendments exactly along these lines. The answer was a flat "No". It being a revenue measure, the Legislative Council did not persist in that view but, if honourable members take the time to look at what I said in the debate on the Bill that was passed earlier this session, they will see that I advocated exactly the procedure now contemplated in this Bill.

There is, I believe, a need for this Bill to pass quickly because, if it is to be applied from January 1, 1976, the Government will have to proclaim the legislation as quickly as possible to enable not only the employers but also the departments to adjust themselves to the new procedure. What the Bill actually does is that, instead

of the exemption allowed of $20 800 phasing out completely at about $104 000, continuing on there is a base exemption of $20 800 a year, which will mean a reduction in pay-roll tax of about $1 000 a year to those people paying over $104 000 a year in wages.

In the modern inflated wage structure, this does not represent many employees. When I spoke to the matter during this session, I pointed out that the original Pay-roll Tax Act was aimed at employers employing over 10 people, and gradually it was reduced to people employing only three or four people who are now involved in the payment of pay-roll tax. When the last amendment came through, it lifted the number of employees to about five or six, but still we have the position where a $20 800 exemption, which had always applied, was phased out when the pay-roll reached $104 000. I still think that more could be done about pay-roll tax, but I am pleased that the Government has decided to follow the lead given by, I think, Victoria and Queensland and also to take the advice of the Legislative Council, which tendered this advice some three or four months ago. I still believe that more can be done.

Pay-roll tax and, as a matter of fact, all taxation bear heavily on the private sector, and pay-roll tax is at the moment returning over $100 000 000 to the State Treasury. Both in this area and the capital taxation area, I think the Government must give close attention to some relief from the tax burden. However, I am pleased that this Bill is before us and I support it.

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

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 and 4, but had disagreed to amendments Nos. 1, 2 and 5.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

The two amendments which were moved by the Hon. Mr. Laidlaw were thoroughly canvassed when the Bill was before the Council. The first asks that payment for long service leave be not made to members of the building industry until the consumer price index or inflation is at a rate less than 8 per cent a year. The way the Australian Government is going on could mean that it would be another 30 years before the figure gets down to 8 per cent. This Government believes that every worker in South Australia is entitled to long service leave and should have been receiving it since 1957. Until now, they have never been able to enjoy it, and, if we continue as we are going, they will never receive the benefit of it. Irrespective of what the cost might mean in the increased price of a house, it is not reasonable that people in the building industry who do not receive long service leave should subsidise the cost of houses for people who do receive it. That would be the effect of precluding people in the building industry from participating in long service leave.

The second amendment dealt with misconduct on the part of the worker. When the amendment was previously under discussion, I indicated that this would penalise the good worker, the one who should not be penalised. The person who is guilty of misconduct is penalised in other ways, by the loss of accumulated sick leave and annual leave. He should not lose accrued long service leave. We could have the case of a man who has been a good employee for, say 15 years, and who, on provocation, commits an act of misconduct and is dismissed, forfeiting his long service leave. We believe this is unfair and unreasonable, as the matter can be dealt with in other ways. I suggest this is not the right remedy.

The Hon. D. H. LAIDLAW: I am extremely disappointed with the Government's attitude. At some stage our community will have to exercise a degree of restraint. This Bill has been passed and we are suggesting that the proclamation should wait until inflation has diminished to an annual rate of about 8 per cent before it comes into operation.

The Hon. J. R. Cornwall: You did not restrain yourselves on the superphosphate bounty.

The Hon. D. H. LAIDLAW: As a result of the Commonwealth Government's action, the Birkenhead and Largs North plants will reopen.

The Hon. J. R. Cornwall: What about the fertiliser company at Port Adelaide?

The Hon. D. H. LAIDLAW: The company to which the honourable member refers lost $1 600 000 in six months, and there was no way in which it could continue at that rate of loss, but that has nothing to do with the Bill.

The Hon. D. H. L. Banfield: We could give Fraser another chance to buy up on the cheap.

The Hon. Anne Levy: What about the 17 000 public servants?

The Hon. D. H. LAIDLAW: I am most disappointed with the State Government's attitude because I believe that the building industry is extremely depressed. Consumers will spend a certain amount of money, and the question then becomes one of how many jobs there will be to go around.

I wish to correct the Chief Secretary in relation to the second amendment. The amendment provides that, if an employee were to be dismissed for misconduct, he would lose his long service leave entitlement with that employer but he would not lose his long service entitlement with previous employers.

The Hon. D. H. L. Banfield: What if he had been with only one employer in 15 years?

The Hon. D. H. LAIDLAW: He would have been entitled under the old Act, because after 10 years he would have had his full entitlement to qualify. It is not suggested the employer should be able to get his subscriptions back with regard to that employee, so there is no inducement, as might be alleged, for the employer to dismiss people. There is provision in the amendment for an employee to appeal to the board if he believes he has been provoked into misconduct. The provision for misconduct is in the principal Act, and I see no reason why there should be a distinction between a provision in the existing Act and a provision in the new one.

The Hon. D. H. L. Banfield: It is not in the Federal award.

The Hon. D. H. LAIDLAW: It is in many Federal awards. The amendments are perfectly reasonable, indicating a degree of restraint which this community is looking for in its Parliamentary leaders.

The Hon. N. K. FOSTER: I wish to make a few brief comments. I can talk on for a few minutes if it is necessary—

The CHAIRMAN: As long as the honourable member does not address the gallery.

The Hon. N. K. FOSTER: There are members sitting here who are opposed to long service leave for casual employees. I am not going to stand over there and talk. They are the people I am trying to convince—

The CHAIRMAN: I will not allow the honourable member to argue with the Chair.

The Hon. N. K. FOSTER: I am not arguing with the Chair.

The CHAIRMAN: You are. I ask the honourable member to address the Chair and to address the Chamber.

The Hon. N. K. FOSTER: Well twice, Mr. Chairman, I have been looking over there—

The CHAIRMAN: You are still arguing with the Chair.

