LEGISLATIVE COUNCIL

Thursday, March 16, 1978

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

ASSENT TO BILLS

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

Apprentices Act Amendment,
Appropriation (No. 1), 1978,
Criminal Law Consolidation Act Amendment (No. 2),
Industrial Safety, Health and Welfare Act Amendment,
Public Service Act Amendment, 1978,
Supply (No. 1).

RESIDENTIAL TENANCIES BILL

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

That Standing Order 254 be so far suspended as to enable the conference on the Residential Tenancies Bill to continue while the Council is sitting.

Motion carried.

QUESTIONS

INDUSTRIAL DEMOCRACY

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to addressing a question to the Minister of Health, representing the Minister of Labour and Industry, regarding a statement reported in this morning's *Advertiser* by Mr. Joe Thompson, a prominent Labor member of the Parliament of New South Wales.

Leave granted.

The Hon. D. H. LAIDLAW: Two days ago I asked a question of the Premier in which I quoted a statement by the Federal Minister for Productivity (Mr. Macphee) when he clearly refuted the Premier's claim that the Federal Government was impressed by this Government's policy on industrial democracy.

Honourable members will recall that the Premier said in a speech at Mount Eliza on February 20, that his Government would legislate during the lifetime of this Parliament to enable employees to provide one-third of the representatives on boards of statutory authorities, but that his Government would not legislate in respect of the private sector until the 1980's.

I refer to a statement reported in today's *Advertiser* from Mr. Joe Thompson, a member of the New South Wales Parliament and the Federal President and Secretary of the New South Wales Branch of the Vehicle Builders Employees Federation. I quote:

> "I think the idea of sitting workers on boards in many cases can just be a cosmetic approach to the problem, and counter-productive," Mr. Thompson said. "So many of these people who are telling us we have to do this now are coming from universities. They are academics who have never worked on a factory floor in their life. They wouldn't know what the inside of a factory was. Quite frankly, in many cases they wouldn't know what life is all about. Yet, these are the people who are telling us we have to democratise and put workers on board levels."

I understand that Mr. Thompson has travelled overseas at least twice to examine achievements in industrial democracy.

My question is in two parts: first, will the Minister of Labour and Industry include Mr. Thompson amongst the speakers at the forthcoming international seminar on industrial democracy to be held in Adelaide next May? He has already invited Mr. Laurie Carmichael and Mr. Ted Gnatenko, of the Communist Party—

The Hon. F. T. Blevins: He is not a member of the Communist Party, and you should apologise.

Members interjecting:

The Hon. N. K. FOSTER: On a point of order, it is disgraceful to talk about people's political affiliations. I would rather be a member of the Communist Party than the Liberal Party.

Members interjecting:

The PRESIDENT: Order! As clearly as the Hon. Mr. Foster speaks, it is difficult to hear what he is saying if his colleagues behind him are speaking at the same time.

The Hon. N. K. FOSTER: Much innuendo has emanated from members opposite in the past. Ted Gnatenko, to the best of the knowledge of people who know him, is not a member of the Communist Party but, like myself, he would probably far prefer to be a member of the Communist Party than the Liberal Party.

The PRESIDENT: There is no point of order.

Members interjecting:

The Hon. D. H. LAIDLAW: I shall rephrase my question. Will the Minister include Mr. Thompson among the speakers to attend the seminar to be held in Adelaide next May, since he has already invited Mr. Laurie Carmichael and Mr. Gnatenko, who are known to have left-wing sympathies? He has already invited Mr. Macphee and me from the Liberal Party. By adding Mr. Thompson to support the member for Ross Smith, in another place, he could balance the practical view with the academic and add further representation from his own Party.

Secondly, if some or most of the staff of the Industrial Democracy Unit within the department are academics who would not know what the inside of a factory looked like, will the Minister co-opt some practical advisers like the member for Spence, who has worked as an official in the Vehicle Builders Federation for many years with Mr. Thompson and probably shares most of his views on industrial democracy?

The Hon. D. H. L. BANFIELD: My colleague, the Minister of Labour and Industry, would have been much more sympathetic to the Hon. Mr. Laidlaw had that honourable member not made those allegations. In other words, it showed immediately that the honourable member was trying to play politics and sneak one in. I think that the Hon. Mr. Laidlaw has lost some credence in the Minister's eyes. The statements made by Mr. Thompson do not necessarily indicate that what he said is the Labor Party's view. In our Party, discussion is allowed, unlike the situation facing members opposite, who are ruled with a fist of iron. It is as a result of open discussion that our policy is formulated. In the meantime, I suggest that the Hon. Mr. Laidlaw give a little more credence to the situation rather than try to play politics when asking a question.

POLICE PENSIONS

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking the Minister of Lands,

representing the Chief Secretary, a question regarding police pensions.

Leave granted.

The Hon. M. B. CAMERON: Last year, in private discussion with the then Chief Secretary (now the Minister of Health) I referred to the difficulties that arise when members of the Police Force who belong to the police superannuation fund are faced with an increase in their superannuation benefits. When those benefits increase, the fringe benefits associated with their social service benefits are lost. I understand that even a rise of 20c above the amount allowed to be earned can lead to a loss of one's fringe benefits.

At that time, I asked the Minister whether he intended to introduce a Bill to amend the police superannuation fund legislation to enable persons to refuse these small increases to which I have referred so that they can keep their fringe benefit entitlements. The Minister indicated that he was examining the matter. I understand that this proposal has the support of the Police Association. I know it has been suggested that the Federal Government will consider asking funds to allow superannuants to forgo increases in weekly payments if it means that their fringe benefits may be endangered. Has the Chief Secretary further considered this proposal, and will legislation be introduced to enable people to forgo rises in superannuation pensions in order to retain their fringe benefits?

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

SHARE TRANSFERS

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Lands, representing the Attorney-General, a question regarding share transfers.

Leave granted.

The Hon. R. A. GEDDES: Complaints have been made to me that fines have been imposed by the Stamp and Succession Duties Division of the State Taxation Office for individuals failing to pay stamp duty within 30 days of lodgement of unlisted shares for transfer to another party. The shares in question were lodged with the State Valuation Department and held from December 9, 1977, until February 7, 1978, and, although there was no variation in the value placed on the shares, a fine was imposed. Will the Minister correct this anomaly so that when shares are held by the department for more than 30 days a fine will not be imposed?

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

CANCER CURE

The Hon. ANNE LEVY: I seek leave to make a short statement prior to directing a question to the Minister who is temporarily representing the Minister of Health during that Minister's absence at a conference.

Leave granted.

The Hon. ANNE LEVY: A report in today's newspaper indicates that the New Zealand Medical Association has prepared a report on an independent investigation on patients who were treated for breast cancer by Dr. Milan Brych. The newspaper report further indicates that copies of this investigation report have been sent to some Federal Ministers and also to the New South Wales Minister of Health. Will the Minister of Health in this State consider contacting the New Zealand Medical Association to obtain a copy of the report so that it will be available in South Australia, as well as in other parts of the Commonwealth, and so that it can be examined by people who are concerned about the claims and counterclaims regarding cancer cures by Dr. Brych?

The Hon. T. M. CASEY: I assure the honourable member that the question will be directed to the Minister of Health, who, I am sure, will obtain a satisfactory reply.

SHEEP EXPORTS

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

Leave granted.

The Hon. M. B. CAMERON: I noted with concern a report in the *Advertiser* this morning that, as from next week, the Meat Industry Employees Union would impose a ban on and will picket ships involved in live sheep exports from this State to Middle-East countries. I understand that for some time negotiations have been taking place on this matter, but it seems that they have now come to an end and that the exports will stop. I also understand that the decrease in the number of sheep for slaughter is not so much a direct result of the live sheep exports but is a result of the drought. It also seems that this action will ban all live sheep exports, and the end result will be that in future we will not be regarded as a reliable source for live sheep exports. That could lead to permanent loss of markets and, when the drought breaks, markets may no longer be available in the Middle-East for sheep. That would be a position that neither this Government nor anyone in South Australia would want. Is the State Government taking any action to ensure that the negotiations amongst the various bodies that have been involved in this issue are recommenced or continued, and, if the negotiations are not continued, what action will the State Government take to ensure that this ban is lifted and that live sheep exports continue?

The Hon. B. A. CHATTERTON: I saw the report in the *Advertiser* and, naturally, I am very concerned, as I am well aware of the great importance of live sheep exports to South Australian farmers. One point needs to be corrected, in that, on my reading of the newspaper report, there would be not a complete ban on live sheep exports but only a ban on exporters who were not filling the ratio of live sheep to slaughtered sheep.

I think the proposed ban was intended to apply to those exporters who had not filled that ratio. So, it would not be a complete ban. Nevertheless, I am still aware of the seriousness of the situation. We in South Australia have tried to keep negotiations going. A committee consisting of people concerned in the meat industry in this State has negotiated quite successfully on a number of occasions, and I hope it will be able to ensure that the export of live sheep from this State continues.

COUNTRY FIRE SERVICES

The Hon. R. A. GEDDES: We are all aware that Country Fire Services has been having difficulty in connection with its employees' conditions. There have been press statements about this matter. Will the Minister clarify the position?

The Hon. B. A. CHATTERTON: There was a meeting of the Country Fire Services Board last Tuesday at Mount

Barker, where consideration was given to proposals negotiated earlier between the Chairman of Country Fire Services, the Chairman of the Public Service Board, and me. The board decided that the proposals were satisfactory. In fact, they went almost completely in the direction desired; there were only some minor alterations to the proposals initially put forward by the Country Fire Services Board. This satisfactorily concludes the staffing position at present. However, there have been some inaccurate reports on this matter. The *Stock Journal* quoted some remarks attributed to Mr. Briggs, a member of the Country Fire Services Board. In a conversation with me, Mr. Briggs denied that he had made those remarks, which were reported totally inaccurately.

The position which Country Fire Services is negotiating has to fit in with an overall consistency; that has not been fully explained in the press. The story put forward in the press is that the Public Service Board and the Government have been totally unreasonable, but that is untrue. We have a responsibility to achieve consistency among the various statutory bodies; that has been the problem needing resolving. We cannot have the Director or an administrative officer of one organisation in a completely different category from a corresponding officer in another organisation. It has been a matter of negotiating in connection with the various duties and responsibilities and relating them to those of people in other organisations; that has been done. The nature of the Director's duties has been fully explained to the Public Service Board, which now knows that he has a much larger organisation than would be apparent on paper, because his organisation consists of many thousands of volunteers as well as professional staff. Once this sound reason was put forward and once negotiations were conducted, the Public Service Board accepted nearly all the recommendations put forward by the Country Fire Services Board. I am glad that this matter has now been resolved.

TEMPERATURE IN COUNCIL CHAMBER

The PRESIDENT: I wish to reply to a question asked of me by the Hon. Miss Levy yesterday regarding the temperature adjustment in this Chamber. I hope that the temperature today is more acceptable to her. Yesterday I noticed, just by contrast, that many members had shed coats and ties, which was quite unprecedented in this Chamber, and it seems difficult to find a temperature that suits all. If we had turned the temperature control up yesterday, we may have had members here in athletic singlets.

We have rather excellent facilities and working conditions in this Chamber. It has always been a tradition that members wear coats and ties here, and in recent years the temperature has been adjusted to that requirement. As I say, I hope the temperature is more to the honourable member's liking today but, because of the Sex Discrimination Act, I am not allowed officially to show any special courtesy to a lady member.

The Hon. Anne Levy: Do you mean that I have to wear a coat and tie?

The PRESIDENT: I am only saying that I hope that we now have a temperature that is agreeable to all. That is the best that I could do.

The Hon. Anne Levy: Thank you most sincerely, Mr. President.

CROWN LANDS ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1977. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

It makes miscellaneous amendments to the Crown Lands Act and it will be convenient to explain it in terms of its various clauses. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 9 of the principal Act which sets out the powers of the Minister. This clause empowers the Minister to develop and connect services to Crown lands for any residential, commercial, industrial or other purpose. To meet demand, particularly in country areas, the Department of Lands must provide subdivided land for various purposes but has no authority, except in irrigation areas, to develop and service these subdivisions to the degree required of private developers under the Planning and Development Act. Justifiably, this generally attracts criticism from local governing authorities and appears inequitable to private developers.

Clause 4 amends section 53 of the principal Act by extending the Minister's present authority to resume leasehold land. This clause is to be read in conjunction with clause 19. In most localities there are insufficient vacant Crown lands available which are suitable for subdivision and development to meet the increasing needs of the community for serviced residential, industrial and commercial sites. It is therefore necessary to either resume leasehold land or acquire freehold property. Currently, resumption is permitted only where the land is required for mining, for public purposes or for sites for towns. Freehold land can be acquired in terms of section 260 of the principal Act provided it is proclaimed a town pursuant to that Act, but such action is often impractical. The principal Act provides for the payment of compensation in both cases.

Clauses 5 to 19 amend various sections of Part VIII of the principal Act which relates to the Lyrup village settlement. Clause 5 amends section 85 of the principal Act by extending membership of the Lyrup Village Association from lessees of horticultural blocks only to all lessees of land within the district subject to qualification by the rules of the association. The effect of this amendment is that all lessees who are supplied with water in commercial quantities will have a say in the administration of the association. However, where a lease is held by two or more persons, this clause restricts membership to the lessee whose name appears first in the lease.

Clause 6 amends section 87 of the principal Act which requires that land within the district can be set apart only for horticultural or commonage purposes or for irrigation headworks. It is considered expedient that certain land within the district be made available for leasing for caravan park purposes while other land could be set aside for recreation or other purposes. The present requirement whereby the Minister shall cause the lands to be subdivided in a specified manner is no longer applicable. The clause makes provision for land within the area to be used for any purpose and for any subdivision of the land to be approved by the Minister.

Clause 7 provides for amendments to section 88a of the principal Act which are consequential to earlier provisions

in this Bill relating to extended membership of the association, the use of the land for purposes other than horticulture, commonage and irrigation works, and to subdivision of the land. The clause also deletes other redundant provisions. Clause 8 repeals sections 90 to 93 of the principal Act. These sections refer to valuations which were carried out many years ago following the original subdivision of the area and have no further application. Clause 9 makes further consequential amendments to section 94 of the principal Act and strikes out unnecessary provisions. Clause 10 repeals the unnecessary provisions of section 95 of the principal Act. Clause 11 makes further consequential amendments resulting from extended land usage as provided earlier in this Bill.

