LEGISLATIVE COUNCIL

Thursday, April 21, 1977

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

ASSENT TO BILLS

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

Crown Proceedings Act Amendment,

Rural Industry Assistance.

NOISE CONTROL BILL

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

That Order No. 254 be suspended to enable the conference on the Bill to continue during the sitting of the Council.

Motion carried.

At 3.35 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

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

As to Amendment No. 4:

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

As to Amendments No. 5 and No. 6:

That the House of Assembly do not further insist upon its disagreement to these amendments.

As to Amendments Nos. 7, 8 and 9:

That the Legislative Council do not further insist upon these amendments.

As to Amendment No. 10:

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

Clause 11, page 6, line 30—After "Minister may" insert ", upon application by the occupier of any non-domestic premises,"

After line 32—Insert—

"(1a.) Where the Minister refuses an application under subsection (1) of this section he shall forthwith publish notice of that refusal in the *Gazette*."

and that the House of Assembly agree thereto.

As to Amendments Nos. 11 to 23:

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

As to Amendment No. 24:

That the House of Assembly do not further insist upon its disagreement.

As to Amendment No. 25:

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

Clause 21, page 11, line 23—Before "shall be liable" insert "with whose knowledge and consent the offence was committed".

Line 23—Leave out "unless he proves that the".

Lines 24 and 25—Leave out all words in these lines.

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The conference was a long one. It commenced about 9.30 a.m. and we had not completed our deliberations at 2 p.m. The discussions were most amicable, and it was pleasing that managers on both sides were concerned about the noise problem that everyone recognises. Whilst early there seemed to be faint hope of getting a compromise, the spirit shown by the managers was such that it was only through long discussions that they resolved the problem. Full marks should go to the managers for this place in regard to the compromise made with the House of Assembly.

We were trying to establish a complicated Bill, and I think everyone recognises the severity of the matter, in both industrial and domestic areas. Because we were groping on new ground, the deliberations were difficult and long. Sanity prevailed at the conference and, if this place adheres to the recommendations, we will establish for the first time noise control legislation in this State. A new measure of this kind may not work as we hope it will and it is a matter of trial and error as to whether it will be effective. Amendments may be needed in future, but we cannot prophesy that now.

The Hon. JESSIE COOPER: I support the Minister's remarks. An extremely difficult few hours of discussions were characterised by goodwill and pleasantness on the part of both sets of managers. I compliment the Minister from this place for the way he organised his team and for his forbearance and patience in helping to solve the problem.

The Hon. J. A. CARNIE: I support the motion and endorse the remarks of the Minister and the Hon. Mrs. Cooper. The long conference was carried out with the utmost reasonableness on the part of the managers for both places. We may have become bogged down on one item, but because of the reasonableness on all sides a satisfactory solution was arrived at.

The Hon. D. H. LAIDLAW: I was pleased to be at the conference, which was led on our behalf by the Minister of Lands. I am also pleased that this Council gained support for the amendment that non-domestic noise would be measured from within the nearest place where persons were employed, rather than from a boundary fence. I think the community will welcome this, and it will help to minimise the cost to certain sections of industry of noise abatement measures.

It will also help industry to plan expansion, which is most important, because industry will know the place from which the noise is to be measured. Originally it was proposed that it would be measured at the boundary or any other point, and, if it was to be measured, say, 150 yards from the boundary fence, people planning industrial expansion would not have any guarantee that a future Administration that was more zealous than a previous one might not change the legislation so as to measure the noise at the boundary fence, which would make it almost impossible to operate the plant.

Another amendment on which I was pleased agreement was reached was one to amend clause 21, whereby the managers of any corporate body that has been prosecuted for infringing the Act could have been convicted of the same offence. We can envisage a company secretary who never goes inside the works but who knows that there is noise there. He would have been caught in the net. By the amendment, the matter will be confined to managers who have the knowledge and with whose consent the offence is committed, and to my mind that makes the position more satisfactory. As I said at the beginning of my second reading speech, noise is very much a creation of 20th century technology. The problem is increasing and noise needs to be controlled.

The Hon. M. B. CAMERON: I am sorry to cut across the lavish praise that is being expressed about the result of the conference, but I express disappointment at the result, because I believe that amendments moved here were essential to the working of the Bill. What is more important is that I am disappointed that what I regard as a vital provision (namely, the control of noise pollution from motor vehicles) was not put in the Bill by the conference. The conference had the right to do that. Without the curbing of that noise, I regard this legislation as not being very effective in curing the problems of noise pollution in this community. Many people in the past few days have indicated to me in the same direction, either before this Bill came to this Council or immediately afterwards, that a Bill without this curbing in it, in their opinion, "is bloody ridiculous". They are the words used by people and I regard those words as a good assessment of this Bill going through the two Houses. I am very disappointed that the Government has run away from this issue. People will still be able to roar up and down suburban streets and throughout the city without the sort of controls that fixed industries and people in fixed positions are subject to in regard to noise.

The Hon. F. T. Blevins: They are strong words.

The Hon. M. B. CAMERON: I would not use those words in this Council; if I did, the President would pull me up. I used them as a quotation because that is the opinion of well over half the community and probably the whole community, if everyone was questioned about it. I have to express disappointment at the results of the conference, because certain vital issues were left out—appeals by industry and some important amendments. More importantly, the Bill is very tame in the control of noise in this community.

Motion carried.

Later:

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

PERSONAL EXPLANATION: MONARTO

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

Leave granted.

The Hon. J. C. BURDETT: Yesterday, in another place, the member for Mitcham made certain statements about me, when speaking about the acquisition of land at Monarto. He said:

In my view, they—

that is, the Monarto landowners—

were badly advised indeed, and, I may say, by a man who has been a friend of mine for very many years. The name of the Hon. John Burdett has been mentioned in this regard as having been to a meeting and having advised them that they would have to accept the amounts offered, because they would not get much more in court. I believe that was bad advice and bad tactics on their part.

I did not at that time, either at a meeting or anywhere else, say that or anything like that. What I said on the issue was almost the exact opposite of what the member for Mitcham reported. I attended two meetings which were held in the Monarto South hall and which were convened by the Monarto Landowners Association at the time when the acquisitions were in progress. I also attended one more limited meeting. What I said was as follows: I advised the landowners to engage private valuers. I advised them to retain solicitors. I said that if, after taking advice from their solicitors, they were dissatisfied with the amounts offered by the Government, they should have the compensation determined by the court. I said that they should use the procedures provided in the Land Acquisition Act for settling compensation. I suggested that the Monarto Landowners Association should retain a solicitor who was prepared to act for any landowners who wished to avail themselves of his services. I suggested that it might be possible to conduct something like a test case. The member for Mitcham was not present at any of these meetings. I trust that the member for Mitcham will in future have the decency to check his facts before he makes false and untrue statements about me.

FISHING LICENCES

The PRESIDENT: I have to inform honourable members that, pursuant to Standing Order 116, I have received a letter from the Hon. Mr. Whyte indicating that it is his intention this afternoon to move a motion of urgency regarding fishing licences. It will be necessary for three honourable members to rise in their places if this matter is to be proceeded with.

Several honourable members having risen in their places:

The PRESIDENT: The necessary number of members having risen, I call now on the Hon. Mr. Whyte.

The Hon. A. M. WHYTE: It gives me no pleasure to find—

The PRESIDENT: Order! I think the honourable member must move the motion before he speaks.

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

That the Council at its rising do adjourn until Tuesday next at 1.30 p.m.

It gives me no pleasure to find that the only recourse left to me to bring to the public notice the mismanagement of the granting of licences and permits is to move such an urgency motion as this this afternoon. I believe that any politician who accepts the honoured position of a Minister of the Crown should be committed to acting as fairly as possible to all who depend on his application of that portfolio. It is his obligation not only to protect the industry to which his portfolio refers but also to protect and advise those people legitimately engaged in that industry to make sure that all are given an equal chance to become and remain a viable part of that industry, provided they operate within the guidelines regulating that industry.

We expect him to argue with his Cabinet colleagues to gain a fair share of the Budget for his industry and, if he cannot administer the industry wisely, the least he can do is administer it fairly. During this week, questions have been asked reflecting on the way in which two further prawn licences were granted and the way in which fishermen from other over-taxed fisheries were not given preference over entire newcomers to the prawn industry. It is hoped the Minister will take some advice before another such ballot is conducted.

Having dealt with the prawn industry, I was amazed to find that the abalone industry is equally questioning the Minister's handling of its affairs. I have before me a copy of correspondence transacted between the Director of Agriculture and Fisheries, the Minister of Fisheries, and a Mr. Kroezen, who is a well-known abalone diver and is respected to the extent of presently being the Secretary of the Abalone Divers Association of South Australia. I propose to read that correspondence to the Council. I am sure it will cause concern in the minds of all members

here and also those members of the public who happen to have a chance to consider it. This letter is to Mr. Kroezen:

Dear Mr. Kroezen, I have considered your application for a relief diver to take abalone on your account while you attend the Army Reserve camp.

I may explain that Mr. Kroezen had applied to the Fisheries Department to install a relief diver while he attended the annual Army Reserve camp. For those who do not understand the abalone industry, I point out that two men man a small boat—a diver and a crewman. Only the diver is licensed to dive. If he becomes sick, he may apply to the Director for a relief diver, and in most cases it would be expected that a relief diver would be permitted to dive on his behalf, thereby keeping his income reasonably safe. I do not believe that an application to attend an Army Reserve camp should have been treated in the way it was treated. The letter continues:

Our policy is to allow relief divers only in cases of illness or accident, and not for periods when the licence holder is unable to dive for reasons within his own control. I consider that while your personal commitment to the Army Reserve is commendable, it is not really any different to possible commitments to worthy organisations such as charity groups or community service club projects.

That is the Director's interpretation of what the Army Reserve camp stands for. The letter continues:

No doubt you appreciate the difficulties which could arise if we were asked to make judgments in this area. A line unfortunately has to be drawn. I regret that notification was made only the day before your camp, for that I apologise. I am concerned also that our general policies in such matters are apparently not adequately communicated to the people affected by them.

I understand you are the Secretary, Abalone Divers Association of South Australia, so perhaps we could arrange a meeting to discuss this general problem. Your licence is returned herewith.

The significance of that reply is that this was the case of a diver who wished to attend an Army Reserve camp. It seemed quite appropriate that, while he was at the camp, he should be able to employ a relief diver. By doing so, he would not gain more abalone from the sea: indeed, he would not gain his normal income because, out of the returns, he would have to pay the relief diver. He would also have been able to keep the crewman employed. As it was, he was denied that right, and he was notified only one day before he left to go to the camp. So, it made it very difficult for him, because he then could not employ either his crewman or the man who had agreed to dive for him; he had to make different arrangements. The following is Mr. Kroezen's reply to Mr. McColl:

Dear Sir,

I am in possession of your letter of March 21 containing your feeble and illogical reason for not allowing myself to put down a relief diver while I attend an Army Reserve camp. It is apparent through your reply and your statements in the press that you have absolutely no comprehension of what is involved in the abalone industry in this State or apparently care. One of the main reasons I wanted a relief diver was so that my crewman would not be out of work while I was away. But, thanks to your consideration he was unemployed without income for that period. Your decision makes apparent a contemptible double standard of values. To have allowed a man in jail being punished by society to have a relief diver, but to not allow a person serving his country the same rights is incredible.

No-one here wants to reflect on any person who is serving a penalty for misconduct, but I believe that the comparison that Mr. Kroezen has drawn is a very valid one. The letter continues:

Also, State and Commonwealth Government employee's attending the camp receive such time off on full pay.

I do not argue with that for one moment, that a person who is prepared to attend camp and train should not be allowed full pay. I think that is right and proper, but it is wrong to deny another person his right of income when there is no loss to the industry. It was not as if his diver was going to poach on some other part of the industry. It was to maintain his normal source of income. In fact, what Mr. Kroezen has pointed out is a double standard. I think perhaps I have read sufficient of what Mr. Kroezen said to the Director, because he was a little more relenting when he wrote to the Minister. In his letter to the Minister of Agriculture and Fisheries he stated:

I recently requested from the Fisheries Branch permission to have a relief diver work my abalone permit while I attended an Army Reserve camp. This was so I would not suffer a loss of income or put my crewman out of work while I was in camp. The Director of Agriculture and Fisheries, Mr. McColl, refused my application which is a point I wish to appeal against. I would also like to complain bitterly about the manner in which my application was refused. Although I applied on March 3 for permission to engage a relief diver from March 17, I was not notified by the Director until March 18, when a telegram was sent late in the afternoon to my post office box.

The Hon. M. B. Cameron: That is unreal.