The Hon. N. K. FOSTER: The bar separates the Chamber—

The CHAIRMAN: Order! You are still arguing with the Chair.

The Hon. N. K. FOSTER: You will have your bit of a dig. That is O.K. If it is going to make you happy for the rest of the evening, I will comply.

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: The Opposition has refused to pay any real attention to this matter since its members spoke on it last week. They have had deputations from the trade union movement on at least two occasions; waiting on the mover of the amendment one afternoon last week were a number of trade union representatives with the Secretary of the Trades and Labor Council, and yesterday afternoon a similar group met a greater number of members of the Legislative Council comprising the Opposition. I want to repeat briefly what I said last week; long service leave is all right. Public statements on the subject are quite shameful and indeed dishonest. The fact is that you are endeavouring to suggest that they have no right to long service leave merely because of the casual nature of their employment. You are completely disregarding what is set out in the Bill. The phrase often used by members opposite is that a Bill is couched in such terms merely as a disguise. That is not so in this case. Its intention is quite clear. It is legislation to provide long service leave to casual workers. Accepting that no-one disagrees with that, what are the Opposition's principal objections? If one examines this matter in the narrow concept of industrial behaviour, one is burying one's head in the sand.

Not one Opposition member to whom I have spoken in the last week has disagreed with what I have said: that, if this legislation does not pass, it is possible that unions will take action to bring about long service leave in the industry. Not one Opposition member has disagreed with that. In the Federal sphere, the unions in this industry were negotiating before a judge of the Commonwealth Conciliation and Arbitration Commission. I said recently that I could not remember that gentleman's name, but I remember now that it was the late Mr. Justice Aird, who convened a committee of inquiry involving representatives of the unions and the whole industry. It was going along and doing some good work indeed and, had that committee of inquiry continued with its work, there was every possibility that the industry would have been decasualised. Had that happened, this Bill would probably not be before the Committee now, and those in the industry would be enjoying the benefits of long service leave entitlements.

However, the people in this industry are being kicked because they are casual workers. Long service leave has applied to other workers for some time. I refer, for instance, to the maritime industry, in which long service leave benefits have applied for over 10 years. Long service leave was introduced in that industry in 1962 or 1963 and became effective in 1964 or 1965. If that was the first time that long service leave for casual workers was introduced into any industry, let me hasten to tell honourable members that there has been no form of flow-on generally to casual workers in other industries. The legislation to which I have referred was enacted in Tasmania in about 1963 but, because it involved a group of Federal unions, the Commonwealth Government itself legislated for long service leave for waterside workers, with less benefits than those provided in the Tasmanian legislation. The Tasmanian legislation was, of course, rendered null and void by the Commonwealth legislation. However, there was no flow-on; even the tally clerks did not receive long service for years, if ever they got it in that form.

If honourable members opposite persist with their amendments, they will deny these benefits to workers in industries in which there is a body of people more permanently identified with industry. Honourable members opposite know as well as I do that if this legislation passes it will improve industrial relations. On the other hand, if it does not pass, there will be turbulence in the industry.

The Hon. D. H. LAIDLAW: The Hon. Mr. Foster has indicated that in other places there has not been a flow-on of long service leave benefits to casual workers. I suggest to him that the situation is different in South Australia because, when this Bill was introduced in another place, the Minister of Labour and Industry asked that he be able to specify certain industries by regulation. That held out the hope to people in many industries other than the building industry that they would receive these benefits as a flow-on, or automatically. I suggest that the Minister put the cat among the pigeons to start off with. The situation in South Australia is different from that in other States, referred to by the Hon. Mr. Foster.

The Committee divided on the motion:

Ayes (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.

Noes (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.

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.30 a.m. on Wednesday, February 18, at which it would be represented by the Hons. J. A. Carnie, B. A. Chatterton, C. M. Hill, D. H. Laidlaw, and C. J. Sumner.

PASTORAL 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, which is consequential on the passage of the Water Resources Bill, effects the repeal of Part X of the Pastoral Act. The provisions of this Part have been included in the Water Resources Bill, which integrates the management of the waters of the State, and it is now no longer necessary for the Pastoral Act to deal with water.

Clause 1 is formal. Clause 2 brings the Bill into operation on the day on which the Water Resources Act, 1976, comes into operation. Clause 3 amends the section which deals with the arrangement of the Act to delete the reference to Part X. Clause 4 repeals Part X of the Act.

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

PUBLIC FINANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The purpose of this Bill is to extend the operation of the Public Finance (Special Provisions) Act, 1975. Late last year, when payment of a number of grants from the Australian Government was held up by the failure of the national Parliament to pass the Budget, the South Australian Government introduced the Public Finance (Special Provisions) Bill, 1975. This Bill, which was subsequently passed, was designed to ensure that work could continue on approved projects where it was known that, whatever the final outcome of the impasse in Canberra, the Federal Government would have to obtain appropriation authority to meet its obligations.

To the end of January, the power to issue money from the Treasurer's Advance for these purposes had been used only in respect of the Crystal Brook rail standardisation project ($1 200 000) and the Regional Employment Development Scheme ($97 037). The funds advanced for the RED Scheme have been reimbursed following the passing of the Federal Budget, but further complications have arisen with the rail standardisation project.

The Commonwealth Government has appropriated money for the Crystal Brook project under an Australian National Railways Commission line, but subsequently has received legal advice that, because the Bill to effect the transfer agreement was amended by the South Australian Government so that consent for the construction of railways in the State by the Commonwealth did not operate until the declared date, it cannot charge the cost of work on this project to the A.N.R.C. appropriation. To get around this problem it has been necessary for the Federal Government to use the Crystal Brook legislation as the authority to proceed with the work and the Federal Treasurer's Advance as the appropriation authority for payments.