Clause 12 repeals sections 97 and 98 of the principal Act. These sections refer to payment of the amounts of the valuations referred to previously and as payment has been completed, they are now redundant. Clause 13 makes more consequential amendments due to the earlier provisions which lift restrictions on land use. Clause 14 repeals section 100 of the principal Act. This section deals with the execution of leases and sufficient provision is made elsewhere in the Act to ensure that any new leases are signed by the appropriate party. Clause 15 is necessary due to the new provisions relating to the eligibility of membership of the association.

Clauses 16 and 17 are complementary. Section 104 of the principal Act mainly refers to the association's management of the irrigation works but it also empowers the association to charge its members for the use of those works. However, no authority is provided whereby the association can make a charge on its members and the occupiers of land within the district to offset the administrative and other expenses incurred. Clause 16 deletes the reference in section 104 of the Act to the charge which can currently be made for any use of the irrigation works. Clause 17 enacts section 106 of the principal Act. This section not only provides the authority for the association to make various charges and require the payment of contributions from its members and other occupiers, but it also provides the necessary machinery to recover any outstanding amounts.

Clause 18 amends section 107a to provide the association with further financial assistance by way of a grant of $15 600. This grant is to enable the association to complete the rehabilitation of the irrigation headworks and to assist with the provision of main drain facilities and the upgrading of the domestic water supply.

Clause 19 is complementary to clause 4 and extends the provisions of section 260 to authorise the acquisition of freehold land for development as residential and other sites. Clause 20 amends section 271d to enable owners of freehold land encumbered by a registered lease to transfer that land to the Minister of Lands. Prior to the introduction of the Planning and Development Act, 1966, owners of freehold land who were unable to obtain approval to subdivide their land into separate allotments were able to achieve much the same result by selling long-term leases, up to 999 years, for a lump sum. In many instances holiday homes have since been erected on the land contained in these leases. Upon registration of the leases in the Lands Titles Office, the lessees, for all practical purposes, became the owners of the land. In order to overcome the problems relating to the payment of land tax, clause 20 further provides that these lessees shall be liable for the payment of land tax as if the leases were perpetual leases. The clause also provides that the Minister shall succeed to the rights and obligations of the original lessors and may recover any outstanding rates or taxes from the lessees.

Clause 21 enacts section 271e of the principal Act. In terms of the Irrigation Act, land may be withdrawn from an irrigation area by proclamation. However, there is no existing machinery whereby leases issued pursuant to any of the irrigation Acts can be converted to leases issued in terms of the Crown Lands Act following any such proclamation. Clause 21 provides the authority for the cancellation of irrigation leases and the issue of new dry lands leases where land ceases to form part of an irrigation area. It also provides for the new lease to be issued subject to all interests which were registered on the cancelled lease. Clause 22 extends the provisions of section 288. The clause provides for the making of regulations whereby fees can be levied against lessees to offset the costs incurred in collecting rents and maintaining tenure records and for other purposes.

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

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Roads (Opening and Closing) Act, 1972-1975. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

The principal purpose of this Bill is to relieve the Governor of the responsibility of confirming road orders under the principal Act. It is more convenient and appropriate for the Minister administering the principal Act to undertake this responsibility. The Act also removes certain anachronistic references to the Garden Suburb Commissioner and the Renmark Irrigation District and generally brings the principal Act up to date and improves the procedures under it.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 brings the definition section of the principal Act up to date with the fact that the Garden Suburb Commission and the Renmark Irrigation Trust are now included in the local government area. Clause 4 brings the principal Act up to date with the land acquisition legislation of 1969.

Clause 5 ensures that the reference in section 6 is to the Minister for the time being administering the Crown Lands Act, 1929, whether or not he happens to be the Minister of Lands. Clause 6 widens the reference to the Minister for the time being administering the principal Act. Clause 7 streamlines and makes consequential amendments to the procedures under the principal Act. Clause 8 makes a consequential amendment.

Clause 9 makes consequential amendments to section 14 of the principal Act relating to the Garden Suburb Commissioner, the Renmark Irrigation Trust and the Minister of Lands. The purpose of the amendments to subsection (4) of this section is to relieve the Governor of the responsibility of confirming road orders and transferring that responsibility to the Minister administering the Act. Clauses 10 and 11 make consequential amendments. Clause 12 repeals section 17 of the principal Act. The procedures relating to reservation of minerals are now contained in the Mining Act, 1971-1976. Clause 13 makes a consequential amendment and by paragraph *(b)* ensures that an easement over a closed road appears on

the certificate of title.

Regarding clause 14, it is desirable that, where a closed road is consolidated with contiguous land, easements existing for the benefit of the contiguous land exist also for the benefit of the closed road. Paragraph *(d)* makes this amendment. The other amendments are self-explanatory. Clause 15 is a consequential amendment. Clause 16 is designed to relieve the Minister of routine administration which can be performed by the Surveyor-General. Clause 17 substitutes the Minister or his nominee for the Director of Lands and updates the reference to the land acquisition legislation. Clause 18 makes consequential amendments and also relieves the Minister of further duties under the principal Act, transferring these to the Surveyor-General. Clause 19 simply achieves metric conversion. Clause 20 is a consequential amendment. Clauses 21, 22 and 23 make consequential amendments to the schedules.

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

DEBTS REPAYMENT BILL

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

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

That this Bill be now read a second time.

It is designed to establish a scheme for helping debtors who are in financial difficulties. It provides for the establishment of a debtors' assistance office and for the appointment and training of debt counsellors. The origin of this project lies in the recommendations of the Poverty Commission and the Sixth Report of the Australian Law Reform Commission. South Australia has in existence a small office known as the Budget Advisory Service, but official recognition of the broader role which those seeking reform have advocated is required if debtor assistance schemes are to be effectively implemented.

The functions that will be carried out by the debtors' assistance office and by debt counsellors are principally to provide debt counselling for any members of the public who desire counselling, to negotiate with creditors with a view to arriving at satisfactory arrangements for settling debts, and to formulate statutory schemes for the regular payment of debts. Any scheme formulated under the new Act is to be referred to the Credit Tribunal for approval.

This Bill is part of a reformative scheme relating to the law which affects debtors and seeks to provide assistance to persons who may, or may not, have been brought before the courts in relation to their financial difficulties. The Bill seeks to strike a reasonable balance between the interests of creditors and the interests of debtors. No law of the State can, of course, prevent a creditor from taking advantage of the Commonwealth law relating to bankruptcy. However, in many cases bankruptcy of a debtor is in the interests of neither the debtor nor the creditor. This Bill is thus designed to fill a significant gap in the present law relating to debt repayment. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 sets out the arrangement of the Act. Clause 4 provides the necessary definitions. The word "debt" is defined to exclude a business debt, maintenance payments and fines imposed by a court. The Act is directed at consumer debtors and it is not appropriate that such debts be taken into account in this Act. The other definitions are self-explanatory. Clause 5 provides that the new Act will bind the Crown. Clauses 6 to 8 establish necessary administrative machinery and are self-explanatory. Clause 9 provides for the appointment of debt counsellors.

Clause 10 confers upon debt counsellors and other officials involved in debt repayment schemes immunity from tortious liability arising from acts or omissions done or occurring in good faith and in the course of carrying out statutory functions. Clause 11 provides for assistance to be given by a debt counsellor to a debtor. Subclause (2) provides for necessary information to be given to the debt counsellor. Subclause (3) confines the application of the section to debtors with liabilities less than $15 000. Subclause (4) removes mortgage debts from the calculation of a debtor's total indebtedness for the purpose of subclause (3).

Clause 12 provides for the formulation of a scheme for the regular payment of debts and the requirements with which the scheme must comply. Before formulating a scheme the debt counsellor must be satisfied that the scheme will be in the interests of the debtor and his creditors. Clause 13 allows creditors whose debts are subject to a scheme to make representations to the Credit Tribunal which may approve, amend or reject the scheme. Clause 14 prohibits a creditor from taking proceedings to recover a debt or enforce a security to which a scheme applies during the subsistence of the scheme.

Clause 15 enables the tribunal on the application of the debt counsellor or a creditor to revoke a scheme because of default by the debtor. Clause 16 provides for termination of the scheme. Clause 17 provides for the purposes of proceedings under the new Act, the tribunal may be constituted of the Chairman sitting alone or the Registrar. Clause 18 prohibits the waiving or limiting of rights given by the Act. Clause 19 provides for service of documents. Regarding clause 20, because clause 13 prohibits a creditor from proceeding with a claim against a debtor it is necessary to protect the creditor from the effect of laws limiting the times during which a claim can be enforced. Clause 21 is necessary to ensure that accurate and honest information is given to the debt counsellor. Clause 22 provides for proceedings to be disposed of summarily. Clauses 23 and 24 are self-explanatory.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

STATUTES AMENDMENT (IRRIGATION ACTS) BILL

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

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

That this Bill be now read a second time.

It amends a number of Acts dealing with irrigation, namely, the Irrigation Act, 1930-1975; the Agricultural Graduates Land Settlement Act, 1922-1971; the Discharged Soldiers Settlement Act, 1934-1940; the Irrigation on Private Property Act, 1939-1958; the Pyap Irrigation Trust Act, 1923-1974; the Ramco Heights Irrigation Area Act, 1963; and the Renmark Irrigation Trust Act, 1936-1977.

The amendments to each of these Acts remove references by title to the Minister of Irrigation or the Minister of Lands in order to enable the administration of irrigation functions to be performed by the Minister of Works and land tenure functions to be performed by the Minister of Lands. Allocation of these administrative functions will instead be effected under the Administra-

tion of Acts Act, 1910-1973. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal and clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Part II of the Bill, comprising clauses 4 to 29 (inclusive), amends the Irrigation Act, 1930-1975, by removing references to the Minister of Irrigation, the Director of Lands and the drainage committee. All the remaining provisions of the Bill provide for amendments to each of the other principal Acts removing references by title to the Minister of Irrigation or the Minister of Lands.

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

RECREATION GROUNDS (REGULATIONS) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It increases the maximum penalty for breach of a regulation under the Recreation Grounds (Regulations) Act from £10 to $200. The original penalty was set in 1931 and now is insufficient to deter the committing of certain offences. Clause 1 is formal and clause 2 amends section 3 of the principal Act to increase the maximum penalty for breach of regulations from £10 to $200.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

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

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

That this Bill be now read a second time.

It is intended to ensure that there will be available to the public as a matter of public record an accurate and up-to-date statement of the financial and material interests of members of both Houses of this Parliament. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal and clause 3 sets out the definitions used for the purposes of this Act, and I would draw the attention of honourable members particularly to the definition of "income source". Clause 4 provides for the appointment of a person to be known as the Registrar of Members' Interests.

Clause 5 sets out the obligations on members to make certain disclosures and is commended to members' particular attention. In subclause (1) of clause 5 members are required to make returns every six months setting out their income sources and the income sources of members of their family, as defined. Income sources that yield an income of less than $200 during any six-month period will not be required to be disclosed. Subclause (2) requires a monthly return relating to certain matters set out in that subclause but I would point out that if there has been no change in the information relating to those matters at the end of any month the member will not be required to make a return under this section. In this regard I would draw members' particular attention to the requirement to disclose details of travel and holidays.

At paragraph *(e)* of subclause (2) a power is given to prescribe by regulation additional matters in relation to which information shall be provided by members; it is felt that this power is necessary if the legislation is to maintain its effectiveness. Clause 6, which is generally self-explanatory, sets out the method by which the information obtained from members will be given appropriate publicity. Clause 7 provides a substantial penalty for members who breach the provisions as to disclosures. Clauses 8 and 9 are formal.

The Hon. R. C. DeGARIS (Leader of the Opposition): As the Minister has stated in the brief explanation of the Bill, it is intended to ensure that there will be available to the public as a matter of public record an accurate and up-to-date statement of the financial and material interests of members of both Houses of this Parliament. That is a quick statement of the Bill's intentions. The question of the need for the disclosure of a member's pecuniary interests is well covered in our existing Standing Orders, and is well documented by Erskine May and Blackmore.

This Bill is objectional in many ways. First, it takes the view that the only conflict of interest there may be that should be open to public scrutiny is of a financial nature. That is the first assumption that the Bill makes. The only thing that has to be disclosed to public gaze is a person's financial standing: what he owns, his pecuniary interests. However, there may be other matters which are not related in any way whatsoever to a pecuniary interest and which could be described as falling into the category of a conflict of interest. Always in a representative democracy conflicts of interest can be indentified that are not necessarily associated with pecuniary interest. I pose the question to the Government that, if it does require the disclosure of pecuniary interests to public gaze, why does it not require the exposure of everything in which there may be a conflict of interest? Why select just one aspect of pecuniary interest, especially as it is already covered in the Standing Orders and as there is much information on this matter in both Erskine May and Blackmore?

The question of a conflict of interest is dealt with well in an excellent paper prepared by the Parliamentary Library. I refer to a couple of paragraphs in that paper, as follows:

> It is not always easy, however, to identify a conflict of interest or to ascribe blame once it is identified. Some conflicts of interest are inherent in a representative democracy. In a word, some conflicts are unavoidable.
>
> For example, it may be argued that to perform a representative function properly a member must demonstrate that his personal interests coincide with those of his constituents. Thus, farmers may be chosen to represent farming communities, business men may be chosen to represent predominantly commercial communities and trade unionists may be chosen to represent predominantly industrial communities. It may happen that such a member, working on behalf of his constituents, is accused of working on his own behalf, that is, of placing private advantage before public interest.

It becomes difficult to identify what is a conflict of interest. This Bill takes the narrow view that the only conflict of interest is of a pecuniary nature. The matter of a pecuniary interest is covered in Standing Order 225.

Over the years many examinations of this matter have been made in the democratic world, including the United

States, Great Britain, and, indeed, in the Australian Parliament, and recommendations made on it. The Canadian Government, when trying to come to grips with the general question of conflicts of interest, tried to strike a balance, in expressing itself as follows:

> The public has an undisputed right to know certain factors which may influence a representative's behaviour, but that right to information does not extend to features of his private life which are irrelevant to the performance of his public duty.

Such a statement, although made with the best of intentions, does not settle anything. Indeed, it may well be said that the statement leads us deeper into the thicket of conflict of interest. What may influence one member's behaviour may not influence that of another member.

Dealing specifically with the matter of pecuniary interest as it stands at present, I refer the Council to the relevant section of Erskine May. I refer to pages 406-12 thereof and, although I will not quote all of it. I should like to refer to the following, on page 407, relating to votes on matters affected by personal pecuniary interest:

> In both Houses personal interest affects the right of members to vote in certain cases. In 1796, a general resolution was proposed in the Lords, "That no peers shall vote who are interested in a question:" but it was not adopted. It is presumed, however, that such a resolution was deemed unnecessary; and it is held that the personal honour of a Lord will prevent him from forwarding his own pecuniary interest by his votes in Parliament. By S. O. (Private Bills) 96, Lords are "exempted from serving on the committee on any private Bill wherein they have an interest."
>
> In the Commons, it is a rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it: but, in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On July 17, 1811, the rule was thus explained by Mr. Speaker Abbot: "This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of State policy." This opinion was given upon a motion for disallowing the votes of the bank directors upon the Gold Coin Bill, which was afterwards negatived without a division.