The Hon. A. M. WHYTE: The point that Mr. Kroezen made about double standards I think could not be more significant than the point he made about the public servant who, quite rightly, is on full pay while he attends the Army. Yet, here is a man engaged in private enterprise who is denied the same right and for no good reason. Had the man been going to take more than his fair share from the sea by obtaining the relief diver then I could perhaps understand the Minister's and the Director's attitude. I do not wish to belabour the Director. Whatever the Director did would have been sanctioned by the Minister.

My motion to have this point aired I believe highlights the fact that if the Minister does not understand this industry there are plenty of people who do. He could have obtained advice concerning the allocation of the two extra prawn licences. He could most certainly, without much difficulty at all, have been able to see he was doing an injustice to Mr. Kroezen by denying him the right to employ a relief diver. I emphasise these facts, because over a period of time I have seen mistakes made by the department with respect to the abalone industry. We have seen letters written to the press, and we saw the case of the widow who was unable to sell what equity she had in the industry.

The Hon. B. A. Chatterton: What equity did she actually have?

The Hon. A. M. WHYTE: If that woman had been able to sell what she gave for her equity in the industry and not what the Minister considered it was, she would have been much better off than she was. I hope that in future the Minister will, if he is not sure of his grounds on these matters relating to the fishing industry, seek the expert advice of the organisations that can serve him so well in this capacity.

The Hon. M. B. CAMERON: I, too, support the motion. Having heard all the information regarding this matter put forward by the Hon. Mr. Whyte, I think, unless there is a reasonable explanation for it (and I doubt whether there can be), that an injustice has clearly been done to the person concerned, in that the Minister denied him the right to employ a person to relieve him while he was involved in what was, after all, a service to the nation in the form of an Army camp.

I want to raise what is in my view an even more important matter, because it does perhaps affect the long-term attitude towards the fishing industry generally. In

this respect, I refer to the allocation of prawn licences. Although I know that the Minister has given some indication of a change of attitude in relation to this matter, I am alarmed that there is a degree of concern in the fishing industry regarding the way in which two professional prawn fishing licences were issued. This was done in a way the likes of which have not been seen since the days immediately before the introduction of pot licences in the lobster fishing industry.

The Minister and all honourable members will be aware that, before the lobster industry got to the point of having pot licences, a huge growth occurred in the number of people fishing for rock lobster. When pot licences were finally introduced, a degree of stability was brought into the industry. Far too many people were involved, and far too many pots ended up in the water. As a result, it is considered (and I am sure the Minister would agree with this) that the industry is over-exploited.

In an industry such as this one, it is important to ensure that no opportunity to relieve over-exploitation is lost. In fact, some fishermen have moved into other industries such as the shark fishery. However, that avenue has to some extent been shut down because of the requirements relating to the mercury content of shark. In fact, I am told that the Commonwealth Government and the South Australian Government are this year spending $39 300 each on this matter.

In addition, funds were made available under the shark rehabilitation scheme on a $1 for $1 basis to provide alternative fisheries for shark fishermen affected by the ban on the sale of large school shark likely to contain mercury levels in excess of the standard adopted by the National Health and Medical Research Council. In that situation, money is being spent to rehabilitate fishermen who are being affected by a ban that has been imposed. We had an ideal opportunity not only to provide potential assistance to the rock lobster industry but also to help to rehabilitate shark fishermen in the gulf when two provisional permits became available there. The Minister told the Council yesterday that more than 200 applications were received for these permits.

The Hon. B. A. Chatterton: About 200.

The Hon. M. B. CAMERON: Yes, and about 100 of them were taken out of the ballot because they did not conform to criteria laid down by the Minister. Then a ballot was conducted of the 103 who were left and two people were selected. We have been told that one of them has not been engaged in the fishing industry and does not have a boat under present survey. What is more important than the survey requirement is that the person is coming from outside the industry. It is wrong for a person to be brought into another section of the fishing industry when there are over-fished sections of that industry. It is nothing short of madness to leave people in an industry that is over-fished when there is a chance to get some out. I will show why what I suggest should occur has not occurred. The Minister had available to him three months ago, before he disbanded it, the Prawn Fishing Advisory Committee, comprising fishermen and people from the department. The committee had a good understanding of the fishing industry. Before the two persons were selected for the provisional licences, the Minister disbanded the committee. In giving his reasons for that yesterday at Question Time, the Minister stated, in part:

The inevitable consequence of trying to establish that sort of system is that accusations are continually levelled at the committee that it is basing its selection on favouritism. Whether those accusations are true or false is not material. The fact remains that it is impossible for the committee to select only two fishermen out of many hundreds of applicants. Although many applicants could be rejected on fairly satisfactory grounds, we could still end up with many applicants who had a strong case.

I do not disagree that there could be many applicants, but it would have been much simpler to have extra criteria than it was to adopt the method that was used. If the Minister had asked the Prawn Fishing Advisory Committee to select a list of names based on criteria, the committee would have done that, and it would have done it in a more satisfactory way than that in which the selection has been conducted. The Minister took a list of names, without using what I would regard as a basic criterion that a person who applied must be engaged in the fishing industry at the time. If he wanted to narrow the criteria, he could have applied the standard of an over-fished industry. On Tuesday the Minister stated that the department found it difficult to determine what sections of the industry were over-fished. I think I can assure the Minister—

The Hon. B. A. Chatterton: I think what you have said is an over-simplification of what I said.

The Hon. M. B. CAMERON: The Minister can answer me later, if he likes.

The Hon. C. M. Hill: That is what he said.

The Hon. M. B. CAMERON: If the Minister relaxes for a moment, I will find the answer. In any case, in his reply the Minister can read out that answer, because I am sure he will want to reply to what is being said. The basic fact is that the Minister indicated that there were problems in determining which sections of the industry were over-fished. I can assure the Minister that it is certainly not difficult to find which sections of the rock lobster industry are over-fished; I say without fear of contradiction that the whole of the industry is over-fished. No matter where one goes in South Australia, there would certainly be an advantage in having relief afforded in respect of the number of people engaged in the rock lobster industry, which has been subject to considerable over-effort. Any opportunity to relieve that industry of some of the fishing in it should have been grasped with both hands. This was a perfect opportunity.

The Hon. B. A. Chatterton: There are considerable differences between the South-East and the northern part.

The Hon. M. B. CAMERON: The Minister can reply on that later too. In fact, the Minister has now agreed with this contention: he has agreed that this criterion will be used in future. In reply to my question, the Minister has admitted a failure to use proper criteria in selecting these two applicants. My question was as follows:

In regard to any further applications for prawn licences or licences for any other fishery, does the Minister intend to give preference to people already involved in the fishing industry?

In reply, the Minister said, "Yes." That one word answer was significant indeed because it means, in effect, that in future whenever further applications are received he will give preference to people already involved in the fishing industry. I realise that the Minister probably failed to understand the ramifications of what he was doing in deciding previously on these applications. He has said, "I have made a mistake."

The Hon. B. A. Chatterton: No, I have not.

The Hon. M. B. CAMERON: Yes, the Minister has; he has said, "I have made a mistake in the way I went about the selection of these two applicants, but I will cure my mistake by saying in answer to that question, 'Yes'."

The Hon. B. A. Chatterton: Rubbish!

The Hon. M. B. CAMERON: That answer of his was the most significant answer that has been received on the matter in this Chamber. I trust that the Minister will now admit that he made a mistake and will cancel the ballot. I call on him to do so and to start all over again, using proper criteria and showing some concern about the over-fished sections of the fishing industry in South Australia. He should allow fishermen to apply so as to relieve the lobster industry in particular, the shark industry, and any other section of the industry that is over-fished, because I believe it is quite wrong for people from outside the industry to be allowed in through the failure of the Government and the Minister to apply a proper criterion.

I am still unable to find in *Hansard* the right part of the question and reply on the matter, but I am sure the Minister has the section required. The fishing industry deserves the support of every member of the community, for it is an extremely valuable export industry, having returned to the State much income over the years. Fishermen have a hard life indeed: they have to put up enormous sums of capital, capital that is at high risk. In the lobster industry, depending on the size of their boat, fishermen put 80 to 100 pots in the water at the beginning of each season, and those pots are not put there without risk. Steamer lanes pass through the area fished by the lobster industry, and steamers have been known to knock out lines of up to 20 pots by going straight through the middle. As it is extremely difficult, especially at night, for the larger vessels to avoid markers that are put out, the steamers run into them. A fisherman can be involved in heavy capital losses overnight, without having the means to recover the capital by insurance or in any other way.

I am sure that the Minister will accept this as fact. Moreover, fishermen have the additional problem of having small catches during many parts of the year. They cannot fish all of the year. If they fish for most of the year, they find that for much of the time it is uneconomical for them to do so. In addition, they have high costs in bait and in other ways. If there is an opportunity, such as the Minister has just had, to relieve an industry of some of the effort and provide an outlet for some of the fishermen to get into another more economical part of the industry, that opportunity should be taken. I know that the Minister has now given an assurance that it will be taken. I ask him not only to rely on the assurance he gave in reply to my question but also to give an assurance that he will drop the present ballot and start again.

This is an important matter indeed, a matter that the Council and the Minister should seriously consider because of the problem involved and the degree of concern that the present situation has aroused. I ask the Minister to reinstitute the Prawn Advisory Committee so that in future he has good advice when he conducts such a ballot, advice that is industry-based and not departmentally based. He should also make sure that he has all the information that the industry can give him. I support the motion.

The Hon. C. M. HILL: I interpret the motion as a vote of no confidence in the Minister. The facts supplied so far in the debate confirm that view. The Hon. Mr. Whyte referred to allegations in correspondence that he read today.

The Hon. B. A. Chatterton: He didn't read the last one.

The Hon. C. M. HILL: I listened to what he did read, and I believe this is a serious matter indeed. When he replies, I want the Minister either to deny the case made out by the Hon. Mr. Whyte or to give some further explanation about it. As I heard the Hon. Mr. Whyte, the following incidents have occurred under the administration of the Minister and his department: an abalone diver who sought an opportunity to have a relief diver whilst he went into military camp was refused that request.

The Hon. M. B. Cameron: A fairly important duty.

The Hon. C. M. HILL: Exactly; there is no need to stress that in this Chamber. As I heard the case made out, compared with the situation I have just described, in another case an abalone diver went to gaol and was granted permission to have a relief diver while he was serving his sentence. I want this matter cleared up.

If the report supplied to the Hon. Mr. Whyte is untrue, I shall be happy to accept the Minister's explanation. If the situation occurred in which the man who was willing to go into military training and who sought from the Minister approval to obtain the services of a relief diver was refused that approval, whilst at the same time the Minister allowed a man who went to gaol to have a relief diver, I think that is a shocking state of affairs. It condemns the Minister and his administration of his department if that is the case. I ask the Minister to give a full explanation of that situation when he replies.

The Hon. R. C. DeGaris: It is not only the abalone diver: it is also the crew member who can't do anything for a fortnight.

The Hon. C. M. HILL: Yes. The other matter on which I think the Minister deserves severe criticism is the absolute fiasco that has occurred only this week in the granting of these two authorities to catch prawns. The Hon. Mr. Cameron has covered that fully.

The Hon. B. A. Chatterton: The provisional granting.

The Hon. C. M. HILL: The Minister says "the provisional granting". I refer the Minister to his own instructions that he issues to applicants for these authorities. Under the heading "Basis for assessment of application", he lists various requirements and these include the one I mentioned earlier this week, about a vessel having to be under current survey. The seventh requirement of these criteria is as follows:

In the event that more than two applicants meet all criteria, a simple ballot of all eligible candidates will be held to determine the identity of the persons to whom the new authorities will be issued.

The Hon. A. M. Whyte: "All criteria".

The Hon. C. M. HILL: That means that, if the applicant meets all criteria (I emphasise "all"), a ballot will be held of all eligible candidates (again, I emphasise "eligible"). These 200 people who applied for authorities were given those instructions by the Minister. Now, when all the criticism comes down upon the Minister when he issues the two authorities, he runs into a corner and says, "Oh, but they are only provisional; what we are going to do now is to have a good look at those two people's applications"—

The Hon. B. A. Chatterton: No.

The Hon. C. M. HILL: Just a moment; you will have a chance to reply—"and see whether they are really eligible anyway, and, if they are not eligible, we will toss them out and have another ballot."

The Hon. M. B. Cameron: He has declared them eligible.

The Hon. C. M. HILL: They should have been declared eligible before the ballot, according to the instructions. Every person in that ballot should have met all criteria—that is what the Minister said in his instructions to these people; he talks about a ballot of all eligible candidates but he admits that some of those people were not eligible. If

they were eligible, he would not be having another look at these two who got their authorities. He would not be saying, "Oh, no; they are not authorities; they are only provisional authorities."

