LEGISLATIVE COUNCIL

Tuesday, March 21, 1978

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

QUESTIONS

CHILD PORNOGRAPHY

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question concerning child pornography?

The Hon. D. H. L. BANFIELD: A conference of officers of the States and Commonwealth in regard to censorship matters in Perth was the first. Subsequent conferences of officers and Ministers, also. Secondly, the answer is "Yes", and, thirdly, at the time most classifying authorities in Australia were classifying pornography depicting children (although little was then seen) according to the actions depicted and not on the basis of being paedophilia.

As a former Minister the honourable member will be aware of the confidentiality of detailed discussions at interstate conferences. I shall therefore let him have a more detailed reply in writing.

SHEEP EXPORTS

The Hon. R. A. GEDDES: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture on the subject of live sheep exports.

Leave granted.

The Hon. R. A. GEDDES: Now that livestock producers intend to tell the Minister of Labour and Industry that a dispute exists between the various meat employee unions that will directly affect the livelihood of sheep owners in South Australia, because of the union ban on the export of live sheep to the Middle East, will the Minister intercede with the Minister of Labour and Industry on behalf of sheepowners, who wish to export live sheep and who cannot be held responsible for the demands made by the Australian Meat Industry Employees Union for a percentage of carcass meat to be exported, so that the interests of the sheepowners can be protected?

The Hon. B. A. CHATTERTON: I have been in contact with the Minister of Labour and Industry and believe that he is trying to get the parties in the dispute together to negotiate and discuss the matter so that hopefully we can get a resolution to the problem now facing us. It is still unclear as to whether or not there is a total ban on the export of live sheep. My information last week was that the ban was to include only those exports that have not fulfilled the agreements made last year for a 2:1 ratio for carcasses to live sheep exports. I read in today's *Advertiser* that the ban was to be on all exports of live sheep, which did surprise me somewhat. That is one of the aspects that must be resolved in the discussions. Certainly, I am keeping in close contact with the Minister of Labour and Industry, and so are officers of my department.

DROUGHT RELIEF

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Agriculture a question regarding drought relief.

Leave granted.

The Hon. M. B. DAWKINS: My question follows some queries that have been made regarding drought relief and the urgency for assistance to farmers who are in a difficult position at present. In this respect, I refer to a report on the front page of last week's *Stock Journal* written by Mr. Steve Swann in which he states that the Minister for Primary Industry, Mr. Sinclair, pointed out recently that Federal funds made available to the State for drought carry-on loans were provided interest free. He continued:

> South Australia's Minister of Agriculture, Mr. Chatterton, last week refuted the claim that States were making excessive profits from the Federal money.

Mr. Swann continued:

> Examination of the accounts of the Farmers Assistance Fund, operated through a deposit account at the State Treasury and publicly available through the yearly report of the Auditor-General, reveals that in the period from 1967-68 to 1976-77 administration costs charged against the fund account totalled $19 389. In the same period farmers' interest payments deposited in the account totalled $63 516.

He concluded:

> That is a "book profit" recorded in the State's accounts of more than $43 000.

I know that requests have been made for the Minister and the Government to consider a 2 per cent, rather than a 4 per cent, interest rate to be charged on these loans. In view of the very difficult situation that exists, will the Minister say whether he has further considered this urgent request and, if he has not, whether he will do so?

The Hon. B. A. CHATTERTON: I have considered the matter and the figures quoted in the *Stock Journal* last week regarding the so-called profit made from drought funds. Of course, the figures did not really represent the true situation, as they involved administrative costs that were taken over and above the normal expenditure within the branch. So, it was not an accurate estimate of what the true administrative costs were. Even if one leaves that aside for a moment, one sees that some substantial items, which put quite a different light on the situation, were not included in the figures. I can quote figures that were not included in the *Stock Journal* account that certainly destroy any supposition regarding the State's making a profit out of drought loans.

A major item relates to debts that are written off. This is the responsibility of the State Government, and must be met out of the 4 per cent interest rate. In the years quoted in the *Stock Journal* report, $17 604·64 was written off in debts. Also, grants were made to pastoralists for various items that were severely damaged. The total amount of those grants, which again were made from the funds referred to, was $30 000. So, the so-called profit referred to in the report does not exist.

The most important thing is that it is hard to relate these figures to the current situation, where we have a very much larger administration load. Many people have been seconded into the Rural Assistance Branch, and the whole order and magnitude of administrative costs and the possible debts that might have to be written off are very much greater than the figures referred to in the report.

NORTHERN ADELAIDE PLAINS WATER SUPPLY

The Hon. N. K. FOSTER: Has the Minister of Health, representing the Minister of Works, a reply to my recent question regarding the Northern Adelaide Plains water supply?

The Hon. D. H. L. BANFIELD: The question of the underground water allotments of some almond growers in the Northern Adelaide Plains area has been the subject of

recent investigations by officers of the Agriculture and Fisheries Department and the Almond Producers Co-operative. The results of these investigations are being studied by the Water Resources Branch of the Engineering and Water Supply Department and the Water Resources Appeal Tribunal.

These investigations have been to determine whether or not those who were almond producers prior to 1973 have a water allotment which is adequate to irrigate the area of almonds planted before that date, in a year of average seasonal conditions. Given that all primary producers in the area have water allotments which meet these criteria, no special treatment can be accorded any one type of producer in a year of below average rainfall.

UNION HOTEL

The Hon. J. R. CORNWALL: I seek leave to make a statement prior to directing a question to the Minister of Health, representing the Minister for the Environment, and the Minister of Agriculture, representing the Minister for Planning, regarding the Union Hotel.

Leave granted.

The Hon. J. R. CORNWALL: On March 9, legislation was introduced in the House of Assembly that seeks to preserve and protect South Australia's cultural heritage and I understand it will come before us this week. Under the legislation, it is planned to establish a register of the State heritage. I do not intend to make a second reading speech, but I believe the register will list individual buildings and structures of importance to the State's physical, social or cultural heritage, and from what I have seen of the proposal, I enthusiastically support the concepts of the Bill.