The Hon. T. M. Casey: What date was that?

The Hon. R. C. DeGARIS: It was in 1811. One could go through from pages 407 to 412 of Erskine May, where the whole matter of pecuniary interest is dealt with. Many times in this Council, honourable members have taken the wrong view in relation to pecuniary interests. Indeed, only a few days ago, you, Sir, gave a ruling on this question, when Erskine May was referred to.

At present, the responsibility rests with the member to advise the Council that he has a pecuniary interest. However, if one takes that to the extreme interpretation, one finds that no member of Parliament can vote on a Bill (certainly not a succession duty, land tax or local government Bill), because it can be said, in the broad interpretation that can be made, that every member has a pecuniary interest in such a Bill. There is therefore a need to deal with this matter with a commonsense approach.

Returning to the definition of a "conflict of interest", who can say what features of a member's private life are irrelevant to the performance of his public duties? I consider that to define and demand disclosure of any matter that may be said to be a conflict of interest is impossible and must be discarded. Although the Canadian Parliament has tried to define "conflict of interest", I suggest to the Council that it is impossible to do so and should be forgotten. However, one admits that in relation to a conflict of interest many matters not of a pecuniary nature can influence the way in which a member of Parliament votes. So, in reality we are left with the matter of disclosure of pecuniary interests, although one must admit that the wider consideration (that is, conflict of interest other than a pecuniary interest) can influence a member's voting.

If one considers the question of pecuniary interests alone, the present position as represented by our existing Standing Orders, and detailed by May and Blackmore, should not be discarded in favour of statutory provision of a public register able to be scrutinised by the public. I consider that to be a gross invasion of any member's privacy.

Also, if one wishes to analyse the question of pecuniary interest, one sees that it divides itself, so far as Parliament is concerned, into two separate categories. First, there are those members of Parliament who serve as Ministers of the Crown, and there are also back-benchers. One group in the Parliament therefore holds far more power than does the other. Even if one wanted to examine the wider question of conflict of interest, these two categories (that is, those who hold Ministerial portfolios and those who sit on the back-benches) still stand out, one group being far more powerful and influential than the other. If one wanted to make a division amongst Parliamentarians, one would make it there.

I do not wish to pursue this matter of conflict of interest any further at this stage, although I believe that my point on this division is valid. If we are to have disclosure of pecuniary interest, we could, if we wanted to, argue that the disclosure in relation to Ministers must be far more explicit than that concerning back-bench members. All pecuniary interests should, I believe, be disclosed, but the register should not be subject to public scrutiny, as that would be a direct invasion of any member's privacy. The matter of pecuniary interest is one for the Parliament and no-one else. At present, under our Standing Orders, a member is required to declare his pecuniary interest if any matter before the House involves that pecuniary interest. If the House of Parliament is not satisfied that that covers the position, it should require each member to declare his pecuniary interest. The register should be maintained by the President of this Council or the Speaker in another place, and the presiding officer in each Chamber should have available to him the necessary information to determine for himself whether a conflict of interests arises, whether or not any member has a pecuniary interest, and whether any objection to that member's having a pecuniary interest can be sustained.

The approach taken by the Bill offends me and it offends against the privacy of any individual member, and that is an issue that cannot be dismissed lightly. The measure is an important one, but in my opinion it is not one that can be dealt with satisfactorily in the dying stages of this session of Parliament. How I vote in the second reading stage will depend on the attitude of the Government. If the Government is prepared to allow the Bill to reach the Committee stage, as far as, say, clause 1 or clause 2, and then it is held over until the next session (and a Bill can continue in the next session if it has reached the Committee stage: there is no need to start again, whereas it is difficult to do that at the second reading stage), I am prepared to vote for the second reading.

As far as I am concerned, the measure needs wholesale amendment, and, having regard to the pressure that is on the Council, with virtually one day left for amendments to be moved and referred to the House of Assembly, it would be impossible to do a reasonable job on the Bill now.

However, if the Government says that the Bill will go through next Tuesday or Wednesday, whether we like it or not, I will not support the measure and will vote against the second reading. I think that that is a reasonable attitude, because in its present form the Bill goes further than the recommendations in any other relevant legislation in the United Kingdom or Australia, and the matter has been considered over many years by several expert committees.

I agree that probably some change is necessary, but I believe that the changes made in this Bill were quickly brought into the Parliament because of an incident that occurred in 1977. I believe that the Bill was introduced as an exploitation of a political issue at that time. That being the case, I believe that this Council should at least be given the chance to examine amendments that it wants to move. That is the option that I give the Government. I am prepared to vote for the second reading, provided that the Government agrees not to press it through in this session but to deal with it when Parliament sits again in July. If the Government says that it wants the Bill through now, I will be forced to vote against the second reading. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL, 1978

Second reading.

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

That this Bill be now read a second time.

It amends the Industries Development Act to enable the South Australian Development Corporation to employ its own staff, as it appears important that the image of the corporation as an independent statutory body should be strengthened by permitting it to employ its own staff (rather than utilising Public Service staff). Therefore, by this amendment, the corporation may employ its own staff, and may person employed by the corporation who was previously a public servant shall carry over to the corporation his superannuation and leave rights.

Clause 1 is formal. Clause 2 provides for the Act ot come into operation on a day to be fixed by proclamation. Clause 3 repeals section 16e of the principal Act and enacts new section 16e in its place. New section 16e provides for the corporation to employ its own staff or, with the consent of the Minister, to make use of the officers of a Public Service department. Where employees of the corporation come from the Public Service or other prescribed employment, their leave rights are carried over to the corporation by virtue of this section, and employees may remain, or become, members of the South Australian Superannuation Fund.

The Hon. R. A. GEDDES: In order to assist the Government to get Bills off the Notice Paper, I will speak to this measure straight away. It is important to the South Australian Development Corporation but it is not a measure that needs to be delayed unduly. It is designed to allow the staff of the S.A.D.C. to be employees of the corporation and to be removed from the Public Service in that regard, yet still able to enjoy the privileges regarding leave and superannuation of the Public Service.

One aspect of this matter strikes me as ironical. In 1974, Parliament was asked to amend the Industries Development Act to allow the corporation to invest money in overseas ventures and overseas industries. We recall that at that time the Premier had hopes about houses being prefabricated in South-East Asia and being transported to South Australia.

It was thought that it might be necessary for the corporation to lend money to assist industries in those countries. It was said at that time that it was necessary for the corporation to be a semi-government body, because South-East Asian Governments were happier when dealing on a Government-to-Government level instead of with private enterprise. To my knowledge, the corporation did not lend any money to any overseas firm, and no results ever came from that venture. Now, it is seen fit to have the corporation independent of Government bodies. I consider this to be a reasonable move. The Minister's second reading explanation states:

> It appears important that the image of the corporation as an independent statutory body should be strengthened by permitting it to employ its own staff (rather than utilising Public Service staff).

In that light, the Bill is commendable, and it has been introduced at the corporation's request. Some time ago, when the principal Act was amended to give the corporation greater lending powers of up to $1 000 000, some honourable members expressed concern as to whether the corporation would be indiscreet in using Government funds to purchase company shares to facilitate worker participation. I have considered the criticism levelled at that time, and I have inquired about the composition, the aims, and the ambitions of the corporation, and the types of application it receives. As a result of my inquiries, I am confident that the corporation has been operating within the ambit of the principal Act and that its aim is to assist industries needing help: the corporation has not capriciously invested in company shares in accordance with any whims of the Government of the day. I therefore support the second reading.

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

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2210.)

The Hon. R. A. GEDDES: I support the Bill. Many attempts have been made since 1965, when the Labor Party came to power in South Australia, to find a way of bringing the concept of local government into operation in outback areas of the State. Many committees and one Royal Commission have made detailed investigations into this matter. In every instance the evidence given to these inquiries has led to a report showing that it would not be practicable to introduce local government, in the form in which we know it, into outback areas partly because landholders in the North have become aware of the harsh and unrealistic penalties imposed by the Queensland Government some years ago on pastoral leases and, to a lesser extent, the rates and taxes imposed on pastoral leases in New South Wales. Some landholders in these States became insolvent because of these harsh levies. Bearing in mind the difficulties of marketing, the arid nature of the country, and other problems known to the Minister, the inquiries found difficulty in recommending a practical solution to the Government.

In Coober Pedy, the only permanent residents are shopkeepers and hotels, and they wanted to know whether they would be rated to provide amenities for 2 000 to 2 500 itinerants in the area who would not be liable to pay rates. A way could not be found of levying a tax on those people. Marree has three stores and one hotel; all the other buildings in that town belong to the Aboriginal Affairs

Department or the Commonwealth Railways. Because no rates can be levied on Government buildings, the three storekeepers and the hotelkeeper would, if local government was in force in that town, possibly have to bear the total burden of rates and taxes. Leigh Creek, with 1 000 inhabitants, is owned by the Electricity Trust of South Australia, which, I presume, would be expected to pay rates and taxes. It would be a fairly high rating, which in turn might cause a marginal increase in electricity charges.

The following figures showing the population of towns in the Far North reflect the difficulties involved in the concept to which I have referred: Parachilna, 30; Blinman, 100; Beltana Siding, 50; Copley, 80; Leigh Creek, 1 000; Lyndhurst, 40; Marree, 300. These figures give a total of 1 600 people living in a huge area of the North, and contained in that area are 24 000 square miles of pastoral leases consisting of about 45 properties averaging 530 square miles. The size of the leases varies, and this emphasises the sparseness of the population.

It was estimated by one of the commissions that looked into the case of rates and taxes years ago that the rates and taxes on grazing land in those local government areas adjoining the country outside local government areas amounted, on a per sheep basis, to between 21c and 24c a sheep—that is, rates and taxes imposed by local government inside local government areas. The average cost per sheep of the pastoral leases at that time was 19·83 cents. I have made the necessary conversion of cattle to sheep at five sheep to one beast.

We now have this Bill which is to set up a trust consisting of three to five members. I personally will watch its work and behaviour with great interest. It has always interested me to read that the residents in settled areas in Tasmania have opted not to have local government control in their areas but to have commissions to care for the needs of the people; I have been impressed with how efficient those commissioners appear to have worked and how the residents themselves are far more content with the method of local government through a commissioner. In the old electoral district of Northern, I was able to watch with great interest the City of Whyalla Commission, until Whyalla was proclaimed a local government area, where the commission and the Commissioner were able to achieve great advancement for that city and its people because of the far greater freedom of movement so long as they acted within the meaning of the controlling Act.

I envisage that this trust has a similar role to play as commissions have to play. It has a role to see that the amentities mentioned in the second reading explanation are provided in the remote areas, that there will be better forms of health and medical care centres, that the sealing of roads, particularly within the townships themselves, will be done, and that airstrips, which are essential for the evacuation of people in emergencies and also to help in providing a means of direct communication, are updated. I have always been conscious of the low weather performance of the airstrip at the Moomba oilfields where, in wet weather, aircraft cannot get in, and 400 or more men are working on a shift basis 10 days at a time at Moomba and then fly out to be relieved; that is where the natural gas for Sydney and Adelaide is processed and pumped into the pipeline. The airstrip there is not an all-weather one. That must be looked at, as I have said here before.

I envisage that this trust will now be able eventually to get around to providing more assistance to the oil and gas companies concerned so that communications in that respect will become much more efficient. The people in those towns live a hard life in a difficult environment, and they lack many amentities. I hope the trust will be able to provide for them.

Clause 6 provides that the trust shall consist of not less than three and not more than five members appointed by the Governor. I hope there will be a trust of three members, because the salaries of any members more than three can well be spent on more needy things. The saving on the salaries of two people alone would be of some benefit. The members of the trust will have a great responsibility. They will have to persuade the inhabitants who live in the northern areas of their genuine desire to be of assistance and provide help.

In the northern areas, the people live with progress associations and voluntary organisations; they meet together, discuss their problems and raise funds to provide whatever amenities are available to them within their limited budgets. They have been doing this for many years and take pride in the achievements of these associations over the years. It is now up to these trust members to show that they, too, will be able to assist the progress associations and give them finance; and, where the progress associations need to be guided, the trust will learn to guide them in a kindly way and not harshly, slapping regulations on *ad lib* where sometimes conversing and teaching will do the job better. Clause 15 deals with the powers and functions of the trust. They are:

> To carry out development projects and to provide services for local communities within the area; to make grants and loans to community organisations within the area and otherwise to foster the development and work of such organisations.

I emphasise the words "foster the development and work". If the trust becomes a city-based trust, the bureaucracy that will grow around it, which is inevitable, whether or not we like it, will not be able to have its finger on the pulse of the feelings of the people to the same extent as those local communities had; that community spirit must not be broken because the trust will not have enough money in its own right to implement all the things that the people need and have needed for many years. So the trust must see that it does not waste money in its allocation of grants to the people but that the money it gives is adequate.

Clause 15 (2) gives the Governor the privilege by regulation of declaring that specified provisions of the Local Government Act shall apply to the trust and its area. That appears to be the one stumbling block in this Bill. I cannot see that it will be necessary and wise to bring in sections of the Local Government Act, where applicable, to give the trust the necessary teeth to implement its work. We are dealing with a new problem, with people who have not been under the control of local government before, who work through their progress associations and take much pride in the way they have done their job; but, once we have regulations bringing in sections of the Local Government Act, care must be taken. I hope to be able to have some amendments on file to assist, not frustrate, the trust in the implementation of the regulations.

Regarding finance, there seems to be no specific reference in the second reading explanation that the trust will be recognised by the Commonwealth Government. Honourable members are familiar with the fact that the Commonwealth Government makes special grants to isolated areas, but it makes them only to recognised Government or semi-governmental authorities. I presume it is the Government's intention that the trust will be a beneficiary of any Commonwealth grants that are made, and I am disappointed that the Minister's explanation did not spell that out. I hope the Minister will ascertain, before the Bill is passed, whether or not the

Commonwealth agrees with that principle so that we will not lose further funds just because this may be a development that the Commonwealth may not like.

I understand that the State has been entitled to about $300 000 a year for the past few years from the Commonwealth but we have not received it because a properly constituted statutory authority was not established. That money has been lost up until now, yet over 10 years the loss of $300 000 amounts to $3 000 000, and such a sum would be significant and of immense value to isolated areas.

