LEGISLATIVE COUNCIL

Tuesday, April 12, 1977

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

QUESTIONS

ESCAPED PRISONERS

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: I refer to the escape of two prisoners from Cadell Training Centre, as reported in the press in the last few days. In the *Sunday Mail* of April 10 there was an article that read "One dangerous, warn police". The main heading was "Pair on run". The article stated:

A State-wide hunt is on for two escapees from the Cadell Training Centre on the River Murray. The two absconders, one of whom is described as dangerous, escaped from the minimum security centre, 11 kilometres upstream from Morgan, at 10.30 Friday night. The men made their getaway in the centre's emergency fire service truck.

Then in the *Advertiser* of April 11 it was reported that one of those escapees had been caught in Melbourne, and again that paper mentioned that the one who was caught had been described by the police as "dangerous". The Chief Secretary has under his control the Police Force of this State as well as the Correctional Services Department. There has been considerable disquiet since these announcements along the lines of questioning whether it is proper for the Police Force to describe a person as "dangerous", and to stand by and to see such a prisoner in minimal security conditions and, after escapes of this kind, the same Police Force has to set about apprehending escapees either in this State or elsewhere throughout Australia. Is it the custom of the Minister to allow prisoners whom the police describe as "dangerous" into the minimal security section of Cadell Training Centre or other similar institutions? Is he satisfied that this is in the best interests of the people and, lastly, has any action been taken by the Minister to ensure that this kind of escape will not recur?

The Hon. D. H. L. BANFIELD: The position is that people do not go to Cadell Training Centre, which is not a full security prison, until they have gone before an assessment committee; and before this committee pass many hundreds of prisoners each year. It is true that there is the odd case when a prisoner escapes from that centre but the vast majority of decisions made by the assessment committee prove beneficial not only to the prisoner but also to the community. I do not know whether the Hon. Mr. Hill thinks that, when a prisoner is put in prison, he should stay there to rot.

The Hon. M. B. Cameron: He has had problems.

The Hon. D. H. L. BANFIELD: I know you have got problems.

The Hon. M. B. Cameron: He has escaped before.

The Hon. D. H. L. BANFIELD: Of course he has problems, but does he want prisoners to be put in gaol and stay there until they rot?

The Hon. C. M. Hill: Have you not any respect for your Police Force?

The Hon. D. H. L. BANFIELD: Of course I have; it is the best Police Force in Australia bar none. It was not the fault of the Police Force that this man escaped; the force is not in charge of Cadell Training Centre. It has done a good job in recapturing him. Do honourable members opposite think it is in the best interests of society that prisoners stay in prison and that we take no rehabilitative action to get them back into the community? Of course, these prisoners have to be assessed.

The Hon. C. M. Hill: They go on with the same degree—

The Hon. D. H. L. BANFIELD: Never mind about the same degree. If the honourable member wants prisoners to stay in prison and rot, let him say so. If he does not want prisoners to be rehabilitated, let him say so. I believe that it is in the best interests of the prisoners and society that prisoners should start the rehabilitation process and go through the various stages. Before prisoners go to Cadell, they have passed various stages, including going before an assessment committee, which takes all aspects into consideration and arrives at a decision. The fact that thousands of prisoners have passed through Cadell Training Centre without any problems is proof that this system works. True, an odd one comes unstuck, but honourable members opposite have people who defect from their side from time to time, yet honourable members opposite do not call in the police.

The PRESIDENT: Order! The Minister is straying from the subject matter.

The Hon. D. H. L. BANFIELD: And that is what happened at Cadell: someone strayed—the same as people have strayed from the Party of honourable members opposite. We believe these prisoners have to be rehabilitated. Because the assessment committee takes into consideration all aspects, that committee is in a better position than is the Hon. Mr. Hill, who leads me to believe that he wants prisoners to rot in prison, but we do not want that to happen. The Police Force is doing an exceptionally good job, but the Police Force was not involved in the escape of these prisoners.

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. J. C. BURDETT: Because honourable members on this side of the Council do not believe that prisoners ought to be left to rot, we are concerned with what happens in the prisons and with retraining schemes. I am informed that prisoners, particularly those in prisons like Cadell where they have to carry out various tasks, are required to fill in simple forms about the work they have done. I am further informed that many prisoners are quite incapable of filling out the simplest of forms; this creates a problem. It seems to me that, while these people are being retrained in prison, there is adequate opportunity to teach them the simple skill of filling in such forms. Will the Chief Secretary investigate this matter, see whether there is any substance in what I am saying, and see whether it is possible to train prisoners to fill in the kind of form that is needed for the retraining work?

The Hon. D. H. L. BANFIELD: This is part of the training and rehabilitation programme. Every endeavour is made to fit the prisoner for returning to society after he has paid his debt to society. Although I do not think there is any breakdown in this area, there are some people who will never learn. I assure the honourable member that every step is taken to train prisoners as much as possible.

The Hon. J. C. BURDETT: Can the Minister say whether there are any courses or any training at present specifically designed to train prisoners in the filling-in of forms?

The Hon. D. H. L. BANFIELD: We do not have any specific courses under the heading of "form filling" for prisoners to participate in.

The Hon. M. B. CAMERON: As I had some difficulty in following the earlier reply of the Chief Secretary, I seek leave to make a brief statement before directing a further question to the Minister.

Leave granted.

The Hon. M. B. CAMERON: In the press report referred to by the Hon. Mr. Hill concerning the two escapees from Cadell Training Centre I notice that one prisoner is described as being flat-footed because he injured his feet after leaping from a wall when he attempted to escape from Yatala Labor Prison last year. Is it the usual procedure, after a prisoner has attempted to escape from a prison such as Yatala, to send him to Cadell, which is a minimum-security prison? Would it not be wise and save both trouble and worry to the community to ensure in future that prisoners who do attempt to escape are not sent to what is regarded by many people as a minimum-security prison?

The Hon. D. H. L. BANFIELD: I do not think it would be wise to keep a prisoner at Yatala for the full period of his term of imprisonment, provided he reaches the standard set down by the assessment committee.

The Hon. M. B. CAMERON: I seek leave to make a short statement before directing a question to the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: I was interested to hear the Minister describe our Police Force as the best, I think, "in the world"—

The Hon. D. H. L. Banfield: I said, "in Australia".

The Hon. M. B. CAMERON: I certainly agree with the Minister, and most honourable members would agree, too. I refer to one section of the Police Force, which is regarded as one of the most economic and useful in the force. It is the motor cycle police who operate as single units on a most economic unit basis. The motor cycle is probably the lowest cost replacement factor vehicle in the force. Can the Minister say whether it is correct that motor cycle police are to be removed from the detection of excessive speed offenders and in future are to be used only for the correction of traffic problems in times of peak traffic?

The Hon. D. H. L. BANFIELD: No direction along those lines has been given to the police.

The Hon. J. C. BURDETT: Is the Minister actually aware that instruction is given to prisoners in connection with filling in forms? Further, will he follow up the matters raised in my earlier questions?

The Hon. D. H. L. BANFIELD: There is no specific course named "form filling".

The Hon. J. C. Burdett: But are you aware—

The Hon. D. H. L. BANFIELD: I am aware that attempts are being made in the department to rehabilitate prisoners. This means that prisoners are taught to read and write if they cannot do so, and it means that they are taught to understand forms.

The Hon. J. C. Burdett: But are you aware whether or not they are instructed how to fill in forms?

The Hon. D. H. L. BANFIELD: I am aware that these things are going on in the prisons. I indicated earlier that some people are unable to learn to read and write; it depends on their I.Q. However, there is no specific course named "form filling".

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. Burdett: Will you investigate the matter I raised?

The Hon. D. H. L. BANFIELD: I will confirm what I have said.

INDUSTRIAL LEGISLATION

The Hon. J. E. DUNFORD: I seek leave to make a short statement before directing a question to the Chief Secretary, representing the Minister of Labour and Industry.

Leave granted.

The Hon. J. E. DUNFORD: For some weeks there has been much concern expressed in the trade union movement and amongst its members about the Bill now before Commonwealth Parliament amending the Conciliation and Arbitration Act. I have been at meetings of up to 70 and 80 workers. We have spoken on many things, but it all came back to the correct meaning and interpretation of that Bill and how it affects workers in industry. As a result of my inquiries I have received a letter dated April 4, 1977, from Clyde Cameron, M.H.R., a former Commonwealth Minister for Labour and Industry, and his first paragraph states:

Dear Jim,

I find it quite astonishing that no-one in the media has been able to grasp the meaning of last week's Bill to amend the Conciliation and Arbitration Act. Some sections of the media have even described it as a back-down by the Government, when in point of fact, it is the most Draconian measure ever prepared against the trade union movement. Nothing like it has ever been put to the Parliament before.

The last paragraph states:

As I said at the beginning of this letter: the Bill presently before the Parliament affects the whole trade union movement—white-collar, blue-collar, right, left and centre. That is why I am addressing this letter to union officials right across the industrial and political spectrum of organised labour.

Yours very sincerely, (signed) Clyde R. Cameron.

He points out clearly in his letter his interpretation of the whole Bill that is before the Federal Parliament. Rather than having to read the whole six pages, I seek leave to have the letter inserted in *Hansard* without my reading it. May I have leave to do so, Sir?

The PRESIDENT: That is a matter for the Council to decide. It seems to me, from the very little that the honourable member has read from the letter, that it largely sets out the opinions of Mr. Cameron on this matter—

The Hon. J. E. Dunford: Yes.

The PRESIDENT: —and the opinions of people are not admissible in asking a question or giving an answer. I will have to leave it to the Council to decide whether I should approve the insertion in *Hansard* of the letter to which the honourable gentleman has referred.

The Hon. C. M. HILL: I rise on a point of order, Sir. Opposition members do not want to be unfair, but could they have a further explanation from the Hon. Mr. Dunford regarding the real reason for his wanting to incorporate this six-page letter in his explanation prior to asking a question, through a Minister in this Council, of a Minister in another place?

The PRESIDENT: I think that is a fair comment. Although leave was granted to the honourable member to explain his question, the explanation has so far consisted mainly of two extracts from Mr. Cameron's letter. I ask the honourable member to ask his question.

The Hon. J. E. DUNFORD: I do not want to waste the Council's time, but—

The PRESIDENT: Order! The honourable member must indicate what his question is to be.

The Hon. J. E. DUNFORD: I ask the Chief Secretary to ascertain from the Minister of Labour and Industry whether that Minister agrees with the interpretation put on the Bill before the Federal Parliament by Mr. Clyde Cameron. I want to know, as does the public, what the Minister of Labour and Industry thinks.

The PRESIDENT: Order! I have some doubts whether the Minister of Labour and Industry in this State would be able to say whether he agreed with Mr. Cameron's opinions.

The Hon. C. M. Hill: The Minister of Labour and Industry has a copy of the letter.

The Hon. D. H. L. Banfield: How do you know?

The Hon. J. E. DUNFORD: I suppose I could read parts of the letter, and get it inserted in that way.

The PRESIDENT: The honourable member can do so, in so far as those parts of the letter do not express an opinion. It is not permissible for the honourable member to read the opinions of another person in a letter.

The Hon. J. E. DUNFORD: Can I frame them as part of my question?

The PRESIDENT: The honourable member can ask his question, and then I will decide.

The Hon. J. E. DUNFORD: Is the Minister aware that most people in the trade union movement believe that the Bill to which I have referred contains some cleverly camouflaged clauses that are designed to outlaw so-called political strikes, work-to-rule strikes, and strikes against non-unionists and members who scab on union decisions?

The PRESIDENT: Order! I will have to rule that question out of order. It is a question seeking an opinion, and such a question is not in order. All questions seeking or giving opinions are inadmissible.

The Hon. J. E. DUNFORD: Very well. I will take it another way. I have got a legal opinion, put out by Mr.—

The PRESIDENT: Order! Before the honourable member goes too far, I should state that a legal opinion is not much different from an ordinary opinion—

The Hon. N. K. Foster: I agree with that.

The PRESIDENT: —in so far as Standing Orders are concerned. I think the honourable member had better do some work on it and try again tomorrow.

The Hon. J. E. DUNFORD: I will get to work on this matter with some of my legal friends.

The PRESIDENT: The honourable member may do so.

The Hon. J. E. DUNFORD: If ever one saw a bloke who was nervous or who was trying to cover up, it was Mr. Street on the Willesee show the other night.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: People were ringing me and asking me—

The PRESIDENT: Order! The honourable member is out of order in all these expressions of opinion.

The Hon. J. E. DUNFORD: I have not done this previously, but members opposite have mentioned television and what they have heard on radio. I started my statement about workers' representatives in this Parliament. The workers are asking what the Federal Bill is all about.

The PRESIDENT: I should think they ought to ask their Federal member, then.

The Hon. J. E. DUNFORD: No. I want to ask in this Council. This question will not be out of order, because it is not about an opinion.

The PRESIDENT: Order! I can see what the honourable member is getting at. I suggest that he ask the Minister representing the Minister of Labour and Industry whether the Minister will ask his colleague whether he would like to make a Ministerial statement concerning the amendments to the Commonwealth Industrial Conciliation and Arbitration Act.

The Hon. J. E. DUNFORD: I do not want just a Ministerial statement: I want it to go through Parliament.

The PRESIDENT: I suggest that the honourable member ask the Minister in this Council representing the Minister of Labour and Industry whether he will ask that Minister to make a statement.

The Hon. C. J. SUMNER: On a point of order, Mr. President; as I understand the situation, the Hon. Mr. Dunford has obtained leave of the Council to make a statement prior to directing a question.

The PRESIDENT: And I have ruled him out of order in the meantime.

The Hon. C. J. SUMNER: No, you have ruled him out of order on the ground that during his explanation he was expressing an opinion. I do not believe that that is in accordance with Standing Orders, with due respect. In his question he cannot proffer any opinion or debate or argue the matter, but, when he has been given leave to make a statement, it is difficult to see how he could make the statement without in some way offering an opinion on something. That seems to me to be a different situation. There is a distinction between a question which talks of opinion (and which is prohibited by Standing Orders) and the statement that leads up to the question. In my submission, during the statement the Hon. Mr. Dunford ought to be able to proffer an opinion.

The PRESIDENT: Standing Order 109 is quite clear. It states:

In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made except by leave of the Council and so far only as may be necessary to explain such question.

It may well be, as the Hon. Mr. Sumner has said, that a distinction can be drawn between some opinion and the explanation, but I specifically asked the Hon. Mr. Dunford what his question would be, and his question clearly was asking for an expression of opinion. It was on that ground that I ruled him out of order. I suggest that there is a simple way out of his dilemma, and he may care to follow my advice, legal or otherwise.

The Hon. J. E. DUNFORD: I certainly will, because I have heard many questions asked by members opposite and you have let them go through.

The PRESIDENT: Order! I do not know what the implication of that is.