However, the Ministers would be aware that some time will elapse between the passage of the Bill, the setting up of the register, and the inclusion of many buildings on that register. In the *Advertiser* of February 25 an article appeared which gave some details of the Adelaide City Council's plans to appoint a consortium to develop a multi-million dollar car park and commercial centre in the city's Topham Street area. The Town Clerk (Mr. R. W. Arland) was quoted as saying:

> The aim will be to achieve a mixed development which will include a public car park with an upper limit of 1 700 spaces replacing about 480 spaces on the present site.

That may or may not be a good thing, but I do not intend to canvass the issue. The thing which distressed me and the many people who have since raised the matter with me was that the Town Clerk went on to say:

> Apart from the provision of a car park the consortium will have a free rein to develop its own ideas. The restoration of the Union Hotel will come into consideration, but it has not been stipulated that it must remain.

The Union Hotel in Waymouth Street is a building of very special historic interest. It was one of the first hostelries built in Adelaide, having been opened in 1845 as the Union Inn. There were numerous references to it in the press last century. One of the earliest references said that trade was good because of a Cobb and Co. coach depot (situated where today's beer garden stands). Weary travellers needed to walk only 25 yards to quench their thirst or find accommodation.

There were many references to it over the years. In 1849, for example, an enterprising proprietor, Mr. Creech, exhibited "a most beautiful and superb" Malaccan Tiger, which the public were able to see for the trifling sum of one shilling each".

The Hon. R. C. DeGaris: Is it still there?

The Hon. J. R. CORNWALL: No, not that particular tiger. In 1873, the proprietor of the Union Inn, John Carstairs, erected a spacious room in which gentlemen could receive instruction in the noble art of self-defence. I am pleased that that is no longer there, because it is not necessary there in this day and age. He also constructed a rat pit where dogs could be trained for the destruction of the vermin so largely on the increase in Adelaide at the time.

On February 24, 1873, Inspector Bee (who, I understand, was not the original "busy bee") of the foot police, interrupted the rat-killing exhibition. The *Advertiser* at the time said Inspector Bee deserved praise for his exertions to "nip in the bud" a sport which could only be regarded as an amusement for persons of low and depraved tastes. The Union Hotel remains as one of the distinctive taverns in Adelaide. It serves the needs of a very large number of persons with a remarkably diverse range of occupations and interests. I must say, Sir, that I have enjoyed an ale or two there myself from time to time. I find the patrons a most convivial and interesting group of people.

The J. E. Dunford: What about the Hon. Mr. Cameron?

The Hon. J. R. CORNWALL: I have engaged in games of 8-ball there with the Hon. Mr. Cameron, and I did not mind doing that, but the Hon. Mr. Cameron is far too good at the game.

The PRESIDENT: Order! The honourable member has progressed only about 50 years so far. Will he please get on with his question?

The Hon. J. R. CORNWALL: The hotel has a unique family atmosphere. I understand the external facade is almost unchanged since it was built. Although it has been covered by innumerable coats of paint, the underlying bluestone is in very good order. My information is that it could be relatively easily restored to its original condition, subject, of course, to a right to stable, long-term tenure by the proprietor. I understand a petition is being circulated along these lines. Will the Ministers take every step possible to persuade the Adelaide City Council to make the preservation of the Union Hotel and its integration in the planned development a specific instruction to the development consortium?

The Hon. D. H. L. BANFIELD: On behalf of the Minister of Agriculture and on my own behalf, I will refer the honourable member's question to the Ministers concerned.

DENTAL TECHNICIANS AND CHIROPRACTORS

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Health about dental technicians and chiropractors.

Leave granted.

The Hon. M. B. DAWKINS: In reply to a question from me, the Minister was good enough to indicate recently that he hoped to set up a working party in relation to preparing legislation for the registration of properly experienced dental technicians and he has also announced that he was prepared to set up a working party in relation to the registration of properly qualified chiropractors. I think this matter was recently referred to in the press, but I am not sure whether the press report was in reply to questions asked in Parliment. Whilst I commend the Minister for intending to proceed in these matters, can he indicate how soon he considers that these desirable activities will be commenced?

The Hon. D. H. L. BANFIELD: The working party on the registration of chiropractors has already been set up

and has held its first meeting. In relation to the question of a working party in connection with giving dental technicians direct access to the public, there have been a number of meetings between people interested in the matter, but a working party has not been established. Discussions are taking place. It is hoped that legislation will be ready for introduction during the next session.

UNEMPLOYMENT

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking a question of the Leader of the Government, representing the Premier, about unemployment.

Leave granted.

The Hon. J. E. DUNFORD: I can speak seriously about the question of unemployment because I lived through the great depression and I can recall the extent of it. Because I do not take a light-hearted attitude toward this matter, I read all the newspapers, including interstate newspapers, to find out about it. During the last Federal election campaign Mr. Fraser said that the unemployment figures would slowly decrease from February onwards but, actually, they have slowly increased. We stated that a Federal Labor Government would do something about unemployment, but the public accepted Mr. Fraser's word once too often. Since the last Federal election, the Federal Government has hardly mentioned unemployment, but the Federal Opposition, particularly the shadow Minister for Industrial Relations (Mr. Young), has made several statements on this serious matter.

On the other side of the coin, not only politically minded people but other people have been voicing their concern about unemployment and the effect it is having on the community. I read only last week that 7 000 people would have to leave Whyalla by the end of this year unless something was done about the shipyards there. However, it has been indicated that the Federal Government does not intend to do anything there. Those additional 7 000 people will result in the position becoming worse, or they may go to Queensland, which already has a 9 per cent rate of unemployment. I mentioned in Parliament last week that the Federal deficit was to increase by $500 000 000. Last week the Federal Government borrowed $300 000 000 overseas, but this was not to solve the unemployment problem; it is borrowing $300 000 000 to prop up the dollar. It is about time that the Federal Government paid over to the farmers the $230 000 000 to $300 000 000 it said it would, of which the farmers have received only $35 000 000. That was mentioned in *This Day Tonight* last night. Those people have indicated that they will become militant if something is not done about the matter; children leaving school will become militant, as will those people who have been unemployed for a long time.

The PRESIDENT: Order! The honourable member is getting towards expressing his question.