Further, I hope that when members of the trust are chosen by the Government that members of the Stockowners Association, who have done much in regard to liaison for people in isolated areas over the years, are considered. Its record is a good record of the help it has tried to give, and many able men are associated with that organisation who would make good members of the trust. I hope the Government will ask the association for a panel of members from whom to select a board member. I support the Bill.

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

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2210.)

The Hon. J. C. BURDETT: I support the second reading. Clause 3, the only substantive clause when the Bill was first introduced in another place, sets out to remedy the present inadequacy of legal machinery to detain in one State an offender reasonably suspected of having committed a serious criminal offence in another State.

This part of the Bill seems to have been introduced as a result of agreement between the States. The powers may be exercised only when a member of the Police Force has reasonable cause to suspect that an offence to which the clause applies has been committed. Apprehension on reasonable suspicion is a concept well known to the law, and I cannot see that there is any unreasonable intrusion upon the rights of the individual. On the other hand, the clause will facilitate the apprehension of criminals, and I support this clause, which constituted the whole Bill when it was introduced in another place. However, while clause 3 was well thought out and was introduced in co-operation with other States, clause 2 was introduced as an afterthought.

This Government has consistently been concerned to see that people have access to publications, films and theatrical productions of their choice, but it has failed dismally to show any concern for the adverse and mounting effects of pornography in the community. The editorial in this morning's *Advertiser* referred to the fact that the Government in another place recently used its numbers to defeat my amendment to the Criminal Law Consolidation Act. The editorial states:

> It is a pity the Government was not more flexible in its attitude to that proposal, even though it felt the measure was redundant in that most of its provisions were covered by existing legislation, a view which is open to dispute.
>
> However, the Government chose to oppose the Bill all the way and is now in the situation of being seen to introduce half-hearted imitations late in the day, and to be bringing the purpose of even those measures into doubt by the other changes it has made.

This part of the Bill was an eleventh hour amendment to a Bill dealing with an entirely different matter and demonstrates that the Government has panicked as it has realised that the public is disturbed about its failure to control pornography, and its complete rejection of what has been seen to be, despite the Government's call of "porn politics", a sincere attempt to control the situation.

First, this clause has nothing whatever to do with child pornography as such. The offence in the Police Offences Act stays as it was in 1953, and the only changes to the legislation are the increases in penalties (true, they are overdue) and the deletion of a series of matters that the court had to take into account. My point all along has been that child pornography is a specialised problem requiring penalties that would be Draconian in regard to other forms of pornography.

I have also claimed, and I still do, that child pornography can, and should, be defined by objective test; for example, intercourse, masturbation, etc. These tests would be unduly limited in the case of other pornography. With child pornography (and this is the important point) the evil is that it is a child who is used or abused for the purpose of obtaining the photographs.

In England, legislation was recently introduced dealing specifically and severely with child pornography. This follows similar legislation introduced in several American States, notably California. This Government prides itself on being first cab off the rank but, in this matter, it is trailing well behind the field. My Bill sought to amend the Criminal Law Consolidation Act, and properly so, because to abuse children in this revolting way is rightly stigmatised as a criminal offence.

The Government has not yet been willing to follow the suggestion made three times in my Bills, but it will be forced to do so eventually, if it survives that long. The present Bill deals with all indecent material, not merely child pornography. For this reason it will be unduly harsh to increase penalties beyond the $2 000 proposed. Also, the parent Act traditionally deals with relatively minor offences punishable summarily. For those reasons I do not intend to seek an increase in the penalty of six months imprisonment stipulated in the parent Act, although this Bill is no substitute for the Bill that I proposed. As the *Advertiser* states, the Bill is a half-hearted imitation late in the day.

The Hon. T. M. Casey: They tell me that you wrote that editorial.

The Hon. J. C. BURDETT: No, but I would have liked to write it.

The Hon. Anne Levy: They wouldn't have employed you.

The Hon. J. C. BURDETT: Well, make up your mind. The first part of the editorial states:

> If the public perception of the South Australian Government's attitude to child pornography is muddled, who can blame the poor man in the street. Only weeks after using its numbers in the Assembly to defeat a Liberal Party Bill which would have made the manufacture and distribution of child pornography specific crimes with heavy penalties, the Government has introduced legislation to increase some of the penalties for the same offence. But in so doing it has failed to explain clearly its actions and, indeed, has taken other steps which muddy the water still further.

The latter part of this editorial refers to the deletion of subsection (3) of section 33. True, in speaking to my Bill when I first introduced it on March 30, 1977, I criticised the list contained in section 33. This was, however, in the context of child pornography specifically. I referred to the cases of *Popow v. Samuels*, 4 South Australian State Reports, page 584, and *Trelford v. Samuels*, 7 South Australian State Reports, page 567.

In the case of child pornography, it was necessary only to show that there was something of a sexual nature related to a child. In the general sphere, this would be illiberal. The Minister explained in his second reading explanation that it was desirable to delete the definition of "indecent matter" contained in section 33 (3) and to return to common law principles. I point out that common law principles are not involved. The only common law offence is obscenity, which has been said not to be the same as indecency. My authority for saying that is Saunders *Words and Phrases.*

The only valid argument is that the definition of "indecent" should be left to the ordinary meaning of the word and judicial interpretation of the word in Statutes, which can hardly be said to amount to common law principles. As I have said, the common law offence is obscenity, as defined in relation to publications. It is defined in Halsbury's *Laws of England,* fourth edition, volume 11, paragraph 1022, as follows:

> Obscene matter at common law is matter having the tendency to deprave and corrupt those whose minds are open to such immoral influences and into whose hands such publication may fall.

Section 33 (3) of the Police Offences Act, proposed to be deleted, says almost the same thing, with other ancillary matters. It provides as follows:

> In determining whether any matter is indecent, immoral, or obscene the court shall have regard to—
>
> *(a)* the nature of the matter; and
>
> *(b)* the persons, classes of persons and age groups to or amongst whom it was or was intended or was likely to be published, distributed, sold, exhibited, given or delivered; and
>
> *(c)* the tendency of the matter to deprave or corrupt any such persons, class of persons or age group—

this is almost identical to the common law definition of "obscene material"—

> to the intent that matter shall be held to be indecent, immoral, or obscene when it is likely in any manner to deprave or corrupt any such persons, or the persons in any such class or age group, notwithstanding that persons in other classes or age groups may not be similarly affected.

It was considered in 1953, when the Act was passed, that there was some merit in setting out the criteria. Section 33 deals with indecent, not obscene, matter as in the common law, but the section 33 (3) test and the common law obscene matter test are almost identical.

It may be possible to improve on the definition, but merely to remove the definition is mischievous. Referring, as I have, to Saunders' *Words and Phrases,* judicially defined I find that the word "indecent" has rarely been interpreted and certainly not sufficiently clearly. It can be interpreted so widely that the law would be in a state of confusion for some time. To delete section 33 would open many more loopholes than it would close. Although I intend to give the matter some attention in Committee, I support the second reading.

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

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 15. Page 2209.)

The Hon. J. C. BURDETT: I support the second reading. As was explained by the Minister in his second reading explanation, the Bill merely picks up a drafting omission that occurred when the previous Prices Act Amendment Bill was last before the Council. Honourable members will recall that a conference was held on that Bill. The amendments had to be drawn hastily then, and this matter was overlooked. The Bill seeks to rectify it.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 15. Page 2215.)

The Hon. J. C. BURDETT: I support the second reading. The only clause in the Bill that gives me any concern is clause 3, which changes the constitution of courts to hear adoption applications. That clause provides that a court to exercise jurisdiction under the Act shall comprise 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.

At present, jurisdiction in this area is exercised by a special magistrate and two justices of the peace, of whom one must be a woman. It seems to me from my experience that this system has, as the Hon. Mr. DeGaris said, functioned very satisfactorily, particulary in the country, although I have seen it operating in the city.

It functions very well, and one reason for that is that it tends to take away the courtroom atmosphere. It comprises a magistrate and two lay justices. Often, one finds that all concerned quickly get on a friendly and informal basis. I have always observed that the two justices defer to the magistrate on matters of law and even on matters of procedure. They also defer in many cases where there is a dispute on matters of fact.

However, it seems wise that in this jurisdiction, which is not like an ordinary court, in some way the public, particularly family people, should be involved. It is not like a matter of deciding whether a crime has been committed, whether there has been a breach of trust, or whether there is a civil claim. It is a matter of deciding on the future of a child and on who should be deemed by law to be the parents. It is an important matter and one where informality and public involvement are important.

Certainly, it is necessary that, when the relationship of an adopted child and adoptive parents arises, the matter be dealt with in a proper way, and that is why a court is necessary, but the court is different from most other jurisdictions, even most family court jurisdictions. The court will include two lay persons, one of whom is to be a lady.

The Hon. Anne Levy: A woman.

The Hon. J. C. BURDETT: I said "lady". I am being chivalrous. I have found that the system operates well in the country and in the city. In the city, usually the man and the lady are experienced in this field and are commonly called on. I am pleased that the Hon. Mr. DeGaris has on file an amendment in this regard and I intend to support it.

I note that the three categories of person who comprise the court mentioned in the Bill are a judge of the Children's Court, a judge of the Local Court, or a special magistrate. I concede that a judge of the Children's Court would have special knowledge of children and special experience in dealing with them, but this may not be the case with a Local Court judge or a special magistrate. There is nothing that, by virtue of their office, indicates that they have any special experience regarding children.

Clause 4, which provides for the possibility of contribution towards the support of the child where there is physical or mental disability, is commendable. I

commend the Government for including it. I refer now to the panel set out in clause 5. This is one of the few occasions when I do not agree with the Hon. Mr. DeGaris. He was somewhat critical of the panel and wondered why it was necessary that it be so high-powered. He also referred to the cost of it.

The panel seems to me to be desirable. It comprises a cross-section of the community and people who are likely to be qualified in this field and helpful in adoption matters. It surprises me that the Hon. Mr. DeGaris has criticised the setting up of such a panel. After all, he was the architect of the Advisory Committee provided for in the South Australian Health Commission Bill, and it seems to me that this provision is doing a similar thing.

The Hon. Mr. Blevins said that there were more hopeful adoptive parents now than ever before, and he gave reasons for this. He also said that, in adoption matters, the predominant thing always must be the welfare of the child, and I agree with that. We also must take into account the fact that many couples have not children of their own, for one reason or another. I thought that the speech made by the Hon. Mr. Blevins was sensitive and that it was one of his best in this Council. I did not agree with all of it, but it was carefully thought out.

He referred to the report of the committee and to the guidelines that the committee had recommended. I do not disagree with any of the guidelines. However, I thought that perhaps in some areas they were too rigid. I acknowledge that there is an escape clause. There is a power to disregard the guidelines in extreme cases, but it seems to me that, in the net result, the guidelines are likely to be interpreted too inflexibly. However, this is not necessarily an issue in the Bill. I support the second reading.

The Hon. ANNE LEVY: I support the second reading and should like to comment on two points. Other members have mentioned the decrease in the number of children available for adoption and the possible causes of that. Certainly, the availability of contraception and abortion can be expected to affect the number of ex-nuptial births. From figures I have seen, it seems that about 50 per cent of pregnancies that occur to single women are terminated and about 50 per cent go to term, a child being born.

The proportion of births that are ex-nuptial has not changed markedly in recent years, but what has changed is the number of single mothers who are now keeping children and not placing them for adoption. I understand that about 20 years ago about 80 per cent of ex-nuptial children were given for adoption, whereas today the proportion is reversed and the number given for adoption is about 20 per cent, 80 per cent being kept by the single mothers.

A factor that worries me is the fall in the age of ex-nuptial mothers. It is difficult to substantiate this statement here, as the figures in the *South Australian Year Book* regarding age groups are not the same for different types of births. It is difficult to work out the statistic without having more data from the Australian Bureau of Statistics. However, I have been told that the age of ex-nuptial mothers is falling and that it could be as low as 17 or 18 years.

This is a worrying phenomenon. It would suggest that the availability of contraception and abortion has not increased for younger age groups to the extent that it has for older age groups. It is also worrying in that young girls of this age who keep their children have their own lives very much affected, since they completely change their lifestyle before they complete the education and training that they might otherwise complete. The future effects on their lifestyle will be much more dramatic than they would be in the case of a single mother from an older age group who decided to keep her child. I am not criticising their decision to keep their children, and I am glad that the supporting mother's benefit has enabled them to have a valid choice, but it is worrying that the effect of being a single mother at a younger age could have much greater consequences on the future lives of the girls concerned.

The Eisen report sets out the criteria to be taken into consideration when adoption is being arranged. The regulations currently existing state, among other things, that the Director-General or an officer of the Community Welfare Department shall take into account any wishes that may have been expressed by a parent or guardian of a child, in an instrument of consent to the adoption, with respect to the religious upbringing of the child. I endorse the sentiment. In recent years it has been rare for a person giving a child for adoption to indicate any wish concerning a particular religious upbringing for the child.

On the forms which it is suggested prospective adoptive parents will have to fill in, the parents are asked to indicate their religion, and in brackets "if any" is added. It is not that long ago that adoptive parents who did not profess religion were not considered fit and proper people to adopt children. In a pluralist society, people must be free to have no religion if they wish, and they should not be penalised for this. While I am sure that the item "Religion (if any)" on the form is merely to enable the wishes of a person giving consent to adoption to be taken into account if that person so specifies, I am reassured that the words "if any" suggest that there is no great penalty if no religion is stated.

This may seem unimportant, but I know of cases of about 20 years ago where people wishing to adopt children had to choose their words extremely carefully so as not to perjure themselves yet not indicate that they would give the child a religious upbringing. I recall a case reported to me of a couple who were asked whether they would give the child a good religious upbringing, as a condition of adopting the child. As they were not religious themselves, being honest, they replied that they would take the child to church whenever they went. In this way they did not perjure themselves, and they received permission to adopt the child. I hope that nowadays such attitudes are not found in adoption courts.

Turning to the amendment foreshadowed by the Hon. Mr. DeGaris, I point out that, when this Bill was in another place, reference was made to the necessity of having both sexes represented when any decisions regarding adoptions were made. I myself have been contacted by organisations stressing this point. In the Assembly, and in greater detail in conversation with me, the Minister has stressed that he is well aware of this desirable factor and that he intends that the adoption panel of nine individuals will contain a considerable number of women. This panel will lay down criteria for adoption, will act as an appeal board for adoptive parents, and will undertake research into matters relating to adoption. It is desirable that women should be involved at these stages.