The Hon. J. E. DUNFORD: There have been questions about things like Coca-Cola cans at cricket matches. I could go through *Hansard* and give you a hundred cases. I know the attitude that you may take to me, but that is a different question. Will the Chief Secretary ask the Minister of Labour and Industry to peruse the legislation introduced by the Liberal and Country Parties to amend the Federal Conciliation and Arbitration Act dealing with section 45d and inserting other provisions suppressing the right to strike and taking tortuous action against individuals, not only

unions and organisations, with provision for fines up to $50 000 and imprisonment? First, would he peruse that legislation and make a Ministerial statement, and, secondly, would he give a written reply to this Council so that it may be incorporated in *Hansard* for the benefit of the poor individuals out on the shop floors who are up against this legislation from Mr. Fraser and Mr. Street?

The PRESIDENT: The honourable member has asked for a Ministerial statement; a Ministerial statement can be given in this Council as well as a reply.

The Hon. J. E. Dunford: That is exactly what I want.

The Hon. D. H. L. BANFIELD: I shall have much pleasure in referring the honourable member's comments and questions, and also a letter from Mr. Clyde Cameron, to my colleague, and ask him whether he will supply an answer.

BUILDERS' LICENCES

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

Leave granted.

The Hon. N. K. FOSTER: There are several instances in the community of unlicensed people being engaged in renovating houses in some respects, as carpenters or plumbers, undertaking work on new buildings and what have you without a current builder's licence.

The Hon. M. B. Cameron: Big Brother!

The Hon. N. K. FOSTER: For the benefit of the Hon. Mr. Cameron, if he was able to get an unlicensed bricklayer to work on the new house he has built recently and, as a result of that, he did not pay the man a cent—good luck to him! However, I do not think he would get away with it. Will the Chief Secretary draw to the attention of the appropriate Minister (the Attorney-General) the fact that it seems to be wrong that a person (remaining unnamed at this stage) in the Stirling council area has been operating as a plumber for a considerable time without a licence and has carried out all sorts of shoddy work? There has been no redress for people who have complained about that, yet this person can apply to the Builders Licensing Board and get a licence while there are outstanding matters that should be settled with people he has wronged in that area. Can the Chief Secretary advance an opinion on that matter, because the whole concept of the Act is to protect those people who are about to purchase, or are having built, a dwelling? This applies to the honourable member who interjected so stupidly.

The Hon. D. H. L. BANFIELD: If the honourable member will privately give me the name of this man, I will see the Attorney-General about it.

FIRE BANS

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

Leave granted.

The Hon. M. B. DAWKINS: The Minister will be aware that there are certain areas in the State where burning from time to time becomes necessary and where, owing to the locality in question and the weather conditions applying, it is just about impossible to burn except on a fire ban day. Certain areas in the Murray Mallee, Kangaroo Island, the far West Coast, and other places fall into this category. I understand that in the past permits have been given on occasion for burning off provided the Minister or a member of his staff looking into the matter has been satisfied that it is a genuine case. Can the Minister say whether consideration will be given to the problem that occurs in some areas where settlers are required to burn off and it is just about impossible to get a proper burning unless it is on a day that has been declared a fire ban day in this State? Will he look into the matter to see whether something can be done to help these people?

The Hon. B. A. CHATTERTON: Yes; I will bring down a reply to the honourable member on the exact details of the permits that have been given. Things have been done in the past to help these people, and I realise there are certain problems in some areas where people wish to burn on fire ban days. Large areas come under the fire ban; it is not an easy problem to solve by declaring smaller areas fire ban areas, because we run into other difficulties and put an increased load on the Bureau of Meteorology if people want fire bans in districts that are fairly small. Permits have been issued in the past; I am prepared to try to assist these people.

KANGAROO ISLAND SETTLERS

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

Leave granted.

The Hon. C. M. HILL: I refer again to the very serious problem confronting the settlers on Kangaroo Island who face the loss of their farms either by eviction from their properties or by some form of restructuring so that they can retain their existing dwellings. In this Council last week disclosures were made that indicate some conflict of opinion in the Government on the fate of those people. On March 29, the Premier is reported in *Hansard*, at page 2959, as saying:

> In the case where a farmer personally came forward and showed that he was able to make efforts to get himself out of this situation, we have accepted it and have said, "Right, we will give you a 12-month trial period to see how it goes."

On April 6, the Minister of Lands in this Council said:

> I am saying that, pursuant to the notice of intention that has been issued to these people, they have until June 30. If they do not come to the authority with a proposition under which they can get out of their indebtedness, I am afraid that the notice of forfeiture will stand.

In view of that conflict—

The Hon. T. M. Casey: There is no conflict.

The Hon. C. M. HILL: —I ask the Minister of Lands whether any further discussions have been held between him and the Premier since April 6 as a result of these two different approaches. If he has discussed the matter with the Premier, which opinion can the settlers on Kangaroo Island take as being authoritative? If the Minister of Lands has not brought to the Premier's attention the fact that there is some conflict between his expressed view in Parliament and the view as expressed by the Premier in Parliament, will he please confer with the Premier and in due course bring forward in this Council the actual position as it is to affect these people?

The Hon. T. M. CASEY: There is no conflict. I think I explained this the other day when the matter was raised by the Hon. Mr. Hill. He is trying to play on words that are not the basis of the subject matter. The fact remains that these people have been in touch with the Premier in

my presence and he has told them exactly the same thing. If these people are able to show to him that they can reduce their indebtedness year by year, they will be left to stay on their properties. This has already been done in the case of one Mr. Borgmeyer, and it was done prior to March 31. I also indicated to the honourable member last week that, although the notices of intention had been issued, those notices could be withdrawn if these people could still show by June 30 that they could reduce their indebtedness. That is exactly what the Premier has implied in his statement. It is no good for the Hon. Mr. Hill to try to twist it. I have related what the people were told in my presence a few weeks ago. The people on Kangaroo Island know the situation.

UNEMPLOYMENT

The Hon. ANNE LEVY: A report recently stated that, since last October, the South Australian Government had provided $17 000 000 for employment schemes for unemployed persons. Will the Minister of Health ascertain from the Minister of Labour and Industry how many persons have so far benefited from the scheme and obtained employment through it? Further, how many of those obtaining employment in this way are males over 21 years of age; females over 21 years of age; males under 21 years of age; and females under 21 years of age? Will the Minister provide a comparison of the proportions of all unemployed people in the State falling into these four categories?

The Hon. D. H. L. BANFIELD: The Government has been very concerned about the number of unemployed people in South Australia, and I point out that this Government has done more for unemployed people than has any other State. This shows that we have the welfare of unemployed people at heart. I will get a report for the honourable member.

FLINDERS HIGHWAY

The Hon. M. B. DAWKINS: Last month, I asked a question about the old section of the Flinders Highway which is unsatisfactory and unsafe in places. Has the Minister of Lands a reply?

The Hon. T. M. CASEY: All reasonable steps will be taken to maintain the "unconstructed portion" of the Streaky Bay road. It must be appreciated that such roads become very difficult to maintain to a high standard during the long summer months. With the advent of winter, it should be possible to correct the dusty uneven conditions which prevail in the summer.

UNATTENDED CHILDREN

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

Leave granted.

The Hon. C. M. HILL: One of my constituents has drawn attention to the danger to children when they are left unattended in motor cars. A report indicates that, at one large shopping centre at least where the paved parking area is not level, children have released car brakes or moved the gear selection lever to the neutral position, and the cars have moved away out of control, thereby endangering the children in the vehicles. In other States there have been serious accidents where children have been left in motor cars in public streets. Some States have legislation making it an offence under certain conditions to leave children unattended in motor cars. Will the Chief Secretary have this matter investigated further, and will he consider introducing legislation in South Australia before a very serious accident occurs?

The Hon. D. H. L. BANFIELD: Such an accident may happen tomorrow, but I hope it does not happen. I therefore cannot guarantee that we will consider any changes to legislation before an accident happens, but I will refer the matter to the Government and see whether it thinks it is necessary to introduce such legislation.

MALAYSIAN WEEK

The Hon. C. M. HILL: About two weeks ago I asked a question about the results of Malaysian Week and the possibility of South Australian industrialists expanding their operations or establishing new factories in Malaysia. Because I have not yet received a reply, will the Chief Secretary check up on this matter and see whether I will be given a reply to my question?

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

APPROPRIATION BILL (No. 1) 1977

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 provides for expenditure totalling $34 800 000. When introducing the Bill in another place, the Treasurer made a statement in relation to the financial position of the State and prospects for the future. Since that statement is available to honourable members, I do not propose to repeat it here. However, I seek leave of the Council to have the statement (which includes a detailed explanation of the Bill) incorporated in *Hansard*.

Leave granted.

TREASURER'S STATEMENT

I submit for the consideration of the House, Supplementary Estimates of $34 800 000. Before turning in detail to the Treasury situation for this financial year, the unsatisfactory situation facing this State in respect of the Federal Government's federalism policy needs to be discussed. When I introduced the Supplementary Estimates in February, 1976, I said:

South Australia faces a disturbing number of economic unknowns in the rest of this financial year. The consequences of some of those problems will greatly influence the State's budgetary situation in ensuing years.

This State does not know in detail the provisions of the new Federal-State relations proposals which were outlined in the sketchiest of manners by the Prime Minister at the recent Premiers' Conference. The impact of a major change in the financial agreements covering South Australia must be carefully analysed and the implications for future revenues thoroughly appreciated.

On the information given to the South Australian Government by the Federal Government so far, such a detailed examination is not possible and, for that reason, my Government is concerned that our favourable financial situation at the moment must be viewed against the possibility of future Commonwealth-State arrangements that could seriously disadvantage the State.

Again, in my Budget speech in September, I said:

I wish to draw attention to three matters which make me apprehensive about the future of the tax-sharing arrangements as an effective replacement for the Financial Assistance Grants formula. They are—

1. Lack of consultation on the part of the Commonwealth Government. The decision of the Commonwealth Government, announced on May 20, to introduce full indexation of personal income tax in the first year, to introduce a Medibank levy, and to change child endowment arrangements and income tax rebates for dependent children, was an example of that Government's departure from what I believed was a responsibility to consult with the States on matters that might affect their share of personal income tax collections.
2. The Commonwealth Government's refusal to provide the States with an assurance beyond June 30, 1980, that funds under the tax-sharing arrangement will be at least as great as those which would have resulted from a continuation of the formula. In seeking a long-term guaranteed arrangement, other Premiers and I had in mind the possibility that the Commonwealth Government might place less emphasis in the future on income tax as a revenue source.
3. Introduction of the Medibank levy, a long-term income taxing measure and not just a device for short-term economic management. In this the Commonwealth has demonstrated that it does not feel obliged to share with the States all the personal income tax it collects. There is the possibility, of course, that such special levies could be used more and more in future to the possible detriment of the States' surcharge powers.

Those matters lead me to believe that the States face the prospect, after 1980, of having to rely heavily on their surcharging powers or of using existing taxing measures to make good any short-fall if the Commonwealth Government places relatively less emphasis on income tax as a revenue raising measure. As it is unlikely that the Commonwealth Government will permit the States to enter the income tax field in other than a marginal way, for fear of weakening its powers of economic management, the burden could well fall back on the States' traditional taxation fields.

Since those occasions, the situation has deteriorated still further, to the point that in two weeks time there will be a special Premiers' Conference to discuss Federal-State relations. That conference has been forced on the Prime Minister by the continuing and unanimous dissatisfaction of the State Premiers, all of whom are gravely disturbed at the Federal Government's cavalier and arbitrary approach to this question, which is of fundamental importance to the good government of our country.

The State Premiers (Labor, Liberal and National Party alike) have watched with increasing dismay the widening gap between the Prime Minister's promises while in Opposition and his performance while in Government. Where he promised co-operation, we have had policies unilaterally imposed on us; where he promised consultation, we have been told after the event; where he promised a better financial deal for the States, we have had sleight-of-hand policies which have left the States considerably worse off in real terms.

The fundamental importance of an equitable and generally supported system of financial arrangements for the States cannot be too often repeated. More than $438 000 000 (almost 38 per cent of the State Revenue Budget) comes from reimbursement to the State of income tax which is levied and collected by the Federal Government. Another $180 000 000 (about 15 per cent of the Revenue Budget) comes in other grants from the Federal Government. The Loan Account is also affected in that about $49 000 000 (nearly 19 per cent) is financed by specific purpose moneys, and most of the remainder is dependent upon Loan Council deliberations in which the Commonwealth plays the major part. There are other initiatives in which the State participates that also involve Commonwealth finance.

As I explained to the House in the statement presented when I introduced the Loan Estimates in August last year, if we take the total of the State Loan and semi-government allocations in 1976-77, take into account the reduced specific purpose grants and loans for capital purposes, and even throw in our share of the estimated benefit of the new tax-sharing arrangements, the funds available this year for capital purposes would be only about 3 per cent above the aggregate for 1975-76, despite increase in costs far greater than that.

That is a substantial reduction in real funds when inflation generally is running at around 15 per cent. The funds discussed above do not include housing, and for welfare housing the Commonwealth has provided the same cash amount in each of the past three years. This means during that period no recognition at all has been given to inflationary pressures in the housing area. As a result of the Constitution, the uniform tax decisions, the financial agreements, and in the interest of national economic management, the States are severely limited in their revenue-raising powers.

The economic well-being of the States relies heavily on consensus and stability in financial arrangements, two elements noticeably lacking in the treatment the States have received from Mr. Fraser. Unfortunately, the Prime Minister's attitude and practices are emulated by his Ministers, to the point where the Federal Minister for Transport (Mr. Nixon) treated his State counterparts with a discourtesy and disrespect bordering on contempt. While the Ministers were in Hobart discussing the allocation of Commonwealth Roads Grants to the States with Mr. Nixon, his office in Canberra publicly released the amount that was to be allocated. It is little wonder that the Victorian Liberal Minister of Transport, Mr. Rafferty, for one, has described the meeting as a farce and has said he doubts whether it is worth while going to future meetings with Mr. Nixon.

Incidents such as this are not isolated happenings; they seem to be part of deliberate Federal policy to hobble the States by reducing real income to the States and simultaneously increasing the number of State responsibilities. The case of the Australian Assistance Plan is an example of both aspects of this apparent strategy. Despite an election promise to maintain the A.A.P., a broken promise highlighted by the Federal member for Hotham, Mr. Chipp, in his speech of resignation from the Liberal Party, Mr. Fraser has withdrawn all funds from A.A.P. projects after June 30, 1977, and has said the whole project is a State responsibility. The fact that the High Court of Australia has determined that the A.A.P. was a proper Federal Government function, and the requests from all State Ministers responsible for social welfare that the plan be retained by the Federal Government, did not influence Mr. Fraser. In a perfect example of what co-operative federalism means to the Federal Government, the Prime Minister unilaterally off-loaded his Government's proper responsibility to the States, without an additional dollar of funding to meet the extra costs.

Let us be clear about that. Members opposite have suggested that we have received extra money to compensate for these additional responsibilities, but we have received nothing of the kind. We have not had a penny piece. If one puts together all the areas of funding from the Commonwealth Government, we have had less money in real terms than in the previous year. Where do we get the money to fund A.A.P.? Responsibilities are not all handed over in such a direct fashion as this instance of the A.A.P.

Areas in which either severe budgetary restraints or reviews of Federal Government policy have led to no real growth in Commonwealth funds also require the States to step in where the Commonwealth has failed to provide adequate resources. Critical areas such as housing, roads, urban public transport, decentralisation (growth centres), legal aid, area improvement, national estate, and Aboriginal advancement, have all fallen victim to these policies.