The Hon. B. A. Chatterton: Have you looked at the application form, at page 7?

The Hon. C. M. HILL: Yes, but the Minister cannot run away from those criteria. It is headed "Information for applicants" and that clearly states the Minister's plans. I believe that, when the truth came out and the Minister realised that possibly the people to whom he had given these authorities were not going to be eligible, the only way to get out of his predicament was to say, "We will have to make them provisional and have another look at their eligibility", because obviously they could not have been eligible, as they should have been.

The Hon. B. A. Chatterton: Why not?

The Hon. C. M. HILL: Why are you looking at them again if they were eligible?

The Hon. B. A. Chatterton: Because their eligibility was based on their own declarations, and they had to be checked.

The Hon. C. M. HILL: This is typical of the muddled thinking and muddled planning of the Minister. I was talking to one of his senior officers about 12 months ago, and he said to me that things were in a complete panic in his department.

The Hon. B. A. Chatterton: Who was that?

The Hon. C. M. HILL: The officer said, "None of us knows where to go; the Minister will not take any notice of any of his senior officers." That was 12 months ago. I have not raised the matter, but—

Members interjecting:

The Hon. C. M. HILL: —the Minister knows I would not disclose that public servant's name. The Minister has had 12 months in which to get his administration right but he continues with this doctrinaire and theoretical method of running his department. He puts the names into a hat—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: —without checking their eligibility.

The Hon. D. H. L. BANFIELD: Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. M. HILL: If the Minister had been a practical man and had brought realism into the administration of his department—

The Hon. C. J. Sumner: What are you talking about? He has had a farm for years.

The Hon. C. M. HILL: I know that.

The Hon. C. J. Sumner: What are you talking about—no practical experience?

Members interjecting:

The Hon. C. M. HILL: He certainly has not had a fish farm. When he received these 200 applications, I should think that, had the Minister been practical, he would have checked them for eligibility before he ever dreamed of putting the names into a box for a ballot. If he had done that, he would have got the names down to 20 or so, and those people without question would have been eligible for an authority.

The Hon. M. B. Cameron: Why didn't the Minister know?—because he did not have the industry's advice.

The Hon. C. M. HILL: That is typical of what I was told 12 months ago: he will take no notice of his department.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. E. Dunford: What other secrets have you got?

The Hon. C. M. HILL: I have a lot of secrets. I give Ministers a fair go. This was raised with me 12 months ago, but the Minister continues in this doctrinaire and theoretical way by putting 200 names into a hat when he did not know whether they were eligible. He did not foresee that the fishing industry would be up in arms when the names of two people, whose eligibility was highly questionable, were drawn out of the hat and made known to the fishing industry. Talk about bringing down worry on your own shoulders! The Minister should change his way altogether. He has lost the confidence of this Council now. If he wants to repair the damage in the future he should go back to the advisory committee spoken of in detail by the Hon. Mr. Cameron and cull out the people before a ballot is held.

Finally, he has to get the names down to about 20, and it will be almost impossible to say who should get the authority; then he should have a ballot and his worries will be over—but he will not do that. He goes about it in this way and causes all this trouble and loss of confidence in the department, in the fishing industry and in those people engaged in agriculture generally.

Members interjecting:

The Hon. C. M. HILL: It does not end there. The Minister knows that many crayfishermen in the South-East are out of work. They have been in the fishing industry all their lives and in some cases have up to $100 000 invested in their boats, but their position is now economicaly unsound because of the state of the industry. Why does not the Minister say to these men, who know the sea, "I will cancel some of your licences, and we'll give you prawn licences"? Would not that be a sensible and down-to-earth way of introducing rationalism into the fishing industry? Of course it would be, but he ignores the men there who cannot get any money from the industry despite the knowledge and capital invested. Then the Minister turns to a transport worker who had a business 12 months ago and pulls that man's name out of the hat. Is that the way this Council wants to see Ministers doing their job? Government members should agree that the Minister's approach has been wrong.

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

The Hon. C. M. HILL: No. I want to give the Minister time to reply. It is a pity that the lobster industry in the South-East has not been given more consideration in regard to the allocation of the two permits. The Minister's method of selecting these two people has been wrong. He has brought all this trouble on his own shoulders. He is carrying out doctrinaire policies in the administration of his department, and he will not introduce any changes. The most criminal aspect of all is that it would appear, until he denies it, that he gave a relief licence to an abalone diver while that diver was in gaol, yet he refused to give a relief licence to an abalone diver who wanted to learn to serve his country through attending an Army Reserve camp. That is a shocking condemnation of the Minister's administration. I support the motion.

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

That Standing Orders be so far suspended as to enable the Minister to complete his reply to the allegations made in this debate.

The Hon. R. C. DeGARIS (Leader of the Opposition): The motion should provide that Question Time should be extended.

The PRESIDENT: It is not a question of that.

The Hon. R. C. DeGARIS: The debate should be extended to a certain time.

The PRESIDENT: The Minister has moved that Standing Orders be suspended until such time as the Minister of Agriculture has spoken in this debate.

The Hon. R. C. DeGARIS moved:

That the motion be amended to provide that the time for the debate be extended to 3.40 p.m.

The Hon. D. H. L. BANFIELD: I oppose the amendment. I want the Minister of Fisheries to be able to complete his reply and I do not want Opposition members to have a chop at the Minister without his being able to reply.

The PRESIDENT: It is usual to allow the mover of a motion to have the right of reply. I therefore suggest that the Minister might change his motion to provide that Orders of the Day be postponed until the debate has been disposed of.

The Hon. D. H. L. BANFIELD: I am willing to accept an extension of the debate until 3.30 p.m., and seek leave to amend the amendment accordingly.

The PRESIDENT: The Minister is further amending the motion to provide that Orders of the Day be postponed until 3.30 p.m.

The Hon. R. C. DeGARIS: What you, Mr. President, said is correct: the Hon. Mr. Whyte should have the right of reply. I therefore suggest that the Minister of Fisheries should speak in the debate and the Hon. Mr. Whyte should have the right of reply.

The PRESIDENT: The further amendment to the motion provides that the debate will conclude at 3.30 p.m. We will leave it at that for the time being, and we can review the situation at 3.30 p.m.

Leave granted; amendment amended.

Motion as amended carried.

The Hon. B. A. CHATTERTON (Minister of Fisheries): This motion has revealed not only the Opposition's superficial knowledge of the fishing industry but also the obvious contradiction between attitudes expressed by some of its members. The Hon. Mr. Cameron and the Hon. Mr. Hill have quite different ideas on how prawn licences should be allocated. I think the Hon. Mr. Hill basically agrees with the system we use; he disagrees only with minor details of the criteria. On the other hand, the Hon. Mr. Cameron seems to think that we should go back to the old system involving the prawn advisory committee. This whole debate demonstrates contradictions within the Opposition as regards its policy on the fishing industry.

For the benefit of the Hon. Mr. Cameron I will explain the role and problems associated with the prawn advisory committee. Its first role was to advise the Minister on what authorities should be issued and then, secondly, to advise on the actual issuing of those authorities.

The Hon. M. B. Cameron: Advise or dictate?

The Hon. B. A. CHATTERTON: This is what it became in the end.

The Hon. M. B. Cameron: You allowed it to dictate.

The Hon. B. A. CHATTERTON: The prawn advisory committee was to see whether authorities should be issued I can say without contradiction that the two authorities for St. Vincent Gulf that we are now issuing would never have come through that advisory committee, which was opposed to issuing any more authorities for that gulf. The whole point of the Hon. Mr. Cameron's argument about industry involvement must be considered in that light. When we want industry involvement, we want the whole fishing industry—not just sections of it. This was completely ignored by the Hon. Mr. Cameron, who believed that the people involved in the prawn industry should have the right, through the advisory committee, to have a closed shop against other people in the fishing industry coming into that branch of the industry. This is one of the reasons why I decided that the prawn advisory committee should be abolished in connection with that role. There is obviously still a need for people in the prawn industry to put their views to me, and I have suggested to the South Australian branch of the Australian Fishing Industry Council that it establish some advisory committees for the various parts of the fishing industry.

The Hon. M. B. Cameron: It is a case of shutting the stable door after the horse has bolted.

The Hon. B. A. CHATTERTON: No. When I spoke at the annual general meeting of the Fishing Industry Council last year, I announced that the rock lobster and prawn advisory committee would be abolished as then constituted. I advised the people concerned that they might consider setting up their own advisory committee. It was their prerogative to run their own affairs. The important thing is that it be done within the framework of the Fishing Industry Council. We cannot have advisory committees operating independently without the broad outlook of the fishing industry as a whole.

I turn now to the prawn advisory committee and the question of allocations of any authorities that become available. The Hon. Mr. Hill basically agrees with what we are doing but he disagrees in detail about the criteria. An impossible situation arose before, when the committee was asked to sift out the very large number of applicants (and there have always been many applicants for every prawn authority that has been issued). The committee was asked to sift out all the applicants and select one, two, three or whatever the current number was. It was an impossible situation because whatever criteria were applied, no matter how strict, one always ended up with a fairly large number who were practically equal in all respects.

The method that was adopted on this occasion was to use the ballot system to make a selection from those persons who were otherwise equally qualified and who met the criteria. The criteria were laid down and published in the instructions that were quoted by the Hon. Mr. Hill. I would also draw attention to the last page of the declaration form which the Hon. Mr. Hill did not quote but which I think explains much of what we were doing. The last page of the form is in fact a declaration, and it states:

I, the person making this application, make the following declaration:

(1) that the information shown herein is true and correct in every detail;

(2) That if granted a prawn authority, I will abide by the provision of all existing and future policies on the management of the South Australian prawn fishery, as approved or varied from time to time by the Minister of Fisheries;

(3) that if granted a prawn authority, I will surrender any other permit or authority for a managed fishery in South Australia;

(4) that if granted a prawn authority, I will not engage by personal exertion in any other commercial fishery in South Australia during the currency of the authority, or allow the authorised vessel to be so used.

On the basis of that declaration we select the people who are eligible for the ballot. The people who were in the ballot were the people who met the criteria on the basis of that declaration. It was obvious that before granting the authorities it would be necessary to check the details in that declaration form, to make sure that the replies to the various questions asked in the application form, which were required to meet the criteria, were in fact true. That is what is carried out at the present time.

The Hon. M. B. Cameron: Who laid down the criteria?

The Hon. B. A. CHATTERTON: The criteria were laid down by the department, and with my approval. The department is currently checking the forms to ensure that no false declaration or statement was made in the original application. The other point that I think the Hon. Mr. Cameron made in reference to granting prawn authorities involved the contention that all the authorities should go to the South-East rock lobster industry.

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

The Hon. B. A. CHATTERTON: I can understand that the honourable member, being from the South-East, has had connections with that fishery. I have told fishermen on a number of occasions that it is impossible to give one particular group of fishermen an exclusive priority in the issuing of new prawn authorities. I think that has been made clear on a number of occasions.

The Hon. M. B. Cameron: I won't argue with that.

The Hon. B. A. CHATTERTON: Concerning another point that was raised by the Hon. Mr. Cameron to the effect that the Government has not given sufficient recognition to the fishing industry, I point out that the Government has in fact given a very considerable recognition to the industry. The budget for the Fisheries Department was doubled in 1975, enabling a considerable increase in the research effort involving fisheries. It also enable considerable improvement in the gear and vessels available for both inspection and research.

We were able to purchase a second inspection vessel, which has been in operation now for some months. We have bought a number of smaller inspection craft to improve the policing of the Fisheries Act. We have also purchased a research vessel for $330 000 which, at the present time, is being equipped and set up for research into prawn and other fisheries in South Australia. There has been a considerable increase in the effort and a considerable recognition by the Government of the importance of the fishing industry.

The Hon. Mr. Whyte raised another question concerning relief divers, and particularly the issuing of a relief diver's permit for Mr. Kroezen. This matter was raised in another place in the adjournment debate some weeks ago. It is important to explain the decisions and how they were arrived at. It is regrettable that Mr. Kroezen was not notified in time. I apologised to Mr. Kroezen for that oversight in the administration of the department. It was a delay that should not have occurred, and we have taken steps to ensure that in future notification of permission for a relief diver is given in ample time. On this occasion it was not. However, we will ensure that that does not happen in the future.

The other point is a substantial one: the question of whether or not the Director's decision not to issue permission for a relief diver was correct. The basic reason behind this is clear and one that I endorse. The issuing of a permit to use a relief diver is based on the individual's choice. The areas that have been mentioned, the question of accident or sickness, or the fact that a person is in gaol, all hinge around the fact that that person concerned had no choice as regards being unable to dive.