The fact that clause 5 does not mention the sex of the individuals is certainly not a bar to a large number of them being women. When the original Act was drawn up many years ago, it would have been difficult to find professional people of the required types who were female. Nowadays, while it is true that most professional people are male, there is not a single category of individual mentioned in clause 5 which could not be female. Many women are clinical psychologists, gynaecologists, legal practitioners,

etc. So, laying down criteria in terms of qualification is no bar to obtaining a large number of women on the panel. The Minister has indicated in the Assembly and privately that he expects the panel to have a substantial number of women members. This is relevant to the amendment foreshadowed by the Hon. Mr. DeGaris, whose concern is more with the court, rather than with the panelists who will be making the important decisions regarding adoptive parents. Apart from the fact that I very much doubt whether the judges, as opposed to magistrates, would agree to be joined on the bench by justices—

The Hon. R. C. DeGaris: Why?

The Hon. ANNE LEVY: I do not know, but I am told this by legal people.

The Hon. R. C. DeGaris: I have not found it at all.

The Hon. ANNE LEVY: That suggestion has been made to me. A magistrate may have no objection, but judges do; do not ask me why.

The Hon. R. C. DeGaris: Do you agree that a judge should object in the situation you are talking about?

The Hon. ANNE LEVY: I am not saying whether judges should, but it has been suggested to me that they would, so I mention this point. It seems to me that the panel of experts is the important group being established by this legislation and, if we accept the Minister's assurance that a considerable proportion of this panel will be women, the interests of both prospective parents seem to me to be adequately catered for. Consequently, it is unnecessary to retain the old criterion of appointing justices on the basis of their sex. It is really rather insulting to appoint a person to a position on the ground of sex rather than on the ground of qualifications. Surely it is more desirable to appoint a person because of his qualifications and then try to get a balance of the sexes within the areas of qualification. To become a justice of the peace no particular qualification is required; I know that as I am a justice of the peace myself. It seems to me that the suggestion in the Bill of a single judge or magistrate having jurisdiction in determining applications for adoption is perfectly adequate provided the panel mentioned in clause 5 has a good representation of both sexes on it. I support the Bill.

The Hon. T. M. CASEY (Minister of Lands): I thank honourable members for their attention to this Bill, which is one of the very important matters dealing with the social life of many people in the community. I was pleased to hear the Hon. Mr. Burdett give praise where praise was due, in connection with the speech of the Hon. Mr. Blevins, who had done his homework and who handled the subject well indeed. His speech was a credit to him.

Adoption has been causing many problems in the community for years; it is not easy to come to any agreement when dealing with people who want to adopt children. Human nature is different in every case, and it is difficult to resolve some of these matters. However, this Bill goes a long way towards correcting some of the anomalies that have existed over the years. I compliment honourable members for the way in which they have supported this Bill and the attitude they have shown to it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Jurisdiction."

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

Page 1, lines 13 to 17—Leave out paragraphs *(a), (b)* and *(c)* and insert paragraphs as follows:

(a) a—

(i) Judge of the Children's Court of South Australia;

(ii) Person holding judicial office under the Local and District Criminal Courts Act, 1926-1976; or

(iii) special magistrate; and

(b) two justices, of whom at least one is a woman justice.

Many years ago, the Government decided to change the system of dealing with adoptions by allowing two justices to sit with the magistrate. As a result of that, the change in the attitude towards adoption procedures was remarkable. In my second reading speech, I asked for reasons to be given why the Government is changing back to the old system. Having had something to do with the local court in my home town for a long time, I assure the Committee that the changes made years ago were deeply appreciated by all members of the community, and particularly by those people adopting children. A similar procedure took place in regard to naturalisation. I remember that, when naturalisation was first undertaken, after the end of the Second World War, it was then dealt with in the courthouse by the magistrate. The atmosphere, however, did not quite suit the occasion. The Federal Government, in looking at the matter at the time, decided to move that ceremony from the courthouse to a sort of public gathering, where naturalisation was carried out by the local mayor or the local chairman of the district council, and the whole atmosphere changed considerably. Although these two situations are not parallel, there is some connection between them.

Having done a lot of work in the local courthouse, I can appreciate that the change made many years ago to provide for two justices to sit with the magistrate on adoption hearings was greatly appreciated by the community. So far, the Government has given no reason why the change in this respect is necessary. I do not agree with the viewpoint put forward by the Hon. Anne Levy that judges would not like serving with two justices. That is not so. I am certain that the magistrates with whom I had contact would say that they greatly appreciated the change of atmosphere that took place when two justices, one a woman, assisted them in hearing adoption cases.

The Hon. T. M. CASEY (Minister of Lands): I agree with the sentiments expressed by the Hon. Anne Levy: I believe that a judge of the Children's Court would want to deliberate on his own. Those judges have a sense of responsibility, and they do not want any interference from outside people; I concur in that sentiment. Persons holding judicial office want to operate on their own. The case of a magistrate with two justices, one of whom is a woman, may be no criterion at all. The Leader is speaking from experience as far as the magistrate and the two justices are concerned but not so far as a judge is concerned.

The judge is responsible for conducting his court in his own way, and we should not burden him with two justices, one of whom should be a woman.

The Hon. R. C. DeGaris: Would it be a burden?

The Hon. T. M. CASEY: No, but I do not think he would go along with it; it would be a slight to his status as a judge. The Government believes that, if a judge is considering a matter, he operates as the sole person making the decision. The Government would like to come to a compromise regarding a special magistrate and two justices; that would be suitable, but we cannot accept such an amendment as this.

The Hon. J. C. BURDETT: I support the amendment. The people comprising the court will make the practical decision. I appreciate what the Hon. Anne Levy said, but a woman on the panel is different, as the panel's task is different. A court's decision will often be final. Such a court is different from an ordinary court. A special court is

required to provide protection. This is not like a criminal matter or deciding whether or not a person is entitled to compensation. This involves human beings.

The Hon. T. M. Casey: Aren't you dealing with human beings in an ordinary court?

The Hon. J. C. BURDETT: Yes, but here we are dealing only with whether or not a child should become part of a family. It is important to have lay involvement. I do not think judges of the Family Court or the Local Court would have any objection. The proposal for justices is no reflection on them or a suggestion that they cannot do the job properly. In fact, it gives them consultants.

The Hon. T. M. Casey: What happens in a divorce court? A judge makes that decision.

The Hon. J. C. BURDETT: Yes, but the Family Court has, and uses, trained consultants attached to the court. That is a different matter, as there is often conflict between a husband and wife, and evidence is given. In all court cases one deals with human lives, but in this case one deals with human lives and nothing else. A baby has no way of expressing its own view. Judges would not object. They should not object and, if they did, such objection should be disregarded. It is a matter of co-operation and support. It is not unknown for judicial officers to have consultants. I see no difference between Local Court judges, judges of children's courts and magistrates in this regard. They all have the same training, the same sense of responsibility and, in a broad sense, they are all judicial officers. What has been found to work well regarding magistrates can work well regarding judges. I support the amendment.

Progress reported; Committee to sit again.

[Sitting suspended from 4.40 to 7.45 p.m.]

RESIDENTIAL TENANCIES BILL

At 7.45 p.m. the following recommendations of the conference were reported to the Council:

As to amendment No. 2:

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

Page 2, after line 38—Insert new clause as follows:

5a. This Act does not bind the Crown, but any Minister of the Crown in whom administrative responsibility is vested in respect of any premises subject to any agreement to which this Act would apply, if this Act were binding on the Crown, shall give such administrative directions as are necessary to ensure compliance with such provisions of this Act, as are consistent wiht public policy in relation to the premises.

and that the House of Assembly agree thereto.

As to amendment No. 9:

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

Page 4, line 24 (clause 10)—Leave out "tenant" and insert "party to a residential tenancy agreement, where in the case of that party being a landlord, the Commissioner is in addition satisfied that the landlord is in necessitous circumstances,"

and that the House of Assembly agree thereto.

As to amendments Nos. 10 to 26:

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

As to amendment No. 31:

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

Page 6, line 33 (clause 13)—Leave out "such term of office" and insert "a term of office not exceeding five years".

and that the House of Assembly agree thereto.

As to amendment No. 32:

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

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 and any person to be a deputy registrar of the Tribunal".

and that the House of Assembly agree thereto.

As to amendment No 34:

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

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 at or before the time at which the residential tenancy agreement was entered into to manage the premises the subject of the proceedings on behalf of the landlord."

and that the House of Assembly agree thereto.

As to amendment No. 35:

That the Legislative Council amend its amendment—

(a) by leaving out "A right" from subclause (1) and inserting in lieu thereof "Subject to subsection (1a) of this section, a right"; and

(b) by inserting after subclause (1) the following subclause:

"(1*a*) A right of appeal shall not lie in respect of any monetary claim where the amount claimed is less than one thousand dollars."

and that the House of Assembly agree thereto.

As to amendment No. 37:

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

As to amendment No. 38:

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

Page 15, line 20 (clause 35)—Leave out "the period of one year" and insert "such period not exceeding one year as is fixed by the Tribunal".

and that the House of Assembly agree thereto.

As to amendment No. 39:

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

As to amendment No. 40:

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

As to amendments Nos. 44 and 45:

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

As to amendment No. 50:

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

As to amendment No. 51:

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

Page 29, lines 39 and 40 (clause 85)—Leave out "as the Minister may approve" and insert "as the Minister, on the recommendation of the Tribunal, may approve".

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

Although it was a very long conference it was one which, in the long run, came out very well. I think the recommendations were much in keeping with the intentions of this Chamber. Right from the start, it appeared that both sides wanted to be sure that the Bill would not be lost. They believed that the Bill contained some valuable provisions. Having started at 9.15 a.m., the conference wound up at 5.50 p.m., although we had a couple of breaks.

I congratulate the managers from this Chamber on their hard work. We have come forward with the recommendations to which I trust the Committee will agree. No doubt other managers from the conference will detail the amendments.

The Hon. C. M. HILL: I support the motion and the Minister's comments. As one of the managers, I confirm that the conference was a long one but, after such lengthy deliberations, the agreements reached on the various clauses, the compromises made, and in some instances the insistence maintained by each House, have ironed out an ultimate result which is satisfactory.

The issue of the Crown's being bound by the legislation was discussed at length at the conference and I think a precedent has been established by the agreement reached. Whilst the Crown is not specifically bound, the managers from the other place have agreed that Government departments will in principle bind themselves to the principles of the legislation except where there is some inconsistency with certain public policy.

Regarding the landlord's being involved with the Commissioner and obtaining some assistance from the Commissioner, such assistance being available also to tenants, the conference agreed that this situation could occur where the landlord was in necessitous circumstances. I was pleased to see that agreement reached. Honourable members will recall that this place laid down that the term of office of the tribunal should be five years, and the conference has agreed to a term not exceeding five years.

This Council previously insisted upon the Registrar and the Deputy Registrar of the tribunal being legal practitioners. A compromise was reached there in which the Registrar must be a legal practitioner whilst the Deputy Registrar need not be.

In regard to actions before the tribunal, there was a possibility under the previous proposal that a landlord who did not wish to be present before the tribunal might well have been forced to make himself available: now, the compromise is that, where a genuine agent (by which I mean an agent who had been appointed prior to the subject tenancy) exists, that agent can represent the landlord instead of the landlord himself being present.

As to amendment No. 35, this was a most important amendment, which took some time to debate in this Chamber, dealing with the right of appeal from a decision of the tribunal; the final agreement reached was that the right of appeal required by this Council was to stand, except for circumstances where a monetary consideration was involved in the appeal and that monetary consideration was a figure of no more than $1 000: in other words, if it was more than $1 000 or if the tribunal's decision was on a matter other than a monetary consideration, the matter was still subject to the new appeal provisions inserted in this place.

In regard to amendment No. 37, the Legislative Council previously endeavoured to insist that one of the criteria in fixing the rent, after a complaint had been made that the rent was excessive, was to involve the question of interest on capital. The managers of this Council did not insist on that because we accepted at the conference that, if that point was written into the legislation, then capital appreciation would also have to be involved in the legislation, and that would be a rather complex matter for the tribunal to consider. So we decided not to insist on that amendment.

With regard to amendment No. 38, which dealt with the fixation of excessive rent, previously the legislation stated that a fixation of the tribunal would stand for 12 months; this Council amended it to six months, and a compromise was reached that such period would be a period not exceeding one year; so flexibility is left in the hands of the tribunal to fix the period. This Bill previously insisted that if emergency work was to be carried out by a tenant, the tenant in certain circumstances could charge the landlord for that expenditure. This Council insisted previously that that work should be carried out by a licensed tradesman, who should prepare some report as to his opinion of the cause of the trouble. The House of Assembly has agreed to that amendment.

In regard to amendment No. 40, which deals with the right of the landlord to enter the premises under certain conditions, the conference agreed that the Legislative Council should not insist on its amendment in that matter, because the House of Assembly had agreed to a new arrangement by which, under certain conditions, on an official rent collection day, the landlord had the right of entry.

Previously, a copy of the tenancy agreement had to be provided to the tenant within 21 days of execution, but now that period can be longer in special circumstances. Amendment No. 45 deals with the onus of proof and relates to clause 57, which is known as the children's clause. Our managers insisted on this amendment, and the managers from another place yielded to that view.

Similarly, managers from this Chamber yielded to the views of managers from another place in regard to amendment No. 50, because we did not believe that a landlord should be motivated to initiate possession of his property simply because the tenant had made some previous complaint to an authority about the state of the premises or for a similar reason. Therefore, it was considered reasonable to yield on that point.

Regarding amendment No. 51, I stress that there were 51 amendments in all, which is another reason for the whole day being taken up with this matter. I can seldom remember a conference when so many amendments were considered. This amendment dealt with the use of the fund. The provision gave the Minister some right to say how the fund should be disbursed. Both Chambers agreed to retain that right, but it must be on the recommendation of the tribunal.

I hope that that explanation assists honourable members in relation to the various amendments that have been made. I thank the Hon. Mr. Carnie for his part in the conference. He took a leading part in placing the amendments on file initially, in the debate, in Committee, and at the conference, where he was of much assistance to the managers.

The Hon. J. A. CARNIE: I support the comments of the Minister of Health and the Hon. Mr. Hill about the atmosphere existing in the conference, which was one of the most lengthy conferences I have attended. I refer to

clause 10, because the slanting of the Bill appeared to be solely in favour of a tenant. My argument was that some landlords need protection in certain cases. I refer to a person who invested his retirement funds in a block of, say, four flats. Such income would not be great, and his tenants could have greater assets and a greater income than the landlord. There appeared to be no provision for a landlord to obtain the same assistance as a tenant. I am pleased that the conference accepted that in certain cases the landlord in necessitious circumstances may get preference and may receive assistance from the Commissioner for Consumer Affairs.