Members sitting opposite have encouraged and condoned these attacks. They have claimed that South Australia has received extra money to compensate for these additional responsibilities. Those statements are plain, deliberate, and unvarnished falsehoods. How could extra money have been given when the State is receiving less money in real terms than in the previous financial year? The Federal Government has withdrawn from all these fields without providing us with the money to carry on the tasks. If these policies are continued and if the Prime Minister pushes ahead with his attempt to deprive South Australia of the benefits of the railways agreement, demands on the State Treasury will increase far more rapidly than revenue collections.

South Australia has been able to cushion the impact of the Federal Government's policies over the past 18 months, but our ability to continue doing so is limited. If the Prime Minister attempts to negate, by backdoor means, the benefits to our State of the railways agreement—a valid, legal and binding agreement which did not come out of any special deal for South Australia but from an offer put equally to all the State Governments—then our ability to ease the effects of Federal actions will be still further curtailed.

I am astounded that the Leader of the Opposition apparently is going public to encourage the Prime Minister to welsh on the railways deal. What he is saying is that money should be taken away from South Australia because it is unfair that we should have the compensations for the railways that were written into the agreement and into the resulting financial arrangement, despite that they were ratified by this House and the Federal Parliament and despite that the Prime Minister had voted for them and that they were the subject of an election in this State.

The South Australian Government cannot indefinitely try to pick up the pieces of the social and economic damage the Federal Government is causing. To take one instance: this year we are spending $14 000 000 on unemployment relief, and in these estimates another $3 000 000 is set aside to carry the programme through into the early months of 1977-78, making a total allocation of $17 000 000 in the past 12 months.

South Australia was the first State to introduce any form of unemployment relief scheme, and ours is still the most wide-ranging scheme. We have asked the Federal Government to assist us in funding the scheme but we have been refused, despite the fact that the Federal Government is getting, from our employment of those people, returns by way of increased income tax, sales tax, and excise duties and through less call on unemployment benefits. When Mr. Neilsen put up to the Commonwealth Government that we should get at least a $1 for $1 payment that would cost the Commonwealth Government less than unemployment relief, Mr. Fraser stated that, if the States had money to go into those programmes, they had more money than they ought to have and that the Commonwealth Government would provide no more money for employment generating schemes of this kind.

How much longer, and on what scale, the South Australian Government can continue on its own with this help is questionable, in the light of the Federal Government's attitude to State finances. Unless the forthcoming Premiers' Conference produces an end to Mr. Fraser's policies of coercive centralism, the full effects of the Federal Government's doctrinaire determination to reduce the living standards of Australian wage and salary earners will inevitably have to be felt in South Australia.

With three months of the year still to run, the trends and prospects for the Revenue Acount can be reasonably assessed. I must, however, point out that they are based on the actual experience for only nine months of the year, and in the next three months—as, indeed, in any three-month period—significant variations can occur. A variation of 1 per cent, for example, in personal income tax collections by the Federal Government because of late trends would affect our largest revenue item, the State's share of Federal income tax collections, by more than $4 000 000.

The Revenue Budget presented to the House in September last forecast a balanced result. Recent reviews by the Treasury and individual departments show that, in the absence of any large unforeseen items, a final result close to a balance would still be likely. As to the Loan Account, the Budget presented in August last year forecast a balance on the year's operations, and I told the House then that the Loan deficit of $8 900 000 at June 30 could possibly be recovered over the two years 1977-78 and 1978-79.

Recent reviews and forward planning of capital programmes indicate that, in view of the Commonwealth Government's restrictive attitude to capital funds, there is now virtually no prospect of recovering that deficit and, at the same time, mounting a reasonable programme over the next two years. Accordingly, I believe the best thing to do is to use some of our revenue reserves to wipe out the Loan deficit this year. The Supplementary Estimates include a round sum provision of $9 00 000 for that purpose.

Members will be aware from an announcement by the Minister of Mines and Energy that one of our more important projects in future will be to accelerate the exploration of the Cooper Basin to determine the extent of gas reserves there. Much of our planning for power generation and industrial development depends on the definition of the Cooper Basin reserves. The Supplementary Estimates include a round sum provision of $5 000 000 to augment the funds of the Pipelines Authority so that it may finance the exploration programme. In effect, these funds will be transferred from our revenue reserves.

Looking ahead to the problems expected to be inflicted on our capital programme next year by the Commonwealth's harsh treatment of the States, and thus to the likelihood that a further transfer from Revenue Account will be needed if the programme is to be kept going at reasonable levels, to the desirability of giving further support to measures to stem the rising national tide of unemployment, and to the normal growth in demand for recurrent services, I believe that our present useful reserves on Revenue Account will be exhausted before the end of 1977-78.

Turning now to the question of appropriation, members will be aware that early in each financial year Parliament grants the Government of the day appropriation by means of the principal Appropriation Act supported by the Estimates of Expenditure. If these allocations prove insufficient, there are three other sources of authority which provide for supplementary expenditure, namely, a

special section of the same Appropriation Act, the Governor's Appropriation Fund, and a further Appropriation Bill supported by Supplementary Estimates.

Appropriation Act—Special Section 3 (2) and (3): The main Appropriation Act contains a section that gives additional authority to meet increased costs resulting from any award, order or determination of a wage-fixing body, and to meet any unforeseen upward movement in the costs of electricity for pumping water. This special authority is being called upon this year to cover part of the cost to the Revenue Budget of several salary and wage determinations with the remainder being met from within the original appropriations. It is not available, however, to provide for such things as the cost of leave loadings should they occur. Where these kinds of payment cannot be met from the Governor's Appropriation Fund, then Supplementary Estimates must be presented.

The main Appropriation Act also contains a section that gives additional authority to meet increased electricity charges for pumping water. The consumption of water this financial year has exceeded the quantity collected naturally in catchment areas by a greater amount than is usual, and it has been necessary to supplement natural collections by increasing the quantity pumped from the Murray River. The Government has tried to reduce this imbalance by appealing to the people of South Australia to avoid wasting water, but, nevertheless, there will be some call on the special appropriation.

Governor's Appropriation Fund: Another source of appropriation authority is the Governor's Appropriation Fund which, in terms of the Public Finance Act, may cover additional expenditure up to the equivalent of 1 per cent of the amount provided in the Appropriation Acts of a particular year. Of this amount one-third is available, if required, for purposes not previously authorised either by inclusion in the Estimates or by other specific legislation. As the amount appropriated by the main Appropriation Act rises from year to year, so the extra authority provided by the Governor's Appropriation Fund rises, but, even after allowing for the automatic increase inherent in this provision, it is still to be expected that there will be the necessity for Supplementary Estimates from time to time to cover the larger departmental excesses.

SUPPLEMENTARY ESTIMATES

The main explanation for this recurring requirement lies in the fact that, whilst additional expenditures may be financed out of additional revenues with no net adverse impact on the Budget, authority is required nonetheless to appropriate these revenues. Also, the appropriation procedures do not permit variations in payments above and below departmental estimates to be offset against one another. If one department seems likely to spend more than the amount provided at the beginning of the year the Government must rely on other sources of appropriation authority irrespective of the fact that another department may be underspent by the same or a greater amount.

Further, although two block figures were included in the August Budget as allowances for salary and wage rate and price increases, these amounts were not included in the schedule to the main Appropriation Act. Where the effects of higher prices or of wage increases not covered by the special section 3 (2) of the Appropriation Act are the reasons for seeking further appropriation, the House is being asked to make specific allocations for part of a figure shown as a general allowance in the original Budget for the year.

The appropriation available in the Governor's Appropriation Fund is being used this year to cover several individual excesses above departmental allocations, and this is the reason why some of the smaller departments do not appear on Supplementary Estimates, even though their expenditure levels may be affected by the same factors as those departments which do appear. It is usual to seek appropriation only for larger amounts of excess expenditure by way of an Appropriation Bill supported by Supplementary Estimates, the remainder being met from the Governor's Appropriation Fund.

I point out to members that, whilst these sums represent the best estimates of needs presently available, nevertheless, in most instances they cannot be regarded as accurate to the last dollar. In authorising the funds which may be actually needed, I propose to treat departmental requests as if they were requests for excess warrants on the Governor's Appropriation Fund. Excesses from that fund are permitted only with my specific approval after examination by the Treasury, and I propose that, although the procedures will not be so formal, the additional appropriations now sought will not be released without continuing examination of changing departmental needs.

DETAILS OF THE SUPPLEMENTARY ESTIMATES

With these authorities in mind, then, the Government has decided to introduce Supplementary Estimates totalling $34 800 000. They could be summed up in three broad categories as follows:

	$ millions (rounded)
Normal departmental excesses above estimate	14·2
Special appropriations brought about by re-arrangements of departments and accounting procedures	3·6
Special appropriations for major policy decisions regarding support of capital programmes, exploration of Cooper Basin and unemployment works	17·0
	34·8

Department of Economic Development: Earlier this year the Department of Economic Development was created to advise the Government on its economic and trade and development policies, and to co-ordinate the operation of the State's statutory financial organisations. Most of these functions were carried out previously within the Premier's Department and have been grouped under the Department of Economic Development as part of a general restructuring aimed at improving the efficiency of the Public Service. Therefore, while funds are sought for this new department, offsetting savings can be expected in amounts provided previously for the Premier's Department.

The amounts sought provide for the operation of the department for the whole of this financial year. Costs incurred in discharging these functions by the Premier's Department prior to creating the new department will be transferred accordingly. Whilst this is not strictly necessary, I am conscious of the need to provide meaningful information in the published accounts at the end of the year. The procedure adopted here will facilitate this. Overall a net increase in costs of about $90 000 can be expected this financial year. Thus, of the $925 000 provided in Supplementary Estimates, about $835 000 will be offset by savings on the original appropriations for the Premier's Department.

Department of Services and Supply: The Budget presented to the House last August included provision for the operation of the Port Lincoln abattoirs until December 31, 1976, at which time it was expected that these works would be transferred to the South Australian Meat Corporation. The transfer was not effected until March 8, 1977, and therefore additional expenditures were incurred. Some

increased costs also resulted from the processing of additional overseas meat contracts. Altogether an additional $600 000 for salaries and wages and $100 000 for operating expenses, minor equipment and sundries is required. Of course, additional revenues have resulted from this additional work and they will offset the $700 000 provided in total on Supplementary Estimates for these purposes.

Treasurer—Miscellaneous: Several semi-government and other bodies lodge moneys in interest bearing trust accounts at the Treasury and, as a result, benefit from the economics of the Treasury's large-scale financial operations while simultaneously protecting their liquidity. The Government has agreed to increase the rate of interest on these deposits to the average rate earned on the investment programme, less a small margin for administration and other costs. An additional $506 000 is required for this purpose. In March, 1976, $825 000 was advanced to Riverland Fruit Products Co-operative, half from the State and half from the Commonwealth, to assist with the resolution of marketing problems. By October last, it had become clear that the cannery's difficulties would not be resolved in the short term and, after discussions in which the Commonwealth agreed to defer but not forgo repayment of its share, the State agreed to convert $272 500 of its loan to a grant. The remainder of the $310 000 included in the Supplementary Estimates for arrangements with Riverland relates to interest that had accrued to December 31, 1976. The South Australian Industries Assistance Corporation is now working with the co-operative in an attempt to solve the long-term problems facing the Riverland fruitgrowing industry. As I have explained, the Government has decided that a further sum should be provided to wipe out the deficit on Loan Account. An amount of $9 000 000 is included in the Supplementary Estimates for this purpose. The total amount included in the Supplementary Estimates for Treasurer—Miscellaneous is $9 816 000.

Engineering and Water Supply: I have mentioned that it will be necessary to exercise the special authority granted under the Appropriation Act to meet increased electricity charges for pumping water. Additional chlorinating and other costs are incurred also as additional water is pumped from the Murray River. The Supplementary Estimates include a further $500 000 to cover these expenditures.

Public Buildings: An additional appropriation of $2 200 000 is required by this department to provide for the increased costs of salaries ($1 000 000) and contingencies ($1 200 000). The appropriation for salaries is required for additional terminal leave payments, greater involvement by design staff on Revenue rather than Loan Account projects and the need to provide for a pay debit which falls on June 29 and which was omitted from earlier estimates. The increased contingency costs are due mainly to increases in renegotiated lease and cleaning contracts and the transfer of preliminary investigation expenses from Loan Account.

Education: The Supplementary Estimates provide for an additional sum of $6 000 000 for the Education Department. This sum includes $5 300 000 for salaries and wages and $700 000 for contingencies. The additional amount for salaries and wages is needed to provide for additional staffing, payment of annual salary increments and increments due to improved teaching qualifications together with increases in leave loadings. The additional staffing arises from a marked drop in the rate of resignations and retirements of teachers and the Government's decision to employ as teachers all students graduating from the teaching colleges this year. The contingency figure relates to the increased cost of materials, supplies and services. These are very broad estimates, and my earlier remarks regarding the actual release of the funds only in accordance with the demonstrated needs of the department and with my specific approval will apply.

Further Education: An additional provision of $1 530 000 is sought for Further Education, $680 000 of this amount is needed for salaries and wages to cover salary increments, additional payments to hourly paid instructors, extension of the child care programme and the Wardang Island project. The remaining $850 000 is needed to provide for a revised method of accounting for services rendered by the Education Department for the Department of Further Education. The latter amount, of course, will result in no impact on the Budget, since the payment made by the Department of Further Education will be received by the Education Department.

Labour and Industry—Miscellaneous: Late last financial year the Government provided $10 000 000 for expenditure on works to provide jobs through the first six months or so of 1976-77. In the event, this allocation was sufficient to carry the programme through for more than six months, and, in December last, a further $4 000 000 was appropriated in Supplementary Estimates to enable it to be continued until the end of the current financial year. The Government is convinced that there is a need for the programme to extend into next year and we have allocated a further $3 000 000 for transfer to the appropriate account. This amount is provided in the Supplementary Estimates. The administration of the Long Service Leave (Building Industry) Act is to be a charge against the Long Service Leave (Building Industry) Fund but it is not anticipated that a steady inflow of contributions will be achieved until early next financial year. The advance shown in Supplementary Estimates is to enable the financial relationship between the fund and the Department of Labour and Industry to be placed on a proper footing this financial year and the fund is expected to repay the $100 000 by the end of August. The total amount sought for Minister of Labour and Industry—Miscellaneous is $3 100 000.

Community Welfare—Miscellaneous: Inflationary pressures have made it necessary to seek additional amounts for contributions towards the rates and taxes of pensioners ($250 000) and the administration and maintenance of Aboriginal housing ($230 000). A total increase of $480 000 is therefore provided under this heading.

Hospitals: Additional amounts are being sought on the Supplementary Estimates for general administration and for the operation of the major Government hospitals.