The Hon. J. E. DUNFORD: The indications I gained from watching *This Day Tonight* last night, as Mr. Barry Cassell said, are that the farmers will become militant; he said they would, and I think they will. The crime rate has been increasing, not because people are changing but because of unemployment, and something must be done. In this morning's *Advertiser*, the Minister of Labour and Industry in this State (Mr. Jack Wright) says Cabinet has approved spending a further $1 500 000 on unemployment relief schemes, bringing allocations in the past fortnight to $4 700 000. We heard the Hon. Mr. Cameron, on the Supplementary Estimates, talk of unemployment relief as a waste of time; however, some people have gained permanent employment from it. Of course, others get work for only four, five or six months, but the Hon. Mr. Cameron last week said that that is no good. Liberals have said that taking such measures is only like applying a band-aid; but, if a person is bleeding to death, any sort of medication is better than none.

The Hon. J. C. Burdett: You are debating the question.

The PRESIDENT: Order! The honourable member has had time to explain his question.

The Hon. J. E. DUNFORD: I am sorry, but we on this side are all concerned about unemployment. My questions to the Premier are: first, will the Premier promote amongst the State Premiers the calling of a summit conference on unemployment with a view to the Federal Government taking positive action to ease this growing problem? Secondly, will the Premier press the Prime Minister to convene a conference, comprising the Australian Council of Trade Unions, Federal and State unions, employer groups, manufacturing industry, small business and grazing interests—because I am pleased that grazing interests are getting a little militant. When they last marched in protest, I marched with them.

The Hon. D. H. L. BANFIELD: As the honourable member has said, we are all concerned about the unemployment position in Australia, as it now stands. The Federal Government made promises before the last election, which it has not so far kept, and the cattle men realise they have been fooled by the present Federal Government. Along with industrialists and other workers, they have woken up to that fact, and to the fact that they have been misled by the Fraser Government's propaganda. Everyone is much worse off than they were previously. However, apart from that, I will refer the honourable member's question to my colleague.

PORT AUGUSTA POWER STATION

The Hon. R. A. GEDDES: I seek leave to make a brief statement before directing a question to the Minister of Agriculture, representing the Minister of Mines and Energy, concerning the Port Augusta Power Station.

Leave granted.

The Hon. R. A. GEDDES: The Coal Research Establishment in the United Kingdom has produced an efficient method to get the maximum heat value with minimum pollution from low-grade coal by perfecting a mechanical system called "fluidised-bed combustion". I notice in the press that the Electricity Trust of South Australia has received tenders for the boilers and turbo-generators for the new northern power station to be constructed at Port Augusta. Can the Minister say whether or not Electricity Trust engineers or management have considered utilising such combustion for burning Leigh Creek coal at the new power station?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Mines and Energy and bring down a reply.

UNION MEMBERSHIP

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before directing a question to the Minister of Health, as Leader of the Government in this Council, concerning union membership.

Leave granted.

The Hon. J. A. CARNIE: I refer to an advertisement appearing in the *Advertiser* on February 25, 1978, as follows:

District Council of Munno Para

LABOURERS

This council has five positions vacant within its construction and maintenance staff. Award and conditions are under the Australian Workers Union and union membership is required. Applicants to apply in person at the council works depot.

The Government has repeatedly stated that its policy is one of preference to unionists and not compulsory unionism, although other honourable members and I on this side of the Council have stated that there is no difference between those two policies. Nevertheless, the Government continues with this euphemism and insists that it does not believe in compulsory unionism. I refer to the reply given last week to the Hon. Mr. Cameron reiterating that the Government's policy was one of preference to unionists and not compulsory unionsim. The advertisement by the district council does not state that preference will be given to unionists—it states specifically that union membership is required. Therefore, in the light of the Government's stated policy, will the Minister explain why a circular by the Minister of Local Government was sent to councils last year indicating that, if a council was to receive funds under the unemployment relief scheme, employees would be required to join a union? Also, in the light of the Government's stated policy, will the Government rescind this instruction so that the council will not be forced to be guilty of such a blatant act of discrimination in making compulsory membership of a union a prerequisite of employment?

The Hon. D. H. L. BANFIELD: I am sorry that members opposite are so dense. Last week I indicated that even the High Court could distinguish between preference to trade unionists and compulsory unionism. The High Court was able to distinguish the difference, and I am sorry that members opposite are so dense that they cannot tell the difference. Is it any wonder that there is so much confusion among members opposite—

Members interjecting:

The PRESIDENT: Order! The Minister needs no help in answering questions.

The Hon. N. K. Foster: Clearly, there is—

The PRESIDENT: Order! I have called for some decorum. Let the Minister give his explanation. I ask the Hon. Mr. Foster to desist, and the Hon. Mr. Cameron, too, if he is in some way mixed up with the argument.

The Hon. D. H. L. BANFIELD: If the Hon. Mr. Cameron interjects, I shall be happy to move for his expulsion from the Chamber. Honourable members opposite know well what is the Government's policy.

The Hon. J. A. Carnie: Why does it send such directions to local government?

The Hon. D. H. L. BANFIELD: I am being interjected on, and that is out of order. Obviously, the honourable member does not know Standing Orders and does not know that he is not allowed to interject when I am replying to his question.

The PRESIDENT: Order! I will cope with that. The Minister will give his explanation when I obtain some decorum.

The Hon. D. H. L. BANFIELD: The decorum came unstuck, but honourable members know of the Government's policy.

RADIATION AT MARALINGA

The Hon. F. T. BLEVINS: Has the Minister of Health a reply to the question I asked some time ago about radiation at Maralinga?

The Hon. D. H. L. BANFIELD: The Federal Minister for Health has advised that whilst officers of the Australian Radiation Laboratory of his department have made with respect to Maralinga important contributions on questions of safety, and on various other radiation control problems, the Australian Radiation Laboratory has never had an overall responsibility for health physics at Maralinga, either during its use as a test site, or subsequently. Throughout the entire period of use, health physics at Maralinga remained the full responsibility of the Atomic Weapons Research Establishment of the United Kingdom.

