

LEGISLATIVE COUNCIL

Wednesday, March 15, 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

MOUNT GAMBIER COMPANY

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Minister of Agriculture about a Mount Gambier company.

Leave granted.

The Hon. R. C. DeGARIS: Some time ago the Government acquired a 50 per cent interest, as I understand it, in the family business of the Zed company in Mount Gambier. Can the Minister inform the Council whether a new company has been formed to take over the old Zed company and, if it has, what arrangements have been made in connection with the directors of that new company? Has the Government a nominee on the board of directors? Will the Minister supply any other information on the acquisition of the business?

The Hon. B. A. CHATTERTON: The Government is involved in the Zed company. A company was formed between Scott and the Woods and Forests Department to take over A. Zed and Company. It was formed only on a temporary basis to acquire A. Zed and Company. Now, there is no other company operating. The company Wood-Scott formed on a temporary basis has now ceased to operate. There are directors from the Woods and Forests Department on the Zed board nominated by me, but I cannot recall all their names offhand. Mr. Cowan, the Assistant Director in charge of the commercial division of my department, is one of the directors. I will obtain details of the names of the other directors nominated by the Woods and Forests Department and by Scotts, and I will also ascertain the exact shareholding held by the department; it is majority shareholding. I think it is 60 per cent, but I will check on that.

UNEMPLOYMENT

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Leader of the Council about unemployment.

Leave granted.

The Hon. N. K. FOSTER: It has been reported recently that there has been an outbreak of violence attributed to the youth of Port Adelaide. Having resided in that city for many years, I was struck with the thought that violence was out of character with the usual behaviour of the people of that city. I therefore endeavoured to ascertain whether there was a reason for it. Honourable members may recall that this matter has been mentioned in the press by the local police.

There have been some rather strong words expressed by the police, that they would stamp it out. Under the State Government unemployment relief scheme, certain moneys are made available to provide finance for needy people that the Frasers and Guilfoyles of this world are not prepared to provide or accept any responsibility for in that regard. In the present serious economic situation, we have to overcome the fact that many people cannot get employment. There is also a scheme in the local government area but the amount of finance is limited, and

that money will soon run out, although usually such schemes, once started, will receive finance to complete them.

In the Port Adelaide area in recent weeks there have been dismissals by the Port Adelaide council, which I do not criticise, the council being unable to retain a number of its employees. So there is nothing else to do but to dismiss some of them. I understand that the Federal Government's present policy is such that these people can remain penniless for up to five or six weeks. Therefore, it is no small wonder that, when they are penniless and in such dire straits and distress, they may consider seeking some other way of obtaining the wherewithal to exist. I am aware that there is also available assistance within the "ghost" area of the Commonwealth Employment Service. I refer to it as a "ghost" area because people are not being told their rights. On inquiry from that body this morning, I learned that, if people can establish the fact that they are dead broke and penniless, the Federal Department will take measures to ensure that they have some money until the green form is processed. These people have not been told of this benefit. There are people in the community who are denied benefits. Members may recall that I closely questioned the Minister on this topic of the Federal Government's policy in this Chamber late last year, and I came to the conclusion that this diabolical plan that emerged had as its only purpose, from the Federal Government's point of view, catching up with the "smarties" or the "dole bludgers" (as Federal Ministers call them). However, we never catch up with the smarties and only inflict real hardship on the innocent.

Will the Leader take up the matter with the State Minister whose department makes finance available, after Cabinet decision, for ensuring that people are not kept desperately in need of benefits and that the department recommend that the proper Federal Government department should ensure that people are made aware of their rights when they are destitute; and also, and more importantly, that the Minister take it up with other Ministers meeting at Federal level, including the Federal Minister for Labour, to ensure that, where the State provides finance for short-term employment relief, those people, once having been dismissed, should not be subjected to the inhumane treatment that they are suffering now? The matter should be looked into as quickly as possible to ensure that the problems reported in today's newspaper are overcome as soon as possible.

The Hon. D. H. L. BANFIELD: I thank the honourable member for his concern about these people. I do know that the Minister of Community Welfare assists people while they are waiting for Federal cheques. Regarding the matter of assistance once people have finished being involved with an unemployment relief scheme, I will take up that matter with my colleague and bring down a reply.

ANALGESICS

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Health concerning analgesic sales.

Leave granted.

The Hon. C. M. HILL: A report in yesterday's *Advertiser* said that Dr. T. H. Mathew had said that no State assurances were forthcoming that South Australia would adopt controls recommended on analgesic sales. The report states:

This was despite regular deputations to South Australia's Minister of Health (Mr. Banfield) to adopt the measures urged by the National Health and Medical Research Council.

Dr. Mathew is the Director of the Queen Elizabeth Hospital renal unit and is deeply involved in the subject of analgesic abuse. The New South Wales Joint Parliamentary Committee on Drugs has urged that several common brands of headache powders and tablets be barred from normal over-the-counter sales. My questions are: first, is it a fact that regular deputations have urged the implementation of such controls and, secondly, what is the Minister's policy on this question?

The Hon. D. H. L. BANFIELD: I thank the honourable member for his concern in relation to health matters, and I refer him to the position in another area; indeed, I refer to the Bill I introduced (true, it has nothing to do with analgesics) seeking to have a warning to smokers placed on cigarette packets. Members opposite did not even support that legislation; they would not allow the provision of a warning in relation to damage that can result from the smoking of cigarettes, so I will not take the honourable member's concern too much to heart in this matter.

The Hon. C. M. Hill: Am I going to get an answer?

The Hon. D. H. L. BANFIELD: In reply to the honourable member's question, I thank him for his concern in this matter, but I should like to know from him what his reaction would be if I banned the sale of Bex powders and other analgesics other than by prescription? Would the Government receive the support of members opposite if we attempted to introduce such legislation? I must be certain that I would get that support because, from past experience, I have not received such support from honourable members opposite. Regarding whether or not I have received regular deputations, there have been at least three deputations to me. Further, as the honourable member knows, we have established a Royal Commission to inquire into the question of drugs in South Australia, and it would be premature of me to take any action pending the report of the Commission.

FIRE BRIGADE

The Hon. R. A. GEDDES: I desire to direct a question to the Minister of Health, representing the Minister in charge of the South Australian Fire Brigade.

Leave granted.

The Hon. R. A. GEDDES: Concern has been expressed about the possible lack of mobility of the South Australian Fire Brigade because of the number of fixed structures, combined with movable stands, existing in Rundle Mall should a major fire occur in a building adjoining the mall. Can the Minister say, first, whether or not the Fire Brigade was consulted before the fixed structures were constructed in the mall; secondly, has the brigade made a survey of its ability to bring its large fire engines into the mall in an emergency and, thirdly, is it satisfied that it can get its equipment into the mall speedily in an emergency?

The Hon. D. H. L. BANFIELD: At the time of the discussions on the mall the brigade was in on the discussions. However, in order to obtain a direct reply, I will refer the matter to the Chief Secretary.

MEMBERS' BUSINESS INTERESTS

The Hon. J. E. DUNFORD: Some time ago, I asked the Minister of Health, representing the Attorney-General, a question regarding members' business interests. Has he a reply?

The Hon. D. H. L. BANFIELD: My colleague reports that fees payable under the Companies Act were varied by

regulation and the new scale of fees came into operation on December 15, 1977. Details of the new fees were published in the *Gazette* on October 27, 1977. The fee payable on the annual return of an exempt property company was increased from \$12 to \$50. A number of companies whose annual returns were due made sure that they were filed before December 15, 1977, so as to avoid paying the higher fees.

The Corporate Affairs Department's records show that the Hon. Mr. Hill and/or his family are involved with 12 companies which lodged annual returns just prior to the new scale of fees coming into force. Returns in respect of eight of these companies were lodged on December 14, returns for two companies were lodged on December 8, and in two instances the lodging date was November 21.

FIRE BAN DISTRICT

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking the Minister of Agriculture a question regarding the inner metropolitan fire ban district.

Leave granted.

The Hon. M. B. CAMERON: In December, 1975, the Minister received requests from the member for Davenport in another place that the inner metropolitan fire ban area be extended to include certain areas of that member's district, including Burnside and other areas. In reply, the Minister said:

The committee—
that is, the committee examining this matter—
recently considered your proposal and resolved that the present boundary should not be varied as there has been no substantial development in that area since the fire ban district was first defined in 1973.

That occurred in July, 1976. More recently, on December 21, 1977, a new map detailing alterations to the inner metropolitan fire ban district was published in a local newspaper. There are not significant changes in the two maps except that between Magill Road and the Fowlers Road and Portrush Road intersections there is a small variation.

The Hon. R. A. Geddes: Is that the only variation?

The Hon. M. B. CAMERON: That is one of the questions that I will be asking. My questions are as follows. What significant new development has occurred in the Burnside area since 1976 that has caused the Minister to reverse his previous decision within 18 months? Have other areas of the inner metropolitan fire ban district besides the Burnside area been extended? Finally, does the Minister of Agriculture reside at 22 High Street, Burnside, and did the Minister extend this area to include that section of Burnside that I understand has had no significant development in that period to ensure that his place of residence was included in the inner metropolitan fire ban district?

The Hon. B. A. CHATTERTON: If the honourable member had bothered to consult the street directory, he would have seen that where I live during the week is outside that fire ban district, and I assure him that this whole change in the fire ban district has been made by the committee set up to examine the inner metropolitan fire ban district. Two major criteria are used to determine the boundaries. One criterion is new development that takes place, and, if the boundaries of fairly concentrated new development extend outwards, it is logical that the inner fire ban district should be extended outwards also. The other major thing that the committee takes into account is what it calls tongues of flammable material, which also has

been accounted for. In the eastern suburbs, there are several reserves and gullies that extend into areas otherwise considered to be built up. These form something of a hazard and have to be accounted for in deliberations on a fire ban district. The major changes to the boundary occurred not in the area that the honourable member has mentioned but along the south, and there was an extension of the inner metropolitan area along the southern coast.

HOMICIDE CASE

The Hon. N. K. FOSTER: I seek leave to make an explanation prior to directing a question to the Leader of the Council, representing the Chief Secretary.

The PRESIDENT: On what subject?

The Hon. N. K. FOSTER: Homicide.

Leave granted.

The Hon. N. K. FOSTER: I am reluctant to do this, but I have been requested to direct a question on the most unfortunate occurrence at a hospital at Semaphore the other day. Was a person suspected by the police and since deceased visited by the police 24 to 48 hours prior to the unfortunate occurrence? Was it known to the police that that person possessed fire arms and, if so, why were they not confiscated? I ask the question at the request of people who have approached me on the matter, and I make no criticism of the police involved in this unfortunate occurrence. I ask further when it is likely that the amendments to the gun laws in this State will come into operation.

The Hon. D. H. L. BANFIELD: Without good and sound reason, the police are unable to confiscate. Regarding the new gun laws passed some time ago, I know that regulations are being drawn up and are nearly complete. I am not sure when they will come into operation. However, I will get a complete reply for the honourable member.

JUVENILE'S DISCHARGE

The Hon. J. C. BURDETT: I seek leave to make an explanation prior to directing a question to the Minister of Lands, representing the Minister of Community Welfare, on the subject of the discharge of a juvenile from the latter Minister's care and control.

Leave granted.