The decision not to grant a permit for a relief diver in the case of Army training was based on a belief, and I think a correct belief, that once that was opened up there would be no limit to the number of reasons why a relief diver's permit should be issued. The honourable member says that it is a failure to recognise the importance of Army training, but that is not so. It was merely a question of where we should stop. If we allow this to happen because of Army training, why should we not allow it to happen because of service to, say, St. John Ambulance, which is also of much importance to the community? This could apply to other community services, too. It was a matter of at which point we should say, "No, we will not allow a relief diver to be employed in those circumstances." It was considered to be much more straightforward to say, at a point where the diver had no choice, then a relief diver could be employed. That is a clearer and more easily understood policy to be followed by everyone in the abalone industry, and that was the reason for the decision which was taken and which I endorse.

The Hon. A. M. WHYTE: Although I listened with interest to the Minister's explanation, he did not, of course, convince me that he should not take further note of the advice that is avaliable to him from members of the industry. The fact that the size of the Minister's department has increased does not mean that he is making the best use of the advice available to him from the industry. True, money is being spent on a research vessel. However, the fishermen themselves have offered all their facilities to the department; they merely need the departmental officers and equipment to travel with them. I believe that exploration would result in less policing being required, and fewer patrols would be needed to prevent people from poaching. If more money and time went into this matter, and more notice was taken of those who are skilled in this art, we would reach a much more satisfactory result. I should point out that no-one was questioning the ballot, to which reference has been made. Honourable members merely said that the criteria concerning the ballot were poorly laid down and that, to avoid a recurrence, the Minister should in future seek advice before he lays down the criteria.

Regarding the fisherman who was not given the right to which honourable members have referred, the comparison made by the Minister was not a good one. I do not think a man in prison should be entitled to a greater privilege than one who decides to serve some good purpose in the community by participating in Army training. I did not want to raise the sad case of a man in prison, except to refer to what was contained in the letter. However, that comparison was made by Mr. Kroezen in his letter. The Minister said that I did not read the whole of his reply, but one will see from *Hansard* that I did read it all, although I did not read that part of Mr. Kroezen's letter in which he made it obvious that he was disappointed that it took the department until April 18 to reply to a request he had made on April 3.

The Hon. B. A. Chatterton: You didn't read my reply.

The Hon. A. M. WHYTE: For the Minister's benefit, if I had time I would read it again. The Minister will see from *Hansard* that I read out the letter in which he apologised to Mr. Kroezen. That gentleman said he was

not satisfied with an apology. A 640-km round trip could have been saved. However, because that gentleman did not receive a reply by April 17, he thought that his application must have been accepted. I appreciate the support that I have received from the Hon. Mr. Cameron and the Hon. Mr. Hill, both of whom understand the fishing industry so well.

The Hon. D. H. L. Banfield: Yes, Murray caught a yabbie once.

The Hon. A. M. WHYTE: At least those honourable members do their best to represent industries throughout the State. I appreciated the matters that were raised in the Council today. As my time has expired, I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Libraries and Institutes Act, 1939-1976. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

This short measure is intended to clarify the position of the Libraries Board in respect of the promotion and encouragement of library services. The State Librarian considers that a planned programme of publicity for libraries and library services could do much to encourage councils to establish and improve public libraries in their areas. This Bill amends section 20 of the Libraries and Institutes Act to include in the powers of the board the general power to engage in promotional activity. Clause 1 is formal. Clause 2 amends section 20 of the principal Act to enable the Libraries Board to promote and encourage the establishment or improvement of libraries and library services.

The Hon. J. A. CARNIE secured the adjournment of the debate.

LEGAL SERVICES COMMISSION BILL

Second reading.

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

That this Bill be now read a second time.

Its principal object is to establish a commission in this State which will be responsible for the provision of all legal assistance. Since August, 1974, when the Australian Legal Aid Office was established in South Australia by the Whitlam Government, there have been two major organisations providing legal assistance in the State, the A.L.A.O. and the Law Society of South Australia. Because of constitutional difficulties, the services of the A.L.A.O. have been restricted to the providing of legal assistance in matters arising under Commonwealth legislation, primarily matrimonial matters, and to matters affecting persons for whom the Commonwealth Government considers it has a special responsibility, such as ex-servicemen and pensioners. The Law Society provides assistance in other fields. In addition, the Aboriginal Legal Rights Movement, funded by the Commonwealth Government, provides legal assistance to Aborigines. This has led to some confusion by persons seeking legal assistance and indicated to the Government the desirability of having one organisation providing legal assistance.

In March, 1976, the Commonwealth Attorney-General of the present Liberal Government, the Hon. R. J. Ellicott, Q.C., indicated that it was the Commonwealth Government's intention to phase out the Australian Legal Aid Office. This situation placed the South Australian Government in a position in which it had to reach some arrangement with the Commonwealth Government for a continuation of the services provided by the A.L.A.O. in this State. For the years 1971 to 1976, the State Government's commitment to legal assistance by way of grants to the Law Society has been $49 300, $75 000, $175 000, $50 000, $250 000 and $542 350, respectively. In the current financial year, the amount set aside has increased to $650 000.

Without financial assistance from the Commonwealth Government, the financial burden of continuing the present services would be more than the State Government could bear. Accordingly, negotiations have commenced with the Commonwealth Government regarding the joint funding of the proposed Legal Services Commission and other matters affecting the Australian Legal Aid Office. At this stage, they are proceeding satisfactorily but the Government does not intend to bring the Legal Services Commission Act into operation until satisfactory arrangements have been concluded. All States, of course, are affected by the Commonwealth Government's indication to phase out the Australian Legal Aid Office. Although Western Australia has passed an Act establishing a Legal Aid Commission, it has not yet come into operation. An Ordinance to set up a Legal Aid Commission in the Australian Capital Territory is well on the way.

It is with these factors in mind that the Government introduces the Legal Services Commission Bill. Before dealing in detail with the provisions of the Bill, I should like to place on record the appreciation of this Government, and I am sure of previous Governments, of the services rendered by the Law Society of South Australia and of legal practitioners throughout the State in providing legal assistance to persons unable to meet the costs of engaging solicitors privately. The Law Society of this State was the first in the Commonwealth to enter the field of legal aid. It started in the early 1930's. Even when other law societies entered the field, the Law Society of South Australia provided the most comprehensive scheme.

In the early days, limited legal assistance was provided by legal practitioners free of charge. In later years, the services were extended and the profession received a small fee for its services. It is only in recent years that members of the legal profession have received 80 cents in the dollar for their services. In October, 1975, when the payment of 80 cents in the dollar was in doubt, a majority of the profession, at one of the most memorable meetings I am sure the Law Society has ever held, agreed to continue to provide legal assistance even if the payment of 80 cents in the dollar could not be maintained. The Bill envisages that legal services will be provided by both the salaried staff of the Legal Services Commission and the private practitioners on referral from the commission. I hope and anticipate that in the latter area the society and its members will continue to play an important role in the provision of legal assistance. It is also proposed that the Poor Persons Legal Assistance Act will be repealed. All moneys for legal assistance are to be channelled through the commission. I seek leave to have the explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides for the commencement of the Act. The operation of certain provisions may be suspended if necessary. Clause 3 sets out the arrangement of the Act. Clause 4 repeals the Poor Persons Legal Assistance Act and amends the Legal Practitioners Act. Orders for assistance made under the repealed Act shall continue to be dealt with under that Act. Assistance granted under the amended Legal Practitioners Act will be dealt with as if it were assistance granted under this new Act. After the commencement of this Act, the Law Society of South Australia will have no further involvement in the granting of legal assistance. Clause 5 provides the necessary definitions, all of which are self-explanatory.

Part II sets up the Legal Services Commission. Clause 6 constitutes the commission as a body corporate with all the usual powers. For the sake of clarity, it is expressly provided that the commission is not an instrumentality of the Crown. The commission will consist of 10 members. Clause 7 provides the usual terms and conditions of office for appointed members of the commission. Clause 8 deals with the conduct of the commission's business. Clause 9 provides that the members of the commission are entitled to allowances and expenses determined by the Governor. Clause 10 sets out some of the functions of the commission. Clause 11 sets out certain principles which the commission must adhere to in carrying out its functions under this Act. Clause 12 provides that the commission may establish committees for various purposes. Clause 13 gives the commission the power to delegate some of its powers and functions under the Act.

Part III deals with the officers of the commission. Clause 14 provides for the appointment of a Director of Legal Services. The first appointment to this office will be made by the Governor, but thereafter all appointments will be made by the commission. Clause 15 provides that the commission may employ its own legal practitioners for the purposes of providing legal assistance. In addition, the commission may employ such other persons as it considers necessary or desirable. Subclause (4) provides that any person previously employed by the Law Society of South Australia or by the Australian Legal Aid Office who comes over to the commission upon the commencement of this Act will not suffer any reduction in salary and will not lose any of his accrued leave rights.

Part IV deals with the provision of legal assistance. Clause 16 provides that legal assistance will be provided both by the commission (by way of its own legal practitioners) and by "private" legal practitioners assigned by the commission. Clause 17 sets out the manner in which persons may apply for legal assistance. The Director deals with all initial applications and an applicant is given certain rights of appeal to the commission against any decision made by the Director. Clause 18 provides that an assisted person shall make such payments towards legal costs as the Director may stipulate when he first grants assistance. An assisted person may appeal against the total amount finally payable by him on account of legal costs, and the commission can reduce the amount if it thinks fit. The commission may, of course, recover any amount due by an assisted person as a debt in any court of competent jurisdiction.

Clause 19 deals with the payment by the commission to private legal practitioners engaged by the commission of their legal costs in relation to legal assistance. The Director makes the initial determination of the amounts to be paid to any legal practitioner and such practitioner may appeal to the commission against that determination. Once the amounts payable to legal practitioners have been determined, the commission must pay out at least twice a year such proportion of those legal costs as it thinks fit. Clause 20 sets out certain provisions relating to costs generally. Clause 21 provides that applicants for legal assistance who make false or misleading statements in their applications or who withhold any relevant information with intent to deceive or mislead the commission are guilty of an offence which carries a maximum penalty of $500. If the commission has made any payment for legal assistance of a person convicted of an offence against this section, the commission may recover that amount from the convicted person. Clause 22 obliges legal practitioners to disclose to the commission any relevant information relating to the provision of legal assistance. Otherwise, the relationship between a legal practitioner and an assisted person is unaffected by this Act.

Part V sets out various financial provisions. Clause 23 provides that the commission shall establish and administer a fund to be called the "Legal Services Fund". This fund will consist of moneys paid in by the Law Society from the Statutory Interest Account and all moneys paid to the commission by the State and Commonwealth Governments for the purpose of enabling it to provide legal assistance. The commission may invest any surplus moneys in such manner as it thinks fit but must first have the approval of the Attorney-General so to do. Clause 24 enables the commission to borrow money with the approval of the Treasurer who will give the usual guarantee. Clause 25 provides that the Auditor-General shall audit the accounts of the commission. Clause 26 provides that the provisions of the Legal Practitioners Act relating to legal practitioners' trust accounts and the Combined Trust Account apply to the commission as if it were a legal practitioner.

Part VI contains various miscellaneous provisions. Clause 27 provides that any agreements entered into by the State and Commonwealth Governments in relation to legal assistance are binding upon the commission. Clause 28 provides that the Attorney-General may reduce or waive certain "Government" fees and may direct that copies of certain documents are to be supplied free of cost. Clause 28a provides that a legal practitioner employed by the commission has a right of audience in any court or tribunal in this State. Clause 28b provides that a legal practitioner employed by the commission is bound by the normal code of ethics. Clause 28c provides that a legal practitioner employed by the commission is under the same duties as regards clients as a "private" legal practitioner. Clause 29 provides that proceedings for offences against this Act are to be dealt with summarily. Clause 30 provides that the commission must present a report to the Attorney-General in relation to each financial year and that the Attorney-General shall lay that report before each House of Parliament. Clause 31 empowers the Governor to make such regulations as are necessary or expedient for the purposes of this Act.

Part I of the schedule repeals the Poor Persons Legal Assistance Act. Part II of the schedule amends the Legal Practitioners Act. All these amendments are designed to strike out any reference to legal assistance. The amendment to section 24z provides that the Law Society must pay certain moneys out of the Statutory Interest Account into the Legal Services Fund. Amendments consequential upon the repeal of the Poor Persons Legal Assistance Act are also made to the Local and District Criminal Courts Act Amendment Act, 1972, and the Statutes Amendment (Capital Punishment Abolition) Act, 1976.