A State Government study to examine morbidity and mortality patterns among former Maralinga workers could only be performed if complete personal records were available. Even if such records were available, the feasibility of performing such a study would need to be carefully assessed before embarking on it. A study of Radium Hill workers using techniques similar to those which would be required for Maralinga workers is currently being assessed for its feasibility. Because workers have dispersed into all States of Australia and overseas, the problems of follow-up are enormous and the process time-consuming and expensive. These difficulties would be particularly great in the case of Maralinga workers, many of whom were British Service personnel who returned to the United Kingdom on completion of the project. Under these circumstances it would be extremely difficult for the State to perform a valid epidemiological study.

KENTUCKY FRIED CHICKEN

The Hon. C. J. SUMNER: I seek leave to make a brief statement prior to directing a question to the Minister of Health, representing the Minister of Prices and Consumer Affairs, concerning Kentucky fried chicken.

Leave granted.

The Hon. C. J. SUMNER: I refer to a recent press report quoting Colonel Harland Sanders, who is apparently the founder of the Kentucky Fried Chicken take-away business. A report that he was not happy with the quality of the product being distributed by the organisation that took over his original business has appeared under the heading, "Finger Lickin' awful, says the Colonel". That was a United States report, but I suppose that it applies just as much here. It has been said elsewhere "that it may be finger lickin' good, but do not put the bloomin' stuff in your mouth". The Colonel stated:

> That new "crispy" recipe is nothing in the world but a damn fried doughball stuck on some chicken,"

The report continues:

> And of the accompanying gravy he said: "My God, it's awful. They buy tap water for 15 to 20 cents a thousand gallons and then they mix it with flour and starch and end up with pure wallpaper paste."

When I watch commercial television in the evenings, as I am wont to do, my tastebuds are often activated by the advertisements of Kentucky fried chicken. Beautiful images of carefully prepacked chicken, golden roasted, surrounded by carefully prepared vegetables, and exhortations that this food is good for me and my family then come to mind.

Sometimes, it even has such an effect on me that I must leap out of my comfortable chair in front of the television, get into the car, drive down to the nearest Kentucky shop, and buy some of this supposedly delightful Kentucky take-away fried chicken. The thing that worries me is that all this energy may be completely wasted because, instead of

getting a product that was made according to the Colonel's original recipe, I am getting something that is not even a reasonable copy of it, and (according to the Colonel) something which has no relationship at all to his original recipe and which one would not really like to eat.

I understand that the advertisements that cause me to behave in this unusual and uncharacteristic fashion state that the product is made according to the Colonel's original recipe. Will the Minister of Health ask the Minister of Prices and Consumer Affairs to investigate whether the current advertisements relating to Kentucky fried chicken in this State contravene the Unfair Advertising Act?

The Hon. D. H. L. BANFIELD: Although I will refer the honourable member's question to my colleague, the question of health enters into this matter. I was brought up the old-fashioned way, and was told not to lick my fingers. I do not know, therefore, whether it is healthy for people to do so. It would seem that the television advertisements perhaps encourage people to do something that is not healthy. However, I will refer the honourable member's question to my colleague.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. R. C. DeGARIS: While on the question of unfair advertising, will the Minister of Health also refer to his colleague the matter of State Government Insurance Commission advertisements?

The Hon. D. H. L. BANFIELD: If the Leader has a specific case to raise, I wil refer it to my colleague.

PORT WAKEFIELD ROAD

The Hon. N. K. FOSTER: Has the Minister of Lands, representing the Minister of Transport, a reply to the question I asked on March 9 regarding the Port Wakefield Road?

The Hon. T. M. CASEY: The Minister of Transport reports that the initial work of pile-driving to retain the existing over-pass embankment involved some restriction to traffic at weekends. This phase of the work is now complete, and no further restrictions to traffic are expected to be occasioned by the construction work until the new western bridge is complete. This will occur in about 12 months time, when minor weekend restrictions will occur when traffic is diverted to the new bridge.

The most appropriate alternative route available to motorists who usually use the Salisbury Highway is the route along Main North Road from Gepps Cross to Kings Road and from Kings Road to the Salisbury Highway. Cross Keys Road extends only as far as the western entrance to the South Australian Institute of Technology at The Levels. There is no connection westwards over the Gawler railway line to the Salisbury Highway from Cross Keys Road, south of the Parafield Airport.

The use of a level crossing adjacent to the works was investigated but found to be unsuitable because of the long queues of vehicles which would result from the frequent freight yard and main line rail traffic movements which occur at this location.

SAMCOR

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture a question regarding the South Australian Meat Corporation.

Leave granted.

The Hon. R. A. GEDDES: Recently, a meat exporting company, trading under the name of Meridien and Company, which had previously been carrying on business at two separate places in Victoria, applied to have meat killed at the Samcor works. After one week of killing, the value of skins compared to that of the skins from the Victorian killing works had depreciated by 50 per cent because of bad workmanship, resulting in a corresponding reject of the carcass meat. The company refused to remain at the Samcor works after that one week. Will the Minister confirm whether this report is basically correct and, if it is, will he discuss with Samcor management ways of increasing work efficiency at the works?

The Hon. B. A. CHATTERTON: I will certainly investigate the matter that the honourable member has raised. It would surprise me if this report was true, as it is completely contrary to other reports I have received regarding the quality of skins that now come from Samcor. In the past, there were complaints about the quality of skins, the number of cuts, and so on. However, Samcor has conducted a considerable campaign to improve efficiency and the quality of skins coming from the works. I recently discussed this matter with the manager of the tannery at Mount Barker, who said that, although his company had in the past been unable to use Samcor's skins, it was now able to do so because of their very much improved quality. Having had this matter drawn to my attention, I will certainly have it investigated.

WALLAROO HOSPITAL

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question concerning geriatric wards at the Wallaroo Hospital?

The Hon. D. H. L. BANFIELD: The Public Buildings Department is preparing construction documents for this project at present. The work is to be carried out by the construction division of that department, and it is expected that work on site will commence next month.

SLAVE LABOUR

The Hon. J. E. DUNFORD: Has the Minister of Health a reply to the question I asked some time ago regarding slave labour?

The Hon. D. H. L. BANFIELD: I have referred the honourable member's question not only to the Attorney-General but also to the Minister of Labour and Industry. The answer to the first part of the question is that the question of prosecution was entirely in the hands of the Queensland Government. There is no way in which the Attorney-General can ascertain whether or not there was a prosecution, or, if there was none, why.