The Hon. J. C. BURDETT: I can best explain the question by reading the substance of a letter written to the Minister by Messrs. J. Homburg and Son, solicitors, Murray Bridge. The letter states:

On July 25, 1969, Allan Simon John Clarke was placed under the care and control of the Minister until 18 years of age. On July 21, 1977, we forwarded to your department on behalf of our client an application for discharge of the care and control order. By letter dated July 28, 1977, we received a letter from the Acting District Officer at Murray Bridge acknowledging our application and we were advised that the matter had been referred to him for a report, and that we would be advised of your decision as soon as possible. On November 10, 1977, we wrote to your department inquiring when we might expect to receive advice of your decision in the matter. We have not received any reply to this letter.

On December 7, 1977, an officer of the Crown Law Department spoke to us about the matter. We understood from this conversation that your department were of the view that we should make an application for custody to the Family Court of Australia, but this was not possible as the child is not a child of a marriage within the meaning of the Family

Law Act and accordingly the Family Court of Australia would have no jurisdiction in the matter.

This is a matter on which I have previously asked a question in this Council. The letter continues:

It is now over six months since we lodged our client's application and we still have not received any advice from you or your department as to your decision. We consider our client is entitled to know without any further delay one way or the other what your decision is in the matter.

The provisions of section 49 of the Community Welfare Act which gives an applicant the right to appeal to a Juvenile Court against an adverse decision appears to us to be of no assistance to a person such as our client who is unable to obtain an answer to his application. We would be grateful if you could take the necessary steps to expedite a decision in the matter.

I have the authority of Messrs. J. Homburg and Son and of Mr. Clarke to ask this question: is the Minister aware that on July 21, 1977, an application was made to his department by Mr. Gerard Clarke, the father of Allan Simon John Clarke, for an order discharging the boy from the Minister's care and control and, if so, why has no answer been received from him? Can the Minister give further information on this matter?

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

HOUSING FINANCE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Leader of the Council about housing finance.

Leave granted.

The Hon. N. K. FOSTER: I and, I am sure, most sincere members would be concerned about the effect of the worsening economic situation on the ability of people to purchase houses. Critics of the Labor Party often allege that our policy would deny people the right to own their own home. The Federal Government allocates a certain sum for home loans, referred to as the first line of lending. These loans are restricted to a certain percentage, which is a fairly small percentage of the total cost of acquiring a block and a house. It is not large enough for many people. The principal lending institutions provide such finance; they are approved by the Federal Government, whatever its political complexion. The second line is the second mortgage, which I have often criticised. There is a steep increase in interest rates for second mortgage loans, as compared with first mortgage loans, but second mortgage lending institutions are still approved by the Federal Government. It is when we examine hire-purchase companies that we find that interest rates are hiked by 25 per cent over prevailing interest rates under the control of the Federal Government.

The third line of finance available to prospective home owners is in the ghost area. I refer to personal loans, in connection with which investigations may be made as to whether the wife is working and whether she is contemplating motherhood. In connection with bridging finance, State Governments provide finance because people are finding that home ownership is getting beyond their capabilities. Because the first mortgage loan and the second mortgage loan are inadequate, it is often necessary for people to go into the ghost area. Here again, there is a hike in interest rates over the earlier lines. Can the Minister say whether it is within the State Government's powers to institute an inquiry into bridging finance, its sources, and the reasons for the exorbitant increases in

rates which are crippling prospective home owners and those actively engaged in the building industry (for example, prominent Adelaide-based firms)?

The Hon. D. H. L. BANFIELD: I will take up the matter with the Premier and bring down a reply.

Mr. ABRAHAM SAFFRON

The Hon. R. C. DeGARIS: Can the Minister of Health say what financial or other interest Mr. Abraham Saffron has in the following businesses: (1) Ecstasy Sex Shop, Gouger Street; (2) The Private Bookshop, Hindley Street, Adelaide; and (3) Clipet Amusements Proprietary Limited (in liquidation)?

The Hon. D. H. L. BANFIELD: I will refer the Leader's question to the Attorney-General.

ART GALLERY BOARD

The Hon. J. A. CARNIE: Has the Minister of Health a reply to my recent question about the Art Gallery Board?

The Hon. D. H. L. BANFIELD: There is no formal body in South Australia which can claim to be representative of what the honourable member calls "the art community". There are numbers of different organisations with widely differing views which are concerned with the arts in this State. While the Friends of the Gallery are important and useful as an organisation, they are certainly not representative of the wide spectrum of the populace which in fact makes use of the gallery. The Government considers that the present structure of the board has served the gallery and the public well. However, it is intended that at some time in the future, employees of the gallery be allowed to elect a representative to the board. That legislation will not be introduced until such time as the Government is satisfied that full processes of worker participation within the gallery have been set up and are working.

MOTOR VEHICLE FUEL

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Mines and Energy about liquid petroleum gas.

Leave granted.

The Hon. R. A. GEDDES: During the last State election campaign the Liberal Party announced that it would encourage greater use of liquid petroleum gas in Government motor vehicles. Following the recent meeting of Ministers of Mines and Energy in Hobart it was announced in the press that there was to be a concerted effort to encourage conservation of petrol and oil products. Will the Government now consider implementing Liberal Party policy by converting as many Government motor vehicles as is practicable to using liquid petroleum gas?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to my colleague and bring down a reply.

TEMPERATURE IN COUNCIL CHAMBER

The Hon. ANNE LEVY: In the last week or two we have had very pleasant summer weather, with warm temperatures outside. Those of us who dress according to the

temperature that we shall encounter outside this Chamber find that the temperature in the Chamber is too cool for comfort. Last night, I was being accused of having goose pimples by several of my colleagues. As it seems totally unnecessary for members to have two sets of clothes—one for when they are in the Chamber and one for when they are out of the Chamber—could you, Mr. President, inquire whether the temperature within the Chamber on warm days could be raised so that it could still be comfortable for members but not to be such a temperature as for members to need other clothes when they come into the Chamber?

The PRESIDENT: I will discuss the matter further with honourable members at some appropriate time. I think it is quite understandable that the honourable member's colleagues should take notice of the condition of her skin, but it is difficult to accommodate one person only with temperature variations. However, I will discuss the matter with honourable members.

FIRE BAN AREA

The Hon. M. B. CAMERON: I ask a question supplementary to the one I asked the Minister of Agriculture earlier. He indicated that a place of residence was not in the inner metropolitan fire ban district. Would the Minister check that situation and perhaps bring me a reply tomorrow to the question: is his place of residence in the inner metropolitan area under the alteration?

The Hon. B. A. CHATTERTON: I will get a reply.

RURAL PROPERTY

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Leader of the Government in this Council about rural property, a very serious matter.

Leave granted.

The Hon. N. K. FOSTER: One of the most disturbing aspects of the present economic situation is that encountered in the homes of farming communities, where people have been self-employed and, for reasons best known to themselves, they find they are too proud even to inquire what their position is when they have virtually no money in their homes, and what rights they have. Children are being deprived at school as a result of dire poverty in many areas of our rural community, despite the repeated statements of assistance available to farmers made in this Council by the Hon. Mr. Chatterton and their publications in the rural press. I learned also that for school-going children, parents in rural areas are not making the sorts of application one would normally expect them to make in relation to school books and other areas of educational aids. One can understand perhaps the pride of such people who often exist without any recourse to the normal benefits that the urban community takes for granted when its circumstances become straightened. Will the Minister have representations made to the Federal Minister for Social Security on the basis of extreme urgency that serious consideration be given to having field officers made available in the remote and agricultural areas of this and other States to ascertain the poverty level of many people in the rural community with a view to assisting them in their aim to acquire what is their right in regard to social security?

The Hon. D. H. L. BANFIELD: As this is a matter for my colleague the Minister of Community Welfare, I will direct the question to him.

COMPULSORY UNIONISM

The Hon. M. B. CAMERON: Has the Minister of Health a reply to a question I asked about compulsory unionism?

The Hon. D. H. L. BANFIELD: The standard form of application for employment in Government departments requires an applicant to indicate whether he or she would be prepared to join the appropriate union. This question is a necessary administrative measure to give effect to the policy of the Government concerning preference to unionists.

The Hon. M. B. Cameron: Compulsory unionism!

The Hon. D. H. L. BANFIELD: The High Court did not say that. Are honourable members opposite going to argue with it? May I continue, Mr. President?

The PRESIDENT: I wish you would.

The Hon. D. H. L. BANFIELD: The answer to the second part of the question is "No". I draw the Hon. Mr. Cameron's attention to the decision of the High Court of Australia on February 22, 1978, in the case of *R. v. Gaudron ex parte Uniroyal Pty. Ltd.*, which has established that policies and practices similar to those of the Government are, in law, preference to unionists, and not compulsory unionism.

POLICE INQUIRY

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a question of the Minister of Health, who was the Chief Secretary, about Police Constable O'Leary.

Leave granted.

The Hon. R. C. DeGARIS: When Paul Foss, editor of the Australian National University paper, in 1972 published an article in that university paper claiming that certain members of the South Australian Police Force had accepted bribes, did the Chief Secretary at the time order an immediate inquiry into those allegations? If he did, were the results of the inquiry forwarded to him when that inquiry had finished? If that is so, has the Minister of Health, who was the Chief Secretary then, evidence in his possession that would clear the name of O'Leary?

The Hon. D. H. L. BANFIELD: Any material that came to me when I was Chief Secretary has now been handed over to the new Chief Secretary, as the Hon. Mr. DeGaris would know.

The Hon. R. C. DeGARIS: Then I will address that question to the Minister representing the Chief Secretary. Could that question I have just asked be forwarded to him for reply?

The Hon. D. H. L. BANFIELD: It certainly will.

LONG SERVICE LEAVE

The Hon. N. K. FOSTER: I seek leave to make a short statement before directing a question to the Leader of the Government in this Council, representing the Minister of Labour and Industry, with regard to long service leave.

Leave granted.

The Hon. N. K. FOSTER: I was reluctant to open the newspaper before I left the Chamber today but I did so because I was informed that there was an article there relating to a Privy Council ruling involving the South Australian insurance agents and their rights to have long service leave. The article appears at the bottom of page 3 of today's *News* and sets out in some detail the boastful way in which insurance companies say they will save

millions of dollars in long service leave and holiday payments because of the decision. The insurance companies obtain no credit for such boastful reaction to a decision of the Privy Council, which is an area of appeal that should have long since been cast off by this country.

The Hon. D. H. Laidlaw: Some agents earn more than the general manager.

The Hon. N. K. FOSTER: The honourable member sits on almost 50 boards, and can still say that some agents earn more than their superiors. So what? Why should not a plumber earn more than a doctor? I refer to an agent out in the field doing the gut work for such companies. The policy laid down by companies provides that the harder he works the more he gets in terms of salary, so that by his own work, diligence, and conscientious endeavours (despite the denial of holiday pay and other forms of leave), he earns such income, but the honourable member's interjection suggests support for such loss of privileges. I am astounded that the honourable member, who considers himself to be somewhat of an expert in industrial relations, can interject in such a manner. Can the Minister say whether or not we can expect legislation to be enacted in this State to protect and give rights to workers, instead of being embroiled in stupid arguments with the Opposition about so-called compulsory unionism?

The Hon. D. H. L. BANFIELD: I will raise the question with my colleague and being down a reply.

POLICE DEPARTMENT

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my question concerning the Special Branch?

The Hon. D. H. L. BANFIELD: The honourable member is referred to the Premier's speech reported in *Hansard*, February 7, 1978. I have already pointed out to the honourable member that that statement had been made in another place. The Premier will give evidence on these matters to the Royal Commission.

REMAND CENTRES

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question concerning remand centres?

The Hon. D. H. L. BANFIELD: Recommendation 150 of the first report of the Criminal Law and Penal Methods Reform Committee states:

We recommend as a matter of high priority that a properly designed and staffed pre-trial detention centre be built on a site within convenient reach of the city.