These increases are due to a reduction of arrears for pathology charges owing to the Institute of Medical and Veterinary Science, increased charges for medical and surgical supplies, drugs, special services, maintenance and repairs, fuel, light and power, rent, and higher administration expenses. The additional amounts estimated to be required by each organisational unit are as follows:

General—Administration	$700 000
Royal Adelaide Hospital	$900 000
The Queen Elizabeth Hospital	$700 000
Modbury Hospital	$100 000
Glenside Hospital	$100 000
Hillcrest Hospital	$100 000
	$2 600 000

As is the case with the estimates for Education Department and for certain other departments, these figures can be regarded only as approximate at this stage of the financial year. My specific approval will be required for the release of funds against these appropriations.

Department of Housing and Urban Affairs: The Department of Housing and Urban Affairs was established to better co-ordinate the Government's urban development programmes. Like the new Department of Economic Development, it is the result of amalgamating some existing functions. Thus offsetting savings can be expected in the Mines Department (which previously carried the appropriations for the Minister's office) and the Department for the Environment. The Supplementary Estimates figure of $1 949 000 represents expenditure for the full year and a net increase of only $90 000 is expected after allowing for offsetting savings.

Mines and Energy—Miscellaneous: As I have explained, it is desirable that further funds be provided for exploration of the Cooper Basin and an amount of $5 000 000 is provided in the Supplementary Estimates for this purpose.

The clauses of the Bill give the same kinds of authority as in the past. Clause 2 authorises the issue of a further $34 800 000 from the general revenue. Clause 3 appropriates that sum for the purposes set out in the schedule. Clause 4 provides that the Treasurer shall have available to spend only such amounts as are authorised by a warrant from His Excellency the Governor and that the receipts of the payees shall be accepted as evidence that the payments have been duly made. Clause 5 gives power to issue money out of Loan funds, other public funds or bank overdraft, if the moneys received from the Australian Government and the general revenue of the State are insufficient to meet the payments authorised by this Bill. Clause 6 gives authority to make payments in respect of a period prior to the first day of July, 1976. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly appropriated.

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

CROWN LANDS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LEAVE OF ABSENCE: Hon. R. A. GEDDES

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

That one months leave of absence be granted to the Hon. R. A. Geddes on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

VERTEBRATE PESTS ACT AMENDMENT BILL

Read a third time and passed.

FORESTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 3099.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill does two things: it abolishes the Forestry Board and removes from the principal Act the existing powers conferred upon the Conservator of Forests. In his second reading explanation the Minister stated:

Clause 4 repeals section 6 of the principal Act which establishes the Forestry Board. This clause also repeals section 7 which provides for the appointment of the Conservator of Forests and other officers and substitutes new section 6 providing for the appointment of officers and employees for the purposes of the principal Act. Clause 5 amends section 8 of the principal Act, by providing for delegation by the Minister to any officer or employee appointed for the purposes of the Act rather than the Conservator of Forests.

For many years in South Australia the Woods and Forests Department has been extremely efficient. From a State with practically no natural economic timber we have developed to one operating a highly efficient industry. South Australia has about 1 per cent of the area of Australia devoted to economic forests, yet it produces about 10 per cent of this nation's timber. When honourable members consider those figures they will realise what a remarkable effort that is and acknowledge that great credit must be given to the department for the work it has undertaken. Many people deserve to be referred to regarding this development, and I refer to the *Forestry Handbook*, 1957 (Bulletin No. 6, chapter 5), which states:

The first public attention given to forestry legislation in South Australia was in 1870 when Mr. F. E. H. W. Krichauff, M.P., in the House of Assembly, moved a Return to Order on September 7, "as to the best size of reserves for forest purposes; where they should be made; the best and most economical means of preserving the native timber thereon; the planting or replanting of reserves as permanent State forests; and the most valuable indigenous or exotic timber trees, having in view as well a supply for public purposes as also an annual revenue from the sale of surplus timber."

No action took place until 1873 when an Act (No. 26) was passed to "Encourage the Planting of Forest Trees". Under its provisions any person planting not less than five acres with forest trees was entitled to a Land Order, valued at £2, for each acre established, which could be applied either to the purchase of any Crown land available or could be used in payment of rent for any Crown lands already purchased. Important conditions were that the land had to be devoted to planting purposes only, for at least two years; that the trees were in a healthy and vigorous condition, and that the land had to be securely fenced in against both sheep and cattle.

Following the motion of Mr. Krichauff, the Act passed in 1873, and the State appointed the first Conservator of Forests (J. Ednie Brown) who, with the Director of the Botanic Garden, originally saw the potential of what is known as Monterey pine, which is known now as radiata pine (it was then known as *pinus insignis*). It was the recognition of the future value of radiata pine by both J. Ednie Brown and, I think, Mr. Schomburgk, as well as by people such as Francis Kaye that resulted in the excellent forestry work done in South Australia.

The Act established a Forestry Board and it provided for forestry districts. Subsequently, the board has done much and has fulfilled an important role in the development of forestry in South Australia. I refer to the Royal Commission report of 1963 (Parliamentary Paper No. 56), which gives recognition to the work done by the board. This Bill abolishes the board and also removes the power of the Conservator of Forests. That title will disappear entirely as will his powers. I could refer to the entire history of forestry, but that is hardly warranted at this stage. However, at page 779 of *Hansard* (1974-75) the Treasurer, when introducing the Budget, stated:

I refer in another section of this statement to the continued profitable operation of the Woods and Forests Department. Because of the department's achievement in absorbing cost increases and maintaining its profitability, the Revenue Account will benefit by an extra $580 000 over and above the contribution made by this authority last year.

There is recognition, even by the Treasurer, of the operations of the Woods and Forests Department under its present constitution. There is no other Woods and Forests Department in Australia with the same degree of economic skill. One of the important aspects of the role of the Conservator is to ensure that the forests are managed with professional skill, and that involves long-term management. It is an important part of his power under the principal Act. If a timber resource is to be managed correctly, it cannot be done with short-term considerations. If one examines the development of forests in this State one sees that the initial large-scale plantings in the South-East were undertaken in the 1920's. Such plantings came under much criticism initially, but by the 1940's and the 1950's there was a realisation of the tremendous importance that these forests would play in the economic development of the State.

Forestry management is long-term management. At no time should there be any short-term consideration, whether political or otherwise, in the management policies concerning forests. I draw a fine line between the growing of forests and their management and the processing of timber products. I believe the department should be a forest management operation only, and that it should not be involved in the secondary operation at all. That is my personal view.

In this examination, I would advocate the establishment of a separate commission or trust to handle marketing operations and the operation of the Woods and Forests Department. Indeed, if I had my way, I would move the Government out of the marketing operation altogether. I do not think it is the Government's responsibility to be in that field. However, I believe there is a strong need for the Government to be involved in the perpetuation of economic forests in this State, and that that should be done under the control of a separate commission. Political considerations should play no part in the management and development of our forest lands.

The present Act places the responsibility on the Conservator to ensure the continuation and conservation of this State's timber resources. In the interim period, before we reach a new administrative structure altogether, that role of the Conservator should be preserved. If it is not preserved, the whole forest management will fall into the hands of people who probably are not skilled foresters, who are departmentally inclined, and who are politically motivated, rather than into the hands of people who would look at the long-term management of our forest reserves.

I did not take much notice of the Minister's second reading explanation of this Bill, which he gave after the Bill had been introduced and which comprised only a few words. I then read it in the *Hansard* pull the next day, and became somewhat perturbed. Having also made inquiries of people involved in forestry, I found that they, too, were extremely perturbed about what the Bill did. This morning, I received the following telegram from Mr. Edgerley, President of the Institute of Foresters, Australia:

Following message sent to Minister Forests today stop "Council of institute of foresters of Australia greatly concerned your Bill amending Forestry Act removes existing requirements for professional management of forests and certification by qualified foresters that log timber will be available before you contract for sale stop Urgently request you discuss with institute deputation Vear Chairman S.A. Division accompany Lewis past President stop Vear will contact your office stop Regrettable that main points of Bill were not advised to your professional forestry staff group for consideration stop Our concern also expressed to Leader Opposition Legislative Council." Request you question matters raised with Minister stop Vear and Lewis available for discussion.

I also received a letter from the Institute of Foresters expressing the same concern. I heartily endorse the institute's viewpoint: it is important, in considering forest management, that the Conservator's powers be conserved at this stage. I support strongly the transfer of the Woods and Forests Department to a separate semi-government organisation, where no or very little political influence is involved in the management of our forests. The Forestry Board has likewise performed an extremely worthwhile function and, strangely, no cogent reasons have been given by the Minister for its abolition. Although the board's role may need to be redefined, it nevertheless has an important role. Marketing, together with the private sector, is an important role for the board to fulfil.

The Bill abolishes the Forestry Board and the powers of the Conservator of Forests, particularly the need for him to give a certificate, before the Government sells any timber, that the contract will not in the long term affect the general management of forest areas. Although the Bill does only those things, it is nevertheless a most important Bill. Therefore, unless the Minister can be more convincing in his arguments to me, I intend to vote against this Bill, as I consider it to be quite unwarranted.

The Hon. C. M. HILL: I should like to comment on one or two aspects of the Bill and to ask the Minister whether he will explain some matters that I will raise. I was somewhat surprised to see in the Minister's second reading explanation that he intended to do away with the Forestry Board and the title "Conservator of Forests". They are traditional in the State and, although the board acts in an advisory capacity only, there are times when machinery of this kind, if it is operating correctly, can be of considerable assistance to the general direction and efficiency of operation such as that carried out by the Woods and Forests Department.

Simply because the Director also holds the office of "Conservator of Forests" is not sufficient reason for Parliament to do away with that title. It seems to me that there is a possibility that, if the machinery that existed in the past had worked well, the department's record might perhaps have been better than it is at present. However, I do not want to criticise the department. I admit that I am not as opposed to its operation as are other Opposition members.

However, there is one matter which I raise and about which I should like an explanation or opinion from the Minister in his reply. It concerns me greatly, because it deals with the general price increase and costs related to housing in this State. I carried out some research into the price index of materials used in house building. In this respect, I refer to the Australian Bureau of Statistics bulletin No. 9.9, which measures the cost of construction materials in each State and which groups the materials under several headings. I will read them to the Council, because this proves conclusively that the heading relating solely to timber deals with that material only, and cannot be included in any of the other headings. The list is as follows:

Concrete mix: concrete and sand
Cement products
Clay bricks, tiles, etc.
Timber board and joinery—

that is the heading in which I am most interested—

Steel products
Other metal products
Plumbing fixtures, etc.
Electrical installation material
Installed appliances
Plaster and plaster products
Miscellaneous materials.

Pages four to seven of that bulletin express the increased costs of each building material in terms of index points. If one converts these index points to percentage increases, and compares the individual material cost increases in each State for the 12 months from February, 1976, to February, 1977, one finds that, with only one small adjustment in Hobart, where the increase is ·1 per cent higher than it is in South Australia, this State has proportional cost increases for timber board and joinery greater than has any other State. The relevant increases are as follows:

	Percentage increase
Sydney	16·6
Melbourne	16·2
Brisbane	13·6
Adelaide	17·5
Perth	10·9
Hobart	17·6

I think the Minister will agree that that record in this State is not good, particularly from the point of view of the cost that young people must pay for houses. I should like the Minister's opinion on why he thinks this result has come out of the statistics for the 12 months. I should like an explanation from him on whether this increase, in his opinion, can be attributed in any way to the Woods and Forests Department. I have always understood that department to be an efficient operation. It is a Government department that, in the general Public Service in this State, is a profitable one and one with an enviable record.

The Minister may be able to rebut effectively the questions that I have asked, but he wants to introduce a change that is of much importance and, when we recognise the need for the private sector in regard to the growing and management of forests, the milling of timber, and so on, as well as the need to maintain satisfactory liaison between the private and public sectors, the matter ought to be considered closely now in Parliament, and I do not think changes should be made unless Parliament is sure that they will be in the best interests of the principal Act, the department, and the consumer. It seems that, with our successful forest operations in this State, the increase for the 12 months in the cost of timber board and joinery ought to be lower here than in other States.

The Hon. B. A. Chatterton: The cost of imported timber is included.

The Hon. C. M. HILL: I accept that imported timber costs must be put in this, but I understand that timber would be imported in the other States also.

The Hon. B. A. Chatterton: Not as high a percentage as in South Australia.

The Hon. C. M. HILL: I have heard that, for example, if one buys oregon in Millicent, one can buy it more cheaply than one can buy radiata pine, and this seems crazy to the layman. I believe that more explaantion should be given regarding the department, its efficiency, and the benefits that this council ought to see flowing to the community before changes that have considerable significance in the history of the department are made by Parliament. I am undecided about my attitude to the Bill and I will wait for the Minister to explain the points that I have raised before I come down one way or the other about the measure.

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

NOISE CONTROL BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3211.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I have not much more to say in the debate on the Bill. I have largely supported the viewpoint expressed by the Hon. D. H. Laidlaw, and I support the amendments that are on file. At the same time, I am not quite pleased about some matters. Clause 10, which deals with industrial and other non-domestic noise, provides:

(1) If any noise emitted from non-domestic premises is excessive, an inspector may give a notice to the occupier of those premises requiring him:

(*a*) to take such steps, if any, as are specified in the notice within the period specified in the notice to reduce the noise emitted from the premises;

and

(*b*) to ensure that excessive noise is not emitted from the premises after the expiration of the period specified in the notice.

(2) Noise emitted from non-domestic premises is excessive, if the noise level at a place outside the premises for a period during which noise emitted from the premises:

(*a*) exceeds by more than 5 decibels the background noise level at that place;

and

(*b*) exceeds the maximum permissible noise level prescribed for that time of the day and the area in which the premises are situated.

Regarding the operation of the legislation, I want the Council to consider the question of an inspector in the department, who will be in somewhat the same category as other inspectors, such as parking inspectors. The inspector under this legislation, by clause 10, will be able to go to a large industry in a country town and require that industry, which is vital to the whole area, to do certain things. I ask whether it is reasonable that an inspector, armed with a machine, can arbitrarily instruct a large industry to reduce the noise in a certain time. That is how I read the powers of the inspector, and I think the approach is wrong.

I think that there is a need for reflection, and someone should reflect on the inspector's report to see what can be done to solve any problem that may exist. The more I think about this, the more I come down in favour of having a board to which the inspector will report before action is taken. I should like the Council to consider this matter in regard to an industry in a country town, where it may be impossible to do anything about the noise level. It may well be that it is causing very little problem to the surrounding residents; it may be that the noise level is high at, say, 3 o'clock in the morning in the still of the night when, although it does not cause any nuisance to people, it is above the accepted level for that time.

It may well be that an industry has to close down a boiler to reduce the noise, but the cost to that industry to do so would be astronomic. So the approach in this matter must be to a board that looks at all the inspectors' reports that come in and then takes action to understand the problem and do what it can to mitigate that problem rather than have the inspector in the strong position of being able to demand that steps be taken, as specified in the notice, to reduce the noise emitted from the premises. The board can then make its examination, look at all the factors, and make its recommendation. It may well be that the board says that certain things have to happen and a time limit is given for an industry to overcome its problems; but I see in the approach under this Bill some real difficulty in this respect.