Regarding the second part of the question, existing industrial legislation in South Australia would be sufficient to provide grounds for prosecution if a situation similar to that alleged to have occurred in Queensland was discovered. Definitions of "employer", "employee" and "industry" in the Industrial Conciliation and Arbitration Act are sufficiently broad to cover the reported situation in so far as the "inmates" were required to perform work.

BROADMEADOWS UNDER-PASS

The Hon. M. B. DAWKINS: Has the Minister of Lands, representing the Minister of Transport, a reply to the

question I asked on February 16 regarding the cost of the Broadmeadows pedestrian under-pass?

The Hon. T. M. CASEY: The cost of the Broadmeadows pedestrian under-pass is $88 379·53.

FAR NORTH SALESMANSHIP

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking the Leader of the Government in the Council, representing the Premier, a question regarding salesmanship in the Far North.

Leave granted.

The Hon. R. C. DeGARIS: The following report appeared on page 16 of last weekend's *Sunday Mail*:

> Two Adelaide men are about to start an air sales safari through the Northern Territory and the North-West of Australia. They are Mr. Craig Spiel, company director of Panorama, and Mr. John Jennings, public relations consultant, of Eden Hills.
>
> The men have formed a company—Air North Marketing Pty. Ltd.—to market South Australian products throughout northern areas of Australia. This past week they took delivery of a new $40 000 Centurion 210, six-seater aircraft for the venture.

I am certain that there is a large market for South Australian products in the North of Australia, particularly with the amazing development that has taken place in Western Australia. This sort of venture can only be of tremendous benefit to manufacturing industry in South Australia.

Has an approach been made to the Government for assistance with this venture by way of finance or advice? If not, will the Government contact the company and find out what assistance it can render in regard to selling South Australian products in the northern area of Australia?

The Hon. D. H. L. BANFIELD: I wil refer the question to my colleague.

ADELAIDE AIRPORT

The Hon. C. J. SUMNER: Will the Minister of Health inquire whether the Premier can reply to a question that I asked on October 11 about Adelaide Airport, my recollection being that I have not received a reply?

The Hon. D. H. L. BANFIELD: I will follow the matter up.

FIRE BRIGADES BOARD

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question regarding the Fire Brigades Board and the possibility of the board's acting in times of natural disaster rather than only in its own specific field of fire prevention?

The Hon. D. H. L. BANFIELD: The South Australian Fire Brigade already plays an important role in assisting with any unforeseen emergency or natural disaster. The Chief Officer has been elected as the Fire Control Officer for the State under the State disaster plan, which provides for mobilisation and co-ordination of State resources to deal with State disasters, including fire and rescue activities where required. In 1977, the disaster plan carried out a State-wide disaster exercise, with 11 co-ordinated services, and the Fire Brigades Board approved of the Chief Officer's election and use of its equipment for State disaster purposes.

BUSH FIRES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of February 15 about the possible difficulties of communication for residents in the Hills zone area in times of fire?

The Hon. B. A. CHATTERTON: Under the South Australian State disaster plan, the evacuation of residents from a major bush fire area is a function of the Police Force. The Country Fire Services under the terms of the plan is a unit of the "Functional Service—Fire". In response to a question asked in another place on November 3 last the Director, State Emergency Service, advised that "there is no specific evacuation plan for residents who live in suburbs on the slopes of the Adelaide Hills. The State disaster plan provides for the mobilisation of State's resources to deal with a disaster or emergency situation. There is an inbuilt capability within the plan to effect the evacuation of endangered areas and to provide short-term welfare assistance".

The general advice given by the County Fire Services to fire hazard area dwellers is to make their homes a safe refuge from fire. The currrent C.F.S. brochure *Bushfire's Plan for Family Safety* prepared and distributed by the Research and Fire Protection Branch sets out practical plans for family safety and essential considerations in evacuation actions. During the summer of 1977-78, there has been wide dissemination of bush fire publicity material to district councils in the Adelaide Hills and on Fleurieu Peninsula so that this material may in turn be distributed to residents of fire hazard areas. The bush fire seminar to which I referred in my interim reply will be conducted at the Australian Counter Disaster College, Macedon, Victoria, from August 13 to 16, 1978. Representatives from all States are to be invited, and it is expected that two delegates from the C.F.S. will be given the opportunity of participating.

YORKE PENINSULA WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Health a reply to my question about Yorke Peninsula water supply?

The Hon. D. H. L. BANFIELD: The Minister of Works has informed me that the economics of even developing a minimum scheme to utilise the Carribie Basin are extensive, and expenditure on the proposal could not be justified at this stage.

INTERPRETER COURSES

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to my question of March 7 concerning courses for interpreters and translators?

The Hon. B. A. CHATTERTON: The Adelaide College of Advanced Education offers one course for the training of interpreters and translators. The course, which is of two years full-time or four years part-time duration, leads to the award of an associate diploma. The course prepares professional interpreters/translators to work at an advanced level on English and one other language, although graduates will acquire a basic of passive facility in a third language. At present, Italian and Modern Greek are offered. The course commenced in 1977, and there are at present 53 persons enrolled, five full-time and 48 part-time.

INDUSTRIAL DEMOCRACY

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question about industrial democracy?

The Hon. D. H. L. BANFIELD: The leader of the Opposition admitted that he was confused regarding the Government's future intentions in respect of industrial democracy and referred particularly to semi-autonomous work groups. So that the Leader will not have to rely on newspaper reports of a speech made by the Premier on industrial democracy, I have given him a copy of the text of the speech. The Unit for Industrial Democracy has a number of booklets which outline the nature of semi-autonomous work groups. If the Leader reads these documents, which are available free of charge, he should not longer be confused.

To help clarify the specific matters to which the Leader referred in his question, I point out that, when semi-autonomous work groups are established, a number of responsibilities are delegated to the members of the group. However, the Public Service Act as it is presently worded allows for the delegation of authority only to an officer, and by pluralising the word "officer" it would become possible to delegate responsibility to a group.

The Hon. R. C. DeGARIS: Will the Minister take up with the Premier the idea of calling together groups of businessmen in South Australia so that they can also be given an explanation of what the Premier means by his statements in several places in the past 12 months, because they are just as confused as I am about what the Government intends to do?