The Federal Treasurer has instituted very tight controls on expenditure from the Treasurer's Advance and it is by no means certain that funds for the project will be received in time to ensure that obligations are met as and when they fall due. This Bill therefore extends the operation of the Act from February 29 to June 30, 1976. By that time the Federal Government will have had time either to amend the Railways Transfer Agreement, or to obtain normal appropriation authority for payments under the legislation dealing with the Crystal Brook project. Clause 1 is formal. Clause 2 amends section 3 of the Act to extend its operation to June 30 of this year.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 5, 7, and 8, but had disagreed to amendments Nos. 2, 3, 4, and 6.

Schedule of the amendments made by the Legislative Council to which the House of Assembly has disagreed:

No. 2. Page 8, line 13 (clause 34)—Leave out "sixty" and insert "ninety".

No. 3. Page 8, line 20 (clause 35)—Leave out "sixty" and insert "ninety".

No. 4. Page 9, line 18 (clause 37)—Leave out "sixty" and insert "ninety".

No. 6. Page 9, line 25 (clause 37)—Leave out "sixty" and insert "ninety".

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

When the Hon. Mr. Dawkins moved the amendments, he failed to realise that, under the present set-up, local government in many areas allows only 21 days for payments to be made.

The Hon. R. C. DeGaris: Which councils?

The Hon. T. M. CASEY: I understand that there are some. Nowadays, commercial enterprises give 60 days for payment.

The Hon. M. B. Cameron: This is local government.

The Hon. T. M. CASEY: Nowadays, in commercial enterprises, such as Myers and John Martins, one is allowed 60 days from the time of purchase to the time of payment. So, there is no reason why the same thing cannot apply in connection with council rates. What is the purpose of the 90-day period? The honourable member said that there were difficulties in connection with paying rates because sometimes farmers do not receive cheques in payment for their goods in time. I have never heard so much poppycock in all my life. To suggest that the Hon. Mr. Dawkins could not pay his rates within 60 days, because he had to wait for his wool cheque, is ridiculous.

The Hon. D. H. Laidlaw: How about the fruitgrowers along the river?

The Hon. T. M. CASEY: Fruitgrowers are paid not their full amount but a percentage of the price they should receive.

The Hon. B. A. Chatterton: Growers of fruit used for canning receive 70 per cent.

The Hon. T. M. CASEY: True, and there are similar payments to other growers. Members opposite should not cry poverty to me, because I know differently. These days everyone has money in his pocket. If one cannot pay one's rates within 60 days, one should be prosecuted. To suggest that the man on the land requires an extra 30 days to pay his rates is ridiculous. Has the Hon. Mr. Dawkins a better argument? I ask the Committee not to insist on its amendments.

The Hon. M. B. DAWKINS: Like the Hon. Mr. Laidlaw, I am disappointed with the Government's attitude. The Minister might have plenty of money to pay his rates, but if he were here when I moved the amendments he would know that I did not do so merely in favour of

the man on the land. Other honourable members advanced the position of the man on the land, whose income often is received at the end of the calendar year. The Government should provide the extra 30 day concession in which a person can pay his rates. In theory, rates are intended to be payable within 21 days of the rate notice being sent out. However, in practice, the present let-out provision enables payment to be made before December 1 or March 1, depending on whether one is a metropolitan ratepayer or a rural ratepayer. This is removed in this Bill. If the amendments are accepted, city ratepayers would pay by November 30, and the situation would be the same as it presently is, and country councils would receive their money about three months earlier. How can the Minister say that everyone has plenty of money? He has a property and receives a high salary, but there are ratepayers in the country and the city who find it difficult to pay their rates. The amendments were specifically designed to provide such ratepayers with an additional 30 days in which to pay their rates.

The Hon. Mr. Creedon suggested that some people did not pay their rates until the last moment, that is, February 28, thereby causing financial difficulty to councils. That does not apply in my case. My amendment benefits South Australian ratepayers generally. The Minister has not read what I said. It would only be in a case involving necessitous circumstances that the grace period would be extended beyond 90 days. The acceptance of my amendments will not cause hardship to any councils; indeed, country councils will be better off, as they will get their money about three months earlier than the February 28 deadline. I ask the Committee to insist on the amendments.

The Hon. M. B. CAMERON: I ask the Committee to support the amendments. I thought the Minister might advance an argument to convince honourable members, but he referred to the personal effect of the amendments on the Hon. Mr. Dawkins. I cannot think of a more irrelevant reason to advance to change our minds. Is the Minister so devoid of arguments that he has to refer to the personal effects of the amendments on the honourable member? I could argue that the Minister, as a graingrower and a wool producer, would have no problem in paying his rates, and that he would be in a much better position than that of a beef producer. Beef producers currently have no funds with which to pay rates.

The Hon. T. M. Casey: I did not want to get personal. I did not mention names.

The Hon. M. B. CAMERON: Although I have had differences with the Hon. Mr. Dawkins, I disagree with the argument being brought down to that level. The Minister is wrong in his comments about primary producers. These amendments affect everyone. They will have no effect on metropolitan councils, but will be of advantage to country councils. The amendments are not unreasonable.

The Hon. T. M. CASEY: I stick to my argument that people can pay their rates within 60 days. I refer honourable members to clause 37, which provides that a ratepayer can approach a council and make arrangements to pay his rates over four equal instalments.

The Hon. M. B. Dawkins: That was referred to in the debate.

The Hon. C. W. Creedon: Or any other way agreed to between the ratepayer and the council.

The Hon. T. M. CASEY: That is right.

The Hon. M. B. Dawkins: The ratepayer has no rights!

The Hon. C. W. Creedon: Yes, he has.

The Hon. T. M. CASEY: My point is that, if the ratepayer cannot pay his rates or the first of his quarterly instalments within 60 days, how will he be able to pay within 90 days? I cannot figure it out. Honourable members in one argument say, "More power should be given to local government so that it can run its affairs in such and such a way"; and the councils themselves have asked for this.

The Hon. J. C. Burdett: How many have?