I now turn to hotels and discotheques operating late at night. I have had many complaints about the operations of some of those premises. Luckily, I do not live alongside or anywhere near these operations, but I point out that in the recent amendment of the Licensing Act this Council inserted a means whereby residents disturbed by these operations can oppose the granting of special licences to organisations causing this disturbance. Unless we include specifically in this legislation hotels and discotheques, the Licensing Court will have no criterion on which to hang its hat in regard to applications coming from innocent citizens to the court on the renewal of licences; it is important in this legislation to include those types of operation, because people I have spoken to in the east end of Adelaide, where one or two or these restaurant-discotheques are operating, tell me that the noise level does not begin to get high until about 11.30 and it increases until 3.30 in the morning, and they are unhappy with it; so are other people living nearby.

Local government can take some action, but not very much. It can wait until the licence comes up for renewal and put a case to the Licensing Court for the cancellation of the licence to mitigate the problem but, unless we have a criterion in this Act applying to these people, the Licensing Court will have great difficulty in deciding what is and what is not a nuisance. I strongly support the Hon. Mr. Laidlaw's amendment in that regard.

I ask the Government to examine more closely the means of implementing this legislation because, as I see it at present, the power of the inspector is extremely great, probably greater than it should be in relation to many of our basic industries in this State. I am not supporting or defending industries that make excessive noise for no reason, but there are basic industries that are necessarily noisy, and have to be. It would be tragic if one important industry was set upon by an inspector and there was no means whereby that industry could obtain any justice from a board set up specifically with the required expertise to examine and understand the problem.

I support the second reading but will support the Hon. Mr. Laidlaw's amendment. I ask the Government to examine this matter of the appointment of a board because, if the Government is sympathetic to the case I have put, I shall be moving an amendment in the Committee stage for the establishment of such a board to determine what can be done where a report has been made of a noise level being greater than that allowable under the Act.

The Hon. JESSIE COOPER: I, too, support the Bill. I have spoken before in this Council on the need to control noise. However, there are a few things I should like to say about the Bill, because I believe it is another example of the type of Bill we have been receiving in recent years quite often. It can be said to have been sloppily put together in the sense that, under the pretence of being a Bill which is flexible and what the Select Committee euphemistically calls "enabling", it really makes it possible to produce regulations and decrees which seem to have no limit as to the extent to which they may interfere with the rights of business and private individuals, and no limit to onerous demands.

I notice that, after many sessions, the Select Committee has done little more than bless the Bill, to excuse the department for shying away from the problems of motor vehicle noise and to produce a few amendments to the wording of some clauses. I am interested in the reference under paragraph 10 of the report of the Select Committee, where it is stated:

A representative of the Road Traffic Board gave evidence to the committee in which he indicated power exists at present to "defect" motor vehicles which emit undue noise, but it is difficult to enforce because the test is a subjective one.

This vague use of the English language seems to suggest that noise has different effects on different people, perhaps. It has apparently not been drawn to the attention of the Road Traffic Board or, indeed, of the Select Committee that methods of measuring the power of noise have been in existence and effectively used for half a century in everything from theatres to recording studios, to noise in aircraft and, indeed, to roadside noise in advanced countries. But give the Road Traffic Board a chance: we have had the internal combustion engine and motor vehicles operating in this country, with or without effective silencers or mufflers, for only something over 70 years! As I have said, give the Road Traffic Board a chance! Paragraph 10 of the Select Committee's report continued that the Road Traffic Board's representative further indicated that a national committee is working towards more stringent rules and, in the event of no agreement being reached within a few months, a recommendation would be made for unilateral action to deal with the problem. I further wish to draw the attention of honourable members to the excessively heavy nature of the proposed penalties under this Bill but, of course, I realise that the Government probably envisages that only industry will have to pay, so the Government need not worry because, after all, if an industry does not like it, it can go to another State—no worry at all.

My next point is in relation to clause 12 of the Bill. It has been suggested by the Select Committee, and I am sure honourable members know, that the accurate measurement of noise is feasible, but only when carried out under the supervision of trained acoustical engineers. We have been told that there are many pitfalls in assessing relative noise levels and performing the tests fairly and definitively. Therefore, I draw attention to the proposition that under clause 12 any person who has exposed an employee to noise which is considered excessive may be subject, without further ado, to a penalty of $5 000. This may be perhaps because he has misunderstood or misjudged the intensity of noise to which he, through a lifetime of work, has become accustomed and which indeed could have been measured accurately only by an acoustics expert. I suggest that this clause should be amended so that the penalty can be imposed only if the person involved has been previously subject to a warning notice issued under clause 10. A Bill under which no man knows his rights is a bad Bill.

My final point is that in the Bill there is a complete lack of provision for any appeal for reconsideration of the arbitrary decisions of inspectors. The Hon. Mr. DeGaris dwelt on this point. Under clause 10, an inspector may issue a notice to the occupier of premises ordering him to take such steps, if any, as are specified in the notice within the period specified in the notice to reduce the noise emitted from the premises, and to ensure that excessive noise is not emitted from the premises after the expiration of the period specified in the notice. Honourable members will notice that the steps are to be specified by the inspectors; the manner of reducing the noise is not left to the occupier. Inspectors must be trained experts in many fields and in all manner of reducing noise. Further, the inspector may order that the excessive noise is not to be emitted from premises after a certain date.

If one examines the powers of inspectors, one finds that there is a series of demands that can be made by them on industry against which the recipient of the order has no

power of appeal—only the possibility of defending his case in court. I ask honourable members to consider the possibility that demands upon an industrial unit may be such that the cost may be thousands of dollars beyond the capacity of the employer; alternatively, the demands may make it impossible for any unit to carry on in its present location. The Hon. Mr. DeGaris has already given examples of this.

In view of the fact that this enormous power is being placed in the hands of inspectors who, as far as the Bill is concerned, require no technical qualifications other than the Minister's blessing and whose decisions, being human ones, may be just as mistaken as is the behaviour of the noisemaker, I consider that there should be an independent board to which appeals can be made on the basis that demands are unreasonable, excessively onerous, excessively costly, or in any other way unwarranted.

The Hon. J. C. BURDETT: I support the second reading of the Bill. It is high time that the South Australian Parliament acted to provide the citizens of the State with a practical and effective control against excessive noise. In many cases the only remedy at present is a civil action in nuisance, which is likely to be successful only in the case of persons who continually cause excessive noise and is in any case too expensive and too difficult to establish to be effective. This is certainly not an area where South Australia has led the world, as four other States have already passed general noise control legislation. Most of us in this Chamber came from stock originating in Great Britain. In 1584, a German visitor to England set down the following observations concerning certain characteristics of the English people:

> The English are vastly fond of great noises that fill the ear, such as the firing of cannon, drums, and the ringing of bells. So, when some half dozen or so of them have a glass in their heads they will go up to some belfry and ring the bells for hours on end for the sake of the exercise.

Perhaps we have brought the evil of noise pollution on ourselves. Be that as it may, we must certainly find the remedy ourselves; I say that, speaking for the Opposition, because the Government has not provided it in this Bill. Some of the main sources of noise pollution are motor vehicles and discotheques and hotels. As the Hon. Mr. Laidlaw has pointed out, industrial noise has been transferred, as it were, to the ambit of the Bill. Road noise ought to be similarly transferred. The purpose of the Bill surely is to give the citizens protection against excessive noise. If road noise was transferred to the ambit of this Bill (road noise has been transferred in other States that have noise control legislation), the citizen would find in this Bill a complete code of his rights to protection against noise. This is desirable where it can be achieved, as it can in this case. After all, the Bill is called the Noise Control Bill, and one could reasonably expect that it would have dealt fairly exhaustively with the subject.

I am also alarmed that non-domestic premises are defined as those of a class for the time being declared by proclamation—not by regulation. The Government would virtually have legislative power, as it could make up its mind as to what it would proclaim and what it would refrain from proclaiming. The Bill ought expressly to cover such obvious sources of noise pollution as hotels, discotheques, etc. After all, the Government retains considerable power in its ability to prescribe different noise levels for different areas at different times of the day.

I also note that the domestic noise level is to be measured at the boundary of the property in question. This seems unnecessarily oppressive. It has been said that the principle of this part of the Bill is that the night hours are for sleeping. Perhaps it could be said that the purpose of this part of the Bill is that in the late night hours all good Christian people should be in their beds. There may be some merit in this but, if they require protection against noise, that is just where they should be. It follows that the place for measuring noise levels from domestic premises should be inside neighbouring premises.

I agree with the Hon. Mrs. Cooper in connection with clause 10; she has pointed out that the inspector may give notice requiring the occupier to take such steps as are specified in the notice within the period specified and to ensure that the excessive noise stops. Clause 10 (1) (*a*) requires a subjective assessment by the inspector. He is to specify what steps are to be taken and the time within which they are to be taken. The only appeal is by application to the Minister in regard to the time only. There is a penalty of $5 000 for a person who fails to comply without reasonable excuse. If he were prosecuted, he could claim that he had a reasonable excuse.

Because the inspector is given power to specify what steps are to be taken (and these could be variable and require subjective assessment), there is much merit in the Hon. Mrs. Cooper's suggestion that there ought to be an appeal against the inspector's decision as to what ought to be done. Probably that would be to some kind of appeal board. I support the second reading but I shall also support the amendments which have been foreshadowed by the Hon. Mr. Laidlaw and, if the Hon. Mrs. Cooper and the Hon. Mr. DeGaris put their thoughts into amendments, I shall also consider those amendments.

The Hon. C. M. HILL: I, too, support the second reading of the Bill, although I have been impressed by the amendments which are on file and which I intend to support. I stress my support for the proposals that have arisen today concerning, first, the dangers that are in the Bill as it is at present regarding the lack of provision for appropriate appeal and, secondly, the dangers in the Bill regarding the qualifications required by inspectors. The power of inspectors is wide and the penalties that can be imposed are high. Therefore, there is a responsibility upon the Minister to appoint inspectors who are properly qualified and experienced for this important and responsible task. Clause 7, which deals with the appointment of inspectors, does not lay down any qualifications and provides:

> The Minister may, by notice published in the *Gazette*, appoint a person, who has, in the opinion of the Minister, appropriate qualifications and experience, to be an inspector under this Act.

That provision gives the Minister wide powers regarding the appointment of inspectors. A Minister could defend himself if he was queried on the appointment of a person as an inspector and defend himself by saying that he has power under the Act because in his opinion the inspector has appropriate qualifications. There is some weakness there and, if that clause passes in its present form and if a penalty of $5 000 applies in relation to offences (as there is under clause 10), there is a need for some form of appeal machinery to be written into this Bill to form a buffer between the report of the inspector and the ultimate action that a factory owner might have to take.

As the Hon. Mr. Burdett just said, the only appeal that a factory owner would have at present is that he can appeal to the Minister for an extension of time but, in other respects, the factory owner might not agree with the findings of the inspector. In some respects he may want to discuss

the matter more fully and, under this Bill, he can only approach the inspector to try to reason his case with him, but the inspector, being a powerful official in this activity can say, "I will not listen to you, and I will not discuss this matter with you." Then, the factory owner can apply to the Minister only for an extension of time or face a penalty of up to $5 000.

The suggestion of the Hon. Mr. DeGaris has much to commend it, and the Hon. Mrs. Cooper followed the same line of reasoning. That suggestion was that there should be a qualified board, the inspector's report should come to that board, and the factory owner, if he wishes, should have the right to put his case to the board. Although the board would listen to his case it would also take evidence from the inspector, and it would then bring down a finding. With such machinery the Government would be as fair as possible to the factory owner—

The Hon. T. M. Casey: Are we not going by the noise level? I refer to clause 10. If the noise emitted exceeds by more than five decibels the background noise level at that place, that would be the criterion.

The Hon. C. M. HILL: That can basically be the criterion, but—

The Hon. T. M. Casey: I am saying that, if the inspector makes his assessment with the machinery and if the noise level exceeds by five decibels the background noise and the inspector produces this evidence to the owner of premises, what can he say? Can he say, "Your machinery is not functioning correctly"? Would the board measure the level? Will its members be specialists? I just cannot figure you.

The Hon. C. M. HILL: I know the Minister cannot, and I will try to help him. Once a board is brought into this legislation, more discretion will be introduced.

The Hon. T. M. Casey: Will board members be experts?

The Hon. C. M. HILL: Let me answer the first part of the question and then I shall give my views on the composition of the board. Discretionary power would be given to the board—

The Hon. T. M. Casey: You said you would answer the first part of the question.

The Hon. C. M. HILL: I suggest you just keep quiet.

The Hon. M. B. Cameron: You would not let me answer you the other day.

The Hon. T. M. Casey: You're the only man who can talk when he is breathing in.

The Hon. C. M. HILL: To whom are you talking?

The PRESIDENT: Order! The Hon. Mr. Cameron and the honourable Minister must cease carrying on a conversation across the Chamber. The Hon. Mr. Hill and the honourable Minister seem to be getting themselves into a tizzy, because each of them will not give the opportunity to the other to get in a few words. The Hon. Mr. Hill was about to explain something to the Minister, and I think he had better do that. The Minister can ask questions afterwards if he has questions.

The Hon. C. M. HILL: I was trying to answer the Minister's first long interjection, which dealt with the situation of discretion which would be written into the measure and which would accompany this proposed change of the introduction of a board. I should like to give an example to the Minister. As the Hon. Mr. Laidlaw pointed out, at Port Pirie there is a factory situated with the sea on one side, wharves on another, another factory on another side and the main street of the township comes up to the factory boundary on the final side. That factory is a considerable distance from housing. A factory located elsewhere could be surrounded by housing. As the Minister knows, the Port Pirie factory is the biggest lead smelter in the world, and its continuation as a factory means much—

The Hon. T. M. Casey: I know the factory is the biggest in the Southern Hemisphere, but I do not know whether it is the biggest in the world.

The Hon. C. M. HILL: I can tell the Minister it is the biggest lead smelter in the world.

The Hon. T. M. Casey: From where did you get that information?

The Hon. C. M. HILL: I can—

The PRESIDENT: Order!

The Hon. C. M. HILL: If this legislation is passed, that factory might have to alter its machinery and its lay-out, and it might have to introduce such changes that made it financially prohibitive to do that. At the same time, although it might involve a decibel reading a fraction higher than that laid down, it would not affect any residents whatsoever because of its geographical position. It may mean that in the Bill's present form the inspector will go there and, when taking his reading, be guided by the hard and fast rules. This could be calamitous in relation to Port Pirie's employment position.

The Minister asked why, because it depends on the decibel reading, we want a board. If there was a board at Port Pirie, factory owners could ask the board's officers to inspect their premises. Those owners could put their case to the board and, in certain instances, minor discretionary powers could be used by the board. This would be a tremendous help to the factory owners and the people who work in those factories.

This is a classic example of what can happen when a board is in existence. It would not involve the following of a hard and fast rule with one inspector going to a certain place with his decibel monitoring machinery, saying that something exceeded the relevant level, and telling the person involved that all he could do would be to go to the Minister and seek more time. Because of the kind of legislation that we are now being asked to pass, Port Pirie's workers could be seriously affected in relation to their employment. However, regarding noise, not a single resident in Port Pirie will be adversely affected. By this explanation, I am getting to the point of answering the Minister's question, which, I accept, was asked in good faith.