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill is designed to increase by one the membership of the State Transport Authority. At present, the authority consists of a Chairman who has been appointed full-time and six other members appointed on a part-time basis. It is considered that the work of the authority is so important that its membership should be increased by the appointment of one further member part-time. It is not intended to alter the terms or conditions of appointment of the Chairman and members of the authority. Clause 1 is formal. Clause 2 provides for the Act to come into force on a day to be fixed by proclamation. Clause 3 amends section 6 of the principal Act to increase by one the membership of the authority from the date of commencement of the Act, at the same time declaring that the Chairman and members presently in office will so remain for their appointed terms. Clause 4 makes a consequential amendment to section 9 of the principal Act to raise the number of members required to constitute a quorum of the authority from four to five.

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

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 20. Page 3571.)

The Hon. M. B. DAWKINS: I rise to speak to this Bill which, in effect, has a relatively long history, having been foreshadowed in 1965 and introduced in 1966, and to which I am philosophically opposed. I do not believe in Government interference in and intervention into the private sector, although I must acknowledge the success of some ventures mentioned by the Hon. Mr. Laidlaw, such as T.A.A. and Qantas, and I acknowledge the right of members to support such ventures.

However, with regard to the matter in hand, I remind honourable members, if indeed they need reminding, of the undertakings given by the Premier in 1970 when the State Government Insurance Commission Bill was brought in for the second time, having been rejected in 1966. When it was introduced in 1970, he specifically rejected life assurance. At that time, the Premier said:

The object is to establish a State Government Insurance Commission with power to carry on the general business of insurance other than life insurance.

On August 5 of that year, the Premier added these words:

The reason for our excluding life insurance basically was that we had an investigation made into the profitability of various forms of insurance in offices of medium size. A Government insurance office would be an office of medium size (not the smallest, but certainly not the largest), and it is not possible for an office of medium size to compete effectively in the life insurance field because, in this field particularly, the economies of scale are enormously important. If one has a large-scale office, one is able to offer competitively far better benefits than can be offered through a small office. Quite different considerations arise in relation to other forms of insurance. The Premier there, I believe, put up some very good arguments why this Bill should not be brought in at present.

The Hon. F. T. Blevins: What was the date of that statement?

The Hon. M. B. DAWKINS: I have told the honourable member that it was August, 1970. The Premier continued:

In addition, we are not so concerned about the standard of service in the life insurance field: this is a competitive area, given the large companies operating here, and it is under the control of Commonwealth Government legislation. Different matters arise there from those relating to the rest of the business that we are interested in having a State insurance office deal with. The only reason why originally we had included life insurance was that it was considered that there was an advantage in some policy areas of having people, who were insuring with the Government insurance office, able to take up life insurance in the same office but, frankly, those advantages were minimal as against the difficulty that we would face in being able to compete adequately with the terms of life insurance offered by the larger offices. In consequence, we decided that there were advantages in excluding life insurance, and we have no intention of altering that view.

The Premier in that statement, I believe, added further arguments as to why it was unwise for the S.G.I.C. (and I still believe it is unwise) to enter into life assurance. If those things were true in 1970, how are they not true at present? How has the life assurance scene changed to the extent that the Premier's considered views at that time are now so wrong? Why has the Premier changed his mind? Why has life assurance suddenly become a viable proposition for relatively small offices, such as the S.G.I.C.? Is it because of the unfair advantages to which other honourable members have referred? When I say that, I am talking about the concessions which the S.G.I.C. enjoys. If so, were not those advantages also present at an earlier stage?

The Premier made reference to and laid great stress on the findings of the working party which were so contrary to the findings which he had previously brought forward and which I have just quoted. The Premier relies heavily on the working party and what it said, to justify his arguments, but the working party, as I understood it, met on only seven occasions. It has not really had much more than a fairly shallow investigation of the situation, and I believe that the working party contained only one person with actuarial experience, and I am given to understand that that one person did not have great experience in relation to life assurance.

I also understand that the Premier has laid considerable stress on what has been called over-the-counter selling of life assurance. How many people buy life assurance over the counter or are likely to do so? Life assurance traditionally has been sold in the field, and I believe that it will continue to be sold in the field. I doubt very much the seriousness of the competition which will be brought forward by the S.G.I.C. in the field of life assurance if it intends only to sell over the counter, and if it adheres to the intention to sell over the counter. As far as competition is concerned, I believe that there is little fear from the life offices of competition from the S.G.I.C. in life assurance.

The Hon. Anne Levy: Then why are you worried?

The Hon. M. B. DAWKINS: If the honourable member will wait, I shall say what I feel about the Bill and whether or not I am worried. The situation, as I see it—

The Hon. J. E. Dunford: Are you supporting the Bill?

The Hon. M. B. DAWKINS: I shall inform the honourable member of what I am doing. If he likes to listen, he will find out. I believe that there is not any great fear of competition from the S.G.I.C., with the exception that Government offices are not really competitors, and fair

competitors, in the real sense, because they get some advantages which private companies cannot get. Other than the fact that there are these advantages, I do not believe that the S.G.I.C. presents any real threat to the large life offices at least, and probably to the small ones as well, in coming into life assurance.

In answer to some of the queries from members opposite, I am informed (and this information has been reinforced by further contact in the last few days; it certainly has been varied slightly as far as percentage is concerned by some other people but not, in my view, significantly) that the impact of State Government insurance offices in New South Wales and Queensland (and they have been established since 1918, I think, in Queensland and 1941 in New South Wales) is of the nature of 1·5 per cent to 2·5 per cent. That information was given to me by a senior member of the Life Underwriters Association. I had it confirmed at a later stage, and I must be fair and say that I have also heard slightly higher figures from other people.

Consequently, I believe that the impact of State Government life assurance is not a threat to the life assurance business as a whole. Therefore, I say that, particularly if the insurance office intends to adhere to the suggestion of over-the-counter sales, I doubt whether the impact of this office could be any greater (and it may well be less) than the impact of the Government offices has been in the other States. I suggest that the same thing applies in relation to competition. The life offices surely would not be greatly concerned about the competition which would occur from the Government office as long as it remains fair competition and so long as it is not a matter that, if a person is insured in this area and has some sort of financial commitment, therefore he must have his life assurance with that office. If that sort of persuasion came about, that would be a different matter.

Other than that, I do not believe that the life offices would be greatly concerned by the competition from the State office. The Premier said that the State Government Insurance Commission would compete fairly with private insurance companies in life assurance. However, State Government insurance offices have other advantages. The Minister of Health admitted a few days ago that public hospitals get a special discount from the State Government Insurance Commission. I do not believe that there is any evidence that private insurance companies get that same sort of favouritism.

The Hon. D. H. L. Banfield: Are they in the field of third party insurance?

The Hon. M. B. DAWKINS: We are not talking about that.

The Hon. D. H. L. Banfield: You are.

The Hon. M. B. DAWKINS: The State Government Insurance Commission is the only office in the third party insurance field.

The Hon. D. H. L. Banfield: The others washed their hands of it.

The Hon. M. B. DAWKINS: The Hon. Mr. DeGaris referred to the way in which third party insurance premiums had increased from $28 to $89 in a short period. The other day the Hon. Mr. Whyte said something about Liberal Party members who had threatened resignation, but I take it that the honourable member was referring to Liberal Party members outside Parliament; I take it that he was not referring to members of Parliament. I would be greatly surprised if any member of Parliament was thinking of resigning over this Bill; that is out of court.

The Hon. A. M. WHYTE: Will the honourable member give way?

The Hon. M. B. DAWKINS: Yes.

The Hon. A. M. WHYTE: I am sorry that the Hon. Mr. Dawkins missed the point about which he has sought clarification. I made clear that it would be indeed a treacherous thing. If I had known of any Liberal politician who had said he would resign from the Party, I would not have proceeded with the view I gave to the Council. I made clear that this was said to me in an outside conversation by a gentleman who, I presume, has no aspirations whatever to become a politician.

The Hon. M. B. DAWKINS: I thank the honourable member for that explanation, and I am pleased that he has had the opportunity to reinforce the point, because it has not been as clearly understood outside as it should have been.

The Hon. Anne Levy: Of course it has.

The Hon. M. B. DAWKINS: I can understand that some people outside would not understand the issues involved and they might say to Parliamentarians, "If you do not do this, I will resign." I do not believe that any Party member is of much value to his Party if that occurs. We do not need to take very much notice of people like that. I would not be very concerned about such a threat from members of my own Party, and I am certainly not concerned about any implied threat from the Premier. The other day the Minister in his second reading explanation, which was largely the same as the explanation given in the other place, indicated that the implications of this Bill's being a double dissolution Bill would be obvious to all honourable members. That is an implied threat: we are being told, "If you do not do as I want you to do, we will have a double dissolution." To hell with threats like that! I am not concerned about them. I will make up my own mind according to what is right, regardless of what the Premier says.

The Hon. J. E. Dunford: You will do what you are told.

The Hon. M. B. DAWKINS: We do not have to do that on this side of the Council. The honourable member is judging other people by himself.

The Hon. J. E. Dunford: At least I admit it.

The Hon. D. H. L. Banfield: Weren't you elected on Liberal Party policy?

The Hon. M. B. DAWKINS: Yes, but I am given the opportunity to exercise my judgment in this Council, and the Minister knows perfectly well that, if the whips crack, he has to do what he is told.

The Hon. D. H. L. Banfield: Yes, because we are elected on Labor Party policy.

The Hon. M. B. DAWKINS: There are some arguments in favour of passing the Bill. For many years Government insurance offices in New South Wales and Queensland have sold life assurance, but they have made very little impact on the large life offices as a whole. Further, most of the smaller life offices are still managing to exist. I believe it was the Hon. Mr. Dunford who said that the opportunity should exist for people to decide whether they wanted to insure with a private office or the Government office. I do not believe there has been a very great demand for the State Government Insurance Commission to deal in life assurance, nor do I believe that there has been a great demand for the rejection of this Bill, except by people with a direct interest; those people have advanced persuasive arguments.

The Hon. R. C. DeGaris: Members of the Life Offices Association would not be in the least concerned if the competition was exactly equal.

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

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

The Hon. M. B. DAWKINS: No.

The Hon. J. E. Dunford: Even if a person tries to buy a policy over the counter at the Australian Mutual Provident Society, there is 30 per cent commission, and that cost would be saved at the S.G.I.C.

The Hon. M. B. DAWKINS: The first Bill dealing with a Government insurance office was introduced about 12 years ago, and since then this Government has been elected three times, including 1970. I ask myself the following questions: first, are the people of South Australia strongly opposed to this move; secondly, do they believe that the S.G.I.C. should be stopped from dealing in life assurance; and, thirdly, do they want to resist the move? With some reluctance and disappointment I suggest that the answers may be "No". No doubt that is regrettable, but I believe it is correct. The commission's operations in life assurance may be, and probably will be, markedly unsuccessful and as lacking in impact on the private companies as have been the operations of the Government insurance offices in New South Wales and Queensland.

The Hon. R. C. DeGaris: In the short term, the Government wants some money.

The Hon. M. B. DAWKINS: Yes. Someone else will have to worry about what happens in five years or 10 years when the chickens come home to roost. However, I refer again to my comments on impact in New South Wales and Queensland (a very low percentage, and some slightly greater figures which I admit were suggested elsewhere) and also to the fact that this Government has made this policy widely known over the past 12 years. It has been elected on three occasions in recent times and the proportion of people, as evidenced by the recent survey, in favour of this proposal is significantly greater than those against (if I remember rightly, 49 per cent to 33 per cent or something of that nature). I must concede that the Government has, in some measure at least, a mandate for this Bill. I do not believe that the S.G.I.C. will sell a satisfactory and significant quota of life assurance over the counter. I indicate that, although I will examine very carefully indeed those amendments which may come before us, I shall not oppose this Bill at the second reading.

The Hon. ANNE LEVY: This Bill is obviously an important measure. One can judge its importance both from the considerable heat that has been generated in the debate that has occurred so far and from the implication that this Bill has concerning the tenure of office of members of this Council, as was indicated in the Premier's second reading explanation. I think so far all possible arguments have been canvassed concerning the measure and also a number of impossible arguments. I believe I can add very little by way of fresh material and, as I do not wish to waste people's time, I am abandoning most of the notes I have made prior to now. I can certainly see no logical reason why the S.G.I.C. should not enter the field of life assurance. I would like to quote from today's press a comment by the Leader of the Opposition in another place, who is not an individual whom I would often be given to quoting. He stated:

After five elections and a number of presentations of Bills on the S.G.I.C., I would say it could be considered by some people in the Upper House the Government has a mandate.

The Hon. D. H. L. Banfield: It must have hurt to get that from him.