The Hon. T. M. CASEY: I can only go by what the Minister in charge of the Bill says and what the dockets that have come forward reveal. It seems reasonable to me. There is no justification for saying that the ratepayers must have the extra 30 days in order to pay their rates. I am saying, "If they cannot pay their rates in the 60 days, how are they going to pay them in 90 days?" They can also make arrangements with the district council to suit their financial convenience.

The Hon. M. B. Dawkins: Provided the council agrees.

The Hon. T. M. CASEY: Yes. The Hon. Mr. Dawkins will be the first to admit that, if a ratepayer came along and stated a case of hardship to a council, saying that he was in necessitous circumstances, the council would probably grant him an extension of time. For the purpose of the exercise, for the majority of ratepayers to say that they cannot pay within 60 days is unsatisfactory. Under the provisions of clause 37, they do not have to pay their rates in one lump sum: they can pay in four equal instalments. This will give local government an opportunity to collect its rates so that it can plan its budget, and I think we would be doing an injustice to the councils if we did not go along with this, because this is what most of them have asked for.

The Hon. R. C. DeGaris: But most councils are metropolitan councils.

The Hon. T. M. CASEY: That does not matter; it is beside the point. It applies equally in the country areas. I am not going to prophesy, as the Hon. Mr. Cameron did, that there are beef producers who today find difficulty in paying their rates. I know that some of them are in financial trouble but I do not wish to tell them what their financial situation is, and the Hon. Mr. Cameron should not try to say what my financial situation is. That is a lot of rubbish.

The Hon. M. B. Cameron: I didn't say that at all.

The Hon. T. M. CASEY: I am sure that, if the honourable member had looked at the situation regarding the moneys available under the beef assistance scheme, he would have thought differently.

The Hon. M. B. Cameron: "Prove your bankruptcy"!

The Hon. T. M. CASEY: The honourable member can laugh.

The Hon. M. B. Cameron: Be honest about it.

The Hon. T. M. CASEY: Quite a lot of people have been helped.

The Hon. M. B. Cameron: Helped to further disaster.

The Hon. T. M. CASEY: A lot of people have been helped to get money who have not been justified in applying for it. I have had a lot of experience.

The Hon. M. B. Cameron: A person has to prove that he is bankrupt and then he will get help.

The Hon. T. M. CASEY: No. I think I can match the honourable member on this score, because I have had five years experience of this, which the honourable member has not had, so he had better bow out of this one.

All I am saying is that, if the ratepayers cannot pay their rates in quarterly instalments—

The Hon. C. M. Hill: At four-monthly intervals.

The Hon. T. M. CASEY: No, by quarterly instalments. They can pay four equal instalments.

The Hon. J. C. Burdett: That does not help the farmer, because he still does not get his money until January or February.

The Hon. T. M. CASEY: What do you mean?

The Hon. J. C. Burdett: He will not get his wheat or barley cheque until January or February, so this does not help him at all.

The Hon. T. M. CASEY: You tell me that there are farmers who have not got any money in the bank.

The Hon. M. B. Cameron: That's a joke!

The Hon. T. M. CASEY: The honourable member comes from an area—

The Hon. M. B. Cameron: If you come home with me, I will introduce you to some of them.

The Hon. T. M. CASEY: —where last year some of the barley crops yielded up to 242 bushels to the hectare.

The Hon. J. C. Burdett: But they will not get their payments until February.

The Hon. T. M. CASEY: On top of that, there was the farmer's wool cheque for that year and probably a cheque for some wheat as well, and the honourable member tells me that these farmers have no money in the bank. I do not know whom you are trying to kid, or are you trying to forget the fact that the superphosphate bounty has been reintroduced? However, I do not want to go through all that again, but I think that honourable members opposite are trying (and that is what I am afraid of) to downgrade the farmers of this country, saying that they cannot make a buck out of the land. They are implying that, because they say the farmer cannot pay his rates, even in instalments. All I am saying is that, if he cannot pay his rates in 60 days, how will he pay them in 90 days?

The Hon. R. C. DeGARIS: (Leader of the Opposition): First, the Minister compares the operation of local government in rural areas with the attitude of retailers such as Myers and John Martins, but the two situations are entirely different and to compare them does not give a true answer.

The Hon. T. M. Casey: Do you tell me that some rural people do not buy stuff from Myers, Martins and David Jones?

The Hon. R. G. DeGARIS: They have an opportunity to decide whether they will buy things from those stores and whether they will pay within 60 days or not; but the capital rate on their property they cannot avoid. For years and years in South Australia, rural rates have been paid on February 28. That situation has obtained for many years, and no real reason has been advanced why it should change. It is perfectly obvious that rural incomes have not changed very much and many people find great difficulty in paying their rates before February 28. I have heard no complaints from local government about when rural rates are paid. Indeed, every honourable member of this Chamber who has served for a long time on a rural council and knows its point of view would say that the councils are perfectly satisfied with the payment of rates in rural areas by February 28.

I take another point that has not been looked at. Why does the Government insist that in these local government areas the books must be closed on June 30? The whole problem could be solved if the Government allowed local government to close its books at its discretion at any time it wished.

The Hon. D. H. L. Banfield: It would still want 90 days.

The Hon. R. C. DeGARIS: No, because the very point we are arguing would be overcome. Income in the majority of rural industries comes at the one time, the harvest period from, say, October to February. Usually the payment is made three or four weeks after the harvest. A strong case can be made for February 28 being the time at which rural rates are paid. The Minister said the majority of local government bodies had requested this. I do not doubt that, because the majority of councils in South Australia are metropolitan or urban orientated and therefore would not understand the problems of rural areas. What the Minister said regarding the opulence of rural areas and rural people is nonsense.

The Hon. N. K. Foster: They are going worse under the Fraser crowd, they tell me.

The Hon. R. C. DeGARIS: That is a matter of opinion. The idea the Minister has put forward that every farmer has a pocketful of money is baloney; it is not factual. We have the problem, too, of young people going on the land with heavy overdrafts, having difficulty in meeting their commitments but possibly able to meet them by February 28, although with no way of meeting them before that date. It is wrong to force those people to go on their knees to a local government authority and beg for mercy, and there is no need for this if the present situation is maintained.