The Hon. D. H. Laidlaw: You can work during the day, but not at night.

The Hon. C. M. HILL: Exactly. The whole question of shift work, and the matter of when noise is emanating from factories, can be discussed with the board, and the principles behind the legislation can still be effective.

The Hon. T. M. Casey: In response to the interjections by the Hon. Mr. Laidlaw, if the Hon. Mr. Hill looks at clause 10 (2) (*b*), he will see that it refers to noise that exceeds the maximum noise level prescribed for that time of the day and the area in which the premises are situated. He is saying that they will not be able to work during the day. However, different levels will be prescribed for day compared to those for night.

The Hon. D. H. Laidlaw: But the people will not be viable unless they work 24 hours a day.

The Hon. C. M. HILL: This matter should not be solely in the hands of an inspector appointed by the Minister merely because the Minister suspected that that person had the necessary qualifications to lay down a

specific time. Factory owners should be given some right of appeal or be able to ask for discretion to be exercised if it is in their interests and those of their workers.

This is the kind of understanding that is being put forward by discussion today. The Bill provides a method of appointment of inspectors. Clause 10 can result in factory owners being treated in a manner which would be far too harsh and which would adversely affect not only those factory owners but also their employees. It must be remembered, of course, that such an adverse effect runs right through the economy down to the consumer. I come now to the second point raised by the Minister. He asked whom we would have on the board.

The Hon. T. M. Casey: Before you get off that, under clause 11 the Minister may, by notice published in the *Gazette*, exempt from the application of clause 10 any non-domestic premises. You mentioned the economic cost of reducing noise, and you referred to a case where it would be prohibitive to reduce the noise below a certain level. Would not clause 11 (3) (*b*) cover that?

The Hon. C. M. HILL: I do not know how the initiative could be left to the Minister to run around the State, put certain factories and non-domestic premises into various classes and categories, and exempt some and exclude others, before his own departmental officers took a hand in the monitoring of noise. That approach is crazy.

The Hon. R. C. DeGaris: It's happening in the tourist industry.

The Hon. C. M. HILL: Yes. I should like to see a board which is representative and on which, for example, industry was represented. Environmentalists should also be represented. The common aim in this legislation is agreed to by Opposition members, as has been seen by the speeches they have made, and it is also agreed to by people generally. It is a trend in other States' legislation, which is accepted. So, we are on common ground regarding the aims involved. However, the board must comprise fair and reasonable representation of all interests.

The Hon. T. M. Casey: Would it be experts who make the assessments?

The Hon. C. M. HILL: The experts will not necessarily be on the board. The board's principal expert is its inspector, whose report the board members would have in their hands if an appellant came to them. If a person appealed to the board, it would take much notice of its experts. If motor vehicles were concerned, the board would simply say, "Further action will be taken." It would not appear—

The Hon. T. M. Casey: What size do you think the board should be?

The Hon. C. M. HILL: I think a board of three members would be ample.

The Hon. D. H. Laidlaw: The same as the Environment Protection Act, under which a board or committee has been appointed.

The Hon. C. M. HILL: That is correct. The precedent was set in that legislation. We are starting off on common ground and with a common base that there is need for legislation to attack the serious problem of noise. We want to introduce the best kind of machinery so that the best deal is given to everyone involved, so that there are appropriate and proper appeal provisions, and to ensure that, if a person is confronted with the risk of incurring a penalty of up to $5 000, he will, in the normal course of British justice, be given every opportunity to appeal and to put his reasons for so doing.

I hope that those who have mooted this proposal today consider it further and move amendments so that further debate can ensue. I also hope that, as a result of any amendments that may be moved, we will have the best possible legislation to deal with this problem of noise that it is possible for any State to acquire.

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

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3200.)

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

That this Bill be discharged.

It is a money Bill, and a measure will be reintroduced in the House of Assembly.

Bill discharged.

MENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3203.)

The Hon. C. M. HILL: The first question I ask is why the Bill was not introduced in this Council initially. It will come under the administration of the Minister of Health, yet he did not introduce it here. This is not the first time that such a situation has arisen. The South Australian Health Commission Bill was not introduced initially in this Council.

The Hon. J. E. Dunford: It should be introduced in the popular House.

The Hon. Anne Levy: It's a money Bill.

The Hon. C. M. HILL: There are no money clauses in the Bill.

The Hon. J. E. Dunford: This is a House of amendment.

The Hon. C. M. HILL: It is proper for any Government to allow its Minister to introduce his Bill in the Council. It is fundamental under the Westminster system. When that does not occur, it is proper to ask why. If an explanation is not given, it can only be assumed that the Government has no faith in its Minister, that the Minister feels that he would like to have the rough edges smoothed off the Bill before it comes here, or that there is some other reason that I do not know. It was evident to the Government that Select Committees would be the proper machinery to which to submit the South Australian Health Commission Bill and this Bill, but that meant that members of this Council did not get an opportunity to sit on the Select Committees and give their time and service to them. I should like the Minister to explain why he did not introduce the Bill here initially.

The Hon. D. H. L. Banfield: I think there is money tied up with it.

The Hon. Anne Levy: A board, with remuneration, is being established.

The Hon. C. M. HILL: Bills with money clauses still can be introduced in this Council. I will give the Minister more time to think about the matter. It is an important point of principle, and members in this Council want to

defend Ministers if they are having difficulty in Cabinet. I do not think (and I hope members opposite agree with me) that the Legislative Council should be slighted.

The Hon. J. E. Dunford: Everyone hates the joint.

The Hon. C. M. HILL: The honourable member is sitting here.

The Hon. J. E. Dunford: Only because I have been elected.

The Hon. ANNE LEVY: Will the honourable member give way?

The Hon. C. M. HILL: Yes.

The Hon. ANNE LEVY: I thank the Hon. Mr. Hill. I should have thought that this Bill could be regarded as having money clauses in it. It establishes a board that will require Government expenditure. I recall that in the Lower House a Bill was introduced and was ruled out of order on the ground that it involved Government expenditure. I am talking about the Sex Discrimination Bill, which was introduced by Dr. Tonkin. It involved money by the setting up of a board. The board set up by this Bill is analogous to that board.

The Hon. C. M. HILL: The establishment of boards or committees comprising members who are remunerated does not make a Bill a money Bill. Almost every other Bill that comes before us establishes a board, and there is provision for fees for members. There are other reasons why the Minister of Health did not introduce the Bill here initially and I should like him to explain them. I have read with interest the evidence taken by the Select Committee of another place and I commend the Minister of Community Welfare, who was Chairman, and the other members of the committee for the way in which they applied themselves. Not only did they take evidence in Parliament House: they also went to Glenside, went into much detail, and gave much time to their work.

As a result of the committee's work, many amendments that have been made in another place have considerably improved the original legislation. I also compliment the Director-General of Mental Health (Dr. Dibden) for his work in planning this legislation. A Mental Health Review Committee was established and many people made submissions to that committee. It investigated in detail the whole approach to the ultimate goal of getting for this State the most modern form of legislation on mental health. I had the privilege to attend a seminar that Dr. Dibden and the Mental Health Review Committee arranged. Dr. Dibden invited all persons interested in the question to attend. We had representatives from many voluntary associations, authorities interested in mental health, and people interested in the paramedical aspects. Almost a whole day was spent in open discussion of a proposed draft Bill and of points raised by people at the seminar.

That was a democratic and open way to approach the formulation of the best possible legislation on mental health. I appreciated the opportunity to be present, and Dr. Dibden deserves much praise for going to the lengths to which he went. As a result of that planning and the further inquiry by the Select Committee, we have the Bill in its present form. I support it. It tries to find a balance between the desirable legislative approach of not specifying in too much detail the requirements of a Bill of this kind and, on the other hand, the necessary approach of protecting the personal liberties of mentally ill people.

Many changes have been made in the treatment of the mentally ill. The number of long-term patients has been reduced in recent years by advances in drug therapy. There have also been changes in public attitudes towards such patients, who are now seen as people with a right to dignity. It is fitting and proper that legislation should keep abreast of such modern and praiseworthy trends. Some transitional provisions are incorporated in the Bill. Proposed amendments to the Administration and Probate Act and the Criminal Law Consolidation Act, each introducing change to conform to the principles in the Bill, are not ready yet and, accordingly, some provisions of the Mental Health Act, 1939-1974, are retained and amended.

One change that the Bill proposes of which I approve is that, in the long term, a person suffering from illness or disorder of the mind will not necessarily have to be treated at Enfield, Hillcrest or Glenside. There are psychiatric units now at Royal Adelaide Hospital, Flinders Medical Centre, and Queen Elizabeth Hospital, and I believe shortly there will be one at Modbury Hospital. Plans are in train for Lyell McEwin Hospital to have a psychiatric unit.

Whilst visiting psychiatrists now attend patients in country hospitals such as Whyalla, Mount Gambier and Port Lincoln, at some stage it is envisaged that units will be permanently established there, and that they will become proclaimed hospitals under this Bill. Therefore, in many hospitals throughout the State, the mentally ill will be treated and this complaint, which for so many years has carried some form of stigma, will be accepted as a form of illness. In other words, the physically ill and the mentally ill will be treated at the same hospital but, of course, in different wards.

The Bill provides for the office of Director of Mental Health, who shall be subject to the direction of the Health Commission. Part III of the Bill, incorporating clauses 13 to 17, deals adequately and fairly, in my view, with the difficult problems of admission of both voluntary patients and those admitted pursuant to an order by a medical practitioner. The Police Force is now provided with adequate powers and protection in clause 18. Restrictions in psychiatric treatment are incorporated in clause 19, which separately categorises psycho-surgery and electro-convulsive therapy.

The Guardianship Board and the Mental Health Review Tribunal are extremely important machinery measures provided in the Bill, and a further appeal by an aggrieved person against an order from the tribunal to the Supreme Court is allowed for in clause 38. Part VI provides for the licensing of psychiatric rehabilitation centres. Again, I express my support for the Bill, which has already been canvassed over a long period of time by many people who are interested in this important matter. Lastly, I commend those members of the medical profession and all others who are involved in the care and treatment of the mentally ill. I trust they will find this Bill of great benefit to them and their patients. I support the second reading.

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

RURAL INDUSTRY ASSISTANCE BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3208.)

The Hon. M. B. DAWKINS: I support this Bill which, as the Minister said in his second reading explanation, "ratifies and approves an agreement made between the Commonwealth Government and the Governments of the States of Australia on January 1 this year". I commend the Minister for introducing the Bill, although I

do not know whether he is in a position to take much credit for it because the Bill is the implementation of an agreement, which was satisfactorily reached by seven Governments. Therefore, I am pleased to support the Bill wholeheartedly. Whilst it is similar to the Rural Industry (Special Provisions) Act, 1971-1972, of this Parliament, it can also be said that it is a better and more comprehensive Bill than that Act.

The agreement, which arises partly from a report of the Industries Assistance Commission, has been signed by the Prime Minister and all the State Premiers, and will give rise to a new arrangement for rural industry to get long-term assistance at reasonable rates of interest. This is vital to the development of rural industry in this country, and also it is important to the balanced development of the country as a whole. Previously, refusals of assistance were all too often the rule because of various factors, some of which I will mention. First, propositions were not always sufficiently sound and not judged to be viable, or were not properly and adequately documented; or, on the other hand, the position of the applicant was not sufficiently serious for him to be denied accommodation elsewhere, that is, commercial short-term sources which would not enable the development to be carried on at the desirable level or at a satisfactory and safe level; or the proposition would still be in the "too hard" basket and the applicant would be kept swinging in mid-air whilst time went by and the developmental project was at a standstill. I will refer shortly to the necessity for adequate staffing to see that too much of this last qualification does not happen.

As the Minister said, the Bill refers to farm build-up and also debt reconstruction. I mention the figures that were given, I understand, by a Minister in another place. For farm build-up applications for 1975, 176 were received and fewer than half of those (72) were approved; the number declined was 47, and the number on hand, in the "too hard" basket, was 57. For farm build-up applications for 1976, the number received was 209, the number approved was once again less than 50 per cent (95), the number declined was 49, and the number on hand was 65 people who were waiting for a long time to know whether or not they could proceed with development.

As regards debt reconstruction, similar figures apply, except that the number approved is smaller. In 1975, the number of debt reconstruction applications received was 96, the number approved was 19, the number declined was 54, and the number on hand was 23. In 1976, the number of debt reconstruction applications received was 67, the number approved was eight, the number declined was 45, and the number on hand was 14. This gives substance to the position I mentioned earlier, that too many of these applications are in the "too hard" basket. It has been (I think all honourable members would agree) a most unsatisfactory state of affairs for the persons concerned, for the general development of rural industry, and for the nation as a whole. I believe (as I feel sure all the Premiers and their respective Governments believe) that this Bill is a step in the right direction for all concerned. Adequate staffing to process these requests promptly will be essential if the new legislation is to succeed.

Clause 4 contains definitions, which I believe are adequate. The definition of "farmer" is as follows:

(*a*) any natural person who is a resident of, and personally engaged in rural industry in this State whether on his own account or under a sharefarming agreement;
(*b*) the person representative of any such natural person;

That definition is to be commended. It is sufficiently wide to provide for any situation in which a person has to be absent or cannot represent himself for the time being. The definition continues:

(*c*) a firm or partnership at least one of the members of which is a resident of, and personally engaged in, rural industry in this State; or
(*d*) a declared company.

The Minister referred to the fact that a declared company would be a company in which the shareholders are all primary producers or gain most of their income from primary production; the term "declared company" does not mean a Pitt Street company, and that is fair enough. Clause 6 provides:

(1) For the purpose of carrying out and giving effect to the scheme the Minister shall be the authority within the meaning of the agreement.
(2) The Minister may do all things that he is authorised, empowered or required to do or as may be necessary, convenient or expedient for him to do for the purposes of carrying out and giving effect to the agreement and the scheme.

I am not generally in favour of giving Ministers too much power, but I believe that these provisions are wise, in the circumstances. The powers are necessary and will be delegated in the normal way. I am confident that the Minister will do this. Clause 23 provides:

(1) The Minister may delegate to any person any of his powers and functions under this Act except—
(*a*) this power of delegation;
and
(*b*) the power to grant or cancel a protection certificate.

I commend the agreement, which is the core of the Bill and is contained in the second schedule. The agreement, which was summarised by the Minister in his second reading explanation, refers to debt reconstruction, farm build-up, and farm improvement. In his second reading explanation, the Minister says that assistance will be provided to farmers whose present properties are uneconomic but can be rendered viable without necessarily adding to their size. The agreement also refers to rehabilitation and carry-on finance. I am pleased to see the provision for household support, which will provide the farmer with economic breathing space while he decides whether or not to leave farming. The Bill closely follows the Rural Industry (Special Provisions) Act, 1971-1972, the principal change being in the rather more comprehensive rural assistance coverage provided under this Bill. Part III, which consists of clauses 8 to 21, provides for the grant of protection certificates in the circumstances set out in clause 9. The scheme of protection certificates is well known in this State, where they have been used effectively for a considerable time.