The Hon. D. H. L. BANFIELD: I have mentioned that booklets that these gentlemen can read are available.

SOUTH AUSTRALIAN DEVELOPMENT 1977

The Hon. D. H. LAIDLAW (on notice): In view of the statement in *South Australian Development* 1977, issued recently by the Department of Economic Development, that a committee or working party has investigated whether to establish a Timber Market:

(a) who were the members of this Committee or working party;

(b) has the investigation been completed; and

(c) since the Government has already purchased a controlling interest in Zed and Sons, timber merchants in Mount Gambier, does it intend to purchase control of one or more timber merchants in the Adelaide metropolitan area and if so, would the Government through this merchant or merchants intend to sell only to builders, or to the public generally?

The Hon. D. H. L. BANFIELD: The replies are as follows:

(a) Peter M. South (Convenor), B.Sc., Dip.For., Director, Woods and Forests Department; Colin A. Hunt, B.Sc. (Agric.), M.Sc. (Agric.), Chief Economist, Department of Agriculture and Fisheries; Norman B. Lewis, B.Sc., Dip. For. (Canb.), Dip.For. (Oxon.), Assistant Director (Forest Operations), Woods and Forests Department; Neil W. Lawson, B.Ec., Economist, Economics Division, Department of Economic Development; and Robert S. Ruse, B.Ec., Senior Economist, Economics Division, Department of Economic Development (Mr. Ruse was appointed to replace Mr. Lawson in March, 1977, following the departure of Mr. Lawson for Malaysia on extended exchange duties).

(b) Yes.

(c) No purchase is planned.

SOUTH AUSTRALIAN HERITAGE 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.

Honourable members will be aware that we have in South Australia, many buidings and towns of local and national importance as part of the State's heritage. There are already more than 350 items in South Australia that have been registered by the Australian Heritage Commission as part of the national estate. There has been increasing awareness in the community of the need to preserve the buildings and other features of this State which reflect its cultural heritage. This is reflected in the increased number of community organisations and historical societies, increased membership within these groups, and very worthwhile voluntary activity carried out by so many of our citizens.

This Government recognises their importance. Moreover, the Government considers that, while grand buildings such as Ayers House are of great importance to the State's heritage, of no less significance are the miners' cottages at Burra and Kapunda, the early German settlements of Hahndorf and Paechtown, and pioneer homesteads such as Kanyaka. We are fortunate that in some cases steps have already been taken to restore and preserve our heritage, as at Dingley Dell, the home of one of South Australia's famous poets, Adam Lindsay Gordon.

The aim of the Bill now before the Council is to facilitate the conservation of the built heritage of this State. This is not to deny the importance of the natural features of our heritage, but to recognise that there is special importance and urgency in dealing with our historic buildings and towns. This Government recognises that there is a need for a balanced approach between progress and conservation. With an expanding population and consequent growth of our cities, and with the Government actively, and rightly, pursuing an expansion of our industry, commerce and agriculture, there is still an obligation on the Government to have regard to those things in our history that we do not want to lose. The Government endorses the sentiments expressed in the report of the national estate that the loss of any part of the national estate is, essentially, irretrievable—whether it is the destruction of an historic building, a group of buildings or a townscape.

In recognising the importance of the State's heritage and the need to protect it both for the present and future generations, the Government has reviewed the current administrative and legislative system and assessed its inadequacies. This Bill represents this Government's resolve to promote the identification and conservation of the State's heritage. There is, at present, no formal process whereby the heritage value of a building considered as an important part of the State's heritage can be specifically taken into account by the development control system or positive support provided. While organisations such as the National Trust have played a valuable and vital role in identifying buildings of historic and architectural merit in the State, there have only been

informal social pressures to promote their preservation.

Similarly, while the Australian Heritage Act provides a process for identifying elements of the national estate, its influence to promote conservation is somewhat indirect—through powers to recommend withholding of Federal funds where a particular proposal is felt to adversely affect the national estate. Where items on the national estate register are owned by the Federal Government, the controls are more direct.

In South Australia, the scope of development control measures are, at present, inadequate for conservation purposes. There are no provisions for control over demolition and only limited control over alteration to the built heritage. This has meant that some buildings of historic, architectural or cultural value have been demolished and lost forever. What remains needs immediate protection if we are not to lose that part of our heritage found in the built environment. Too often in the past, the public and, indeed, the Government, has become aware of the pending demolition of an historic building only a few days before demolition was to commence. This has inevitably resulted in drama and conflict, and required immediate action to try to save the endangered building. The case of the South Australia Hotel is one where action was not quick enough to prevent demolition. What is needed is an early warning system so that the Government is aware of such proposals early in the planning stages and has time to negotiate and consider alternative courses of action.

What has to be achieved is a new order of priorities so that due regard is paid in administrative processes to the importance of the State's heritage. This will require a co-operative approach between levels of government, between Government departments and from the general community. The strategy adopted in this Bill has been to integrate conservation measures, as far as possible, with the existing system of development control. In this way, modifications to the existing decision-making process are proposed. It is recognised that control over development of heritage items should remain in the hands of the present development control bodies—the State Planning Authority and at the local government level. These controls are to be broadened to provide for control over demolition and alteration of items designated as being of heritage value. We do not intend to follow the approach adopted in New South Wales and Victoria, where a second centralised system of development control has been created for the conservation of historic buildings and areas. The Government feels that such an approach is inappropriate in South Australia. It would involve increased expense in duplicating an administrative and control system which could also be confusing and costly to an owner of an historic building, with the need for approval from two separate control bodies.

The role of the Department for the Environment will be that of promoting heritage conservation by providing expert advice to the relevant development control body regarding development application of heritage items. The department will also provide positive support and assistance by way of loans and grants to individuals and organisations for conservation of the State's heritage.

Let me at this point make quite clear that the Government, in preparing this legislation, has recognised the important role played by the National Trust in heritage preservation and in no way intends to prejudice that role or the provisions of the National Trust Act. Rather, the Government views this legislation as complementing and supporting the work currently being undertaken by the trust. In some ways, its role and influence could well be broadened. As has been explained by the Minister for the Environment in his second reading speech, it is envisaged that the National Trust will be represented on the Heritage Committee. It will thereby be in a position to voice its views at the State level and further influence Government policy on heritage matters.