The Government has advanced no reason for changing the system. I have had no approach from any rural council that the position should change; in fact, I have had the reverse. I have had rural councils saying they do not want this to happen. The amendment moved by the Hon. Mr. Dawkins simply extends the period from 60 days to 90 days so that a rural council can make its budget in, say, September and the rates will be payable by the end of December. We have dropped back two months. I cannot see why the Government is so adamant in changing a system that has existed for so long with, to my knowledge, no complaint whatever. I say that as one who has served for a long period on a rural council. I have never found any difficulty with the existing situation and I have never known a council to make any request to change that situation. I strongly support the amendments.

The Hon. A. M. WHYTE: The Minister of Lands knows quite well the settling date for all bank overdrafts on the land, and he would know that at least 50 per cent of the rural population works on overdraft. The budgeting for rural areas is always calculated to the last day in February or March. If a budget is submitted for overdraft those are usually the settling dates. Likewise, the hire-purchase of machinery is calculated to fit in with wheat and grain payments, all calculated for late in February or March. The case put up by the Hon. Mr. Dawkins is a valid one. We are asking the primary producer to borrow money on overdraft to pay his council rates when, in most instances, the councils concerned can budget to cope with the situation. Whether the amendments are passed or not, these are facts with which I know the Minister of Lands, in all honesty, would agree. He knows the settling date for country areas.

The Hon. N. K. FOSTER: We have heard about 90 days grace, and there are some members of the Opposition

I would like to give 90 days! I would imagine they have spoken on behalf of the farming community. I think the latest concessional rates to farmers for the purchase of machinery cut out on June 30. It is not December, as the Hon. Mr. DeGaris suggested. But what about the people in the rural community other than farmers? If we were to provide in the Bill that those who paid the rates within the time now prescribed would get a concession, I guarantee that every cocky in the community would pay his rates by that time.

The Hon. M. B. DAWKINS: I agree with everything the Hon. Mr. DeGaris and the Hon. Mr. Whyte have said. This concession, if one likes to call it that, will apply to ratepayers throughout South Australia, and the situation that obtains will not disadvantage metropolitan or urban councils. Where country councils are concerned, even if the time is 90 days and not 60 days, it still means that the rates will have to be in probably two months earlier than at present. I did not know of any country council that had been in trouble with the situation as it was, and from the councils' point of view this provision will make the situation better than it was previously. I urge honourable members to support the amendments.

The Committee divided on the motion:

Ayes (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.

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

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the House of Assembly to consider this matter further, I give my casting vote for the Noes.

Motion thus negatived.

AMENDING FINANCIAL AGREEMENT 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.

Its purpose is to ratify an agreement entered into by the Commonwealth of Australia and the six Australian States on February 5 this year to amend the provisions of the existing Financial Agreement in so far as it relates to the national debt, sinking fund and Australian Loan Council procedures. The other State Governments and the Commonwealth Government will also be introducing similar legislation to their respective Parliaments. The amending agreement, for which legislative approval of now sought, is attached as a schedule to this Bill. Honourable members will know that under section 105A of the Constitution, the Commonwealth may make arrangements with the States with respect to the public debt of those States.

The original Financial Agreement was entered into by the Commonwealth and the States in 1927. It provided for the taking over by the Commonwealth of part of the liability to bondholders for the States' public debt, it set out provisions for sinking fund on those State debts, and established the Australian Loan Council to co-ordinate future public borrowings in line with the needs of both the Commonwealth and the individual States. Except for some relatively minor changes, the basic principles of the original agreement have remained unchanged for 48 years, and it has been generally accepted by all parties that some modifications would be required to effectively meet present circumstances.

The matter of timing of amendments to the Financial Agreement was brought to a head at the 1970 Premiers' Conference, when major changes in Commonwealth-State financial arrangements were agreed upon. One element of those changes was the agreement on the part of the Commonwealth to take responsibility for $1 000 000 000 of State public debt at the rate of $200 000 000 a year. South Australia's proportion of that total debt was $130 000 000. Over the five years to June, 1975, the Commonwealth has made grants to the States equivalent to the interest and sinking fund charges on the increasing volume of debt taken over.

It is now necessary to formalise that transfer by way of an amendment to the Financial Agreement and, in doing so, the various parties to the agreement have also taken the opportunity to introduce some other amendments which are designed: (*a*) to provide for a more simplified sinking fund arrangement; (*b*) to introduce greater flexibilty in Australian Loan Council procedures in respect to the appointment of substitute members and the holding of meetings; and (*c*) to remove certain obsolete provisions considered by the respective legal authorities of the various parties to be no longer necessary. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 sets out legal requirements for commencement of the new arrangements. Clause 2 provides for retrospective effect of the agreement from June 30, 1975, when assistance towards debt charges under the Commonwealth legislation had ceased. Clauses 3 to 5 are formal; they refer to the title of the agreement. Clause 6 clarifies some definitions. I ask honourable members to note that definition of the "face value" of securities now provides for the amount of debt raised overseas to be calculated in Australian currency at the current selling rate of the Reserve Bank of Australia instead of the fixed and for a long time unrealistic "mint par exchange" rate ruling in 1930. Definitions of "public debt" and "net public debt" lay a simple, yet equitable, basis on which to calculate sinking funds contributions in future.

Clause 7 introduces two main changes to expedite proceedings of the Australian Loan Council. One provides that nomination by the Prime Minister or a Premier of a substitute Minister as his representative will now include any person acting in that capacity. The other provides that decisions by the Loan Council to vary the original programme for the year and to allocate the proceeds of individual loans during the year may now be made by correspondence without the necessity to hold a formal meeting of the council.