There is a welcome extension of time from 20 years, as at present, to 30 years in connection with the term for a loan; I refer to Parts 2, 3, 4, 5, and 6 of that part of the schedule headed "Rural adjustment—Outline of scheme". The second schedule is a step in the right direction. This welcome improvement will enable developers to have further time in which to service and discharge their loans. The parts of the scheme to which I have referred relate to debt reconstruction, farm build-up, and farm improvement, and are a considerable improvement which will make further development by farmers much easier to achieve. The Bill is not perfect, but it is a considerable improvement on the 1971-72 legislation. Whilst it may not be perfect, it is not possible to amend it without delaying the benefits that it provides for. The Bill is the subject of an agreement between Governments, and I have pleasure in supporting it.

The Hon. A. M. WHYTE: I support the Bill, which ratifies an agreement between the State and the Commonwealth to provide assistance under certain conditions for farmers in necessitous circumstances. This Bill stems from the recommendations of the Industries Assistance Commission. The Hon. Mr. Dawkins correctly said that this Bill is an improvement on the previous legislation. The agreement should assist the farming industry. Sales of primary products are at present responsible for 45 per cent of our export income; last year such sales were eclipsed by sales of minerals. In the past, sales of primary products have represented up to 85 per cent of our export income. The percentage may have dropped in recent years, but the volume has not.

This Bill indicates that Australia and its Governments are gradually waking up to the importance of our food producers. Every other nation has provided this kind of legislation for decades; indeed, some countries have provided this kind of legislation for more than 100 years. In Australia we have been slow to recognise the value of the farming industry. This is not a stop-go enterprise, and it is not an industry that everyone can make a success of. With the wool and beef markets we have just experienced, it has been difficult for even the most efficient farmers to remain viable. The Bill has several important provisions. All honourable members understand the protection certificate, which provides a moratorium for people able to obtain a certificate, thereby obtaining sufficient time to make further financial arrangements.

The debt reconstruction aspect is one of the main provisions and other provisions deal with farm build-up, farm improvement and rehabilitation, carry-on finance and household support. The two main features, I believe, concern debt reconstruction and the carry-on finance provisions. These headings are excellent and cover the requirements necessary to stabilise the industry. The only fault I find with the scheme is the criteria under which a farmer can obtain assistance.

Farmers who have been fortunate enough (and there are only a few of them) to qualify under such a scheme have been markedly aided by the scheme itself. Several farmers in financial distress were brought into one common pool, were capably advised on managerial aspects and have generally repaid or are repaying the loans advanced to them. However, only the privileged few qualify for such assistance. I see that the requirements in this Bill are substantially the same as those in existing legislation and clause (2) of Part 2 of the schedule provides:

(2) Tests of Eligibility:

(*a*) The applicant is unable to obtain finance on reasonable terms to carry on, from any other normal source and is thus in danger of losing property or other assets if not assisted under the scheme.

The problem is that an applicant, after he has exhausted all other means of borrowing from recognised lending institutions such as banks, stock firms and finance companies, has to prove that he is still viable, but that is a difficult task, and it is one of the problems with the whole scheme.

At present $10 000 000 is available to rural industry in South Australia for financial assistance to producers who suffered losses through the drought. A requirement under that scheme is that the State spends $1 500 000 in order to obtain that $10 000 000. Indeed, I recently asked the Minister a question on this matter. It seemed that on a roughly seven-to-one ratio funds that could be injected into South Australian rural industry (with no strings attached) would have been something that this State would have sought to the maximum of its ability. However, as far as I know none of the $10 000 000 from the Commonwealth has flowed to South Australian rural industry.

A major concern under the scheme concerns the eligibility factor. A person who has exhausted every means of obtaining assistance through recognised lending institutions has an especially difficult job to prove his viability. Indeed, if he were viable, he would have obtained finance from another institution. Also, the administrators of the scheme follow exactly the letter of the law as it is prescribed. One applicant was rejected on the ground that he had a nil return. Under the present cost of production anyone with a nil return would find himself in difficulty, yet the scheme's administrators said it would be doubtful whether he would be viable even if he had had a normal return. I find that difficult to follow.

The scheme is recommended by the Industries Assistance Commission. Obviously, the commision gave thought to it, apart from the terms concerning eligibility. As I hope that discretion will be part of the administration determining eligibility and that the scheme is a step forward, I have no hesitation in supporting the Bill.

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

CROWN PROCEEDINGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3209.)

The Hon. J. C. BURDETT: I support this Bill, which is short and which is not a controversial Bill, but which is not altogether unimportant. It provides for a power for the Attorney-General to intervene in any proceedings in which the interpretation or validity of a law of the State or the Commonwealth is in question or in which the legislative, Executive or judicial power of the State or Commonwealth is in question. This follows closely recent Federal legislation. It is obvious that the State has a legitimate interest in any court proceedings where the legislative, Executive or judicial powers of the State are in question or where it is a matter of the interpretation or the validity of any State or Commonwealth law.

I suppose the only objection that could be raised to this Bill would be that it could be said to be oppressive, and that private citizens, in litigation between each other, could have to put up with intervention from the State. However, when one boils it down, one finds that the only real inconvenience they could suffer would be as to costs, and there is a provision in the Bill that, where costs are incurred as a result of the intervention of the State, costs can be awarded against it. It seems to me that there is no objection to that provision.

The only other thing of any importance that the Bill does is to make it clear that, in proceedings to which the Crown is a party, the court shall have the same power to award costs against or in favour of the Crown as it does in proceedings between subjects. This confirms what has been the practice of the courts for some time, and seeks to give a specific legislative authority for this practice, in case it is called into question. I support the second reading.

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

LAND COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 6. Page 3210.)

The Hon. J. C. BURDETT: I support the second reading. Clause 3 is, in my view, an iniquitous provision. It seeks to amend section 12 of the principal Act. If one looks at that section, one finds that subsection (6) thereof provides that the commission shall not acquire by compulsory process any dwellinghouse that is occupied by the owner as his principal place of residence.

The Hon. M. B. Cameron: Fair enough.

The Hon. J. C. BURDETT: I agree. When the compulsory acquisition is simply for the purposes of the Land Commission, it is fair enough that a person should not have his dwellinghouse acquired. It should be noted that the only prohibition is against the acquisition of a dwellinghouse, not against any part of the land that is not the dwellinghouse.

The Hon. M. B. Cameron: It applies to a minimum block.

The Hon. J. C. BURDETT: That is so. I will deal with that aspect soon. As an example, if a person owns, say, 30 hectares of land on which he erects a dwellinghouse that is occupied by him as his principal place of residence, the whole 30 ha, with the exception of the dwellinghouse (that is, the yard and the things that are normally appurtenant to the dwellinghouse), can be acquired under the law as it stands at present. I have checked with the Parliamentary Counsel in charge of this Bill, who agrees with me that that is a proper interpretation.

So, let me make it clear that it is not the whole of an allotment or section of land on which a house is erected, but only the dwellinghouse itself, that is protected against compulsory acquisition. If there was a substantial piece of land, such as the 30 hectares to which I have already referred, the rest of the land other than the dwellinghouse could, as the law now stands, be compulsorily acquired. Clause 3 provides that section 12 of the principal Act is to be amended by inserting in subsection (6) (*a*) after "any dwellinghouse" the passage "situated on a separate allotment or parcel of land of or less than one-fifth of a hectare". So, if the dwellinghouse is situated on a parcel or allotment of land of more than one-fifth of a hectare, the house itself can be compulsorily acquired. It seems to me to be illogical that a dwellinghouse is excluded only if it is on an allotment of less than one-fifth of a hectare, otherwise the reverse applies.

When the principal Act was before the Council, the Government accepted the principle that a person could not have his dwellinghouse compulsorily acquired for the purposes of this Bill or of the Land Commission. Perhaps this acceptance was part of a compromise. However, the Government should accept the whole compromise instead of now seeking to reject the part that does not suit its purposes, while retaining the part of the compromise that does. It makes a mockery of one's right to own private property that land or other assets can lightly be compulsorily acquired. They should be able to be compulsorily acquired only when this is seriously necessary in the public interests for the purpose of establishing public utilities or the like. Even in such cases, compulsory acquisition should be conducted with due consideration for the owners of the subject land, and care should be taken to ensure that those involved are adequately compensated. Unfortunately, the present Government often falls down in both these areas.

The Minister, in his second reading explanation given when the principal Act was introduced, stated that that legislation dealt with the important aspect of the Government's policy of arresting spiralling land prices. That was the reason for the Bill. Admittedly, the Minister went on in his explanation to say that development by the commission might be orderly and less sporadic than private development. However, the explanation of the present Bill states that clause 3 has been included because the commission has been unable to assist with some requests made by councils, which have asked for help in ensuring orderly development. It was never said to have been intended to use the principal Act as a means of compulsorily acquiring land for planning purposes. The principal Act was said to have been introduced for the purpose of controlling spiralling land prices, not for the purpose of enabling land to be acquired compulsorily for planning purposes, and it was never said that it was introduced to allow a person's house to be acquired—indeed, to be acquired not only for planning purposes.

I oppose this clause, because I am opposed to a person's having his land acquired by the Land Commission. I emphasise that land outside the curtilage of a dwellinghouse can already be acquired compulsorily. Therefore, the clause serves no good purpose. However, as there are other minor operative clauses in the Bill, I support the second reading. In the Committee stage, I will oppose clause 3.

The Hon. C. M. HILL: I oppose clause 3 very strongly. When the original Bill came before this House, arguments were put that surely a person had the right to continue to live in his dwellinghouse even though the Government, through the Land Commission, was given the right to acquire compulsorily all the land around the house property. There were many cases, particularly in the southern and northern regions of the Adelaide metropolitan area, where people had about 32 ha and had lived on that section, and the Land Commission sought the right compulsorily to acquire all of it.

This Council saw to it that a person, if he wished, could remain in the house property and the house property could not be acquired compulsorily. Now the Government is not satisfied with that. It wants to move in on the houseowner as well, and I strongly oppose compulsory acquisition being used for this purpose.

The matter goes further and the Government must be blind if it thinks that members on this side cannot see through clause 3. A suburban house and land comprising more than about half an acre will be doomed. Suburban allotments of that size or more have fairly large frontages, particularly where the blocks are on a corner. It is possible to cut off some land when frontages are wide, and these allotments can be sold.

I believe that the Government intends compulsorily to acquire such suburban houses, cut off whatever blocks can be subdivided, and offer the land cut off for sale by the Land Commission. The balance of the house property also will be disposed of by the commission. This will be done in the name of increasing the density of housing and using existing services such as water supply, sewerage and electricity. The more that can be done along those lines, the Land Commission and the Government will argue, the less need there will be to acquire broad acres on the fringe, greater effort will be shown to restrict the sprawl of Adelaide, and the cost to subdivide in those fringe areas will be avoided.

I cannot believe we are living in a day when the Government is seeking the right to acquire properties of half an acre or more, and to acquire them compulsorily. How the Government includes a clause like this and expects Parliament to agree to it is beyond my imagination. It is a shocking state of affairs.

I suppose this is socialist activity in this kind of compulsion by cutting land off, selling blocks, and telling the owner, who perhaps many years ago decided to buy a house with land of this size for personal reasons and of his own choice, that he can buy back the house but after the commission has sliced the garden off and taken some allotments. It does not surprise me that the Government wants that adopted.

Going hand in hand with the Land Commission, the Government is hell bent in the race to have the Land Commission the large land octopus that it is. I refer now to the original objective of the commission and the promises made by this Government about how it would allow young people to buy land cheaply in Adelaide. In an advertisement in the *Sunday Mail* of April 10, residential allotments were offered for sale by the commission, some of them in Hallett Cove. The price ranged from $7 850 to $9 000 a block. That was cheap land, the commission said!

The Hon. C. J. Sumner: It is cheaper than land in other States.

The Hon. C. M. HILL: It is not cheaper than land offered by private enterprise in adjacent subdivisions in Hallett Cove. Is that not the yardstick by which the matter should be judged?

The Hon. N. K. Foster: Where did you get that information from?

The Hon. C. M. HILL: I have a little knowledge of the matter.

The Hon. N. K. Foster: You have been fleecing people for years. Of course you have been. You are a bloody land shark.

The PRESIDENT: Order! The Hon. Mr. Foster will cease making statements of that kind about another member of this Council. I call on the honourable member to withdraw the statement.

The Hon. N. K. Foster: I will withdraw it about him but I will deal with his firm when I speak later.

The Hon. C. M. HILL: If the honourable member has any charges to make about my company, he should make them when he speaks. If he has not any charges, he should shut up. The other area where the commission offered land for sale was Reynella, and the price ranged from $7 400 to $8 400. The commission said that that was cheap land that it was offering to young people. That makes a mockery of the Government's original claim that the purpose of the commission was to offer cheap land. Land at Hallett Cove at $9 000 is not cheap land.

The Hon. B. A. Chatterton: What are the private developers selling land at?

The Hon. C. M. HILL: I can find figures, values and sales in comparable areas and positions at Hallett Cove that justify my claim.

The Hon. C. J. Sumner: Which allotments are those?

The Hon. C. M. HILL: To which allotment is the honourable member referring?

The Hon. C. J. Sumner: There are some allotments cheaper than the Land Commission's?

The Hon. C. M. HILL: I have made inquiries about land in that area and am satisfied from my general knowledge of values in those particular areas. I am satisfied from the information given me by valuers in those areas that there are some allotments in Hallet Cove comparable with those that are on the market at lower prices than these prices.

The Hon. B. A. Chatterton: How much lower?

The Hon. C. M. HILL: They are up to $1 000 lower. Here we have prices between $7 850 and $9 000 and ranging from $7 400 to $8 400; yet the Land Commission is supposed to be offering young people in this State cheap land. It makes a mockery of the claim. I return to clause 3 of the Bill. I will never approve of the clauses in this Bill which give the Land Commission, a wing of this present socialist Government, an opportunity, in respect of land in the suburbs of Adelaide, compulsorily to acquire such residential land. It is a dastardly plan to do so, brought into this Council without this intention being mentioned.

The excuse is being made that it is wanting to co-operate with local government in the better planning of the suburbs. That is just a lot of eyewash. I know what the intention is and shall do everything in my power to thwart its aims. When clause 3 is reached in Committee, I intend to vote against it.

The Hon. N. K. FOSTER: I doubt very much whether I would have entered this debate but for the provocative and ignorant remarks of members opposite. I want to mention something that is not in the Bill but you, Mr. Presdent, have dealt with it; it concerns land acquisition and the economics of the Land Commission's undertakings. That point having been decided by the Chair, it is only fair that I should be able to give some sort of reply to the dastardly attacks made on the Government in regard not only to this measure but to previous proposals of the Government. I heard the Hon. Mr. Hill and the Hon. Mr. Burdett say that the escalation of land prices in South Australia was the result of the South Australian Government's socialist plot.

The Hon. J. C. Burdett: No.

The Hon. N. K. FOSTER: Yes, and it was said by the Hon. Mr. Hill. He said it was not said here this afternoon, but I heard him clearly say that it was the result of socialist activity. No doubt, we shall have an opportunity of looking at the *Hansard* proof. I say clearly that the blame for escalating land prices under the system before the Land Commission came into being here in South Australia not long ago can fairly and squarely be laid on the so-called land developers in this State. What do they develop, what do they do? In the great heyday of Liberal conservative government throughout Australia, Federal and State, wherever they were in power, there were unfortunate land deals after land deals, land boom after land boom, land bust after land bust, the most recent one involving a Federal member in Canberra.