Concerning amendment No. 40, which referred to a landlord being able to inspect premises in which he believed that a breach of the agreement was occurring, I was not happy with my original amendment, because I recognised that no landlord should be able to enter the premises unannounced, and I provided for a 48-hour notice. However, an amendment from another place, that a landlord had the right to inspect on a normal rent collection day, covered my point, and our managers did not insist on my amendment. We insisted on amendment No. 45 concerning the reverse onus of proof, and the wishes of the Council prevailed. Reasonable compromises were reached on the remainder of the amendments and, as a result of the conference, the Bill has been vastly improved and will benefit both landlords and tenants. I support the motion.

The PRESIDENT: This was one of the longest conferences that I can remember, and I am sure that all members who did not participate are grateful for the efforts made by the managers on behalf of the Council.

The Hon. D. H. L. BANFIELD: I thank you, Mr. President, for your comments about the managers. It was certainly a long conference.

Motion carried.

MOTOR FUEL RATIONING BILL

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.

STAMP DUTIES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is an urgent measure designed to protect stamp duty revenue in two respects. The Bill deals, first, with the duty payable by companies upon life insurance premiums. At present, the Stamp Duties Act provides that, in order to carry on insurance business in the State, a company must hold a licence. Duty is then payable upon the licence in proportion to the net premiums received by the company. Although these provisions have been in operation since 1902, they are now being challenged in the Supreme Court by one life insurance company as being inconsistent with the provisions of the Commonwealth Life Insurance Act, 1945. The Government is defending this challenge.

If, however, it is held that the requirement to hold an annual licence is inconsistent with the Life Insurance Act, revenue to the extent of $1 800 000 during the current financial year could be lost. Therefore, it is proposed to amend the Stamp Duties Act to remove the obligation for a life insurance company to hold an annual licence but to continue the liability of such a company to pay stamp duty at the rates at present applying by means of a return system. It is intended that the relevant provisions of the amending Act will be proclaimed in the event only that the provisions of the Stamp Duties Act are struck down by the court, but I emphasise that in that event it is intended that they certainly would be proclaimed.

The Bill also attacks a tax-avoidance scheme that is designed to avoid the duty payable under the principal Act in respect of share transfers. Under this scheme, a branch register of the company is established outside the State in some place where share transfers do not attract duty. The share transfer then takes place on the branch register. The register is then closed down. Because the transactions take place entirely outside the State, no duty is payable. The Bill contains provisions designed to close this loophole in the principal Act. The Bill also contains a new provision enabling the Governor to exempt statutory corporations from stamp duty. This new provision will obviate doubts regarding whether certain statutory corporations such as the Adelaide Festival Centre Trust are liable to stamp duty. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3, 4 and 5 amend the provisions of the principal Act that impose an obligation on an insurance company to hold a licence. The amendments remove life insurance companies from the purview of these provisions. Clause 6 provides for the imposition of duties in respect of premiums received by life insurance companies.

Clause 7 provides for the imposition of stamp duties upon share transfers that take place outside the State. Of course, where the law of the State or Territory in which the transfer takes place itself imposes an appropriate duty upon the transfer, the new provisions will not apply. Clause 8 empowers the Governor to exempt statutory corporations from the payment of stamp duty. Clause 9 makes consequential amendments to the second schedule to the principal Act.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2274.)

The Committee divided on the amendment:

Ayes (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.

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

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. B. A. Chatterton.

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

Amendment thus carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—"Regulations."

The Hon. R. C. DeGARIS: In 1976, an amendment was

passed to insert paragraph (1a) after paragraph (1). There is no paragraph (1) in section 72 of the Act. Therefore, the amending Bill of 1976 did not have the correct notation. Now we are striking out paragraph (1a) and inserting a new paragraph (1a). I point out that it should be the letter "*l*" followed by the letter "*a*"—*(la)*. I think a correction can be made by you, Sir, as Chairman. The problem is that the amending Bill of 1976 was incorrect as well, and I do not know how you will work all this out, but clearly a mistake was made in 1976, and there is a mistake in this Bill. In Federal legislation, the letter "*l*" is not used in paragraphs in a section, because it can be confused with the figure "1".

I suggest that the Parliamentary Counsel, when detailing paragraphs as "*(a)*", "*(b)*", "*(c)*", etc., follow the Federal practice and not use "*(l)*", because it can be confused with "(1)". I seek your guidance, Mr. Chairman, as to whether you can make the correction or whether an amendment should be moved on the floor of the Chamber.

The CHAIRMAN: The matter raised by the Leader will be checked, and the necessary clerical corrections will be made.

The Hon. R. C. DeGARIS: A clerical correction in this Bill will not really solve the problem, because the 1976 amending Bill inserted paragraph (1a), but there was no paragraph (1). I do not know how that can be handled, but I draw your attention to it, Mr. Chairman.

The CHAIRMAN: Does the Leader agree that it is a typographical error?

The Hon. R. C. DeGARIS: It can be overcome if the words "by striking out paragraph (1a)" are left as they are, because the 1976 Bill used "(1a)". Then, in line 21, instead of "(1a)" we should use "*(la)*". That would solve the problem. In other words, lines 19 and 20 should be left as they are.

The CHAIRMAN: I agree with the Leader. The necessary corrections will be made. Regarding the use of the letter "*l*", I suggest that the Leader raise the matter later with the Parliamentary Counsel. We can hardly make a recommendation during this debate.

Clause passed.

Title passed.

Bill read a third time and passed.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from March 15. Page 2219.)

The Hon. C. M. HILL: Yesterday, I complained that this Bill was being introduced too hastily, and I raised some doubts about the scheme proposed in the Bill. I said then that I gave my support to the Bill only with considerable misgivings. It is planned to house 25 000 to 30 000 residents in the Golden Grove area.

The area comprises about 1 400 hectares. I also said yesterday that, to manage the whole venture, the Government proposed a committee of four people. Yesterday, I complained that the Government's policy on urban expansion was one deserving severe criticism, since time and time again the Premier of this State has said that he would contain the Adelaide sprawl; he would limit the optimum population of metropolitan Adelaide and not stand by idly and see this expansion taking place north and south of the city.

The Premier has made great emphasis of the fact that he will preserve our vineyards as part of our culture and as part of our way of life. Vineyards included in this area will now go under the bulldozer and houses will be built in their stead. So much for the representations and promises of this Government to the people of this State in regard to keeping Adelaide to a limited size and maintaining our way of life. It can be maintained only if we control the growth of metropolitan Adelaide.

Problems that inhibit big cities will inevitably cause them to become places in which people do not want to live but where they are forced to live for their livelihood. Those problems will surround the city of Adelaide if it is permitted to expand to a great size. Surely that situation is one for which the Government must be condemned when it makes public utterances yet, at the same time, introduces Bills in this Parliament providing that in one development alone metropolitan Adelaide will be expanded to the extent of a potential 30 000 residents. As I said yesterday, the Government's record in coping with our slowly increasing population is lamentable.

The Hon. N. K. Foster: What are you going to do with them?

The Hon. C. M. HILL: We ought to be planning, making announcements and doing something concrete about gradually improving the large regional country cities in this State. We are going to have an overflow of population in metropolitan Adelaide. That increased population should be absorbed gradually in provincial country centres such as Mount Gambier, Murray Bridge, Port Augusta and Port Lincoln. It is in those areas where we want to see more development and expansion encouraged.

If the Government, instead of putting 30 000 new residents in Tea Tree Gully, came forward with a plan to put 7 500 people each in Mount Gambier, Murray Bridge, Port Augusta and Port Pirie, this whole State and the Parliament on both sides would applaud it. However, the Government must do things in keeping with its doctrinaire principle. The Government brought forward its theoretical plan for Monarto without referring it to the people, and it proved to be an absolute failure. The same mistake is being made by the Government in this venture.

The Hon. R. C. DeGaris: Monarto was a disaster.

The Hon. C. M. HILL: A complete disaster. Not only did the Government fail to bring people into the planning of Monarto but it tried to regiment people to go and live there.

Members interjecting:

The Hon. C. M. HILL: This Government tried to regiment its own public servants to live there. The Government should be ashamed that it went to public servants in this State and said, "You must sell up your home here and take your children away from their school life and their established social activity and, if you want to keep your job in the Public Service, you will have to move to this new Government town."

Members interjecting:

The Hon. J. R. CORNWALL: On a point of order, Sir, has this anything to do with the matter before the Council?

The PRESIDENT: This is a second reading debate, and I believe the honourable member has the right to put his case. A certain amount of interjection is acceptable, but, when two or three members are interjecting at the same time, I think that is going to far. I remind honourable members that I shall have no hesitation in stopping that course.

The Hon. C. M. HILL: I am trying to assist the Government, pointing out that, if it does not involve the public, this plan will be a failure. It will carry for all time the stigma that this is a Government scheme with Government housing. When a new mini-town of this kind acquires that stigma, it is unfortunate for the people who

live there. If this Government cares for the people of this State, it will steer clear of that problem. It failed at Monarto because it did not involve the people in its planning.

I ask the Minister in charge of this Bill to say whether the public will be involved in this scheme. When the Hon. Mr. Cornwall tells me that I am off the track in this debate, let me say that I am using Monarto as an example of what went wrong several years age, and I am pointing out a lesson which the Government should have learned then but which it did not learn. I am hoping, therefore, that in this instance the Government will be able to explain how it has already brought the people and their views into this matter and, just as importantly, how it is going to continue involving people in the planning and development processes of this section of Tea Tree Gully. If it does not, it will bring great damage to the Government as well as to the area, and it will be most unfortunate for the 30 000 South Australians who will be living there.

If I may digress for a moment, I hope that at some stage the Government will get down to some good, solid practical thinking about how to cope with the gradual expansion of metropolitan Adelaide, and that it will come up with plans, and announce them, to absorb new residents in the country regional centres of this State.

The Hon. F. T. Blevins: What if they don't want to live in the country centres?

The Hon. C. M. HILL: That is the point. The Government must encourage them to live in country areas. It must show initiative and leadership in its policies so that people are encouraged to want to live in these areas. In many instances, employers can inform their employees that employment for them will be assured because of incentives that the Government is offering to employers to establish in those new areas.

The Hon. J. E. Dunford: What about the Federal Government's attitude to Whyalla?

The Hon. C. M. HILL: I am talking about the State Government. Certainly, it is an encouragement for an employee to give thought to such a transfer. The provision of attractive housing in some of these country areas is another encouragement. I could go on and on, but that, in my view, is the only way to tackle the problem, because the days of new unitary towns have gone. Our population is not increasing at such a rate as to require independent township development.

I will get back to the Bill having, I hope, made the point that I trust that the Government is not overlooking some of its mistakes and that the very wide power given in this legislation which, in many respects, is only enabling legislation (if the Bill stays in this form and is not improved), if it ultimately rests with this committee and the Minister, will be exercised in such a way that there will be continuing reference to the people at large, and that from that evidence, research and detail proper planning can take place.

I notice in Part III of the Bill that development schemes are referred to, and that the committee is being allowed two months in which to receive representations from the public, because the committee is required to publicise its plans. Some of the clauses in Part III, dealing with development, are very wide. This point again highlights the wide enabling concept of the Bill. Other honourable members may like to deal with this point in more detail. Part IV deals with actual development controls; it includes a transitional period of interim development control and also deals with control of land subdivision. I note with some serious doubts that no regulations will be introduced as apply at the moment under the Planning and Development Act. That could be looked at more closely.

Part V deals with the Land Commission which, as I read the Bill, will be the overall developing authority in charge of the actual development. It is strange to see this devolution of the once great South Australian Housing Trust, which used to be given the responsible task of planning many new suburbs within metropolitan Adelaide. The highlight of its record was the planning and development of the new city of Elizabeth. We went through that era and the Housing Trust is still operating but, for some reason best known to the Government, it has favoured the Land Commission in the overall development of this new area. Why is this? Why is not the Housing Trust given the task of developing this area?

I appreciate that much of the development will be done by private enterprise under the supervision of the Land Commission. I notice from the report of the Select Committee on this matter in another place that about 20 per cent of the development will be given to the Housing Trust to complete. Frankly, I have some doubts about the ability of the Land Commission to achieve the task envisaged in this Bill. The Land Commission was first established to provide young couples particularly with cheap land. It was hailed as an authority that would provide young people with cheaper land than could be bought on the open market. It failed in that object because blocks of land are for sale south of the city of Adelaide and close to Land Commission development that are cheaper than land that is to be offered within the Land Commission development itself.

The Hon. T. M. Casey: That does not prove a point.

The Hon. C. M. HILL: Why not? That was why the Land Commission was established. If it is not supplying land which is cheaper than land on the open market, it has failed; otherwise, what purpose is it achieving?

I refer to radio advertisements inviting young people to buy land in the commission's estate at Craigmore, offering terms on about 10 per cent deposit. I am not sure what the actual rates or repayments are, but I have heard the criticism by Government members of land agents who have offered land on such low deposits. I have been accused and have heard criticism about arrangements "on the never-never". Now this is being done by the commission, it seems there is nothing wrong with it.

The Hon. J. R. Cornwall: You know the interest rates; don't tell fibs.

The Hon. C. M. HILL: I understand the finance comes mainly from the State Government Insurance Commission.

The Hon. J. E. Dunford: What is the interest rate?

The Hon. C. M. HILL: I am not sure. Is it 12 per cent?

The Hon. J. E. Dunford: Private companies charge 18 per cent to 26 per cent, and that's far too high.

The Hon. C. M. HILL: Yes. I am criticising the Government for not giving authority to a semi-government instrumentality, the Housing Trust, which has a fine record in this State, in this development.

The Hon. J. E. Dunford: It has trade unionists on its board.

The Hon. C. M. HILL: That is so, and the Government seems to be dumping it. Is that criticism of worker participation introduced in the trust? The Government should tell the Council why it has not allotted such a development to the trust. It is as simple as that. Why has the trust not been given this work?

The Hon. J. E. Dunford: You should have asked a question.

The Hon. C. M. HILL: This is part of the Bill. It is not too late to change, as this enabling legislation is particularly wide. Amendments can be introduced in future. It is not even too late for the Government to turn

back and use the trust more than it is doing. The reason why the Government is not using the trust is that it has become rather unfashionable. New departments have been established, as have new sections under the Minister in charge of housing, and it is more fashionable to refer ventures such as this to new development authorities such as the commission rather than rely on the proven methods.