At present, investigations are taking place to decide the most suitable site.

ELECTORAL ACT REGULATIONS

Notice of Motion: Private Business, No. 1:

The Hon. K. T. GRIFFIN to move:

That the regulations made on January 19, 1978, under the Electoral Act, 1929-1976, in relation to fees for services and laid on the table of this Council on February 8, 1978, be disallowed.

The Hon. K. T. GRIFFIN: I do not wish to proceed with this motion, but I should like to give my reasons. The principal reason is that one of the difficulties in the regulations has been amended by promulgation of a fresh regulation that was promulgated on March 9, 1978, and

laid on the table on March 14, 1978.

The regulations to which the motion related purported to refer to principal regulations that were not in existence. The second defect with the regulations was that they referred to a fee with respect to the keeping and oversight of Legislative Council rolls and districts when, in fact, there are no Legislative Council rolls or separate districts. That matter has not yet been remedied by the promulgation of the new regulations but, as there is a new regulation, it seems appropriate not to proceed with the notice of the motion now.

The Hon. D. H. L. BANFIELD: Does that mean that the honourable member seeks leave to have the notice of motion discharged?

The Hon. K. T. GRIFFIN: The advice from the Clerk was that I needed to indicate only that I did not wish to proceed with the motion.

The PRESIDENT: The motion lapses.

BEVERAGE CONTAINER ACT

Notice of Motion: Private Business, No. 4: Adjourned debate on motion of Hon. R. C. DeGaris:

That the regulations made on June 23, 1977, under the Beverage Container Act, 1975-1976, exempting certain classes of containers from the provisions of the Act, and laid on the table of this Council on July 19, 1977, be disallowed.

The Hon. R. C. DeGARIS moved:

That this Order of the Day be discharged.

Order of the Day discharged.

Notice of Motion: Private Business, No. 4: Hon. R. C. DeGaris to move:

That the regulations made on June 2, 1977, under the Beverage Container Act, 1975-1976 in respect of collection depots and refund amount, and laid on the table of this Council on July 19, 1977, be disallowed.

The Hon. R. C. DeGARIS moved:

That this Order of the Day be discharged.

Order of the Day discharged.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

The debate was full and complete, and I do not intend to go through the arguments again. I make clear the Government's disagreement to those amendments, and point out how unnecessary and unclear they were. As power already exists for the union to do what it likes with the funds, the Government cannot accept these amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Minister said that the union could do what it liked with its funds. There is no objection to the union's doing what it likes, except that it cannot disburse funds unless each organisation has a provision in its constitution allowing a referendum to be called before certain payments are authorised.

That in no way cuts across any democratic principle. It insists always that, before any large sums are paid to any organisation, the members of that organisation have the right to call for a referendum before the money is paid. That is how I interpret the amendment.

The Hon. B. A. Chatterton: They have a right to a referendum now.

The Hon. R. C. DeGARIS: I know, but this takes it back before the money can be paid. That is an important aspect of the change that is being made.

The Hon. C. J. Sumner: But they can have a referendum before the money is paid. That's what you have not understood.

The Hon. R. C. DeGARIS: The union makes money available, but it cannot do so unless there is a provision in the constitution requiring that.

The Hon. C. J. Sumner: But the union can prevent that sort of payment being made. They can pass a general amendment to the union's constitution prohibiting that sort of payment.

The Hon. R. C. DeGARIS: I realise that.

The Hon. C. J. Sumner: They have known that payments have been made in the past. Why don't they now move that the union no longer make those payments?

The Hon. R. C. DeGARIS: But there are organisations that do not have such a provision in their constitution, anyway. True, they can put it in, but the amendments insist that it be put in the constitution.

The Hon. Anne Levy: Even if they have never given money.

The CHAIRMAN: Order! I will ensure that each honourable member has an opportunity to participate in the debate.

The Hon. R. C. DeGARIS: The sum of \$2 000, and an aggregate of \$5 000, is involved. That in itself would exempt most organisations, but they must still have this provision in their constitution. The union would have to draft a new constitution, and that could be done in five minutes at an annual meeting. When these provisions are included, the referendum proposal can take effect before the money is paid to any organisation. That is all that the amendments do. I do not know why the Government is so opposed to the amendments, because they involve a simple process. I ask honourable members to insist on the Council's amendments.

The Hon. J. C. BURDETT: I, too, suggest that the Council should insist on its amendments, which are modest and reasonable. The union fee is compulsorily collected; no-one is arguing about that. In such circumstances, it is necessary to see that the people from whom such money is compulsorily collected have a complete say regarding how it shall be spent. True, at present they can call for a general meeting or a referendum, but these things are not really of much help unless it is ensured that the students know what the expenditures are. The only departure from present practice that these amendments make is to require that it be provided in the constitution of all bodies in question that, when payments in excess of a certain sum are made, notice of the payments be given, by putting it on the notice board or distributing it in other ways.

The Opposition is merely suggesting that the students should have knowledge of this. Government members have said that students can prohibit the making of such payments. Certainly, they can, if they know what the payments are. There is no real democratic right if knowledge is denied to those who are supposed to exercise that right. The amendments merely aim at ensuring that students know what the payments are.

The Hon. C. J. SUMNER: I support the Minister's motion that the Council do not insist on its amendments. I find the attitude of honourable members opposite on this point quite astounding. They are not indicating any reason, rationality, or logic in their arguments in support of the amendments, which seems to have very little or no

basis at all in terms of what they achieve beyond what is already available in the university.

I can only assume that honourable members opposite are trying to beat the compulsory union can on this matter and to get a little publicity to carry on with the campaign that is being conducted against students associations and A.U.S. throughout Australia at present. I ask honourable members opposite carefully to examine the matter and not to adopt the absolutely hard and fast approach that they have adopted until now.

The Hon. Mr. Burdett said that these were modest and reasonable amendments. I could agree with that. However, they are a totally irrelevant and unnecessary amendment, and I find it amazing that honourable members opposite wish to place in legislation something that is unnecessary. The Hon. Mr. Burdett said that the amendments would provide students with the opportunity to decide before money was paid to an outside organisation, but such an opportunity to decide exists at present.

To say that students do not know that these payments are being made is absolutely absurd. We in this place have been debating over the past three weeks the fact that payments of this kind have been made. The university students have known for years that these payments have been made, and that is why there have been debates on campuses, in A.U.S., and in this Parliament. If they wanted to, the students could prohibit the making of such payments by direction from a general meeting, by amending the union's constitution, or by amending the constitution of the students association. It is not a question of their not knowing or of their not having knowledge.

The Hon. J. C. Burdett: They don't know before the payment is made.

The Hon. C. J. SUMNER: I find the Hon. Mr. Burdett's point absolutely astounding. He says the students should have knowledge before the payment is made. The Government agrees with that, but the students know now that these payments are being made. If the students wanted to stop those payments being made, they could take the action to which I have already referred.

There is nothing secretive about that and students have full knowledge of what is going on. I appeal to members opposite to consider the matter in a more rational way and to consider that, if the democratic processes on campus are allowed to function, the opportunity will be available to students to prohibit payments of this kind. The amendments are unnecessary, and I will not support them.

The Hon. ANNE LEVY: I agree with the Minister and the Hon. Mr. Sumner that the Committee should no longer insist on the amendments. We have previously discussed how such amendments could cause much inconvenience at the university, with more than 100 clubs and societies having to amend their constitutions before they could receive any money from the union.

Changing constitutions is not a simple matter. Members opposite are being a little devious in claiming that it is important that students have information prior to payments being made and that they should have information on the procedures that already exist in the union and constituent bodies regarding referendums. Referendums can be called at any time, by a certain procedure. The Hon. Mr. DeGaris knows that the students association is trying to conform to the views of members opposite.

A petition for a referendum has been prepared, signed by 40 persons, and presented to the students association. The honourable member has been shown the petition. The referendum will be held within the next fortnight, to ensure that all students will have full information

throughout the year on the procedures for calling referendums or objecting to any payment if they so wish. This referendum has been called by members of the students association to change their constitution to conform to the argument used by members opposite that complete information should be available to all students.

Most students are aware of the procedures, but the referendum will be held to ensure that those who are unaware will be aware in future. The students association cannot do more than that. The students maintain that the running of student affairs is their business and they are opposed to this provision. Furthermore, the Union Council and the standing committee on the University Act of the University Council, and the University Council itself, oppose this provision.

The Hon. C. M. HILL: The Committee should insist on the amendments. The whole basis of the submission by the Hon. Mr. Sumner is that all is well on campus in this area and there is not reason to make any change or move. Members on this side believe that all is not well in the area of student politics on campus.

The Hon. C. J. Sumner: That is because the Liberal Club there cannot get its view across.

The Hon. C. M. HILL: No. The reason why members on this side think that all is not well goes back to the article in the *Bulletin* of February 7 and has nothing to do with the Liberal Club at the university. The Hon. Miss Levy has said that the students were now doing exactly what the amendments require.

The Hon. Anne Levy: No. I said they were doing what the Hon. Mr. Burdett had said should be done. The students are going to have a referendum to change their constitution to ensure that full knowledge of procedures for referendums is available to all members of student bodies.

The Hon. C. M. HILL: That is good, but it does not mean that the amendments should not be passed. It simply means that the thinking of the students and of the architects of the amendments is common ground. The Hon. Miss Levy, as I understood her, indicated that the students were carrying out a practice somewhat similar to that required by the Bill. They were amending the constitution to provide for a referendum.

The Hon. Anne Levy: No. They are altering the constitution to provide that information will be readily available about how to ask for a referendum, how to conduct one, and so on. The Hon. Mr. Burdett's point was that people did not have knowledge of this.

The Hon. C. M. HILL: All that is not a strong argument against the amendments. This measure simply formalises a practice down there. For the life of me I cannot see why members opposite object to it and why some students object to it. I know for a fact that other students do not object to it.

The Hon. Anne Levy: The majority of the elected representatives are objecting.

The Hon. C. M. HILL: If this amendment is insisted on, the only inconvenience caused will be that groups on the campus will have to amend their constitutions; that is not a difficult process. The article in the *Bulletin* which has been referred to indicates a problem that ought to be solved and, by this amendment, it can be solved.

The Committee divided on the motion:

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

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and

D. H. Laidlaw.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. Jessie Cooper.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote to the Noes.

Motion thus negatived.

CONSTITUTION ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

PRICES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill is designed to give full effect to the compromise reached by the managers' conference between the two Houses on the Bill for the Prices Act Amendment Act, 1977. Section 18a of the Prices Act empowers the Commissioner to investigate excessive charges for goods or services, unlawful or unfair trade or commercial practices, or any infringement of a consumer's rights. Prior to the amending Act of 1977, this power of investigation could be exercised only upon the complaint of a consumer. The managers' conference on the Bill for the Prices Act Amendment Act, 1977, agreed that the power should be exercisable upon the complaint of a consumer, upon the request of an interstate consumer affairs authority, or upon reasonable suspicion by the Commissioner, and subsection (1a) of section 18a was inserted to that end. However, a consequential amendment to paragraph (d) of subsection (1) of that section was omitted from the schedule of amendments agreed upon by the two Houses. Accordingly, this Bill gives effect to the intention of the amendments agreed upon in 1977 by deleting from paragraph (d) of subsection (1) of section 18a the passage "any complaint from a consumer of". Clause 1 is formal. Clause 2 amends paragraph (d) of subsection (1) of section 18a by deleting the passage still restricting the investigation powers of the Commissioner to matters the subject of complaint by consumers.