The Hon. C. M. Hill: He denied it.

The Hon. N. K. FOSTER: Certainly he denied it; he is a typical product of the Liberal Party.

The Hon. C. M. Hill: He defended himself.

The Hon. N. K. FOSTER: He did not do it very well.

The PRESIDENT: Order! The Hon. Mr. Foster must be careful, because Standing Orders prohibit him from casting aspersions on a member of Parliament in another place, who has no chance to reply.

The Hon. N. K. FOSTER: I was referring to the Hon. Mr. Hill, who said the member concerned got up and defended himself. What does he or the Hon. Mr. Burdett know about that?

The PRESIDENT: Order! You introduced the subject, not the Hon. Mr. Hill.

The Hon. N. K. FOSTER: It was introduced when you were not in the Chair. There was an Acting President.

The PRESIDENT: Order! You introduced it.

The Hon. N. K. FOSTER: The fact is that the escalation in land prices in South Australia has been advanced by land speculators. Is the Hon. Mr. Hill going to suggest to me that between 1955 and 1965 there was no escalation in land prices in this State? Will he further suggest to me that there was no escalation of land prices in New South Wales when Askin was Premier? The point I am making is valid, that the Land Commission in South Australia has had to come to the rescue of people in this State who wanted building blocks because of the vast area of land in South Australia being subjected to shonky land schemes of site development by the so-called land developers. Is it not so that much land in South Australia was taken up by the Land Commission in a rescue operation? Will honourable members opposite deny that? Yet they stand up and accuse members of the State Government of being in a socialist plot. The Hon. Mr. Hill says he knows the market values of land in the Hallett Cove area. However, he has overlooked the whole problem in the surrounding areas of Hallett Cove which were subject to an antiquated law suit going beyond the boundaries of this State and this country. It was settled in the Privy Council. How did that originate? It originated because the local government authority, the Marion council, did not have sufficient power to develop that particular area because of the attitude of the private multi-millionaire and absentee landowners. Even so, the South Australian Government—

The Hon. J. C. Burdett: This does not have anything to do with the Bill.

The Hon. N. K. FOSTER: Your opinion counts for no better than does anyone else's opinion. The Bill provides for amendments so that councils and the Land Commission will not be frustrated. It provides for a solution to the problems that have been experienced. Honourable members opposite should not make false allegations against the Land Commission, which was able to get more money for this State as a result of the stupidity of some Liberal Premiers. I get annoyed when I have to state home truths to honourable members opposite in connection with private land development.

The Hon. Mr. Hill knows that an inglorious structure on Darley Road stood as a steel skeleton for years and years before it was finally pulled down, because of the failure of a private developer. Your noses are not clean! You are not guiltless! The Hon. Mr. Hill should be the last person to stand here and make false allegations. He has a right to oppose clause 3, but he should not be allowed to get away with the skulduggery that he has been guilty of this afternoon. He himself has been, or is, actively engaged in that pursuit. So, he must accept some of the blame if he considers the position to be chaotic. Being guilty, he should not cast a stone. He smiles as I say that; he accepts that what I have said is true. The Land Commission was not active in the 1960's. I point out the damage done by the private developers. I refer to the Inman Valley area and the land agents associated with that area. The names of land agents in those identifiable areas would be known to honourable members opposite. I refer to two principal operators in Victor Harbor, and I refer to the Johnny-come-latelys who invaded that place.

The Hon. C. M. Hill: Inman Valley?

The Hon. N. K. FOSTER: I am referring to the general area. They made an offer to a fellow who had not even had his property up for sale. The offer was for a ridiculous figure. He did not want to accept it, and then they doubled the offer, but he still did not want it. When they trebled it, he sold it to the land agent, who is a big number there now. A man got $65 000 for a bit of dirt in the valley. Up went the balloon! This kind of thing was done everywhere in the State. When it was announced that a casino might be established at Wallaroo, property prices in the area were doubled in a fortnight. This Bill meets the needs of councils and the more responsible people in the industry who have some principles left. The Hon. Mr. Hill should state the percentage of blocks in specific areas that have been purchased as rescue operations by the Land Commission. Who have been the builders who are building houses on those blocks?

The Hon. C. M. Hill: I tell you frankly that I do not know any—

The Hon. N. K. FOSTER: When this matter is before us again, will the Hon. Mr. Hill say that it has been a socialist plot? I would like the honourable member to swallow his pride—

The Hon. C. M. Hill: I am always honest.

The Hon. N. K. FOSTER: —and stand here and state the percentage of the blocks in the areas referred to and in the north-east that have been built on by the private enterprise sector, in comparison with those that have been built on by the Housing Trust. Will he say that the actions of the Land Commission have denied the rights of private enterprise in the cottage building sector in respect of making profits on building transactions?

The Hon. R. C. DeGARIS (Leader of the Opposition): What the Hon. Mr. Foster's offering has to do with the Bill escapes me completely; that is not surprising, because it is his usual method.

The Hon. N. K. Foster: Where was I wrong?

The Hon. C. M. Hill: In nearly everything you said.

The Hon. R. C. DeGARIS: No reference was made to the Bill before the Council. The Hon. Mr. Foster has a peculiar manner, which is part and parcel of people like him who attempt to shield their doctrines from any criticism that may come from this side of the Chamber.

Whether or not one agrees with the operation of the Land Commission has little to do with this question. Whether the commission is a success or a failure in South Australia has little to do with the Bill. The commission has a rightful place in the community, as it can perform a function, but I believe that at present the operations of the commission are open to severe criticism. That is fair comment, but that is not the feeling with which one can examine the whole of the commission's operations in this State.

However, this side of the Chamber has been rightfully indignant about the means of land acquisition of the Government and its agencies in South Australia in the past two or three years. Questions have been raised in this Chamber on several occasions and, for the benefit of the Council, I will illustrate my point with three examples. First, I refer to the forced acquisition of 30 houses on the road to Flinders Medical Centre. The operation the Government then undertook was one of which it should be ashamed, because 30 people living close to Flinders University were delivered a letter saying that at some time in the next five years the Government intended to acquire their houses.

No notice to treat was given, and those people were left in the position where, if they had to sell to move elsewhere, say, to Melbourne, (and one householder was transferred to Melbourne), only one purchaser in the field—the Government—determined the price, with no other buyer on the market, and no option was given to that householder to go to court to get justice, because no notice to treat had been given. Secondly, I refer to the Burbridge Road situation, where a pensioner had his house and shop acquired after the auction had been advertised. A white car drove to the auction site and delivered notice of compulsory acquisition. That whole property was acquired merely because the Government wanted 2·4 metres for road-widening. What happened with that property after its acquisition by the Government? What was the position in regard to Monarto? There, too, the Government also has a case to answer regarding the use of powers of acquisition.

The Hon. C. J. Sumner: What's that got to do with this Bill?

The Hon. R. C. DeGARIS: It has much to do with it, because there is a power of acquisition contained in this Bill. In the Bill before us the commission is seeking power compulsorily to acquire a dwellinghouse. Can any Government member of this Council provide one reason why the commission, which was established to do a specific job, should have the power to acquire a person's dwelling? Honourable members opposite cannot find a reply to that question.

The Hon. C. J. Sumner: It's in the second reading explanation.

The Hon. R. C. DeGARIS: There is no logical reason why a person should be subjected to the compulsory acquisition of his dwellinghouse by a commission established to provide cheap land for young people, which was the publicity splurge attached to the commission's establishment. What has the commission to do with the acquisition of a dwellinghouse in which a person may have lived for many years? Nothing at all! Indeed, if a person has a dwellinghouse on an area of land, acquisition can occur, as the Hon. Mr. Burdett has said, except for the dwelling and the honourable member referred to the beautiful word "curtilage" in this connection.

The Government has not said why the commission should have this power of acquisition. When the matter was first dealt with by this Council it was specifically stated that the Government did not wish the commission to have this power of acquisition. Suddenly, it has changed its mind. Whose house does it want to acquire? Does it want the house of a pensioner at Golden Grove or the house of a young person at Hallett Cove? Why does not the Government come clean and tell us because, so far, it has made no case whatever for seeking to give the commission the power of acquisition of a dwellinghouse in South Australia, and I will oppose clause 3.

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

ABORIGINAL LANDS TRUST: SECTIONS NORTH OUT OF HUNDREDS

Adjourned debate on motion of Hon. D. H. L. Banfield:

That this Council concur in the House of Assembly's resolution to recommend to His Excellency the Governor, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1969-1975, sections 439 and 488, north out of hundreds, be vested in the Aboriginal Lands Trust.

(Continued from April 5. Page 3109.)

The Hon. A. M. WHYTE: This measure deals with the area known as Nepabunna Mission, and its purpose is to place this land in trust with the Aboriginal Lands Trust for the Aborigines in that area. There is no question about this measure whatever. The trust was established for precisely this purpose, and this area (about 58 square kilometres) is valuable country to no-one but those people residing on it. Recently, a small section of pastoral country was attached to it with the idea that perhaps the Aborigines there might run a pastoral exercise, but that has not been a real success either.

The land once vested in the authority of the trust is then administered by a local council, and it is in this role that I seek some clarification from the Minister. These people are having much difficulty in constituting workable councils, especially at Nepabunna, where the population has markedly decreased and where many of the more able people have sought employment in places such as Port Augusta, first, because of job opportunities and, secondly, because of the despondency at the unresolved haggling that occurs when no-one is really in charge.

That community probably once comprised some of our finest Aborigines, but the situation has deteriorated markedly in the past few years. Now it is a somewhat sad little community, despite the spending by authorities of tens of thousands of dollars on housing that was never completed. The final straw that broke the camel's back was that families waited for months and months hoping that some assistance would be given to complete the houses. In fact, the situation was an absolute scandal and should have been the subject of an investigation by a Royal Commission, because of the amount of money that was spent in relation to the work achieved. At one time, the community asked me to come and listen to its complaints, because I had spent my childhood in the area and knew many of the families. Also, of course, the old people knew my parents very well. They asked that someone who understood their problem be sent there to help them, because they could not handle the job themselves. Although many of these people were capable stockmen, they certainly were not builders or administrators. They asked that someone capable of managing the situation be sent there, and that contractors should also go there to complete the dwellinghouse properly.

Having asked whether they had taken up the matter with the administration, I was told that they had. A man whom they thought was a Chinaman had spoken to them but they had not understood a word that he had said. I approached the administrators and must admit that I found it just as difficult to make head or tail of the proposition that they had put forward. If that involved a commencement of the scheme, I think that such an administration should hastily come to an end.

I ask the Minister to take note of what I have said and, if there is any possibility of helping these people or of forming a co-operative council, it should be set up. Certain factions at Nepabunna do not get on well together. The person elected as Chairman has always been criticised by other families, and there is discontent among the people, which could be overcome if an administrator who knew something about these people was appointed to the area. I have no hesitation in supporting the motion to vest this area of land in the Aboriginal Lands Trust. However, I make my appeal on behalf of the people of whom I have spoken and to whom, I hope, some help can be given.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Hon. Mr. Whyte for his contribution. I will draw to my colleague's attention what the honourable member has said.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF BONYTHON

Adjourned debate on motion of Hon. D. H. L. Banfield:

That this Council concur in the House of Assembly's resolution to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, section 241, hundred of Bonython, be vested in the Aboriginal Lands Trust.

(Continued from April 5. Page 3110.)

The Hon. A. M. WHYTE: This motion involves a much simpler situation. It involves not a council but a small portion of land just out of Ceduna locally referred to as the duck pond. It has been a camping ground for Aborigines (and, I might say, a good drinking ground) for many years. It does not involve a council or the constitution of a council. I see no reason why the land should not be vested in the trust. I know that three members of the Aboriginal Lands Trust apparently have the right to co-opt Aborigines. I do not know whether anyone from the area is concerned with the trust. However, it seems strange that all the land that is presently being handed over to the Aboriginal Lands Trust is in outlying areas. I often wonder, when I examine the areas that were originally inhabited by Aborigines, why Victoria Square should not come under scrutiny for being handed over to the trust. I support the motion.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF TATIARA

Adjourned debate on motion of Hon. D. H. L. Banfield:

That this Council concur in the House of Assembly's resolution to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 928, 929 and 930, hundred of Tatiara, be vested in the Aboriginal Lands Trust.

(Continued from April 5. Page 3110.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I should like to hear the Hon. Mr. Whyte expand a little more on the final point he made, as there is much truth in what he said. The land originally occupied by Aborigines was largely along existing river banks, yet we are talking about land in the dry outback, and it is doubtful whether Aborigines ever occupied that land. Parts of sections 928, 929 and 930, hundred of Tatiara, are being transferred.

Years ago, the Pinkie family was granted the building blocks for occupation in part of the park lands around Bordertown. However, all of that family has since left. I believe that the old gentleman has retired into Bordertown. The land is therefore being transferred to the Aboriginal Lands Trust. I doubt the wisdom of this move because, in the first place, the Pinkie family has been occupying these blocks for many years and it claims ownership of them. If one looks at the matter in that light, one sees that it is a reasonable claim for the Pinkie family to make.

Secondly, I cannot see much sense in transferring building blocks in Tatiara to the management of the Aboriginal Lands Trust. If there is a need to provide housing for Aborigines in the area, it would seem more sensible to transfer the blocks to the Housing Trust for Aboriginal housing. If there are other uses for the land, we should be looking to transfer the blocks other than to the trust.

I point out that three building blocks, comprising ·6 ha, are being transferred to the trust for its care, control and management and, although there may be good reasons for this, I question whether it is the correct procedure. Can the Minister give any further reasons why this method is being adopted?

Apart from that, I have no objections to the motion. I consider that it is reasonable to transfer a large block of land to the trust when some use can be made of it. However, three building blocks do not quite fit into that category.

The Hon. D. H. L. BANFIELD (Minister of Health): The only explanation I can give (and I can obtain more details for the Leader) is that the Government believes that this land should be placed in the hands of the trust because it gives the trust more autonomy, rather than giving it to the Housing Trust for Aboriginal housing.

Motion carried.

ABORIGINAL LANDS TRUST: HUNDRED OF MURRABINNA

Adjourned debate on motion of Hon. D. H. L. Banfield:

That this Council concur in the House of Assembly's resolution to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 32 and 33, hundred of Murrabinna, be vested in the Aboriginal Lands Trust.

(Continued from April 5. Page 3111.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I have no objection to this transfer. Sections were allotted, comprising about 157 hectares, and the present lessee no longer requires the lease. I must say that I still am not pleased about the matter with which we have just dealt and I am still not pleased with the Minister's answer to my question. Perhaps he will get a further explanation of why the transfer is going through the Aboriginal Lands Trust.

The Hon. D. H. L. BANFIELD (Minister of Health): I will be pleased to get that information from the Minister in charge. We have nothing to hide.

Motion carried.

ADJOURNMENT

At 5.53 p.m. the Council adjourned until Wednesday, April 13, at 2.15 p.m.