Having considered the importance of the State's heritage, inadequacies of current arrangements for the identification and conservation of items of heritage value, and the philosophy underlying the Bill's approach, I will now turn to the provisions of the Bill, which can be followed in the sequence adopted in the Bill.

Clauses 1, 2 and 3 are formal. Clause 4 sets out the definitions used for the purposes of the Bill. Clause 5 formally establishes the South Australian Heritage Committee, which is to be made up of 12 persons appointed by the Governor. The committee's role will be one of providing advice to the Minister on all matters associated with the State's heritage. It is envisaged that the composition of the committee will follow the model established by the interim Australian Heritage Commission, with some members appointed from Government departments concerned with administering heritage matters. However, the majority of appointees will be selected from individuals, groups and organisations in the community with recognised commitment to, or skills and experience in, heritage conservation, such as the National Trust, Institute of Architects, local government, Historical Society, and experts from universities and other academic institutions.

Clause 6 is formal, and clause 7 provides for a quorum of the committee being seven out of its 12 members. Clause 8 sets out the powers and functions of the committee, and clause 9 provides for delegation of powers of the committee. Clause 10 provides for the remuneration of members of the committee. Clauses 11 to 15 of the Bill establish the processes for identifying important features of the State's built heritage. This involves the establishment of a register of the State heritage, which will list individual buildings and structures of importance in the State's physical, social or cultural heritage.

The process of establishing the register will be an open one, with those items under consideration for registration to be gazetted, advertised and open to submissions by the public. Before entry to the register of the State heritage, the Minister will consider any objections and representations, as well as any recommendations by the South Australian Heritage Committee, which will be an expert body established in the Bill to provide advice to the Minister on all matters associated with the State heritage. A similar process is proposed for removal of an item from the register.

The Government is also aware of the need to recognise that particular areas, in addition to individual buildings, are of importance to the State's heritage. Clause 13 enables the Minister to designate such areas as a part of the State's heritage. It is envisaged that the designation of an area by the Minister will come as a result of a process of consultation and negotiation between the Minister and the relevant local council. The advice of the committee will also be sought before areas are designated.

Clause 15 provides for an interim list on which items will be placed while objections are being considered. Clause 16 provides for public inspection of the interim list and register. Clause 17 constitutes the Minister as a corporation, under the title of the trustee of the State heritage. Clause 18 sets out the powers and functions of the corporation, and clause 19 provides for the creation of the State Heritage Fund in recognition of the need for the State to positively promote and support conservation of the built heritage.

As in New South Wales and Victoria, the Bill does not provide for compensation as an automatic right of owners of designated heritage items. Research in New South Wales and Victoria and in the city of Adelaide indicates that there is no clear evidence that classification of a building of heritage value results in a lowering of land values. As I have already noted, there has been increasing recognition and interest by the community in our heritage. Through classification, a building is recognised as a rare and scarce item. It has been found that the owner of such an item may even experience an increase in property values (through increased prestige). With imaginative development similar to that currently taking place at the Bray property, the full potential of our heritage can be exploited, through development modifications which are sensitive to its heritage value. In this way the built heritage can continue to be viable and relevant to current community needs.

In the city of Adelaide, through the City of Adelaide Development Control Act, the city council already has development controls which include demolition. By means of policies on townscape and amenity, as set out in the principles, the city council can influence the type of development that may occur. In this more ideal situation, heritage conservation has been more fully integrated with the overall development control system. No compensation is awarded for changes in zoning of land use, nor are there any provisions for this for buildings within a precinct where a policy has been formulated for the preservation of historic buildings. Indeed, under the Planning and Development Act there are provisions for the declaration of historic areas. However, regulations designated for control of such areas contain provision for an automatic entitlement to claim compensation. This has totally inhibited the use of this provision. As I have already mentioned, in some cases it is likely that an owner may experience an escalation in land values. To follow on a compensation concept, logically, I doubt that the prospect of a betterment tax on any increases in land values would receive wide support.

The Bill, therefore, has chosen to avoid the rather negative and cumbersome mechanism of compensation and betterment tax. Instead, the Bill provides the potential for positive financial support to individual owners and organisations through the heritage fund to promote conservation of those items or areas of the State heritage listed or designated. Support may be in the form of loans or grants for restoration, maintenance, subsidies for rate and tax burdens that an individual cannot meet, for research and for measures to educate and promote an awareness of heritage conservation. Such support will be determined individually, on a case-by-case basis and considered on its merits.

The Government considers that its role of promoting conservation will be complementary to the activities of the Federal Government with its national estate grants. These grants have provided a much needed stimulus to heritage conservation and the State heritage fund will be used to provide further support in this area. National estate grants are currently administered at the State level by the Department for the Environment and there are indications that more responsibility may be devolved to the State level.

In the 1977-78 national estate programme, $360 000 was provided for projects in South Australia proposed by the State Government, the National Trust of South Australia, and other community organisations. Projects funded included restoration of the old armoury building, old Government House at Belair, and Fort Glanville. Research grants have also been provided and studies such as that currently being undertaken for the Corporation of the City of Unley will be invaluable in identifying its built heritage. In Burra, a study is now also under way which will identify its important historic buildings and prepare guidelines for the preparation of suitable planning policies for use by the District Council of Burra. The Government views such initiatives at the local government level as a high priority and also welcomes initiatives by the National Trust in undertaking research on the urban conservation areas of the State.

Clause 20 establishes the framework within which "planning controls" will be exercised over registered and listed items. The measures for control over development of the built heritage will be achieved through amendments to the Planning and Development Act. Clause 21 is a consequential amendment. Clause 23 amends the Planning and Development Act by inserting a new Part VAA and, for convenience, the proposed new provisions will be dealt with *seriatim*.