Clause 8 sets out the new sinking fund arrangements. It provides for specified contributions by the Commonwealth and the States for 1975-76, adjusted in subsequent years until 1984-85 by a percentage of the difference in the net State debt outstanding at June 30 of the year preceding the contribution and the net debt outstanding at June 30, 1975. As from 1985-86, annual contributions will be a fixed percentage of the net debt of the State outstanding at the preceding June 30. I would add that the new rates of contribution have been calculated to raise annual sinking fund amounts comparable with the projected amounts payable under the previous scheme. However,

voluminous calculations made on behalf of each State each year will be eliminated, and accounting procedures greatly simplified. Clause 9 provides for the assumption by the Commonwealth of the liability for $1 000 000 000 of State debt, as set out in the schedule to the agreement.

Clause 10 provides for the deletion of several clauses from the Financial Agreement that have been fully performed or are no longer relevant. They relate to interim arrangements before the original agreement was ratified in 1927, and to exemption of the Commonwealth from certain sinking fund contributions on the State debts. This clause also converts a table of amounts to decimal currency. Clause 11 refers to provisions that shall apply to the operation of the Financial Agreement during the interim period between June 30, 1975, and the date on which the amending agreement comes into force.

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

LEGAL PRACTITIONERS BILL

In Committee.

(Continued from February 12. Page 2325.)

Clause 2 passed.

Clause 3—"Arrangement of Act."

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

Page 2, line 23—Leave out "LEGAL ADVISORY SERVICE" and insert "COMMUNITY LEGAL SERVICE".

This amendment relates to clause 65. Its purpose is to extend and widen the services the society can maintain. The service currently provided is the Legal Advisory Service and, pursuant to this service, practitioners voluntarily provide their services during the evening from 5.30 p.m. until 9 p.m., as well as on Saturday mornings. Members of the public are entitled to a 20-minute interview for $2. The duty solicitor service is also provided, but it is apparently not covered by clause 65 as it now stands. It may be that from time to time the society wishes to provide other community services, and it should be able to maintain all of them. It should have the same rights for payment as applies in regard to the Legal Assistance Fund. This amendment widens the services for which the society can be reimbursed and provides for payment from the Legal Assistance Fund in respect of other services.

The Hon. D. H. L. BANFIELD (Minister of Health): I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clause 4—"Repeal and transitional provision."

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

Page 3, line 13—After "1977" insert "or such later day as may be fixed by regulation".

I foreshadowed this amendment in the second reading debate. Its purpose is that perhaps by June 30, 1977, the various boards and machinery proposed will not have been set up and it may be necessary to extend the period within which this can be done. The amendment enables the Government to extend the necessary date.

The Hon. D. H. L. BANFIELD: I wanted to hear the honourable member compare the method of proclamation with the method of the regulation, but the honourable member did not do that. I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clause 5—"Interpretation."

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

Page 5, line 30—After "offence" insert "of a dishonest or infamous nature".

Unprofessional conduct is defined in relation to legal practitioners in this clause. I foreshadowed this amendment in the second reading debate. There are some classes of offence which are punishable by imprisonment but which would hardly warrant the term "unprofessional conduct" to be applied, or the consequences of a practitioner being guilty of such conduct. There are more archaic words in other Acts, and interpretation of these words should not be difficult.

The Hon. D. H. L. BANFIELD: It is difficult to visualise what the Hon. Mr. Burdett seeks to achieve by this amendment, because of the general interpretation given to the words "dishonest or infamous". However, I am in a most co-operative mood and am willing to accept the amendment.

Amendment carried; clause as amended passed.

New clause 5a—"Separation of legal profession."

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

Page 5, after line 34—Insert new clause as follows:

5a. (1) The Supreme Court may, on the application of the society, divide legal practitioners into two classes, one class consisting of barristers and the other class consisting of solicitors.

(2) The Judges of the Supreme Court, or any three or more of them, may make such rules as they consider necessary to give effect to a division of the legal profession made under subsection (1) of this section.

(3) In the event of inconsistency between a rule made under this section, and a provision of this Act, the rule shall prevail.

A similar provision exists in section 7 of the existing Act, dating from 1936. Some honourable members may not be familiar with the distinction between solicitors and barristers or the history of that distinction. In England (and I am not being guilty of racial prejudice in saying this) where our legal profession first grew up, it grew up in four separate divisions—barristers, attorneys, solicitors, and proctors. Later, the division was limited to two—barristers and solicitors. Barristers may be instructed only by solicitors and may not receive their instructions directly from lay clients. Barristers only appear in court or do opinion work, settle pleadings, settle documents, and so on. Broadly speaking, solicitors carry out the rest of the legal work—the preparation of documents and the conduct of all other stages of litigious proceedings, apart from actually appearing in court.

When the legal profession was established in South Australia, it was so small that it was not practicable to divide it into two parts, and we have a combined profession. When I was admitted, I was admitted as a barrister, attorney, solicitor and proctor of the Supreme Court of South Australia, entitled to carry on any of those activities, and every member of the profession who is admitted in South Australia is so admitted and is entitled to act as both a barrister and a solicitor. We have a combined profession, which has flourished and given good service to the community in South Australia.

The Eastern States have a divided profession, as in Britain. They have barristers who may be instructed only by solicitors and not directly by lay clients; they may appear in court, do opinion work and settle pleadings and documents, and so on, and solicitors carry out the other part of the legal work. The profession has from time to time considered the advisability of dividing the profession in South Australia, as it is in the Eastern States and as it is in Britain. It is my own view that at present the community in South Australia is well served by the combined profession and there is no warrant to divide it at this stage. Meetings have been held by the Law Society from time to time to consider the advisability of the division. As far as I am aware, the vote has been in favour, on each occasion, of maintaining, for the present, a combined profession.

The size of the profession is not always the deciding factor. In the United States of America, there is a very large profession, of course, and it is a combined profession, as we have here, so size is not always the determining factor. But, whilst at present it is my own view that the community is adequately and well served by the combined profession, it has always been acknowledged that the need may arise to divide it, and this is acknowledged in the Legal Practitioners Act. This amendment is designed simply to write back into this Bill essentially the same provision as applies in the present Act.