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

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Narcotic and Psychotropic Drugs Act, 1934-1977. Read a first time.

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

That this Bill be now read a second time.

It amends the Narcotic and Psychotropic Drugs Act, in two minor respects. First, the Bill amends section 7 of the principal Act to make it clear that the regulation-making powers contained in subsection (1) of that section are not trammelled by the rather antiquated provisions in subsection (2). In fact, subsection (2) is repealed by the Bill and, in so far as it adds to the provisions of subsection (1), it is incorporated in that subsection. Moreover, a comprehensive power to regulate the issue and dispensing of prescriptions for drugs to which the Act applies is

inserted in subsection (1). These amendments should overcome the problems raised in *R. v. Medianik*, in which the validity of certain regulations made under the principal Act was challenged. Secondly, the Bill provides that the powers of entry or inspection conferred by the principal Act can be exercised by a person on the authority of the Minister or the board. At present the authorised person must be a police officer or a public servant. With the advent of the Health Commission, the officers who are engaged in this work will cease to be officers of the Public Service. Hence, an amendment is necessary to reflect the new administrative arrangements.

Clause 1 is formal. Clause 2 repeals the antiquated provisions of section 7 (2) of the principal Act and makes appropriate adjustments to subsection (1). Clause 3 removes the requirement that an authorised person must be a member of the Public Service.

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

POLICE OFFENCES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It deals with powers of arrest and detention under the Police Offences Act. For some years, Police Forces in Australia have expressed concern at the inadequacy of legal machinery available in the various States and Territories to detain in one State an offender reasonably suspected of having committed a serious criminal offence in another State without first obtaining original and provisional warrants authorising the offender's arrest. The procedures associated with securing these warrants from another State take considerable time and, in the meantime, police are confronted with the problem of detaining the alleged offender until the necessary legal machinery becomes operative. If no legal grounds can be found for holding him until the provisional warrant is issued and executed, then the suspect must be released.

The problem has been discussed at annual conferences of Commissioners of Police on a number of occasions in recent years and agreement reached that all States should seek the introduction of legislation to provide police with powers of detention in circumstances of this kind. The Bill provides that a person reasonably suspected of having committed a serious offence outside this State may be apprehended and detained for a reasonable time until a warrant for his arrest has been issued in the State or Territory concerned. The Bill contains safeguards for the alleged offender in that he must be taken before a court of summary jurisdiction as soon as practicable after apprehension and must be released if a warrant is not issued without undue delay.

The Bill also amends section 33 of the principal Act in two areas. First, the penalty for publishing indecent matter is raised from a maximum of \$200 to a maximum of \$2 000. This move is part of the Government review of all penalties under the Police Offences Act. Secondly, the clause repeals subsection (3) of that section, which details matters to which a court must have regard when dealing with a prosecution for publishing indecent matter. Since the Classification of Publications Act was passed this subsection has, in fact, prevented the courts from using ordinary principles of interpretation in determining whether or not material is indecent and thus in some cases provided a loophole by which convictions have been avoided. Therefore, the subsection is proposed to be

struck out and the courts will be able to use common law principles to determine whether or not indecency exists.

Clause 1 is formal. Clause 2 amends section 33 of the principal Act by increasing the penalty for publication of indecent matter to \$2 000 and by striking out subsection (3) which, since the passing of the Classification of Publications Act, has been used as a loophole to avoid prosecution. Clause 3 enacts new section 78a of the principal Act. New subsection (1) describes offences to which the new section will apply. A person may be apprehended in pursuance of the new provision only if his conduct has been such that, if committed in South Australia, it would have constituted an indictable offence or an offence punishable by two years imprisonment or more. New subsection (2) confers the power of apprehension. New subsection (3) provides that the person apprehended must be brought as soon as practicable before a court of summary jurisdiction and sets out the powers of the court. New subsection (4) provides for the release of a person detained, when a warrant is not issued within a reasonable time. New subsection (5) provides that the relevant provisions of the Justices Act will apply to proceedings under the new provisions.

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

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST 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.

Its purpose is to establish a trust, the main functions of which will be to foster, direct and facilitate development projects in remote areas which do not lie within municipalities and districts established under the Local Government Act, 1934-1977. The Government's initiative in this field is in recognition of the special difficulties faced by people in isolated districts. In recent years the Government has been called upon to provide facilities which are normally organised by local government in many of the outback towns. Most of the Far Northern areas of the State are not subject to local government and rely heavily upon the activities of local community groups and other civic organisations. The establishment of the trust is intended to support and further encourage the activities of such groups.

As well as carrying out development projects and providing services to outback communities, the trust will be responsible for examining proposals for loan and grant assistance and recommending on the disbursement of such funds to local community groups in the unincorporated areas. In addition, it is intended that the trust consider the upgrading of communication facilities in all remote areas of the State, including those which are incorporated. It is intended that the trust will rely heavily on local community groups in establishing needs and priorities in the outback areas. The Bill anticipates this mode of operation. The Bill also provides the trust with the power to borrow and the Government has undertaken to service the first \$1 000 000 of such debt. The trust should also benefit from the normal range of financial assistance provided to local government through the South Australian Local Government Grants Commission and other Government sources. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 sets out definitions of terms used in the Bill. Clause 5 establishes the trust and sets out its basic powers as a body corporate. Clause 6 provides for the appointment of trust members and the terms and conditions upon which they hold office. Clause 7 deals with the remuneration of members. Clause 8 provides for the appointment of a Chairman of the trust, and clause 9 sets out various procedural measures relating to the conduct of trust business. Clause 10 is concerned with the validity of acts of the trust, and the liability of trust members. Clause 11 provides that any trust member who has an interest in any contract made or contemplated by the trust shall disclose such interest to the trust and thereafter refrain from any deliberations relating to the contract in question. When such a disclosure is made, the contract is not liable to be avoided by the trust on any grounds arising from the fiduciary relationship between the trust member and the trust. Clause 12 provides for the execution and proof of trust documents. Clause 13 is concerned with officers of the trust, who are to be appointed and to hold office under the Public Service Act, 1967-1977.

Clause 14 provides that the trust shall be subject to the general control and direction of the Minister. Clause 15 sets out the specific functions of the trust. These include carrying out development projects and providing services to local communities, making grants and loans to community organisations, and otherwise fostering their development and work, exercising such local government functions as may be assigned under the Act and improving communications to country districts, either within or outside the area, subject to the operations of the trust. In subsection (2) of this clause, the Governor is empowered to apply, by regulation, specific provisions of the Local Government Act, 1934-1977, to the trust and its area. Clause 16 provides that the trust may delegate any of its powers or functions to any of its members or officers.

Clauses 17 and 18 set out the trust's powers to borrow and invest, and the former provides that the repayment of any moneys borrowed by the trust may be guaranteed by the Treasurer. Clause 19 requires the trust to present a budget of estimated receipts and payments to the Minister in respect of the financial year immediately following. Clause 20 provides that the accounts of the trust shall be audited once a year by the Auditor-General. Clause 21 requires the trust to submit an annual report on its operations to the Minister and provides that such report, together with the trust's audited accounts, shall be laid before both Houses of Parliament. Clause 22 provides that offences against the Act shall be dealt with summarily, and clause 23 empowers the Governor to make regulations under the Act.

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

CLASSIFICATION OF THEATRICAL PERFORMANCES BILL

(Second reading debate adjourned on March 14. Page 2127.)

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 14. Page 2132.)

The Hon. C. M. HILL: First, I indicate how pleased I was to hear the Minister in his explanation compliment the South Australian Local Government Association. The association has not received many compliments from the Minister of Local Government in the past, and I hope—

The Hon. T. M. Casey: Cut it out!

The Hon. C. M. HILL: That is a fact. Many disparaging remarks have been made about the lack of membership or the association's inability to maintain membership from certain councils, and it is fair to say that, in the past, the association has not enjoyed the confidence of the Government that I have always believed it should have. However, the Minister states in his explanation that he is grateful to the association and to other individuals and local authorities for the free and instructive discussions that he and his officers had with these people regarding the Bill.

I commend the association for the progress it has made. I have a high opinion of the ability of its Secretary-General (Mr. Hullick) as well as of the association's office holders from various councils. I refer to the dedicated service given by Mr. Hullick and his officers to the association and to local government. One approaches a review of such long local government legislation with confidence, having been assured that most of the changes have been initiated by local government itself, especially as they have been approved by the association. Therefore, the Bill really becomes a Committee Bill. I support the measure and believe that it is proper that local government legislation should be updated so that the best and most modern legislation can be provided under which local government can operate.

The Bill will provide the opportunity for local government to take more and further initiatives. If the Bill passes, local government will enjoy a new and improved era in South Australia. Two points concern me about the Bill, and in Committee I will involve myself further with the Bill's details. The first area of concern to me is the boundaries commission, dealt with in clause 15. My approach to such commissions has been that local government has been in need of boundary changes in various parts of the State, but I have always held firmly that any change of boundaries should not be initiated by any central body (by a local government office or by a central commission), but should be initiated in the area concerned by voluntary action of ratepayers and councils concerned with the change of boundaries.

I have always been opposed to a policy of heavy-handed centralism laying down to any council that it must change its boundaries and that such changes must be made in the manner prescribed by the central organisation. I believe the change should be voluntary and should be initiated within these local government areas. That view should be adhered to in relation to the controversial matter of boundary change. I refer to what the Minister stated, because it is important that honourable members know what the proposed changes in the legislation will bring about. The Minister stated:

The Bill provides for revision of Division VIII of Part II of the Act which deals with the process of altering the boundaries of local government areas. Our intention is that the Local Government Advisory Commission will be permitted to act upon a petition which, in its view, though having technical problems, is clear in its intention and description. Recent decisions of the Supreme Court have prevented the commission dealing with the substance of matters, and lengthy and expensive Supreme Court actions have occurred based on minor inaccuracies in petitions.

Next, the Government has been concerned that the Advisory Commission can only make comment on proposals

exactly as contained in petitions. This has led to the unfortunate situation where the commission may be forced to recommend against a proposal, although all parties are generally in agreement with the basic need to bring about boundary adjustments.

It would seem reasonable that the commission be given flexibility to suggest alternative proposals to the parties so that local intentions may be given effect to, although these may not be in the exact terms of the original petition. The flexibility granted to the commission under this new Division VIII of Part II will enable the commission itself to make alternative proposals; however, any such proposals would be subject to exactly the same scrutiny by councils and electors as the present provisions.

It is clear from that explanation that the Minister intends to give the commission power to vary proposals that might come in from councils. At the same time, it is clearly implied that the alternatives proposed by the commission will not vary greatly from proposals that come in to it from councils. That is my point: there is a clear implication that the alternative proposal by the commission will not vary greatly from that which has been agreed to in the council area concerned. Clause 15 enacts new section 42a, subsection (1) of which provides as follows:

Where any matter connected with a petition or counter-petition or a purported petition or counter-petition is referred to the commission and the commission in its report puts forward an alternative proposal to that contained in the petition or purported petition (which alternative proposal may effect a council not affected by the petition or purported petition), the Minister shall publish the substance thereof once in the *Gazette* and in some newspaper circulating in the neighbourhood or neighbourhoods concerned, and shall also send notice in writing of the substance thereof to every council concerned.

Then follows the procedure that is necessary for that alternative petition to be adopted. In other words, not less than 15 per cent of the ratepayers can demand a poll in relation to that alternative proposal, and then, if it is submitted to a poll, a majority of electors at the poll must vote against the measure, and that majority must be not less than 40 per cent of the total electors in that council area. Then, there are some further machinery measures.