The Hon. ANNE LEVY: Even people such as Dr. Tonkin would agree that the Government has a mandate for this measure. In passing, I think his comment that some people in the Upper House might think that the Government has a mandate is fairly interesting, and it indicates the attitude of the Liberal Party towards this Chamber. The Liberals have traditionally controlled this Chamber, and they obviously believe it is their God-given right to continue to do so. Dr. Tonkin seems to ignore completely the fact that a considerable number of people in this Chamber believe that the Government has a mandate. In fact, all those on this side of the Chamber are convinced that the Government has a mandate for this proposal. Dr. Tonkin, in referring to the Upper House in this way, seems to ignore completely the fact that the Upper House is not the preserve of the Liberal Party, and that his Party does not have a God-given right to control it, as well as ignoring the individuals who happen to be seated on this side of the Chamber.

Arguments have been presented against the Bill by the other side, which arguments I would regard as being irrational, trivial, nit-picking and obviously motivated by self-interest. Detailed discussions of them have been given by other members on this side, and I will not repeat them now. Surveys have been quoted by numerous people to show that the public in general supports this measure. The Premier has amply demonstrated the benefits that will be available to citizens of this State as a result of the S.G.I.C. entering the field of life assurance, at both the individual and community level. Individuals will have greater freedom of choice.

How members opposite can rationalise their opposition to this fundamental concept of a market economy I do not know. At the community level we will all benefit from the greater investment moneys which will be thus available to the people of South Australia and much of which, incidentally, will return into the hands of private industry. I can best conclude by quoting words which were used by Robert Kennedy in a slightly different context but which I believe are applicable to this measure:

I dream of things that never were, and say, "Why not?"

The Hon. JESSIE COOPER: I rise to speak briefly to this Bill, which I cannot support. I believe that the Government in entering this field of life assurance is tackling something for which it has no aptitude and no experience. There are enormous expenses in starting up a new life assurance company. Only last month the *London Financial Times* gave a report of a meeting at the faculty of actuaries in Melbourne, a meeting at which Mr. A. C. Baker, Chief Actuary and Life Manager of the Royal Insurance Company, and Mr. N. S. Graham, an actuary with Royal Insurance, gave a joint paper on life company solvency.

These men spoke of the high guarantee of solvency given by heavy initial investment in a new company. They gave figures of the order of £1 000 000 sterling as being a fundamental necessity for even a small new company commencing business. One does not imagine for one minute that establishing a Government-run company is going to be any less expensive. We can foresee surely that sooner or later somebody, either that ever-present sucker, the South Australian taxpayer, or those from the same group who insure with the S.G.I.C. or are forced to insure with the S.G.I.C. for life or other insurance, will be paying for it.

Insurance, as the figures already given to this Chamber show, is not an enormously profitable operation in any field unless it happens to be operating with some sort of monopoly. Honourable members will undoubtedly remember the great promises we had of how the Government motor vehicle insurance would reduce costs for all of us. How far from the truth was that? As for the Government to be so enthusiastic about entering the life assurance field, we can only imagine that it must have schemes by which, in the long term, it can work itself into a monopolistic position for extracting more profit from South Australian taxpayers. The quote from the *London Financial Times* states:

For newly formed companies expenses constituted the most potent factor. A life company had to incur high initial expenses that took several years to recover, and this new business strain constituted a serious risk for a rapidly expanding company.

The Hon. R. C. DeGaris: Mr. Whitlam estimated $18 000 000.

The Hon. JESSIE COOPER: Yes. The report continues: The authors concluded that the capital base of a life company should not be less than 10 per cent of its liabilities, with the suggested absolute level of £1 000 000. As I have referred to third party insurance, I want to refute what the Hon. Mr. Creedon said yesterday: that the cost of crash repairs has sent up third party insurance premiums. Third party insurance refers substantially to the repair of people, not to the cost of crash repairs. While we are speaking of the costs and profits of insurance companies, I must correct an impression left by the Hon. Mr. Dunford when he made his interesting and, I thought, well-informed and well-prepared speech yesterday.

The Hon. J. E. Dunford: Thank you.

The Hon. JESSIE COOPER: The honourable member said:

Just about everyone can recall that in 1974 people were alarmed and horrified when the Northumberland Insurance Company, which was not a small company, went broke.

I should like to tell the Council that that was not a life assurance company but a general insurance company.

The Hon. J. E. Dunford: I didn't say that it was a life assurance company.

The Hon. JESSIE COOPER: That is what the Council was discussing.

The Hon. J. E. Dunford: No, I was just discussing insurance companies.

The Hon. JESSIE COOPER: If the honourable member reads the *Hansard* report, he will find that what he said does not make sense, then.

The Hon. J. E. Dunford: Yes, it does.

The Hon. JESSIE COOPER: I hope that the honourable member does not spoil my opinion of him.

The Hon. J. E. Dunford: I am only quoting from *Hansard*.

The Hon. JESSIE COOPER: And so am I. A further point that I wish to cover is that which was alleged in this Chamber on Tuesday by the Hon. Dr. Cornwall as a result of a number of interjections: that the rate of interest accruing for life assurance policies compared unfavourably with that attainable in a simple savings bank account. There is, of course, no comparison between the advantages given by a savings bank account and those given by a life assurance policy. In support of my statement, I quote from a case submitted to me by life assurance interests, which will define more clearly the true situation relating to comparative costs. It is as follows:

Following the issue of our last *Point of View*, a number of our staff have asked whether it is possible to determine the actual rate of investment return on a life assurance policy. The answer is in the affirmative and you will be pleased to know that it is not the 4 per cent or thereabouts often quoted by many not-too-well informed writers. For our example we have taken a male aged 35 who effects an endowment assurance policy with the M.L.C. for a sum assured of $10 000 to mature on the policy anniversary prior to his 65th birthday.

The annual premium is $305·10 and, if the M.L.C. continues to maintain the last rate of bonus declared for this type of policy (i.e. the 1976 bonus), the maturity value should be $17 078. If you were to use a simple savings bank type of calculation, and to completely ignore the life cover, this would represent an investment return of about four per cent. But life cover can not be ignored. You won't get $10 000 of life cover by putting $305·10 in the bank! Cover is our basic product. It is the product we sell which no other industry sells. It is a necessity of life. It is valuable. And because it is valuable it commands a price. "What price?" you may ask. It is a little difficult to determine accurately, but we can make a fairly accurate estimate.

At first glance it may appear to be a type of increasing cover (increasing each year with bonus additions), but, to be objective, we need to look at the amount of cover in excess of reserves. Reserves, like the cover, rise over the policy term. Their rate of increase is slightly higher than that of cover, and so we are really looking at something between level term and decreasing term insurance. In the example we have quoted, the price is $55 per annum. This is the price our 35-year-old client would have to pay if he accepted the often offered but seldom sought advice to "buy term and invest the difference". From our premium of $305·10, we therefore have to deduct $55 if we want to determine the investment return free of any cover. The actual amount "invested" (discounting the cost of cover) thus becomes $250·10 per annum. The estimated maturity value of $17 078 represents a return of 5·2 per cent.

I emphasise the fact, which seems to have been completely overlooked by the Hon. Dr. Cornwall, that a life policy becomes a risk for its full value as soon as it is taken out. If a man takes out a life policy with a view to protecting the future of his wife and family, and he then dies within a short time thereafter, his wife and family will benefit to the full value of the policy. Compare that with the unhappy state of his wife and family if he had been able to put away only small amounts in a savings bank account. Strangely enough, despite the great advances made in medical science, many people die tragically in their early adult life, and this is the risk that insurance companies must take and cover by their rates. Savings banks have no risk on policy at all: they simply pay back what has been deposited, plus a rather meagre rate of interest.

Finally, I should like to state that life assurance in South Australia has been a well run, well managed, highly respected and ethical operation. Most of it has been done by companies in which the assured person has a mutual interest in their profitability. I do not support the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. If the opposition to the Bill was as ineffective as was the Leader's contribution, it would hardly be worth replying to. The Leader's statements were grossly distorted and untrue. Since making his speech the Hon. Mr. DeGaris has referred to the figures that he used. He mentioned a figure of $2 000 000 having to be made up by taxpayers' money. That figure came out so forcefully on the day that he delivered his speech that one would not have doubted it. However, it seems from further questioning that the honourable gentleman made a stab at it, the same as honourable members opposite have been making stabs at other information on which they have been hanging their hats, and their stabs have not hit the centre of the target at any time. The Hon.

Mr. DeGaris suggested that this Bill would be advantageous to the State Government Insurance Commission because the State Government offered a 20 per cent rebate on third party insurance.

The Hon. R. C. DeGaris: How much? What's the value?

The Hon. D. H. L. BANFIELD: I will tell the Leader what is the value not to the commission but to the Government. Let me give him the value of it to the hospitals concerned. If the Leader has any interest at all in helping the hospitals, he will know that that is where the value lies. At June 30, 1976, outstanding hospital accounts relating to third party insurance totalled $3 036 136, and some of those accounts had been outstanding for 10 years.

The Hon. F. T. Blevins: From private insurance companies?

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

The Hon. F. T. Blevins: They wouldn't pay their bills.

The Hon. D. H. L. BANFIELD: There was no approach from the insurance companies, saying, "We know that you have certain debts that we will eventually have to pay, and we are willing to help you." Of course, the insurance companies would not do that. Most of these accounts were outstanding for more than 2½ years and, when one considers that the value of money has depreciated by, say, 10 per cent or 15 per cent a year, one realises that in two years 20 per cent of the value of the outstanding money has been lost, so where is the advantage to the S.G.I.C. under those conditions? No interest has been paid on outstanding accounts when claims have been finalised as a result of court action. Some cases have taken five or 10 years to finalise, and $3 036 136 was lost to the hospitals. That covers only Government hospitals, and I suggest than an equal amount would be involved for private and community hospitals, yet the Hon. Mr. DeGaris says that there is an advantage to S.G.I.C. because we have an arrangement whereby accounts are paid within 30 days.

The Hon. R. C. DeGaris: How much money?

The Hon. D. H. L. BANFIELD: Collections for 1975-76 were $1 360 000 and, having regard to a wait of 2½ years on that, we say that there is no loss to the hospital, because it can be paid immediately. However, accounts are still outstanding from the insurance companies before they went out of third party insurance business. If they came to the Government and said that they had $3 000 000 outstanding and if they asked us whether we would accept that less 20 per cent, we would accept it with both hands, because if we waited for 10 years there would be no value left in the $3 000 000, with the value of money depreciating by at least 10 per cent a year.

If the companies came to me and told me that they would pay those accounts, we would give them 20 per cent discount. Is that fair? Will the insurance companies hold on to that $3 000 000 for another five years? Will they invest it at varying rates of interest up to 18 or 20 per cent? Of course they will do that, while the hospitals have to wait for five to 10 years to get the money. Let us find out whether the companies are fair dinkum. Let us see whether there is an advantage to the S.G.I.C. If the companies kept the money for five years and if they invested $1 000 000 a year at 18 per cent, they would have a greater advantage than they would have by doing the right thing. Not only is there an advantage regarding accounts: administrative costs and other matters are involved. I hope that many companies are at my door on Monday morning with cheques in their hands. If they are, they will not have to twist my arm to get me to accept payment.

The Hon. F. T. Blevins: That is the end of that issue.

The Hon. D. H. L. BANFIELD: It is not really the end. It would be payment by insurance companies who have owed the money for up to 10 years. They hope that the persons involved die before the claim is finalised, because sometimes in those cases there is no payment at all. The companies have relied on this consistently, yet the Hon. Mr. DeGaris says that, because the S.G.I.C. pays within 30 days and obtains a discount, it has an advantage.

The Hon. R. C. DeGaris: You still have not told me the amount of money.

The Hon. D. H. L. BANFIELD: How can we tell that? How do we know how much we will collect? It will be 20 per cent of the amount, and we are going to get that 20 per cent paid, not let the money devalue by about 15 per cent every year. How do we know what the hospital accounts for third party will be during the next 12 months? Are members opposite prophets? If they are, they can be only prophets of doom regarding this Bill. I am not a prophet and I have not plucked a figure of $2 000 000 out of the air. The Hon. Mr. DeGaris definitely gave that figure when he made his speech here, but when speaking on radio he said that it was a figure that he had thought up; the correct figure might be only $100 000. When he was questioned he had to admit that he had plucked the figure of $2 000 000 out of the air. We cannot rely on anything the Hon. Mr. DeGaris says in those circumstances. The Government does not rely on anything he has said in relation to this Bill. The Hon. Mr. Laidlaw said that there were two principles in the Liberal Party. He said:

Two principles of Liberal philosophy are involved in this issue, and they conflict.