All that the new clause seeks to do is to enable the court (and this applies in the existing Act), on the application of the society, to divide legal practitioners into two classes, one class consisting of barristers and the other consisting of solicitors. It is not to be the sole decision of the society itself: it is the court that shall have this power, on the application of the society if the society ever so decides. There seems to me to be no objection to continuing this power that already exists in the legislation. The only kind of argument that could be advanced against it, it seems to me, is that, if it ever arises that there is a need for the desirability of dividing the profession, this legislation may be needed at that time, in any event. I rather doubt that. It can be done, pursuant to the clause in the Bill, by the court and there is provision for the necessary rules. It seems to me that that would be sufficient; but, if there was the need for further legislation, that could be enacted at that time, but I suggest it is wise to maintain what has been in the legislation for 40 years—a power for the court in certain circumstances to divide the profession should the need ever arise.

The Hon. C. J. SUMNER: I oppose this amendment. As the Hon. Mr. Burdett has pointed out, it is in similar terms to the existing section 7 of the Act, although in some ways it may go even further than that section does. I refer particularly to subclause (3) of the new clause. There is no doubt that it is, in substance, a similar proposal to that which already exists. I do not wish to canvass the merits of a fused profession, as we have it here, or a divided profession, as it exists in the United Kingdom and in New South Wales, but the objection to this amendment is that it vests power in this matter completely in the discretion of the judges of the Supreme Court and the society. My real objection is that there is no method of Parliamentary review of the decisions that may be made by the judges. Honourable members are well aware of the continual assertion of the Hon. Mr. DeGaris of the rights of Parliament and of the need for Parliamentary review of all matters of public importance that may be introduced by way of regulation or rule. So my objection is that there is no method of Parliamentary review in this amendment.

The CHAIRMAN: The Rules of the Supreme Court would have to come before Parliament.

The Hon. C. J. SUMNER: Yes; the method may be subject to review, but certainly the decision made is not subject to any review. There may be rules governing the splitting of the profession that may have to be brought before Parliament, but there is no guarantee that that is necessary. Certainly, the Act does not provide that it shall be subject to any Rules of the Supreme Court: it merely gives a *carte blanche* discretion to the Supreme Court, on the application of the society, to divide legal practitioners into two classes. So I believe there is insufficient provision in this amendment for Parliamentary review. This is a matter of extreme public importance, particularly for the consumers (if I may use that term in relation to the legal profession) in their requirements and what sort of service they are going to get: will this be enhanced by a fused profession or by a divided profession?

Mr. Chairman, you will be aware that, during the second reading debate on this matter, I referred to some disquiet that had been expressed in the United Kingdom about the existing divided profession. I should like to repeat what was written in that *Times* editorial of January 26, of this year. I quote:

> Some of these problems inevitably call into question the efficiency of the existing divided structure of the legal profession. The issue is not merely one of costs, although undoubtedly costs would be saved if the duplication which takes place under the present system were to be eliminated. The retention of the two-tier structure can be justified only if the upper tier provides a genuinely specialist service, different to or better than that provided by the lower tier. The distinction between lawyers has been explained on the basis that barristers give such a specialist service, either because they are experts at advocacy, or because they know more about a particular field of the law than solicitors. How valid is that assertion today?

The editorial, which then discusses the issue, advocates a Royal Commission into the legal profession, no doubt to examine a matter such as this. There is no doubt that this is a matter of public importance to the client, and for this reason I believe it ought to be the subject of a separate amendment if at any time it is proposed by any of the interested groups. The other problem with the proposed new clause is subclause (3), which to my mind is a somewhat unusual provision, because it seems to divest the Parliament of some of its reviewing powers. I regret that the Hon. Mr. DeGaris is not taking a particular interest in this matter.

The Hon. R. C. DeGaris: I have been listening.

The Hon. C. J. SUMNER: Good! I should like to hear the Leader's comments, because it seems to me that this provision is contrary to the position that he so consistently puts in the Council about the right of Parliamentary review of or control over matters such as this. I believe that we are giving away that right of review of and control over a matter of extreme public importance to the judges of the Supreme Court and the society, in their or its discretion, to decide whether the profession ought to be divided. We are giving it away even more by the unusual subclause (3) of the new clause. I therefore oppose its insertion.

The Hon. J. C. BURDETT: I make clear again that I certainly do not advocate fusing or combining the profession at present but, as the ability to do so has been vested in the court for 40 years, I suggest that it should remain with the court, which is the proper body and which is, after all, the ultimate disciplinary body. I suggest that the decision whether the profession should continue in its present combined form or whether it should divide is properly within the field of the court and the profession itself. It has certainly always been accepted as such, because the way in which the profession should operate and deliver its services is a purely internal matter.

The Hon. C. J. Sumner: Surely the people's representatives should have some say on that.

The Hon. J. C. BURDETT: It is only a question of the way in which the profession operates internally, specialises, and divides up its services. In many other fields, such as the medical profession, the question of the internal splitting up of the work and the question of specialisation

are not provided by legislation but are left to the profession itself. In some fields, including engineering, the question of specialisation is left entirely to the profession. The new clause does not seek to do that: it leaves it to the court on the Law Society's recommendation. We have in our combined profession at present considerable specialisation: there are those who specialise in negligence cases, estate planning, probate work, and various branches of the law. As appeared in the report read by the Hon. Mr. Sumner, the division of the profession relates to a form of specialisation.

The Hon. C. J. Sumner: You can still do that.

The Hon. J. C. BURDETT: It amounts to a form of specialisation, by dividing the profession as such. This is done in the medical profession and in other professions without legislation, and it is considered to be an internal matter. The Hon. Mr. Sumner referred to the possibility in England of a Royal Commission into the legal profession. That is another matter but, under the new clause, the whole Supreme Court would be required to divide the profession. I suggest that that may be even better than a Royal Commission, which usually consists of at least one Supreme Court judge, anyway. Regarding the Hon. Mr. Sumner's objection to subclause (3), I do not see what his objections are or that it is taking the matter away from Parliament, against the background of what I have already said. The question of the way in which the profession operates, specialises and delivers its services is a matter for the profession, and any rule would be subject to the review of Parliament. It would have to lay on the table in the same way as a regulation does; so, it would be subject to review by Parliament.