As I read the Bill, once a council area indicates, by forwarding a proposal to the commission, that it wants change, the commission is empowered under this Bill, as I read it, to produce an alternative proposal that need not be similar to that which the council has requested. It can, as I read the Bill, produce an alternative proposal that is considerably different from that which the local people have already said they want and, once the commission produces such an alternative proposal, it is in a strong position to see that alternative proposal put into effect. The opportunity to upset that proposal, through the system of 15 per cent of the electors of the council area having to call for a vote, a majority then having to vote against it, and that majority having to be at least 40 per cent of the total electors from that council area, will be limited. Because of the strictures that apply, the ratepayers will have much difficulty in upsetting such a proposal.

I stress that that proposal is put forward by the commission, not by the ratepayers or the council, and must not necessarily be similar to that which the council has sent in. Yet, in the Minister's second reading explanation, he says that the commission's alternative proposal may not be in the exact terms of the original petition.

If one accepted the Minister's speech, one would accept that the commission could not vary greatly its alternative

petition. That is an important point. I am stressing this point not to over-criticise the Minister but rather to state that, in reviewing the Bill, one sees the possibility of the commission's doing the very thing in the future that I am personally against, that is, telling local government in the field what is good for it and what it should accept in relation to boundary changes. Therefore, that matter requires further explanation from the Minister when he closes the second reading debate and, subject to what he says, the matter should be examined closely in Committee.

My second point concerns clause 58, which is the machinery provision relating to the rights of individual ratepayers in a council area to reject a loan that had been proposed by a council. The amendments that the Minister is introducing in this clause are too drastic.

The Hon. R. C. DeGaris: They are harsh and unconscionable.

The Hon. C. M. Hill: That is so. We have heard that before, and I think it applies in this case. In his second reading explanation, the Minister said (and I want to be fair to the Minister, because he considered that the change he was introducing was justified) the following:

Following strong and unanimous pressure from the Local Government Association and each of its regional associations, amendments are proposed to section 427. These are directed at the avoidance of expensive and time-consuming polls which generally fail. It is now accepted that the use of Loan funds is part of the normal financial management of any modern local authority. As a result, this Bill would require that the demand for a poll must be signed by at least 10 per cent of the enrolled electors instead of the present 21 electors for district councils and 100 for municipalities which has made it possible for very small numbers to commit a council to an expensive and unnecessary poll. Also, a proposal to borrow can only be defeated by 40 per cent of those enrolled voting against the proposal; this again will ensure that a council's forward financial planning cannot be arbitrarily disrupted by small groups with special interests in the community while retaining the principle of genuine community objection.

By clause 58, ratepayers as a group first would have to object to their council's borrowing the proposed funds and, whereas previously in a district council 21 ratepayers could call for a poll and 100 could do so in a municipality, now at least 10 per cent of the electors could do so, and this could mean as many as 2 000 or 3 000 persons in municipalities.

In addition, the poll, to be defeated, must be defeated by a majority of 40 per cent of those enrolled. In metropolitan Adelaide (and other members know more about country areas than I do), it would be impossible in practice to defeat a poll under those conditions, whilst in theory a case could be made out to show that it could be done. Although I have complimented the Local Government Association and whilst I agree that we should look at the matters from the point of view of the Local Government Association and councils, this Council must also look at the question from the ratepayers' point of view.

The Hon. M. B. Dawkins: The practical point of view.

The Hon. C. M. Hill: Yes. If ratepayers know now that they have an opportunity to check their council by defeating a proposal for a loan, they will say that in future they will have no opportunity to do so. Therefore, why should the provision be included? I do not agree with the harsh changes being made in that regard. I commend the Hon. Mr. Griffin on his maiden speech on the measure yesterday. He made a good submission to the Council and showed that he had an intimate knowledge of local government. I am sure that his speech was the forerunner

of many that this Council will hear. I support the second reading. I think that the two matters that I have raised are the major ones, and other matters can be discussed in Committee.

The Hon. M. B. Dawkins: I, too, support the Bill, which is a rather complex document, comprising 90 clauses. In so doing, I welcome the Hon. Mr. Griffin and extend my congratulations to him for what I consider to be a fine maiden speech, indicative of the contributions that the honourable gentleman undoubtedly will make in the Council. I wish him well for the future.

As I have said, the Bill is rather complex and seeks to amend what has become a very cumbersome and rather untidy Act that has been amended constantly. I do not think that that is the fault of any Party of Government. About 10 years ago, a Local Government Act Revision Committee was appointed, and it reported in 1970. The report was a good one, and it is regrettable that it has not been implemented in full. However, one cannot say that the report has been altogether wasted, because many things in it have come before Parliament by way of amendments to the Act in subsequent years. The Minister in another place, in his second reading explanation, stated:

The greatest proportion of these amendments has come from local government itself. I am grateful to the South Australian Local Government Association and individuals and local authorities for the free and constructive discussions that I and my officers have had with them on most of the matters in this Bill.

I join with the Hon. Mr. Hill in congratulating the Local Government Association on the progress that it has made and on the way it has been led by Councillor Gordon Johnston, the President, and the executive head, Mr. Jim Hullick, the Secretary-General. Many dedicated servants of local government have been on the association executive over the years, and I believe that the close association between the Governments of the day and the association has been excellent.

I have had the privilege of conferring with the association and with many councillors in the past week or so, and I can confirm the Minister's statement that most of the amendments have been introduced at the request of local government bodies. As the Hon. Mr. Hill has said, the Bill is a Committee measure and I do not intend to go through it in great detail now. Doubtless, many comments will be made in the Committee stage.

The Bill provides greater authority for the Advisory Commission. This concerns me, as I believe it may well restrict councils in certain areas. There are two or three aspects in the Bill about which the Local Government Association and councils may not be pleased. First, the measure provides that, as long as the commission understand the general purpose of the petition, they have the right to proceed to hear it. I believe that the ratepayer, or the elector as we probably call him now, should have the right to determine whether there will be a poll to decide on the acceptance or otherwise of a proposal, and there ought to be adequate provisions for people who want to secede or join another area, without too many obstacles to overcome.

I share the concern expressed by the Hon. Mr. Hill about clause 15. I will not repeat what he said, except to say that I agree with his comments. This is a situation that makes it difficult for ratepayers to express their wishes or have them heard properly. Regarding voluntary amalgamation, the Opposition believes that, in amalgamation where it is desirable and necessary, it should be done on a voluntary basis.

I understand that so far there has been only a limited number of amalgamations. Two or three years ago there

were 139 councils in South Australia, and that number has now been reduced to 129; certainly it should fall still further. I hope that, when amalgamations take place, people do not talk in terms of takeovers. Some worthwhile amalgamations have taken place, and some are pending. In some that are pending, possibly the larger of the two councils may talk about a takeover. If such a council wants to ensure that the amalgamation does not happen or is not effective, that is the best possible way of doing it. It is not undesirable that the Local Government Advisory Commission should have some power of initiation, as outlined in the new section, but I hope it will not be a heavy-handed power from a central authority: the Hon. Mr. Hill referred to this point.

Some councils are no longer viable and would benefit from amalgamation with a neighbouring council. In these cases, some kindly advice from the central authority in the way of initiation would be valuable. It was my privilege to have some part in initiating one such amalgamation; in that case, having had the opportunity of discussing the matter with a subcommittee from both councils, I believe that the amalgamation is very successful, and I see no reason why further amalgamations along these lines should not take place, thereby benefiting local government as a whole. At present a few councils are really struggling, are no longer viable, and need amalgamation. New section 45b provides:

(1) Where, in the opinion of the Minister—

- (a) a council has refused or failed to carry out the duties or functions imposed upon, or assigned to, the council under this Act; or
- (b) a council is unable to deal properly with affairs requiring its attention by reason of refusal or failure of members of the council to attend meetings of the council,

the Minister may recommend to the Governor that the council be declared to be a defaulting council.

(2) Where the Minister makes a recommendation under subsection (1) of this section, the Governor may, by proclamation—

- (a) declare the council to be a defaulting council; and
- (b) appoint a suitable person to be administrator of the affairs of the council.

Last year a Bill had to be rushed through Parliament because one council was in real trouble; that legislation will cease to have effect on May 31. While that measure was necessary in an emergency, I am very concerned about the proposition becoming a permanent feature of the legislation. Concern has been expressed about this matter by members of local government. I said earlier that, in my discussions with councillors and executives, general approval was given to this Bill, but there were three or four instances (and this is one) where there was some grave doubt about the situation. New section 45b (6) provides:

Where a proclamation is made under subsection (2) of this section, the Minister shall, within ten sitting days of Parliament thereafter, cause a report to be given to both Houses of Parliament of the circumstances giving rise to the making of the proclamation.

That is a reasonable proposition, except in connection with the period within which a report has to be made to Parliament by the Minister. Parliament may adjourn for the Christmas recess perhaps at the end of November, and it may resume for six sitting days in February or March. If a council emergency occurred in late November or December, and if Parliament sat for only six sitting days in the summer and then did not sit again until later in the year, several months might elapse before the report would be considered by Parliament under this provision as it

stands. I therefore suggest that the number of sitting days referred to in new section 45b (6) be reduced from 10 to three. I foreshadow an amendment to this effect. In general, I support the Bill. I have another amendment on file dealing with disputed returns, and I may or may not proceed with that amendment. New section 142k provides:

Every decision of the court shall be final and conclusive and without appeal, and shall not be questioned in any way. I will further consider whether or not that provision should be left in the Bill. I support the second reading, and I will consider the amendments on file and deal further with the Bill in Committee.

The Hon. C. W. CREEDON secured the adjournment of the debate.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 9. Page 2078.)

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

This Bill makes a number of amendments to the principal Act, some of which I disapprove and some of which I approve. Clause 3 alters the constitution of adoption courts by striking out section 5 of the principal Act and inserting a new section 5. Under the principal Act at present, adoption proceedings are heard by a court composed of a magistrate and two justices, one of whom must be a woman. The Bill provides that it will be constituted of a judge of the Children's Court of South Australia, a person holding judicial office under the Local and District Criminal Courts Act, or a special magistrate. Such a court shall have jurisdiction to hear and determine an application for an adoption order. I have some reservations about this change. Over the years, the constitution of the court has been very satisfactory. As a matter of fact, some people involved in adoption proceedings have stated how much they appreciated the changes that were made previously.

In other words, the atmosphere where the magistrate was assisted by two legal justices, one of whom was a woman, was totally different from what it had been when the jurisdiction of the court was a judge alone. I have some reservations about this change. In the second reading explanation, no reason is given for this change. The Government should explain to the Council the reason it wants this change made because, on all the information I have, the existing system is working very well and no reason is given why the change is being made. I ask the Government to give this Council a reason for the proposed change.

There may be others in the Chamber with more legal knowledge than I have who may take a view different from that which I have expressed, but I can say from my experience that the existing constitution of the court is satisfactory. Section 30 is amended by clause 4, which provides:

Where (a) a child suffers from some physical or mental disability; or (b) the physical, mental or emotional attributes or characteristics of a child are such that it requires care, the Minister may enter into an arrangement with the prospective adoptive parents of the child under which he will contribute to the support of the child after its adoption.

I do not object to that clause; indeed, I commend the Government on its inclusion in the Bill. Clause 5 establishes a South Australian Adoption Panel, on which there are nine members—one clinical psychologist, one legally qualified medical practitioner registered as a specialist in gynaecology, one a legally qualified medical

practitioner registered as a specialist in paediatrics, one a legally qualified medical practitioner registered as a specialist in psychiatry, one a legal practitioner, one a social worker, one the nominee of the Director-General of Community Welfare, and two members of the public with special interest in the field of adoption of children.