We know that there has been conflict not only in philosophy but also within the Party. The people cannot depend on anything that the Liberal Party says. The Hon. Mr. Laidlaw is a leading light in the Party; he has influence in the Party, and he admits that there is conflict in the Party on this matter. He also said that he was surprised that all his colleagues in the other place who had spoken on the Bill had opposed it, because the issue was by no means clear cut. Were not the whips cracking? If there was a conflict, surely some Liberal Party member would have spoken differently, but the whips cracked in King William Street and on North Terrace. The Hon. Mr. Laidlaw said that no member of his Party in the other place supported the Bill, although Liberal Party philosophy allowed them to do so.

So much for the Liberal Party and the statement that members of it can vote as they wish. They vote as they are told. We are endorsed by the Australian Labor Party, which assists us in elections, and we tell the people our policy. We tell them that we will put it into operation, and we put it into operation. We do not have the whips cracking to tell us how to vote. Members opposite try to tell us that they are independent, but how can they be when they are first preselected by their Party, have to carry out the Party policy, and are financed by the Party?

It is rubbish to try to tell us that they have an independent vote, because the Liberal Party will not spend millions of dollars to try to get its people into Government if the members are not going to vote for the Party policy. Members opposite should not try to fool the people about having an independent vote; they are told how to vote. They go out and tell the people outside what they are going to do; that is what it is all about. But do it when you come into this Chamber! Members opposite should not be ashamed of the fact that they are members of the Liberal Party; I am not ashamed

of the fact that we have a Party platform or that I was preselected by the Labor Party or that I have been elected to this Council by the people outside because they have confidence in me. The Hon. Mr. Hill is now worried about which way he will go; he is very concerned about it.

Members interjecting:

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill comes to life when I expose the hypocrisy of members opposite. The Hon. Mr. Laidlaw made a very good case as to why this Bill should pass.

The Hon. D. H. Laidlaw: I made a good case why it should not, too.

The Hon. D. H. L. BANFIELD: You did not. The only case the honourable member made and the only reason he gave for intending to vote against the Bill was that we had been open, honest and frank about the whole position. I indicated to honourable members that this was a Bill that had previously been before this Council.

The Hon. D. H. Laidlaw: That is wrong.

The Hon. D. H. L. BANFIELD: That is not wrong. I am being frank. If members opposite voted without realising this possibility and then at a later stage woke up to what they had done, they should not accuse me. The only reason that the Hon. Mr. Laidlaw has for not voting for this Bill is what he said in his second reading speech. For the moment, I cannot find the reference I am looking for.

The Hon. D. H. LAIDLAW: Will the honourable Minister give way to give him a chance to find the reference?

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

The Hon. D. H. LAIDLAW: For the benefit of the Minister, who is trying to find a reference, there were three reasons why the Bill should not pass, in addition to what the Minister is referring to. I draw the Minister's attention to that.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Laidlaw said:

I said at the outset that I have been in a quandary regarding the merits of this Bill, and I have consequently set out the arguments, which I regard as salient, for and against its passing. However, I did resent the manner in which the Minister of Health began his second reading explanation. It was, of course, a replica of that given by the Premier in another place.

In my second reading explanation I said:

This short Bill is in the same form as a measure that was passed by another place on March 28, 1974, and laid aside in this Chamber.

Is there anything wrong with that? I continued:

Since that date a general election for the House of Assembly has taken place. In this Parliament, being the Parliament next ensuing after the Parliament in which the Bill was laid aside, this Bill is again introduced.

What is wrong with that? Is that sufficient reason for the Hon. Mr. Laidlaw making up his mind that he cannot vote for a Bill in respect of which he gave reasons why he should vote for it? He had not made up his mind when he gave those reasons but, suddenly, his mind clicks, and he thinks, "Gee—

The PRESIDENT: Order! An honourable member wishes to take a point of order.

The Hon. M. B. CAMERON: On a point of order, I may have missed some of what the Minister said, but I believe the expression he used is completely unacceptable to this Council.

The Hon. D. H. L. BANFIELD: Is "Gee whiz" unacceptable to this Council? Gee whiz, those boys are toey over the other side! It is as simple as that. So we hear reasons given why honourable members opposite will not vote for the Bill. Why did they not come out with the true reason and say that they had their instructions from down below—

The Hon. J. C. Burdett: Down below where?

The Hon. D. H. L. BANFIELD: —to make sure that some of them let it go through but to make it look fair dinkum? That is what the Opposition's instructions are. I understand that the straws are in the jar ready to be pulled out to decide who is to cross the floor. The Hon. Mr. Whyte, who was looking very young in the press yesterday, got up and said he did not care a damn what these people said—"I am under pressure because some members will resign from the Party."

The Hon. A. M. WHYTE: Would the Minister give way?

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

The Hon. A. M. WHYTE: I do not like the stand the Minister has taken once again.

The Hon. D. H. L. Banfield: I did not say they were members of Parliament—be honest.

The Hon. A. M. WHYTE: I should like to make my position clear. What I said was that I would not be influenced by the likes of him or his speech; I reiterate that. The remark I made was about a member who claims to be a member of the Liberal Party, and I believe he is; what he said to me was factual. I can produce evidence to that effect. I said it was his opinion. He is entitled to that opinion and is entitled to express it, as I was entitled in this Council yesterday. I take exception to the Minister (it is not the first time he has done this to honourable members opposite) indulging in this great flag-waving about people on this side of the Chamber being coerced into voting in a certain way. I assure the Minister that, although I indicated I would support the Bill until I saw the amendments, he would be going the right way to lose a vote.

The Hon. D. H. L. BANFIELD: Obviously, the honourable member has not pulled out the straw. Let him tell the *Advertiser* that what it printed is wrong. Let him make that explanation, because this is what is reported in the *Advertiser* of April 21:

Some Liberal Party members had threatened to resign if the Government's Bill to allow the S.G.I.C. to write life assurance was passed, Liberal M.L.C. Mr. Whyte said yesterday. He told the Legislative Council he had faced "considerable antagonism" from members of his own Party over the legislation.

The Hon. A. M. Whyte: That is right; what is wrong with that?

The Hon. D. H. L. BANFIELD: You just got on your feet and implied that it was only one member. You look very young in that photograph, but you look very old in today's photograph after the people have got on to you. The honourable member's own Leader did not stand by him in this regard. So, the honourable member obviously aged overnight. The Hon. Mr. Dawkins said that it appeared that the Premier had had a change of mind. Does the honourable member suggest that no-one can change his mind?

The Hon. M. B. Dawkins: The Premier has not given any real reasons for his change of mind.

The Hon. D. H. L. BANFIELD: Only yesterday the Hon. Mr. DeGaris and the Hon. Mr. Hill indicated that they had made up their minds in a certain way, yet less than five minutes later (not five years) they indicated that they had changed their minds. I refer to the fact that those honourable members said that they had decided to support a motion to suspend Standing Orders but, because a Minister made certain suggestions, they then would not support it. Yet the Hon. Mr. Dawkins suggests today that no-one has the right to change his mind.

The Hon. R. C. DeGaris: Are you speaking in rebuttal?

The Hon. D. H. L. BANFIELD: Of course I am. I refer particularly to the advantages that honourable members opposite say that the State Government Insurance Commission will have. The Hon. Mr. DeGaris said that the Government Printing Office gets priority, but that is not correct. Actually, 15 private printing houses also do printing work for the commission. The quotations must be competitive if they are to be accepted. What impression went out of the Chamber as a result of the point that the Hon. Mr. DeGaris sought to make? How could I support the lies that the Leader put forward?

The Hon. R. C. DeGaris: What about the question of sales tax?

The Hon. D. H. L. BANFIELD: What about Father Christmas coming down the chimney? The Leader was disappointed because his arguments did not stand up. In reply to the Hon. Mr. Dawkins, I point out that we are not trying to put fear into anyone. We are not threatening the private life offices: all we are doing is carrying out Liberal Party policy—to allow competition. What have the Liberals got against that? The Hon. Mr. Dawkins admitted that the private life offices have not got a thing to fear. The pressure has certainly been applied to Liberal Party members. They say that they are not frightened of competition, but some honourable members opposite do not want the Bill to pass.

The Hon. J. C. Burdett: Read our speeches. We explained it.

The Hon. D. H. L. BANFIELD: That is why I am having trouble in understanding the Opposition's arguments. Further, people outside cannot understand the Opposition's attitude to the Bill. If honourable members recall the results of opinion polls published in the press, they will support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Amendment of long title of principal Act."

The Hon. D. H. L. BANFIELD (Minister of Health): Because amendments are still being drafted, I ask that progress be reported.

Progress reported; Committee to sit again.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 20. Page 3580.)

The Hon. M. B. CAMERON: This Bill sets up a means by which further exploration can be carried out within the existing gasfields in this State and outside. If one was just considering the future requirement of gas, it would be automatic to support any move that would lead to greater knowledge of the reserves that exist. However, I believe that we have to consider this question much more deeply than just in terms of next year or the next eight years or 10 years. We have to consider what we are doing to these valuable resources and whether we are following the right direction in our use of them.

I have believed for some time that we are extremely wasteful and have been since the first time that we decided to use this resource. We are extremely wasteful, with its use being mainly for the generating of electricity. I believe that we are going to find the situation in the future where future generations will look back and say, "Well, they must have been a very foolish group of people indeed to have misused what should have been used in a much more useful way than it was."

For that reason I think we have to look at the whole question of whether money spent on exploration is purely for the purpose of using the gas that may be found, and the reserves that may be upgraded, for the same purpose that we are using it for now. I think that we would be far better spending this enormous sum of money on searching out alternatives to our present electricity generation. We should, instead of setting up this particular organisation for the prime purpose of looking for gas, be using this money for the prime purpose of looking for other means of fueling our generators.

There is nowhere in the world where this whole question of the use of such a clean burning fuel has not been looked at. All other countries that are using gas for this means are at this time reconsidering its particular use for those reasons. While I agree with the Hon. Mr. Laidlaw when he indicated it was one of the few advantages that this State has in relation to other States—

The Hon. D. H. Laidlaw: I said in relation to oversea countries.

The Hon. M. B. CAMERON: One could even put the other States in that situation. Gas in Sydney is dearer than it is here.

The Hon. B. A. Chatterton: In Melbourne, too.

The Hon. M. B. CAMERON: Whilst I do not disagree with the Hon. Mr. Laidlaw when he indicated it was an advantage we had in relation to oversea countries, I believe we have an advantage in relation to other States. However, I do not believe that we can just look at the resource from this point of view. Surely, we can find advantages other than just cheap fuel.

Of course, this is one of the unfortunate parts of the industry in this State, that they do have cost problems, many of which have been brought on by the present State Government. No person in the community, apart from the present members of the State Government, would deny that. While I know that the Bill will be passed, and I know that this money will be applied, I would ask the Government to look at this whole question in a much broader way and give consideration to whether we have geared ourselves up to a use for this gas which is wrong and which should not have arisen in the first place, a use which is wasteful and a use which future generations will look back on and condemn us for.

The Hon. A. M. WHYTE: I rise briefly to say that I thought the explanation given by the Minister of Mines and Energy was quite a reasonable one when he outlined that it was necessary for the Government to undertake further exploration. He pointed out at that time that private companies were finding difficulty in proving fields beyond that area in which they could make sales. That sounds to me to be correct. One cannot expect private companies at the present time, and after the miserable terms that have been granted them, especially during the time that Mr. Connors was Federal Minister, to spend money on exploration beyond an economical point governed by the sales they could make.

It is necessary that we prove greater areas of gas and I think the necessity to do this and the indication given by the Hon. Hugh Hudson in the press is very acceptable to me. It gives the lie to the wonderful Redcliff programme that was outlined by the Minister because it proves that never at any time did we have sufficient gas (known supplies) to cope with the quantities needed for such a petro-chemical complex as was proposed by the Premier

at Redcliff. Whether the $40 000 000 spoken of is anywhere near sufficient I query very much. If we were to spend $40 000 000 a year over five years perhaps we would reach some sort of programme that would benefit the State. I believe that this $5 000 000 a year, as outlined, will hardly scratch the surface. However, I do think there is a need for the Government to enter the field of exploration. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Additional powers and functions of authority."

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

Page 2, line 7—Leave out "or without or partly within and partly without the State" and insert "the prescribed area".

I mentioned in my second reading speech that I commended the Government for taking such interest in this scheme through the Pipelines Authority. I also comend the Government for giving additional powers to the Pipelines Authority without creating another statutory body, because I see no need for creating innumerable statutory authorities.

The aim of the amendment is to ensure that the Pipelines Authority concentrates its resources and efforts on trying to explore and develop the known basins to see what wet, dry or solid hydrocarbons are in that area. It is quite essential. There are many basins and the lines drawn include the Amadeus Basin which includes the Palm Valley deposit. It extends around the whole of the Cooper Basin in South-West Queensland and then further south takes in the Murray and the Otway Basins, and also off-shore the whole of the areas which were included in the second schedule of the Petroleum (Submerged Lands) Act of 1967.