The Hon. C. J. Sumner: Don't you agree that the decision to divide may not be?

The Hon. J. C. BURDETT: I have already said that the decision to divide is not subject to review by Parliament, and I have given reasons why it should not be. I have said that it is an internal matter for the profession. It is a method of specialisation and, as in all other professions, it should be left to the profession and not be subject to Parliament. I have already said that it is not just a matter for the profession, but is on the direction of the court. Subclause (3) does not amount to repealing or amending an Act of Parliament by regulation or by rule. It simply provides that, if the profession is divided, any rules may have some minor inconsistencies with the Act if the Act is passed. Therefore, it is necessary that such inconsistencies be resolved in this way, namely, any such rule made under this section shall prevail.

The Hon. M. B. CAMERON: I thought this matter would have been nicely sorted out so that we would not have to go through this mountain of words. It seems to me that it is not a matter of great moment, that the profession should preserve a right it has had for 40 years. I support the amendment.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett, in trying to justify the insertion of a clause such as this on the ground that it is a form of specialisation, said that it ought to be left to the profession itself, but he has overlooked the fact that that form of specialisation can take place within the profession now, without there being a compulsory division of the profession. There seems to me to be a world of difference between a *de facto* division with some persons deciding that they will practise exclusively as barristers, even though they may have been admitted as barristers and solicitors, and a compulsory division of the profession with all the implications that that has to clients in terms of costs and of the public debate that revolves around this matter.

It seems to me to be in the public interest that that debate ought to be conducted in Parliament and, if the profession or the judges want an amendment along these lines, a proposal to that effect can be put to the Government and considered. However, to leave to the judges and the Law Society a matter of this importance, which I believe is controversial not only within the profession but also outside it for those people who know anything about the matter, would be to run away from the responsibility of Parliament and the Government to ensure that the public interest is protected.

The Hon. D. H. L. BANFIELD: Having listened to my two learned friends, I must come down on the side of the Hon. Mr. Sumner. The Government is convinced that the ability to divide the legal profession of this State should be a decision of the Parliament and not of the Supreme Court judges. This power is vested in the judges under the current law. However, this clearly relates to a different era and far different prevailing community attitudes than those which exist today in relation to measures such as those proposed in the new clause. The Government cannot therefore accept it.

The Committee divided on the new clause:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, 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 (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. As this Bill has originated in the Council, I see no reason why this matter should not be considered by the House of Assembly. I therefore give my casting vote to the Ayes.

New clause thus inserted.

Clause 6—"Incorporation of powers of Society."

The Hon. D. H. L. BANFIELD: As there seems to be a difference of opinion between some learned honourable members, I should like to seek further advice regarding some of the proposed amendments. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 12. Page 2330.)

The Hon. R. A. GEDDES: In 1958 the Standard Vacuum Refinery Company (Australia) Proprietary Limited entered into an agreement with the State to establish a refinery in the Stanvac area, which is situated in the Noarlunga council area. At that time it was Government policy to encourage industry to establish in that area by granting tax concessions. Rates and taxes on the refinery land were $20 000 a year. When this industry was introduced to the area it created employment. Ancillary-type industries grew around it and, subsequently, other industry came to the area, thus bringing about an increase to the Noarlunga council in rates, revenue, and expenditures. I understand that, for some years, the council has been trying to persuade the Government to alter the indenture so that the rating on the refinery area could be increased.

There has been much discussion between the management of the company, which is now called Petroleum Refineries (Australia) Proprietary Limited, and the council on what is a fair formula that would give the council an increase in its rate revenue but, at the same time, not impose unnecessarily harsh taxes on the refinery, bearing in mind that the Government originally allowed concessions to the company in 1958 that became operative in 1960. This Bill was investigated by a Select Committee in another place, and the report of that committee states:

The District Council of Noarlunga, while supporting the Bill, submitted to the committee that the Bill should be amended in a way which would establish the rights of the council to seek rates on any further development on the Petroleum Refineries of Australia Proprietary Limited site. The Committee considers that such an amendment would tend to destroy the expectation of companies that the terms of indentures, once agreed, would only be altered with the agreement of the parties.

The Bill is introduced here as it was agreed to between the parties concerned. Another major industry (Lube Oil Refinery) is being constructed in this area on land that was originally part of the indenture. The last clause of this Bill deletes reference to that land on which the Lube Oil Refinery is being constructed from the terms of the original indenture, so that when the industry goes on stream in future the council will be able to negotiate a different agreement for rate revenue when that indenture comes before Parliament for acceptance. I have asked questions of the council and of industry involved and, as I believe the Bill to be correct, I support its second reading.

The Hon. C. M. HILL: I, too, support the second reading, but stress that the Noarlunga council is not completely satisfied with the situation and considers that, if further improvements are completed by the present owner on the site, the question of rate revenue should be further considered.

The Hon. N. K. Foster: Wouldn't that be so?

The Hon. C. M. HILL: It is only so if the owners will discuss the matter and if the Government shows some leadership in trying to bring the parties together when such representation is made by the council. The council considers that the rating it is receiving is not a fair and reasonable return. My point is that I hope the Government will listen and fully consider any plea from the council in future if it approaches the Government and asks for further negotiations to be entered into with the owners of the property when further improvements and developments have taken place on that site. I think the council is at least entitled to try to open negotiations for a review of the rate revenue. If the Government would offer to negotiate with the owners in order to help the council in future, I think the council would be happier with the situation than it obviously is now as a result of the Select Committee's findings. The Bill follows the recommendations of the Select Committee of another place, and I do not think there is anything that can be done with the measure but to pass it in its present form.

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

ADJOURNMENT

At 11.3 p.m. the Council adjourned until Wednesday, February 18, at 2.15 p.m.