I have some doubts once again about this adoption panel. It is top-heavy in its constitution, for there are nine members, and they have certain duties to perform, such as making recommendations to the Minister generally upon matters pertaining to the adoption of children; keeping under review the prescribed criteria in accordance with which the Director-General is to determine who are eligible to be approved as fit and proper persons to adopt children and to recommend to the Minister any changes to those criteria that the panel considers desirable; recommending to the Minister procedures for the evaluation of, and research into, adoptions; making recommendations to the Minister on matters referred by the Minister to the panel for advice; and undertaking such other functions as may be assigned to the panel by regulation.

I do not object to that, but we seem to be getting ourselves into a position where everything we do that should be relatively simple we are loading with a high-powered panel or board to achieve an end. I know that over the years there has been very little difficulty about adoptions under the existing system. I question the need for such a high-powered panel to advise the Minister on adoption. I come to the last point; I have had a long struggle with it and have finally solved it. Clause 6 provides:

(a) by striking out paragraph (1a) and inserting in lieu thereof the following paragraph.

After a close examination of the principal Act, I could not find any paragraph (1a), so I then went back to the 1976 amendment, which was supposed to insert paragraph (1a) and I find it provides "after paragraph (1) insert paragraph (1a)". But there is no paragraph (1), either. Finally, I found out that it really should be para (1), and that "1" should be in the same italics as "m" in the following part of the Bill. Section 72 deals with regulation-making powers, which are under the headings of (a), (b), (c), (d), (e), (f), (g), and so on. The 1976 Bill inserted after paragraph (1) paragraph (1a); there is no (1) or (1a). It should read "by striking out paragraph (1a)". I must commend the officers of the Chamber who have corrected the Statutes at the back and they have amended paragraph (1), but the Bill is incorrect. With those few remarks, I support the second reading. I will put again the questions to which I should like an answer. First, what are the reasons for the change in the constitution of the court, for which I see little argument? Secondly, what is the reason for such a high-powered panel? It will be expensive and have an expenses allowance paid to it by the taxpayer. It is a large panel and I should like its size to be justified. Thirdly, in clause 6, it should read "paragraph (1a)" and not "paragraph (1a)".

The Hon. F. T. BLEVINS: I support this Bill. There was a time when welfare authorities around the world had a problem. They had thousands of children available for adoption and not nearly enough people willing to adopt. The end result was institutional care instead of family care for those children who missed out on adoption. I am sure that all concerned in this institutionalised care are to be congratulated for the effort they made to bring up children who, for a variety of reasons, could not be brought up by their natural parents.

I am sure that every member of this Council will agree that generally speaking institutional care is no substitute for family care. However, the nature of the problem has

now changed; for welfare authorities the problem is entirely different. There is now a surplus of prospective adoptive parents and a shortage of children available for adoption. The end result of this is that many couples whose only hope of having a family through adoption are likely, at best, to have a very long wait and, at worst, to miss out altogether. The decline in the number of children available for adoption is world-wide and the reasons are well documented.

First, there has been no increase in the number of children born outside marriage in the last few years. It could reasonably have been expected that there would be some increase in the number of children born outside marriage in this so-called permissive society. This has not proved to be the case. The reasons are, I suppose, the increased availability of contraceptives and abortion.

Although real advances have been made in both areas, I feel we still have a long way to go in getting contraceptive advice over to couples and, when contraception fails, then making abortion easier to obtain.

Although the numbers of children born outside marriage have remained relatively stable in the last five years, the number of single mothers giving children for adoption has steadily declined. One of the reasons is the growing reluctance on the part of single mothers to give their children for adoption. To illustrate this, 1 800 children were born outside marriage in South Australia in 1972-73. Adoption orders granted in that year in which identities were not disclosed totalled 467, which is equivalent to 26 per cent of the children born outside marriage.

In 1976-77, 1 852 children were born outside marriage and, of the 222 secret adoptions granted, it was equivalent to only 12 per cent of the children born to single mothers. In South Australia the number of children placed for adoption has been declining rapidly for several years.

In 1972-73, 443 children were placed for adoption compared to 189 in the most recent full year, 1976-77. This downward trend is continuing in this financial year with only 80 children placed in the six months to the end of December. This compares to 110 children placed in the same six months of the previous year.

Whilst having much sympathy for prospective adoptive parents who are never going to be able to have a child, I can only say that I am delighted that single mothers no longer feel it necessary to put their children up for adoption. That single mothers are more and more keeping their babies is to me a very good thing. Because society no longer frowns on unmarried mothers the way it did in the past, and the availability of the supporting mothers benefit, it is much easier for unmarried mothers to keep their babies to the benefit of those babies.

However, these new attitudes present problems for prospective adopting families. The problem arises when it is realised that the number of people anxious to adopt a child has not declined at anywhere near the same rate that the availability of babies has declined. This is illustrated by the fact that at the end of last June there were about four prospective adopting families available in South Australia for each child available for adoption.

The consequences of this imbalance are plain: frustration, anxiety, years of uncertainty and, in many cases, bitter disappointment on the part of couples who have been approved to adopt but to whom a child is not available.

It was with this situation in mind that the Government in July, 1976, established the Community Welfare Advisory Committee on Adoption Matters, under the chairmanship of Dr. Peter Eisen. That committee's report is known as the Eisen Report. The committee's first term of reference

went right to the heart of the matter, and provides:

To recommend to the Minister of Community Welfare general criteria which should be adopted in relation to adoption applicants so that a reasonable balance is struck between the number of applicants and the number of children becoming available in South Australia, having regard to the needs of each individual child.

The committee was also asked to recommend to the Minister the general criteria that should be adopted in relation to adoption applicants, so that a reasonable balance was struck between the number of applicants and the number of children becoming available having regard to the needs of each individual child.

It was also asked to recommend to the Minister what action should be taken in relation to the list of applicants already approved, and to recommend procedures which should be followed for future reviews of the criteria. The committee brought down its report in December, 1976, and that report was made public. The committee reconvened in March, 1977, to consider the comments and suggestions made by the public on its report, after which it then made several supplementary recommendations. The legislation before us is based on that original report and the supplementary recommendations.

It must be apparent to all that the committee was given a most difficult task. Adoption has always been a most sensitive issue and one capable of generating much emotion. The committee did not shirk the issues in any way and, while clearly and sympathetically recognising the concern of prospective adopters, it kept as its central theme the fact that the interest of the child should be paramount. In fact, it stated in the first paragraph of its general principles:

Throughout the committee's deliberations, the paramount concern has been for the welfare and interests of the child which is in accord with the emphasis of the Adoption of Children Act, 1967-1976. It cannot be stressed too strongly that unless administrative procedures put into effect this paramountcy of interest, then the rights and needs of children will not be met.

For the reasons just stated, it is obvious that members of the committee did not make their decisions and recommendations lightly. In the report each recommendation is accompanied by a simple and straight-forward rationale, which explains why the various criteria have been framed, and the relevance each has to concluding a successful adoption. Perhaps the most difficult area for the committee was the setting of minimum and maximum age limits for persons seeking to have their names placed on the prospective adopters register.

A large percentage of those who commented on the committee's original recommendations protested that they would be excluded by the upper age limit of 37 years at the time of placement of their names on the register. I must confess that when I first saw this in the report it rather surprised me, and I quote from the report, paragraph 3, as follows:

Each applicant shall be aged not less than 25 years and not more than 37 years, at the time of placement of the names on the register.

When I first saw that age stipulated in the report I was rather surprised as it put me out of the age group able to adopt a child (not that I have any desire in that area).

The Hon. C. M. Hill: There's no need.

The Hon. F. T. BLEVINS: True, but I hoped that at age 37, I was still relatively able and worthy of being a father. However, the committee stipulated that I was too old. This fell heavily on me, but I did not protest to the committee, although obviously others did, and the committee considered the matter further and recommended that the maximum age be increased to 40 at the

time of placement of a name on the register, which just places me in the age limit, if I have any ambitions in that respect.

The committee believed it could not go further than this if it was to maintain the best balance for the needs of relatively young parents and the needs for a stable marital relationship between parents. Obviously, protests would have been made at whatever maximum age was set from those persons who were excluded by that limit. This is understandable, but such disappointments are inevitable when such arbitrary lines must on occasions be drawn.

Appeal provisions have, of course, been provided to enable people to seek a review of specific decisions by the Director-General of Community Welfare in relation to the refusal of an application, or withdrawal of approval to adopt. The Director-General will also have the discretionary power to waive the age limit criteria where it is considered that the applicants have the capacity to provide the high standard of care needed to safeguard and promote the welfare of a child with special needs throughout his childhood.

Finally, I would like to make reference to the formation of an adoption panel. It is clear from the proposed function of the panel that the whole area of adoption will be subjected to the regular and thorough scrutiny it deserves. The composition of the panel will ensure that relevant specialists, along with members of the public with the appropriate interest in adoption, will make continuing recommendations on adoption matters in general and, from time to time, will review the criteria and make recommendations of any changes considered desirable. When the Leader spoke just a moment ago he expressed doubts on the advisability of establishing this panel and of its composition.

The Hon. T. M. Casey: He was worried about the numbers.

The Hon. F. T. BLEVINS: Not just the numbers: he went further than that and expressed doubts as to the advisability of having a panel, saying that anything we seemed to do in legislation seemed to involve establishing a high-powered panel, that it would cost the taxpayer money, and that there would have to be expenses met. The Leader doubted whether this was necessary or desirable, but I cannot think of any expense that the taxpayer could meet that would be better spent than on such a panel, where experts from almost every conceivable field would be able to advise the Government on what is a sensitive and delicate area.

I commend the Government for doing so. I do not understand why the Hon. Mr. DeGaris should have any objection to an advisory panel of this nature. On a topic such as this, which touches the emotions of so many people, the best possible advice is essential. The cost involved cannot be much, but whatever it costs will certainly be money well spent.

Although, as honourable members will see if they read the reports of the debate there, a couple of points were made by members in another place, generally speaking the Bill had the support of the members of all Parties in the House of Assembly. I am sure that the procedures outlined in the Bill will, when it comes into effect, operate to the benefit of the children concerned and that of adoptive parents.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

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

CONTRACTS REVIEW BILL

Adjourned debate on the question:

That this Bill be now read a second time, which the Hon. J. C. Burdett had moved to amend by leaving out all words after "That" with a view to inserting the following:

the Bill be withdrawn with a view to the Government referring it to the South Australian Law Reform Committee for its report and recommendations regarding the implementation of the objects of the Bill and that the Bill be redrafted to allow for its inter-relationship with other Acts.

(Continued from March 7. Page 1939.)

The Hon. D. H. LAIDLAW: When I spoke in this debate last week and sought leave to conclude my remarks, I pointed out that, since South Australia was a trading community that sends over 80 per cent of its products to other States and overseas, this Council must beware not to pass legislation that might deter overseas firms from investing or doing business in South Australia.

I quoted examples relating, first, to contracts for the supply of minerals or concentrates to overseas smelters and refineries; secondly, to contracts to manufacture equipment in South Australia under licences granted by overseas designers; thirdly, to contracts for the sale of wool by auction in Adelaide to a foreign buyer; and fourthly, to contracts to purchase foreign currency from an Adelaide-based trading bank acting as agent for the Reserve Bank.

If this Bill passes in its present form, an application could be made to a court subsequently to vary the terms of such contracts on the grounds of unfairness. This could well create confusion in the minds of the community, and there is sufficient uncertainty already for economic reasons.