I have made my points clearly, and I have moved the amendment to try to ensure that the money that is being spent is put to good effect. The sum of $5 000 000 has been approved in the Supplementary Estimates, and it is intended that another $35 000 000 will be asked for, in order to ensure that, if hydrocarbons are discovered, or if coal that can be mined economically is discovered, it will be useful to the people of South Australia, and especially to those in the metropolitan area.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I support the amendment. The delineation of this boundary is reasonable and, if the authority wishes to explore beyond that area, it can still do so, although it will have to refer the matter back to Parliament.

Amendment carried.

The Hon. B. A. CHATTERTON: I move:

Page 2, line 22—After "arrangement" insert "(including, without limiting the generality of the meaning of the expression, an arrangement to make or pay a subsidy)".

This amendment is designed to ensure that bodies corporate that are assisted under this Bill do not incur any unexpected liability in relation to Commonwealth income tax.

Amendment carried.

The Hon. D. H. LAIDLAW moved:

Page 2, after line 37 insert:

(4) In this section "the prescribed area" means all that area bounded by a line commencing at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia that runs thence northerly along the line of longitude 129° to its intersection by the parallel of latitude 23°30′, thence easterly along the parallel of latitude 23°30′ to its intersection by the line of longitude 144°, and thence southerly along the line of longitude 144° to its intersection by the coastline of Victoria at mean low water, and thence along the coastline of Victoria at mean low water to a point that is the intersection of that coastline at mean low water by the boundary between the States of South Australia and Victoria, thence southerly along the meridian through that point to its intersection by the parallel of latitude 38°10′ south, thence southwesterly along the geodesic to a point of latitude 38°15′ south, longitude 140°57′ east, thence southwesterly along the geodesic to a point of latitude 38°26′ south, longitude 140°53′ east, thence south-westerly along the geodesic to a point of latitude 38°35′30″ south, longitude 140°44′37″ east, thence south-westerly along the geodesic to a point of latitude 38°40′48″ south, longitude 140°40′44″ east, thence south-westerly along the geodesic to a point of latitude 44° south, longitude 136°29′ east, thence westerly along the parallel of latitude 44° south to a point that is the intersection of that parallel by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence northerly along that meridian to its intersection by that coastline at mean low water.

Amendment carried.

The Hon. R. C. DeGARIS (Leader of the Opposition): Yesterday, in the second reading debate, I said that I would support the second reading, although I was not overjoyed with the Bill. The Hon. Mr. Dunford interjected as follows:

We have had 100 Bills before us, and you have never liked any of them: every Bill is the same.

I thought that that comment was a little unfair, and I should now like to expand further on the points that concern me. The Hon. Mr. Laidlaw moved an amendment that the Committee and the Government have accepted. I hope that the Hon. Mr. Cornwall does not think that that is obfuscation. It was a worthwhile amendment, which relates to the right of the authority to explore in South Australia and in areas close to it, taking in all of the Cooper Basin and the Amadeus Basin, and almost all of the Pedirka Basin.

I strongly support the Hon. Mr. Laidlaw's amendment, although I have some concern about the Bill generally. I should like to see further amendments, although I am unable to say how that aim can be achieved. The Government's amendment is also worth while. The fact that these two amendments have been accepted indicates that what I said during the second reading debate was justified. For the Hon. Mr. Dunford's benefit, I stress that South Australia depends much on future wells in the Cooper Basin and the Pedirka Basin. As yet, however, little has been done in the latter basin.

Unless further reserves are discovered, this State will run out of gas in about 10 years. The future industrial base of the State depends, in the relatively short term, on the success of further exploration in the Cooper and Pedirka Basins. The Cooper Basin operators are supplying gas to South Australia and New South Wales at about one-sixth of world prices, and New South Wales, with its tremendous coal resources, is engaged at present in marketing policy to promote increase usage of cheap South Australian gas. The most precious resource material that we possess is being sold at a ridiculously low price, by world standards. It is a commodity that is in relatively short supply and, when dealing with commodities of this nature, it seems that the general policy is to keep down prices at all costs. This policy will merely cause an increased rate of consumption compared to other fuels that are available.

I take up the point made by the Hon. Mr. Cameron in his contribution to the second reading debate. I believe that we could be paying a huge price in the 1980's and 1990's as a result of the short-term policies that have been

adopted in relation to Cooper Basin gas. When South Australians first contracted for their gas from the Cooper Basin, it was expected that the suppliers would be able to maintain a supply until 1990. When New South Wales could not buy gas from Bass Strait, South Australia agreed to the sale of two trillion cubic feet of gas to that State. This was considered good business, as the South Australian Government got a 10 per cent royalty.

The present reserves of 3·3 trillion cubic feet have now been all committed. We have kept the price of gas low, and this has stimulated demand. Worse still, most of the gas is being used in its most wasteful way: it is being burnt for the generation of power. Because of the price, we in this State and the people of New South Wales are using the limited resources of the Cooper Basin at a much greater rate than was first expected. While we are enjoying the cheap price of gas at present, the exploration companies have such a restricted cash flow that it is not possible for them to explore intensively.

We have before us a Bill under which the South Australian taxpayer is to put $5 000 000 a year for eight years into exploration. I know, following the amendments to clause 4, that that money will at least be spent in or near the basins in this State. Really, this is a back-door method of keeping energy cheap in South Australia. In any case, with rising demands, particularly in New South Wales, because of price, probably the next one trillion cubic feet proved in the basin must go to New South Wales to satisfy the demand there as a result of this commodity's being sold too cheaply. From this point, there are three possibilities: first, that further discoveries of gas will be made; secondly, that further discoveries will not occur; or, thirdly, that any discoveries that are made will be relatively small.

None of these possibilities will resolve the immediate problem of the increasing demand rate for a product that is under-priced, particularly when we are supplying the large industrial market of New South Wales. A conflict of interest is bound to occur sooner or later, and I believe an increasing number of South Australians recognises our plight. One thing is clear to me, namely, that if the correct price was being paid for gas it would ensure that its use would not be prodigal and that alternatives were used wherever possible. At present, the New South Wales usage of natural gas is low and a promotional campaign is taking place in that State about a low-cost energy available from the Cooper Basin. An advertisement from a daily newspaper in Sydney states:

For Sydney manufacturers who urgently need low-cost energy the picture has changed—natural gas!

Other problems involve liquids. At present, all the gas being used is from the dry wells and little wet gas is burnt. Soon there will be a drying of the wet wells to supply the demands of New South Wales and South Australia. If we are to use the fractions of gas, the wet gas, the liquids must be separated and brought to Adelaide for use here or for export. There is no pipeline at present to carry those liquids and the wet gas fraction will have to be burnt on the field. Unless the problem is solved, we will be burning a valuable fuel. I raise the matter in relation to this clause. The price of gas is too low and we will increase the demand for it because of that. To supply New South Wales, more and more of our natural gas and the liquids will be lost to us.

The Hon. C. J. Sumner: Do you think the price of petrol is too low?

The Hon. R. C. DeGARIS: I do not think there is any doubt about that. At present, in Australia the policy of maintaining a low price for petrol will create problems. We cannot encourage people to invest large amounts of money in exploring for hydrocarbons if the resultant return is so low that there is no incentive. The same thing will happen regarding the gas field in the Cooper Basin. The Sydney demand will remove an advantage that we have. I know that it was necessary to develop a pipeline to New South Wales, and there must be a certain amount of wet gas in the pipeline to make it viable, but gas is being sold too cheaply in New South Wales compared to the price of other fuels.

Clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

LAND COMMISSION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from April 20. Page 3559.)

The Hon. A. M. WHYTE: This short Bill has many implications for the development of land. It seems to be an unusual move for the Government to place such powers in the hands of the Land Commission. Generally, the commission has served a creditable purpose and I wish that it would continue to perform that function, but the Bill gives the commission excessive and unusual power, in that it will be able to acquire land from a developer at the price that he had paid for it five years previously. I cannot see that that is fair.

The Hon. B. A. Chatterton: That is not a new power.

The Hon. A. M. WHYTE: There is an extension of two years, which is a long time. The commission had ample power under present legislation, but I think it would be wrong to extend the term by two years.

The Hon. B. A. Chatterton: That is different. You said it was a new power.

The Hon. A. M. WHYTE: It is an added power. When the commission was established, its role was to acquire and retain land for development and to try to stabilise prices. That matter is debatable, but I think that in general the commission has performed that function. The word "acquisition" is terrifying when it is applied to land, and it has been so applied previously by this Government. A person's house was acquired under the pretence that it was to be used for road-widening, but it was not used for that purpose. An acquisition order was placed before the auctioneer about half an hour before the sale, and that was illegal.

Acquisition always is some sort of bogey and people fear that they may lose their house by it. In this case, the position is slightly different, because we are dealing with land developers. Whether every credit can be given to them or not in some cases may be questionable. However, I also believe they play a major role in providing homes as quickly as possible for the growing needs of an ever-growing population. If this Bill passes in its present form, it may not be long before there will be no land developers left, apart from the commission. I do not see how a private developer could possibly compete under this system, because he would need to be delayed in his development for only a short period (and this is not unusual, apparently, in these days, with the demands on departments for clearances and the demands on contractors, who are often held up by strikes and shortages of materials) to be in trouble. It is easy to see that a developer may not comply with this amendment, because it is hard enough for him

to comply with the present Act. If we extend this acquisition period for another two years, it will have dire consequences for present private land developers.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Powers and functions of commission."

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

Page 1, after line 9—Insert—

(*aa*) by striking out from subsection (7) the passage "two years" and inserting in lieu thereof the passage "four years".

(*ab*) by inserting in subsection (7) after the passage "of those particulars," the passage "(whether that service occurred before, on or after the commencement of the Land Commission Act Amendment Act (No. 2), 1977.)".

My view on this matter has already been put by the Hon. Mr. Whyte. When this legislation first went through, this Chamber introduced an amendment to subsection (7), which now reads:

(7) Where a notice of intention to acquire land is served by or on behalf of the commission on the proprietor of land constituting a planning unit, and no such notice has previously been served in relation to that land, the proprietor may, within three months after the date of the service of that notice, serve personally or by post upon the commission prescribed particulars of the commercial development proposed by him in relation to the planning unit, and in that event, land comprised in the planning unit shall not be acquired by compulsory process within a period of two years after the date of service of those particulars, and if a substantial commencement of the commercial development has been made during that period, the land shall not be acquired by compulsory process after the expiration of that period.

This clause amends subsection (8) by striking out "three" and inserting "five", so that, in the case of land subsequently acquired by the commission after this process, it will be five years after the first intention to acquire the land. However, in subsection (7) only two years is available in which a "substantial commencement" can be made. When that amendment was made, it was envisaged that "substantial commencement" would probably mean the surveying and the commencement of the making of roads. In a recent judgment by Justice Mitchell it was envisaged that "substantial" meant the point at which the foundations of houses were being laid. If subsection (8) is to be amended to increase the period from three to five years in respect of the compulsory acquisition of land, it is reasonable to expect that subsection (7) should be amended to extend the period there from two years to four years, that being one year less than the five years anticipated by the amendment. Unless this is done, there will be no private developers left in South Australia, which would be tragic for this State.

The Hon. C. M. HILL: I support the amendment. I will not repeat what has been said but I feel strongly about the principle involved in this amendment. This is the only fair and just way in which Parliament can handle this predicament that has arisen for the reasons stated. It is now clear that the two-year period in subsection (7) is not long enough.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I am totally opposed to the amendment, the purpose of which is quite different from what was said in the second reading debate and is unacceptable to the Government. The whole idea of the two-year period was originally conceived by the Opposition and agreed to at a conference between the two Chambers. The amendment is unacceptable to the Government.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. D. H. L. Banfield.

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

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 20. Page 3557.)

The Hon. J. A. CARNIE: The question of amending the Industrial Code has come before this Council so many times that much of what I will say has been said before. This matter has exercised the time and the energy of Parliament since 1970, to my knowledge, and certainly for many years before that. I should imagine that it goes back to about 1898, when shopping hours first became regulated. It is a matter that should have been settled long before now and I only hope that, on this occasion, it can be laid to rest and that we will finish up with sensible shopping hours in South Australia.

Obviously, this goes back over many Governments. Although Governments prior to 1970 did not grapple with the problem perhaps in the way in which they should have, at least they did not mess up the situation as did the Australian Labor Party Government in 1970. What it did then was to underestimate the power of the unions. I do not intend to go over the long, sorry, sordid history of trying to get some rationality into shopping hours in this State. As the hour is late, and as there are many arguments to be developed in this debate, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 5.53 p.m. the Council adjourned until Tuesday, April 26, at 2.15 p.m.