The Minister will have to face up to his responsibility eventually. If the venture is a total success, I will be the first to give him some praise for it. I am concerned because the commission has never previously been given such responsibility. I have read the Select Committee report from another place. The committee is confident that the venture will succeed. I stress that the public is not being involved in this venture as much as it should be involved. There should be greater reference to the public. There should be greater insistence in the Bill that the public be consulted throughout the planning process, and representations of the public must be considered seriously.

The Hon. J. R. Cornwall: Is it significantly different from West Lakes?

The Hon. C. M. HILL: West Lakes has succeeded because it was controlled by private enterprise. It was too much for the Government to take on, and, in 1967, the Labor Government turned to private enterprise for its help.

The Hon. J. E. Dunford: There's nothing wrong with that.

The Hon. C. M. HILL: I am pleased to hear that, because no doubt private enterprise has made much money out of that scheme, although it is entitled to do so because of the considerable risks that were taken.

The Hon. J. R. Cornwall: The private sector will develop 80 per cent of this venture.

The Hon. C. M. HILL: Of the actual construction, but how much of the planning? It will be nil. Most of the planning is under the control of the Land Commission and the development committee of four members, and is not with private enterprise. The Land Commission will ask the Housing Trust to build houses on 20 per cent of the 1 400 hectares.

The Hon. J. R. Cornwall: Isn't that what happened at West Lakes?

The Hon. C. M. HILL: No: a contract was entered into with private enterprise, and a condition was that certain land had to be sold to the trust. There is no comparison between the planning processes for the two ventures. In this new venture the Land Commission will give 80 per cent of the land to private builders and allow them to build houses: that is, to do the job after planning has been completed. I am sure that the commission, as is usual with Government-controlled operations, will tell the builders what to do down to the last detail. If this venture is to succeed the public must be deeply involved and their representations considered seriously by the development committee and the Minister. If the Government keeps close to the public, ultimately a beautiful suburb can be achieved and Tea Tree Gully will have an area of which it can be justly proud.

The Hon. N. K. FOSTER: I support the Bill, which represents a milestone in development in this State. I should like to refer to what the Hon. Mr. Hill said about the magical, free enterprise system as it relates to housing. Let us compare the area involved in this legislation with another urban area developed totally by a free enterprise organisation, the Australian Mutual Provident Society, whose building is opposite Parliament House and which is chaired by Sir Arthur Rymill, a man who sat in this Council for year after year.

The Hon. C. M. Hill: He was a very good member, too.

The Hon. N. K. FOSTER: I thank the honourable member for that interjection. However, what diligence did Sir Arthur Rymill display in this Council in relation to, say, the Housing Trust during all the years he sat in this place, taking money under false pretences?

The Hon. C. M. HILL: Sir Arthur Rymill did not take money under false pretences, and I ask for a withdrawal of that unparliamentary comment concerning a former honourable member of this place, Sir Arthur Rymill.

The Hon. N. K. Foster: You seek a withdrawal, do you?

The PRESIDENT: Order!

The Hon. N. K. Foster: He has asked for a withdrawal.

The PRESIDENT: Order! I remind the Hon. Mr. Foster that we must not reach a point at which we are shouting at one another. The Hon. Mr. Foster has been asked to withdraw that statement.

The Hon. N. K. FOSTER: Very well; I withdraw it. During my search of the records of this place, in order to get to know some of the members, past and present, of this Council, one name continually came before me: that of Sir Arthur Rymill, one of the most powerful men in this State. Members opposite should not talk about the trade unions being powerful when they compare those unions with the real financial power that is vested in a man such as Sir Arthur Rymill. He acted not for the benefit of the people of this State or its development but for no other purpose than pure corporate gain.

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

The Hon. C. M. Hill: You should be ashamed of yourself.

The Hon. R. C. DeGaris: Pure filth.

The Hon. N. K. FOSTER: It is not. Would not that honourable gentleman have been removed—

The PRESIDENT: The honourable member may at some time have the right to debate Sir Arthur Rymill's merits, but this is not the time. The Bill relates to the Tea Tree Gully and Golden Grove development, and I ask the honourable member to return to that matter.

The Hon. N. K. FOSTER: I will do so, Sir. If I had said what a brilliant businessman Sir Arthur Rymill was, that during his association therewith certain business interests in this city showed remarkable profits, and that the dividends paid by those business interests to their shareholders were increased year after year, members opposite would pat me on the back. However, because I put it another way, the Liberals sitting opposite do what is typical of them, being interested as they are only in the wealthy people of this city and in supporting a member of the Adelaide Club, and get nasty about it. For God's sake, let them at least have some respect for an opposite point of view in this place.

The PRESIDENT: Order!

The Hon. N. K. Foster: I have finished on that score, Sir.

The PRESIDENT: I have asked the honourable member to return to the Bill.

The Hon. N. K. Foster: And I am doing so.

The PRESIDENT: The honourable member is not doing so. He has tried to circumvent my ruling that he should relate his remarks to the Bill. That does not suit me. The honourable member must relate his remarks to the Bill.

The Hon. N. K. FOSTER: A point of order was taken earlier and the Hon. Mr. Hill was roaming far and wide. North Haven is a disgrace.

The Hon. C. M. Hill: You had better blame your Premier. It is the Premier's brainchild.

The Hon. N. K. FOSTER: I am talking about the developers who went there.

The PRESIDENT: Order! I ask honourable members not to keep interjecting. As long as the Hon. Mr. Foster is

talking about land development, I will allow him latitude to deal with that. If he wants to talk about North Haven, that is fair enough in the second reading debate.

The Hon. N. K. FOSTER: I suggest to members opposite, especially the Hon. Mr. Hill, that he should not look at North Haven from Lady Gowrie Drive. If he crosses the railway line near I.C.I. and turns his Dodge left and looks at some of the ticky-tacky places there, he may realise the con job that will end up as North Haven. I think you should permit me to refer to West Lakes, too, Mr. President, because Mr. Hill referred to it. Look at what the Housing Trust did, in the light of how the Hon. Mr. Hill has referred to it. What great planning mind was put to work in regard to the sprawling hills and peaks in the Hillcrest area?

I am saying this to point out that this Bill is a milestone in what will be achieved eventually in the area designated and in regard to what the Select Committee has said. Salisbury has been mentioned. When that was developed, the areas were good from the point of view of what people thought ought to be built in those days. However, the Hon. Mr. Hill many times made the criticism that there was no public involvement.

Let him or his colleagues tell the Council the type of public involvement that there was at Hillcrest, Blair Athol, in the whole of Salisbury North plains area, and in the area east of the road to Gawler, which road used to be known as Main North Road. The Housing Trust had little or no interest in that type of development. It cannot be said that the public was involved in that, but the public can be said to be involved in the proposal before us. If there was not much public response, the Government could not do other than make the provision that people could take part. There has been much public involvement in the north-eastern transport corridor. Perhaps it can be said that people should have been more involved in that, but the opportunity was there and they did not avail themselves of it.

It does not matter a damn as far as the Hon. Mr. Hill is concerned where development takes place: it is always wrong. It is wrong in Mount Gambier or in Murray Bridge (that is, almost Monarto). If we do something at Wallaroo, he suggests that it should be done at Whyalla. Whyalla has outgrown its usefulness since the steel industry started to become depressed. If we read what Mr. Anthony has said, we see that not only has shipbuilding been affected, but there has also been a downturn in steel production.

An industry with which the Hon. Mr. Laidlaw was associated went to Whyalla, but it is no longer there. How can one expect housing development when such enterprises move out? How long is it since Perry Engineering left Whyalla?

The Hon. D. H. Laidlaw: Three years.

The Hon. N. K. FOSTER: This has a direct bearing on the matter. We cannot expect to continue to use up productive land in the metropolitan area; that was one of the reasons why the Monarto project was planned. I remind the Hon. Mr. Hill that the formative years of West Lakes were interrupted because the Dunstan Government was not in office between 1968 and 1970, during which years the Hall Government altered the source of the capital and the manner in which West Lakes was developed. That is a fairer explanation of the West Lakes development than that given by the Hon. Mr. Hill, who ought to know better, because he is steeped in the role of the old, villainous land agent—the rip-off merchant who had it good for many years. The honourable member is no different from those who raped the land and then demanded still more in respect of resale value. He belongs to that group; he is associated with it; and he is directly involved in the industry. I can therefore understand his bitterness.

The Hon. C. M. Hill: I have no bitterness at all.

The Hon. N. K. FOSTER: The plan dealt with in this Bill has the backing of local government and the people listed in schedule A. Those highly regarded people made submissions to the Select Committee. I refer, first, to Mr. Beverley, Assistant Commissioner, Highways Department. Such people ought to give evidence, because they played a vital role in the planning of the project.

Mr. Brooks is an industrial engineer and a councillor of the Corporation of the City of Tea Tree Gully. Mr. DeGaris would surely concede the point that an industrial engineer is an important professional man within the framework of any council, large or small, urban or rural. His views were sought and respected by the committee. The Parliamentary Counsel went along to ensure that he played the role that he normally plays on the presentation of any Bill. Ms. Gayler, a senior Project Officer of the Housing, Urban and Regional Affairs Department, gave evidence to the committee.

Was there any lack of planning and expertise in calling that witness? David Hards, who is known to me personally and has been for many years, is an Alderman of the Corporation of the City of Tea Tree Gully. Sure, he is an active member of the Australian Labor Party, and members opposite could throw that at me, but he has been elected year after year for the Highbury ward, which is not the most unpleasant ward in the eastern suburbs.

Mr. Hiern is a Supervising Geologist with the Mines and Energy Department, and was another witness who gave evidence. Mr. Hynes, Manager of Concrete Industries (Monier) Limited is not a representative of Government or a semi-government body. Mr. Hynes is well known to members opposite who are involved in business. Another witness was Mr. Kinner, Town Clerk of the Corporation of the City of Tea Tree Gully. I have not heard any honourable member criticise any town clerk from any urban council. Why should the Hon. Mr. Hill say that no proper evidence was taken from members of the public or interested parties?

The Hon. R. C. DeGaris: Are you saying that the determination of a Select Committee is absolutely correct?

The Hon. N. K. FOSTER: Let me finish. Another witness was Mr. Langridge, a partner of Barrett and Barrett and State President of Urban Development Institute of Australia. If this had been a Liberal Party Bill and Mr. Hill was the Minister, he would have used every one of those names to support the Bill. He should be honest enough to nod his head or something to that.

The Hon. R. C. DeGaris: Rubbish!

The Hon. N. K. FOSTER: Mr. Martin, General Manager, West Lakes Limited, gave evidence, too. The Hon. Mr. Hill mentioned West Lakes, but why did he not mention it in the context of that man's name?

The Hon. R. A. Geddes: He left it to you.

The Hon. N. K. FOSTER: No, he did not. Mr. Lewis, Director and Engineer-in-Chief, Engineering and Water Supply Department, gave evidence. He was known to the Liberals when they were in Government. Is he so bad that he should not give evidence? Why did not the Liberals sack him or promote him sideways? They did not get rid of him; they respected him.

The Hon. R. C. DeGaris: Brilliant logic!

The Hon. N. K. FOSTER: His evidence was sought by and freely given to the committee. Why say that the whole thing is shabby and shonky as a concept. That is how the Hon. Mr. Hill sees the South Australian Housing Trust. He is anti-Land Commission, too.

The Hon. R. C. DeGaris: I am, too.

The Hon. N. K. FOSTER: I know you are, but Mr. Hill is anti for a personal reason and you are anti because you are just bloody ornery; plain hard to get along with. Another witness was Mr. Phipps. He is General Manager of that terrible commission to which we have just referred. Alex Ramsay of the Housing Trust was another witness. The Liberals never sacked him. They regarded him as a god in this field, but they stand here tonight and are dishonest enough not to say that he made a submission or to acknowledge him. Is the report of the Select Committee any worse because he made a submission to it? Mr. Hill was quite dishonest in how he dealt with the trust and its officers. The next witness on the list was Mr. Taeuber, Chairman of the Land Commission. Mr. Hill never said that he wanted to hang, draw and quarter him, but his attitude was one of that perhaps he would like Mr. Taeuber to go to hell and back.

Mr. Tan, a Planning Engineer with the Highways Department, gave evidence. Mr. Jack Tilley, the Mayor of the Corporation of the City of Tea Tree Gully, also gave evidence. He is a member of an established pioneer family of the area, and not a bad bloke.

The Hon. R. C. DeGaris: A nice bloke, very good.

The Hon. N. K. FOSTER: I do not have to agree with that remark, coming as it does from the Hon. Mr. DeGaris. I have known Mr. Tilley for years, and he is a much respected person in the area. He is interested in land in the area, as one would expect, coming from a pioneering family from the earliest days of the State. Mr. Toohey, Manager, Land Development, South Australian Land Commission, gave evidence. Written submissions were received from Hallett Brick Industries Limited. One would expect to hear from the Hon. Mr. Hill that this was a trade union co-operative that has been at Welland since about 1852. It is the pioneer brickmaking business in this State. I am not incorrect in saying that, so why did not the Hon. Mr. Hill refer to the source of that evidence before the Select Committee? Once again, I charge him with dishonesty.

The South Australian Housing Trust made written submissions, as did the South Australian Land Commission. If members opposite want to be what the general public of South Australia thinks they are, a Party of knockers, that is their business. The final point that really would explode the Hon. Mr. Hill's argument that no form of development at all would be any good unless it was the work of the private sector would be for him to visit Canberra and see what has gone on there, with the type of development utilised. It is not possible to put up the proverbial toilet, let alone any other type of development, without the nod from the bureaucracy in Canberra.

Over the years, Canberra has sprawled out for 20 or 30 miles. People must be housed close to their work, but Canberra has no railway to service employment areas and residential areas. Transport is mostly by road, with no tube or underground rail system.

If we are to house people in a State such as South Australia, it is important to recognise that three things can be done. The first is high-rise development, an absolutely shocking type of development, where from time to time women leap out of windows with children in their arms, jumping to their death. That has happened quite often in Australia. It is a tragedy. I do not think the Hon. Mr. Hill or anyone else would relish the thought of living in a high-rise apartment to conserve land or to conserve funds for roads. Perhaps it would be possible to develop regional areas. Some opportunity for this occurs in New South Wales and Victoria.

The Hon. C. M. Hill: Why not here?

The Hon. N. K. FOSTER: Because four-fifths of this land is so poor and so lacking in resources that it does not have any form of local government. You, Mr. President, would know more of that area than would any other 10 men in this Chamber.

The Hon. C. M. Hill: How much poor land is there in Mount Gambier?