I support the Hon. Mr. Burdett's amendment which provides that the Bill should be withdrawn and referred to the South Australian Law Reform Committee for its report and recommendations regarding the implementation of the objects of the Bill and that the Bill be redrafted to allow for its inter-relationship with other Acts. Because of my concern about the effects of this Bill on this State's overseas trade, I move:

To amend the Hon. Mr. Burdett's amendment by adding at the end thereof:

and to take into account its effect on international and currency contracts.

The Hon. J. A. CARNIE seconded the motion.

The Hon. T. M. CASEY (Minister of Lands): It is unfortunate that the Opposition at this stage cannot realise that the Bill has been under close scrutiny by many eminent members of associations in this State. Although in some cases there have been dissenting voices, most people have given the Bill their support. It is unfortunate that the Opposition should now use its numbers (as it normally does) to refer this Bill to the Law Reform Committee, the Chairman of which has said that this Bill could possibly do much good in the community. Not only that, but also the Young Lawyers Association has written in after scrutinising the Bill. In this respect, I refer also to the South Australian Automobile Chamber of Commerce; the Consumers Association of South Australia Incorporated; Mr. A. P. Moore, Senior Lecturer at the Adelaide Law School; the Commissioner for Consumer Affairs; Mr. S. C. Cole, a lecturer at the South Australian Institute of Technology; and Mr. Justice King. Undoubtedly, other people have done so, too. True, there have been some dissenting voices.

The Hon. J. C. Burdett: Who are they?

The Hon. T. M. CASEY: The Housing Industry Association reported unfavourably on the Bill, as did the Real Estate Institute, the South Australian Association of Permanent Building Societies, the Law Society of South Australia, and Mr. Justice Wells. One can see that, except for the last two, the other bodies have a vested interest in the matter, anyway. It is unique that on this occasion members opposite are willing to take this action, thereby preventing our bringing into line certain contracts that have been drawn up in the past.

Although many organisations have performed their tasks admirably and in a way that is conducive to good trading, many other organisations need to be brought to heel, something that this Bill would do. I am therefore disappointed that the Opposition has now decided to use its numbers in this place in the way that it has. Let us hope that, when the Bill is referred to the Law Reform Committee (as no doubt it will be), something will come out of it that will benefit the community.

The PRESIDENT: The question before the Chair is: That the words proposed to be left out stand part of the question.

The Council divided on the question:

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

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. Jessie Cooper.

The PRESIDENT: There are 9 Ayes and 9 Noes. There being an equality of votes, I give my casting vote for the Noes.

Question thus negatived.

The PRESIDENT: The question before the Chair now is: That the amendment moved by the Hon. Mr. Laidlaw to add to the words proposed by the Hon. Mr. Burdett to be inserted be agreed to.

Amendment carried; amendment as amended carried.

BOTANIC GARDENS BILL

In Committee.

(Continued from March 14. Page 2133.)

Clauses 6 to 12 passed.

Clause 13—"Functions of the Board."

The Hon. C. M. HILL: In the second reading debate, I raised a matter, and I assumed that the Minister would examine it. It concerns subclause (2) (f). I am interested in the matter of disposal of real property. If I may also discuss clause 14, it provides that the board shall not dispose of any interest in land vested in it, except after a resolution of both Houses of Parliament to that effect has been passed. It seems to me that there is a contradiction between paragraph (f) and clause 14, and perhaps it is necessary for the words "subject to clause 14" to be included at the beginning of that paragraph, so that it will be clear that the power to dispose is subject to clause 14.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I have been informed that that is not necessary.

Clause 14 refers to land vested in the board, and that covers areas of land in the botanic gardens at Mount Lofty and Wittunga. Subclause (2) (f) is for the disposal of other things. I am sure that the two provisions are not incompatible.

The Hon. C. M. HILL: I accept the Minister's explanation.

Clause passed.

Clauses 14 to 19 passed.

Clause 20—"Director and other officers."

The Hon. R. A. GEDDES: Does this clause have any relationship to clause 21 (3)? Is that the release clause to allow the Director or some other officer to be a board member?

The Hon. B. A. CHATTERTON: Clause 21 (3) is a release clause allowing an employee to be on the board. There is no implication in it that the employee to go on the board will be the Director.

Clause passed.

Remaining clauses (21 to 27) and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2213.)

The Hon. C. W. CREEDON: I support the Bill. At the outset it should be emphasised that local government represents a major industry. In June, 1977, Australian councils employed over 124 000 people—about a third of the workforce in the Australian Public Service. Local governments handle large budgets and, with the introduction of the personal income sharing Act, get a direct slice of the Federal Budget amounting to over \$200 000 000 for this financial year. Federal and State Governments have come to recognise the potential value of local government employment as an attempt to regulate unemployment and "pump prime" the economy. This was shown by the RED scheme which, at one stage, employed over 20 000 people. Local government, in other words, is being recognised as a useful instrument of economic control.

Another important consideration is that local government employment is one of the few areas of current employment growth. Whereas unemployment in Australia has increased from about 2 per cent of the workforce to about 6 per cent of the workforce since 1974, and the Australian Public Service has declined by nearly 11 000 workers in that period (a decrease of about 3 per cent), local governments, in aggregate terms, have increased their workforce by 6 per cent in the same period and by 15 per cent since 1971. In South Australia the growth has been even more marked. The 6 800 people employed by local government in June, 1977, represented a 20 per cent increase over 1974 and a 28 per cent increase over 1971. Not only has local government employment increased, it has also diversified. Councils are no longer concerned solely with the three R's—Rates, Roads, and Rubbish—but have expanded to encompass a wide range of occupations and services, including recreation and welfare services, child care facilities, swimming pools, libraries, computing, inspection of buildings and many other areas (including, of course, the bane of suburban drivers, parking inspectors).

This development has not occurred uniformly, and few country councils can boast substantial changes in the last decade, one of the significant factors in industry. While to

the elector local government may be a personalised and informal thing, nationally it is big business. Its resources are not evenly distributed. This can be seen by comparing the ratable revenue of different councils (in Queensland, for example, this varies from about \$26 000 000 per annum down to \$200 000 per annum) or by looking at the number on each council's payroll (about 800 in the city of Adelaide to a part-time shire clerk in some district councils).

In recent years the Government in South Australia has made an effort to amend and upgrade the Local Government Act. It has been a very difficult job. The Liberal Party had been in power for over 30 years and, if anything, was inclined to remove power from the hands of the representatives of local government; it certainly did not keep up with the changing times by altering the Act to suit the times.

This Bill represents a major effort on the part of the Government to upgrade the Local Government Act. The Minister has always been conscious of the needs of local government. This Bill is an example of what can be done when concerned people and groups, such as the Minister and his departmental Director, councils, and the Local Government Association get together and work out the needs of local government. The amendments in this Bill will certainly help clarify the position and clear away some of the doubt that existed within local government about actions it has taken or would like to take that it is sure would enhance local government in the eyes of the community.

Most people serving in local government, whether paid or voluntary, (and although at times shockingly conservative) are usually intent on looking after the interests of their electors. They are mature people and generally exercise their power sparingly.

This Bill widens the actions that councils can take in the interest of their electors. It puts an end to some of the petty actions that small unrepresentative groups can take in order to stifle, even nullify, the considered and democratic action of those who have been elected to govern the area. For too long local government has been the pawn of Federal and State Governments, and people have seen local government only as the pot-hole patcher, the rubbish collector, and savage rate gatherer. A few councils will never be much more than that. They are backward, and the Local Government Act has not proved to be efficient enough for anyone to be able to correct the matter. Even with these amendments, probably more amendments over many years will be needed to correct this situation.

To turn my attention now to one or two of the most important amendments, perhaps I could first spend a little time on the amendment to the part of the Act that clarifies a problem that has bedevilled councils and ratepayers alike seeking to join, annexe, or separate, as the case may have been.

Some electors have been most vexed by their inability to make progress in their attempts to seek what they considered to be their democratic right. Here, I should like to quote briefly from the Local Government Advisory Commission Report No. 14, in the matter of petitions for transfer of portion of the area of the District Council of Munno Para and its annexation by the town of Gawler, and counter-petitions in respect thereof, and demands for polls relating thereto. It would probably be worth while reciting the facts.

There was a letter from the ratepayers of the Evanston and North Wards of the District Council of Munno Para, asking that the question whether or not those wards should be severed from the District Council of Munno Para and

annexed to the Town of Gawler be submitted to a poll of ratepayers. After the commission had heard the case, there was a round table conference, and I will read the last paragraph of the report, which is as follows:

Our findings in this matter emphasise the necessity for considering amendments to the Act. Once again, the real issues that everyone wants decided are not being considered. At the conference, the ratepayer representatives, perhaps pleadingly, asked the Commission how they, as lay people, could comply with the provisions of the Act and achieve their goal—the consideration of the real issues. In the present state of the Act, it would be a brave person who would attempt to tell them.

That report was signed by the Chairman and members of the commission. It pointed out the difficulties that existed in the Act, and no doubt the Minister became aware of them and tried to clear them up. The Hon. Mr. Hill and the Hon. Mr. Dawkins have both expressed concern about the amendments to this section of the Act but, while one possibly should consider all people in a vicinity or area, the people who are not being considered are those who believe they have a right to be heard and cannot be heard because the Act does not permit them to be heard. These amendments, hopefully, will put them in the position of having their case heard before the commission and a decision being reached; it will take them out of the backwoods that they feel they have been placed in.

Another point that is worth a mention is the alteration to the Act that stops the often quite childish and certainly selfish action of minority groups of raising petitions and calling for polls seeking to stop councils borrowing money. That is intended not to be wasted but to be in the best interests of the electors. Polls are time-consuming and costly and, as I said earlier, should not be called wantonly. I said earlier that the average council consists of average mature people. As a rule, early in the year a budget is adopted and usually some money has to be borrowed to implement a works programme. That money comes from rate revenue and from grants. If electors are dissatisfied, they should organise their energies to run an opposing team at election time to try to defeat councillors that they believe are working against the will of those minorities.

Elections take place every 12 months and, hopefully, soon that time may be lengthened. Lastly, I should like to mention the clause that deals with the administration of areas when councils, for any reason at all, are unable to administer their areas. We spoke about this some months ago concerning adjoining districts where it was necessary to introduce legislation to give temporary power to do something relating to those areas. Other States seem to have machinery to deal with this kind of problem. Recently, the Gold Coast City Council in Queensland was dissolved and an administrator was appointed. The Queensland Government has absolute power and may dissolve a council and substitute a commissioner "in its absolute discretion".

The Western Australian legislation is expressed in the form of limitations upon the power to substitute a commissioner for the council; those limitations are stated so broadly that they are not much more restrictive than the Queensland legislation. New South Wales and Tasmania impose strict limits on the power conferred on the Governor to appoint a commissioner. I believe there should be some restriction and the Minister must report promptly to Parliament. Victoria does not have any rules governing this sort of thing. I believe it is absolutely necessary for the Minister to have the required power to take immediate action if it is desirable to continue the activities of a defaulting council. I am sure the electors of an area would not like to see their council fail for any

reason but, if it did, they would probably want to know that their State authority would be able to help.

The Hon. M. B. DAWKINS: Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. W. CREEDON: I was about to sit down when the Hon. Mr. Dawkins drew attention to the state of the Council. The electors should be in a position of having the State Government's help if necessary. I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. C. M. HILL: Honourable members have amendments to this Bill, but conferences are taking place now. It may well be that there are some proposed amendments to the first few clauses that should be considered and, with the assurance that the Opposition has given that we will get these amendments in train as soon as possible, I hope that progress can be reported now.