The Hon. N. K. FOSTER: I have always criticised Albury-Wodonga. It never should have been established at the head of a river system such as we have in Australia. I do not care what Government conceived the idea. I was critical of it when I sat in a court when plans and policies were being made. I kept my mouth shut about it publicly, but it is disgraceful, just as is some of the irrigation in the river areas that we see in this State. Anyone who wants to see development in Mount Gambier with the number of people who will be involved in the Golden Grove development wants his head read. The people of Gladstone in Queensland should be asked their opinion of the regional development that has gone on there. We would be shocked to hear their reply.

The Hon. C. M. Hill: Why are you against such a proposal for Mount Gambier?

The Hon. N. K. FOSTER: I am not opposed to it but we should not put a development in that area to the extent that we have the problem there that we have here. There is an underground water system in Mount Gambier which is vulnerable to compact urban development; it has to be, because everything has to go underground there. It is happening in the Adelaide Plains area; it is brought about by people using a water resource that took millions of years to form. If we could say that our forefathers neglected one thing that they should have done in 1900 or 1910, it would be that they did not put an absolute control on the artesian basin in the Adelaide Plains. That was absolutely necessary, but perhaps we should not criticise our forefathers for not doing that. However, we should not come anywhere near over-development in Mount Gambier. It is a jewel of an area, but politically it is like a bit of black tar.

The Hon. C. M. Hill: Do you say that Mount Gambier was like black tar?

The Hon. N. K. FOSTER: No, but from the point of view of political representation at the moment it is like black tar.

The Hon. R. A. Geddes: What about Albury-Wodonga?

The Hon. N. K. FOSTER: It sits on the borders of two States; I mentioned it because South Australia will finish up with the floods from Albury-Wodonga. Is there anything wrong with my saying that? I have never heard the Hon. Mr. Hill, the Hon. Mr. DeGaris or the Hon. Mr. Geddes speak of developing Wallaroo; that is a forgotten area. Tom Playford boasted that he was going to set up a new industry in Wallaroo every other week, but it still has not got one.

I support the Bill and commend those departments concerned; the local council on this occasion should be commended, too. In connection with a development plan, we never saw so many local councils becoming so parochial, taking the opposite view and trying to kill what should be a fine project. We should have liked to see Marion remain an open space and an inner belt a mile wide for the whole of the foothills area, but unfortunately people have to live somewhere and we cannot afford those luxuries. As regards housing people, redevelopment can take place in some of our inner open areas, and the Government has done more in this area than its predecessors ever did. By a clear examination of the Select Committee's report, I have refuted the Hon. Mr. Hill's arguments.

The Hon. R. C. DeGARIS (Leader of the Opposition): Despite references to Albury-Wodonga, Gladstone (Queensland) and the Adelaide Plains artesian basin, I intend to speak to the Bill. One problem that has developed in regard to planning in this State is the fact that we are now in a phase of developing a series of small planning areas under the control of the Minister, with no real opportunity for the State Planning Office to have much say in what has happened. In other words, where the first concept involved looking at State planning, we are now moving away from that concept to Ministerial control through a series of committees.

I make no comment about whether or not that is good or bad: I merely point out what is happening regarding planning legislation in this State. We are moving closer and closer to total Ministerial control and less and less influence by individuals in having a say in planning, and that is the point I wish to develop on this Bill. I wish to refer to only two clauses, clauses 15 and 17. Clause 15, dealing with the development scheme, provides:

> (1) The committee may from time to time in consultation with the Minister cause to be prepared a draft development scheme for part of the development area.

It is a draft scheme not for the whole area covered by the Bill but for part of the development area. The clause further provides:

> (2) A draft development scheme prepared under subsection (1) of this section shall indicate with reasonable particularity the proposals for the development of the part of the development area to which it relates.

I emphasise that subclause. What is meant by "with reasonable particularity"? The lawyers in this Council could argue endlessly as to what that term means. What is going to be included in the development scheme? Subclause (3) provides:

> If the Minister approves of the draft development scheme the Minister shall cause notice to be given in the *Gazette* and in a newspaper circulating throughout the State—
>
> *(a)* indicating that such a draft development scheme has been prepared; or
>
> *(b)* stating where the draft development scheme may be examined by members of the public.

The procedure is this: subject to approval of the Minister the committee may draw up a development scheme for part of the development area, and that will be advertised in the *Gazette* as well as in a newspaper circulating throughout the State. When that is done, subclause (4) is involved, and it provides:

> The committee shall consider any written representations received by it in relation to the draft development scheme within the period of two months next following the giving of the notice referred to in subsection (3) of this section.

Written objections can be lodged with the committee within two months. However, the Bill contains no details of what will be published concerning the development scheme. Clause 17 provides for the committee to prepare and publish the necessary development directions, but the published details will be very slim, as the real details will be contained in the development directions. There is no requirement for the public to be informed as to what those directions will be. If this project is to be concerned with public considerations, there should be some means available to the public to object or submit their views about the development directions.

In all planning matters the public must be involved in decisions, but we seem to be moving away from that principle and to a stage where the Minister alone makes the decision. Not even the State Planning Authority, the Environmental Protection Council, or the Environment Department will have any say in what is to happen in this development. Therefore, I urge the Government to re-examine the provisions of this Bill and to accept amendments that would allow the people involved to express an opinion. Clause 21 refers to the additional powers of the commission and sets out what the commission may do. If the provisions of clauses 15, 17 and 21 are considered, the commission can do all things in regard to the development of the area, and no-one can influence the direction of that development.

Although I regard clause 21 as somewhat dangerous, I should nevertheless be pleased to see clauses 15 and 17 amended to allow some influence of development directions in relation to the scheme. I am willing to support the second reading, but I hope that the Government will accept amendments in relation to the matters I have raised.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention that they have given to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

> Page 1, line 19—after "4." insert "(1)".
>
> Page 2, after line 12—Insert—
>
> (2) In this Act, a reference to a public notice is a reference to a notice published—
>
> *(a)* in the *Gazette*; and
>
> *(b)* in a newspaper circulating throughout the State.

Amendments carried; clause as amended passed.

Clauses 5 to 16 passed.

Clause 17—"Development directions."

The Hon. R. C. DeGARIS moved:

> Page 6—Line 24—Leave out "The" and insert "Subject to this section, the"
>
> After line 29—Insert—
>
> (3) The Minister shall not give his approval under subsection (1) or subsection (2) unless he is satisfied that, not less than one month before he so gives his approval, the committee—
>
> *(a)* has caused to be given public notice of the place where the proposed development directions, or any amendment, variation, or revocation thereof, may be examined by the public; and
>
> *(b)* the committee has considered any objections received in relation thereto.

Amendments carried; clause as amended passed.

Remaining clauses (18 to 28), first and second schedules, and title passed.

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

That this Bill be now read a third time.

The Hon. C. M. HILL: I am pleased that the Government has accepted the amendments. I was also pleased that one amendment ensured that the development committee must give public notice of where the proposed development directions or any amendment, variation or revocation thereof may be examined by the public. The amendment also ensures that the development committee must consider any objections that the public makes to those plans. This public involvement was stressed strongly from this side in the second reading debate, and the fact that the Minister has agreed to amendments that ensure those things surely indicates that the Government agrees with our submissions.

Bill read a third time and passed.

LANDLORD AND TENANT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 22. Page 1711.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill and the next one on the Notice Paper are tied in with the Residential Tenancies Bill, on which agreement has been reached. I support the second reading.

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

HOUSING IMPROVEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 22. Page 1711.)

The Hon. C. M. HILL: I support this Bill, which follows the Residential Tenancies Bill and which deals with certain notices to quit and notices for possession of residential premises. These matters have been included in the earlier legislation.

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

CONSTITUTIONAL MUSEUM BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

The Government has stated that there is no room in the museum to house more than the aspects enumerated in the second reading explanation. It is therefore impossible to do what the amendment seeks to do. Local government is another branch of government.

The Hon. R. C. DeGaris: This is to do with political history.

The Hon. T. M. CASEY: It deals with the Parliament of the State. The whole idea is to house the political history of the Parliament of the State.

The Hon. R. C. DeGaris: Then, why doesn't it say that?

The Hon. T. M. CASEY: The Leader should read the second reading explanation. It would be impossible to incorporate in the museum local government as well as the history of the Parliament of this State, because there is insufficient space in the museum. Perhaps in future another museum can be constructed to cover local government history.

The Government has said quite definitely that the building will be preserved as a Constitutional Museum for the Government, the Parliament, of the State. The Government is not unsympathetic towards the honourable member's suggestion, but it is just not feasible.

The Hon. R. A. GEDDES: The Minister presents an argument without any backbone. The reason for not accepting the Legislative Council's amendment also lacks backbone. The Government's reason for not accepting the amendment is that the amendment is not compatible with the aims of the Bill.

The PRESIDENT: Order! I ask honourable members, if they are going to discuss something, to sit in the benches and speak less audibly.

The Hon. C. J. Sumner: We were discussing the amendment.

The PRESIDENT: Order! I do not mind what honourable members discuss, so long as I do not hear them.

The Hon. R. A. GEDDES: The amendment provides for "a museum of the constitutional and political history of the Government, including the local government, of the State". Let us take that step by step. The first part of the amendment refers to a museum of the constitutional and political history of the Government. The Minister says that that is not compatible with the Bill. What is the Bill all about? Its title is an Act to establish a Constitutional Museum. The Minister's argument is that local government should not be involved, because there is no room for it. I would remind the Minister that, in my earlier speech, I said that in Scotland there is a museum depicting the whole migration from Europe, through Ireland to Scotland and down into England, and from the Scandinavian countries on the western side. That museum is contained in a far smaller area than the old Legislative Council building.

South Australia, as the Hon. Mr. Griffin told us in his maiden speech, has the oldest form of local government in Australia. It was formed here in October, 1840, two years before it was formed in any other State in the Commonwealth. The Act that gave it its authority was passed by the Council of Government which was the very first Parliament of this State between 1836 and 1843. The history of local government does not need to be shown by taking things from one local government area into another local government area. The history of local government is in words, performance, and its history.

The Hon. T. M. Casey: No-one denies that.

The Hon. R. A. GEDDES: Then how can the Minister say that room is not available to include that type of recorded history at a time when, for the first time, we have the opportunity to show the history of Government and local government in this State?

The Hon. T. M. Casey: I said that we would like to do it but that we do not have the room.

The Hon. R. A. GEDDES: That is generous, but it does not assure us when that will be done. When another museum is mooted for local government it could well be that local government would have to provide the building and finance it and, what is more, local government would be expected to contribute to it from right across the State.

This is an opportunity, with the trust having money up to $1 000 000 and the authority to spend wisely, to have a display that children and people in the future can observe, yet the Government says there is no room. I view the Government's decision with great disappointment. I consider that it is narrow-minded and insular in its outlook.

The Hon. N. K. FOSTER: I oppose the amendment. If it is carried, it may well be that there will be a denial of some local government areas that may consider themselves far more responsible in the preservation of history within their own areas than are the provisions of this Bill.

The legislation represents an initial step to be taken by the Government in connection with historic relics of our constitutional and political history. I think the mover of the amendment should be satisfied with the initial measures provided in the Bill. It is a start. He should appreciate that historic documents surrounding the Constitution of South Australia and other historical records have not received the attention they should have received in the past.

Only today I was reminded of a matter on which the Hon. Mrs. Cooper, who is not here tonight, has expressed herself in the Joint House Committee and in this Chamber. She undertook some years ago to gather items of history in relation to this Chamber, and she did a great

deal of work getting in touch with the families of members who were associated with this place more than 100 years ago. She was able to get a good many photographs together. At the moment, they are down below this Chamber, in the area that is being renovated for an amenities room for the employees of Parliament House, slung in a corner and disregarded. I was in that area late this afternoon to confirm that they were still there.

Who is taking the responsibility for it? The Bill sets out the responsibility quite clearly—not in 10 years time but in less than 12 months. Already, there are people in this State prepared to work on aspects of our history. We should regard the Bill as the first move to recognising that and be content that there will be dedicated people acting both within the terms of the Bill and outside them. The amendment should be withdrawn.

The Hon. R. C. DeGARIS: It was the Hon. Mr. Foster who first favoured this idea.

The Hon. N. K. Foster: No, I did not.

The Hon. R. C. DeGARIS: It was taken up by the Hon. Mr. Geddes in good faith but the Hon. Mr. Foster changes his mind from day to day. It is rarely that we have two speeches by him on succeeding days both in the same vein, and this is another example of the Party leaning on him and saying, "You had better get off the hook, you made a mistake."

The Hon. N. K. Foster: That will be the day!

The Hon. R. A. Geddes: That is quite obvious.

The CHAIRMAN: Do honourable members wish to prolong the debate? Unless they have pertinent interjections at this time of the night, the member on his feet should be heard in silence.

The Hon. R. C. DeGARIS: The amendment states: after "museum" insert "as a museum of constitutional and political history of the Government, including the local government, of the State". The Bill sets up a constitutional and historical museum to cater for those areas, but how can any museum cater for that without there being some reference to local government? The Hon. Mr. Geddes has pointed out that we were the first city in the Commonwealth to enjoy local government. Catherine Spence, one of the real thinkers in regard to one vote one value, was responsible for the first election conducted in the world under a proportional representation system of voting, for the Adelaide City Council in 1842.

Members interjecting:

The Hon. R. C. DeGARIS: This is a fact largely unknown to anyone in South Australia or to the rest of the world that the Adelaide City Council election of 1842 (anyway, between 1840 and 1844) was the first election held in the world where a proportional representation system as recommended by Catherine Spence was held.

Members interjecting:

The Hon. J. R. Cornwall: There was no universal franchise then; never mind about proportional representation. It is a *non sequitur*, and you know it.

The Hon. R. C. DeGARIS: I have said that the first voting in the world that used proportional representation was for the Adelaide City Council.

The CHAIRMAN: Order! The Leader had better not go on with proportional representation. I presume you are talking about the constitutional museum?

The Hon. R. C. DeGARIS: Yes, and political history was made by local government in South Australia, yet the inclusion of that in the museum is to be denied. I am keen that this should be included. If the amendment is not carried, I want an undertaking from the Government that it will consider the setting up of a constitutional museum dealing with local government in South Australia, because the State has a record of which it should be justly proud.

The Hon. T. M. Casey: No-one denies that.

The Hon. R. C. DeGARIS: Then give me an undertaking.

The Hon. T. M. Casey: I can't.

Motion carried.

ADJOURNMENT

At 10 p.m. the Council adjourned until Tuesday, March 21, at 2.15 p.m.