Progress reported; Committee to sit again.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 2143.)

The Hon. C. M. HILL: I must make a protest that this Bill is being pushed through Parliament with too much haste. It is a major measure, yet it was introduced to this Council only last evening. Honourable members know from the size of the Notice Paper the quantity of work that this Council is undertaking, and to review such a measure adequately requires more time.

The Bill establishes a large urban development in the Golden Grove area of Tea Tree Gully. It is envisaged that about 25 000 to 30 000 new residents will be housed in the region, which will encompass an area of about 1 400 hectares. From my reading of the Bill it seems that much power and control is to be vested in a committee of four persons, two of whom shall come from the Tea Tree Gully council. In the event of an equality of votes in that small even-numbered committee of four, the issue goes to the Minister for his decision.

My first point in this preliminary review of the Bill, which I support but with serious misgivings, is that the Government's policy on urban expansion and development is lamentable. Year after year since this Government came into office (going right back into the 1960's) its senior members, especially the Premier, have been telling residents of metropolitan Adelaide that the sprawl of metropolitan Adelaide should cease, that he is determined to ensure that it stops, and that a target should be established.

This figure varies from between 1 000 000 and 1 200 000 for our total population expansion in the future. Whenever there is a need to stand on the soap box, especially if the audience is receptive to such talk, the point has been made with great emphasis: that the Government will not allow the urban sprawl to continue. Flying in the face of that statement we have this Bill, which seeks to establish nearly 30 000 new residents in this region of Adelaide's metropolitan area.

The Hon. M. B. Dawkins: There's another 30 000 located in the south.

The Hon. C. M. HILL: True.

The Hon. R. C. DeGaris: What about the vineyards?

The Hon. C. M. HILL: I am coming to the vineyards, and the Minister of Agriculture should be concerned about that aspect. How does the Government explain the contradiction of telling the public at every opportunity that, on the one hand, it is master planning this State and will ensure that Adelaide does not outgrow its present size, and that it is going to stop this sprawl, while on the other hand it introduces such a Bill without any reference that it is revising its forecasts or that it has changed its plans.

Parliament should be given an explanation about this situation. What does the Government intend to do about the Adelaide sprawl in future? Is it going to let the sprawl expand even farther? What is its explanation for this contradiction that has now been exposed? We know that the Government's record is lamentable because of the Monarto issue. At one stage the Government planned the new city of Monarto, but it was conceived without adequate planning. The Government made the major planning failure of not consulting the people before it conceived the whole scheme. It was conceived behind closed doors and, when such new developments are conceived in that way, they are bound to fail.

Soon after the Government announced that plan, it even talked about Monarto being a sub-metropolitan area in its planning and, before even one house had been built, Monarto was referred to as part of the huge metropolitan region.

The Hon. D. H. Laidlaw: How's it going now?

The Hon. C. M. HILL: It has completely failed. Another reason why it failed is that population forecasts let the Government down because, with the passing of time, those population forecasts proved to be incorrect. What are the population forecasts regarding this development at Tea Tree Gully? Parliament is entitled to some information about these forecasts to see whether or not there will be sufficient people to populate the new housing area, if it proceeds. We know that population forecasts and growth have reached the stage in which we almost have zero population growth.

The Hon. B. A. Chatterton: What do you mean?

The Hon. C. M. HILL: We are not far from that; it is arguable. Further, there are literally thousands of new houses on the fringe of metropolitan Adelaide now, especially in the south and north that are empty and cannot be sold.

The Hon. B. A. Chatterton: Thousands!

The Hon. C. M. HILL: There are literally thousands, especially along the south coast, and I refer to Port Noarlunga, Christies Beach, and the area back to Hackham and inland from Morphett Vale. I hope such statistics have been borne in mind by the planners in this project, which seeks to house so many people. If we are to plan properly for urban expansion and if we are really to control the sprawl of metropolitan Adelaide, how can this Bill be justified? I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

RESIDENTIAL TENANCIES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 3 to 8, 27 to 30, 33, 36, 41 to 43, and 46 to 49, but had disagreed to amendments Nos. 2, 9 to 26, 31, 32, 34, 35, 37 to 40, 44, 45 50, and 51.

Schedule of amendments to which the House of Assembly had disagreed:

No. 2. Page 2, after line 38—Insert new clause as follows:
5a. This Act binds the Crown.

No. 9. Page 4, line 24 (clause 10)—Leave out "tenant" and insert "party to a residential tenancy agreement".

No. 10. Page 4, line 26 (clause 10)—Leave out "tenant" and insert "party".

No. 11. Page 4, line 27 (clause 10)—Leave out "tenant" and insert "party".

No. 12. Page 4, line 28 (clause 10)—Leave out "tenant" and insert "party".

No. 13. Page 4, line 30 (clause 10)—Leave out "tenants" and insert "such parties".

No. 14. Page 4, line 39 (clause 10)—Leave out "tenant" and insert "party".

No. 15. Page 4, line 46 (clause 10)—Leave out "tenant" and insert "party to the residential tenancy agreement".

No. 16. Page 4, line 48 (clause 10)—Leave out "tenant" and insert "party".

No. 17. Page 5, line 2 (clause 10)—Leave out "tenant" and insert "party".

No. 18. Page 5, line 5 (clause 10)—Leave out "tenant" and insert "party".

No. 19. Page 5, line 7 (clause 10)—Leave out "tenant" and insert "party".

No. 20. Page 5, line 11 (clause 10)—Leave out "tenant" and insert "party".

No. 21. Page 5, line 12 (clause 10)—Leave out "tenant" and insert "party".

No. 22. Page 5, line 13 (clause 10)—Leave out "tenant" and insert "party".

No. 23. Page 5, line 18 (clause 10)—Leave out "tenant" and insert "party".

No. 24. Page 5, line 22 (clause 10)—Leave out "tenant" and insert "party".

No. 25. Page 5, line 29 (clause 10)—Leave out "tenant" and insert "party to the residential tenancy agreement".

No. 26. Page 5, line 41 (clause 10)—Leave out "tenant's consent" and insert "consent of the party to the residential tenancy agreement".

No. 31. Page 6, line 33 (clause 13)—Leave out "such term of office" and insert "a term of office of five years".

No. 32. Page 7, lines 13 and 14 (clause 15)—Leave out "registrar of the Tribunal and such deputy registrars as may be necessary" and insert "legal practitioner to be the registrar or a deputy registrar of the Tribunal".

No. 34. Page 11, lines 10 to 14 (clause 24)—Leave out all words in these lines and insert paragraphs as follows:

(a) that—

(i) the party is unable to appear personally or conduct the proceedings properly himself; and

(ii) no other party will be unfairly disadvantaged by the fact that the agent is allowed so to act; or

(b) where the party is a landlord, that the agent is the agent of the landlord appointed to manage the premises the subject of the proceedings on behalf of the landlord.

No. 35. Page 12 (clause 28)—Leave out the clause and insert new clause 28 as follows:

28. (1) A right of appeal shall lie to a Local Court of full jurisdiction within the meaning of the Local and District Criminal Courts Act, 1926-1976, against any order or decision of the Tribunal made in the exercise or purported exercise of its powers under this Act.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against.

(3) The Local Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

(a) affirm, vary or quash the decision or order appealed

- against, or substitute, or make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Tribunal for further hearing or consideration or for re-hearing;
- (c) make any further or other order as to costs or any other matter that the case requires.
- (4) The Tribunal shall, if so required by any person affected by a decision or order made by it, state in writing the reasons for its decision or order.
- (5) If the reasons of the Tribunal are not given in writing at the time of making a decision or order and the appellant then requested the Tribunal to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.
- (6) Where an order has been made by the Tribunal and the Tribunal or Local Court is satisfied that an appeal against the order has been instituted, or is intended, it may suspend the operation of the order until the determination of the appeal.
- (7) Where the Tribunal has suspended the operation of an order under subsection (6) of this section, the Tribunal may terminate the suspension, and where the Local Court has done so, the Local Court may terminate the suspension.
- (8) The powers conferred by section 28 of the Local and District Criminal Courts Act, 1926-1976, include power to make rules regulating the practice and procedure in respect of appeals made under this section and imposing court fees with respect thereto.
- (9) Any decision or order made by the Local Court under this section shall be final and binding on all parties to the proceedings in which the decision or order is made and no further appeal shall lie with respect thereto.
- No. 37. Page 15 (clause 35)—After line 2, insert paragraph as follows:
- (b1) the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia;
- No. 38. Page 15, line 20 (clause 35)—Leave out "one year" and insert "six months".
- No. 39. Page 17 (clause 45)—After line 11 insert subclause as follows:
- (1a) A landlord is not obliged to compensate the tenant under the term prescribed by paragraph (c) of subsection (1) of this section unless the repairs are carried out by a person who holds a licence that he is required to hold under any Act to perform such work and the tenant has furnished to the landlord a report prepared by that person as to the apparent cause of the state of disrepair.
- No. 40. Page 18 (clause 48)—After line 11 insert paragraph as follows:
- (a1) for the purpose of determining whether or not the tenant has breached the agreement, where he has reasonable grounds for suspecting that such breach has occurred, at any reasonable hour, after giving the tenant not less than forty-eight hours notice;
- No. 44. Page 20, line 16 (clause 55)—After "tenant" insert ", or, where that is not reasonably practicable in the circumstances, within such longer period as is so practicable".
- No. 45. Page 20, lines 29 to 32 (clause 57)—Leave out all words in these lines.
- No. 50. Page 26, lines 26 to 31 (clause 72)—Leave out all words in these lines.

No. 51. Page 29, lines 39 and 40 (clause 85)—Leave out "as the Minister may approve" and insert "as may be prescribed".

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments to which the House of Assembly had disagreed. The House of Assembly has taken heed of and accepted many of the Council's amendments. As another place has compromised on certain of the Council's amendments, the Council should yield in relation to the other amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): The House of Assembly's acceptance of the Council's amendments to which the Minister of Health has referred is a rather better average than the Council usually achieves. So, I do not think the Council has done too badly. The reason for the House of Assembly's disagreement to those amendments is that they destroy the basic intention of the Bill. However, the amendments to which the House of Assembly disagree would not, if they were left in the Bill, destroy the Bill's basic intention.

The first amendment to which another place disagreed provided that the Crown would be bound. That involved a long debate and, even if the Crown was bound, one could not say that the basic intention would be destroyed. The second lot of amendments, moved by the Hon. Mr. Carnie, would have enabled the Commissioner for Consumer Affairs to receive complaints from any party, either a tenant or a landlord, to a residential tenancy agreement.

Amendment No. 31, also moved by the Hon. Mr. Carnie, related to the appointment of the tribunal for five years, but the House of Assembly disagreed to that amendment. It seems that there was no opposition in the Council to amendment No. 32, to which the House of Assembly has disagreed. If one examines *Hansard*, one finds that that amendment passed in the Council without any dissenting voice. Therefore, I suggest that the Committee insist on all amendments to which the House of Assembly has disagreed.

The Hon. J. C. BURDETT: I, too, recommend that the Committee insist on its amendments. Regarding amendment No. 32 (and I refer to *Hansard* at page 2089), after I had moved the amendment, the Minister said:

I thank the honourable member for seeing reason, and the Government accepts the amendment.

I am surprised that the House of Assembly has disagreed to it.

Motion negated.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on Thursday, March 16, at which it would be represented by the Hons. D. H. L. Banfield, F. T. Blevins, J. A. Carnie, C. M. Hill, and D. H. Laidlaw.

ADJOURNMENT

At 6.8 p.m. the Council adjourned until Thursday, March 16, at 2.15 p.m.