Proposed section 42a makes it clear that controls imposed by this Act are in addition to and not in substitution for controls provided elsewhere in the Act. Proposed section 42b provides that the Crown is not bound by the controls of this part. Under proposed sections 42c and 42d, owners of buildings or structures that are listed or registered will be required to apply for consent for demolition or any work that will change the character or external appearnce of the building. The application is to be made to the relevant development control body, which will then under proposed section 42e be required to refer the application to the Minister responsible for the South Australian heritage to obtain expert advice. The Minister will then consider the application and seek the advice of the heritage committee before making a recommendation to the development control body. The final decision regarding the application will be made by the relevant development control body, taking into account the Minister's recommendation and the provisions of any authorised development plan, including provisions that relate to the preservation or enhancement of the area in which the relevant building or structure is situated. Under proposed section 42f, the terms of reference for any appeal to the Planning Appeal Board relating to a heritage item have been amended to be consistent with the terms of reference of the development control body.

Clauses 24 and 25 of the Bill provide that these amendments to the Planning and Development Act will not apply to the City of Adelaide, as controls already exist over demolition and there are, in the principles, policies relating to townscape and amenity which can achieve what this Bill proposes for the rest of the State. In that Act a mechanism already exists whereby development applications of State significance can be considered by the City of Adelaide Planning Commission. This does not mean, however, that those items or areas of heritage value within the city cannot be nominated for entry on the register. The listing process will apply throughout the State and will mean that any individual or organisation may have access to positive support and financial assistance from the State Government for the conservation of listed buildings or designated areas. We look forward to close co-operation with the Adelaide City Council, as with other councils, in the identification of historic areas so that policies may be formulated, as in Port Adelaide, which will better guide development at the local government level.

I may point out to the Council that in relation to the City of Adelaide I have recently ordered a review of the future of Ruthven Mansions, so that the various experts can give further consideration to the possibilities for that building.

We are fortunate in South Australia that so much heritage value remains. We are fortunate that our early settlers built wisely and well. Examples of their settlements, their skills and crafts, their culture and way of life in this State are visible not only in our cities but also in our country areas. But the fact that we are so rich in heritage should not lead us to be complacent about protecting that heritage. There are too many cities in other States of Australia and parts of the world where recognition of the value of the heritage has come too late. This Government is determined not to allow that situation to develop here in South Australia.

In this State's rich and diverse heritage there are workmen's cottages in the city and in the mining towns of Moonta and Kapunda, fine homesteads of the pioneer settlers, such as Pewsey Vale and Beltana, and historic ports like Robe and Port Adelaide with their customs houses and warehouses. Indeed, there are items in South Australia that would qualify for a list of world heritage items. The Government has approacehd the task of preservation in a co-operative spirit. We recognise the interest and valuable work of citizens and community groups, particularly the National Trust. We recognise the interest and valuable work of local government bodies. This Government wishes to play a part in protecting our heritage, wherever possible, enhancing it, and presenting it for the enjoyment of all South Australians. I say "wherever possible" deliberately because, with limited resources, we cannot have limitless aims, nor can we ignore consideration of other factors in reaching our decisions.

We have a unique opportunity, unlike the older cultures in Europe. We have a relatively short period of settled history, and in protecting our heritage we have the opportunity to begin at the beginning of white man's settlement. The Government does not intend to lose that opportunity. We do, however, recognise the importance of the heritage associated with Aboriginal settlement and its culture. This is currently protected under the Aboriginal and Historic Relics Act. The Government now intends to be more active in promoting conservation of the built heritage of European settlement. But we recognise that the most lasting and beneficial results can best be achieved by co-operation between levels of Government and between the Government and the community at large.

The Hon. C. M. HILL: I have listened carefully to the very long explanation of the Bill by the Minister and have just been handed a copy of the Bill. I understand the Government wants it to pass through Parliament before the session ends. Therefore, I make the point strongly that this Council has not been given very much time in which to review this Bill in detail.

The Hon. C. J. Sumner: You are making your second reading speech now?

The Hon. C. M. HILL: I am involving myself in this debate, and I shall be pleased to hear the honourable member's contribution in due course. The two points that immediately spring to my mind on listening to the Minister are, first, the issue of compensation, which the Minister went to great pains to dwell upon in his speech; he tried to explain away the Government's attitude that it does not believe that compensation should be paid to the individual in cases where the heritage mark is placed on a property by the Minister. I emphasise "by the Minister". For all the smokescreen in this Bill that a committee, comprising 12 people from all walks of life, will be set up, we see from the Bill that the Minister, and he alone, has all the power in this matter. Surely the individual owner of a property (say, here in the city of Adelaide) is entitled to a fair and reasonable compensation if that property is classified under this Bill as being a heritage property and, as a result of that classification, the value of that property decreases.

Let us consider the example of a person who may be holding an old cottage on a fairly large piece of land in the city of Adelaide; the value of the whole property, mainly because of the value of the site, may be considerable or, alternatively, may have considerable potential because it is obvious that at some stage or other that site may be ripe for development.

I have not got any objection to that property being classified under this Bill and coming within a category of the heritage legislation, but I do object to a situation where the owner of that property could suddenly find that its value has been reduced considerably and find that, under the law of the State (passed by this Parliament and introduced by this Government) there is no compensation payable to him as a result of that change in value. Such a situation would be grossly unfair. The owner should have the right to offer the property to the State when that situation applies.

The Hon. C. J. Sumner: The taxpayer should pay?

The Hon. C. M. HILL: The people as a whole should pay. That is right, I am sure that the honourable member agrees with that principle. It comes down to this: that we all favour these measures to preserve our heritage. Certainly, I do, and I think all honourable members do, but a host of questions must be asked. We must consider if and when the community can afford it and if and when the community is willing to meet the cost. When it is ready, then such measures should proceed.

In other words, if there is to be a financial burden (and I am not saying that there will be such a burden, because there will be cases when the value of the property may increase as the result of such a classification, especially for residential properties), but when the value of the property suddenly decreases because of such a classification, I should like to hear from the Government why it considers the property owner should not receive compensation. This matter should be fixed fairly and justly, if necessary, by the courts and, as the Hon. Mr. Sumner just said, it should be spread over the total community.

The Hon. C. J. Sumner: I didn't say that.

The Hon. C. M. HILL: You certainly implied it.

The Hon. C. J. Sumner: I asked what your position was.

The Hon. C. M. HILL: Who else should bear the compensation?

The Hon. C. J. Sumner: I merely sought to clarify the matter.

The Hon. C. M. HILL: Does the honourable member suggest that I had anyone else in mind?

The Hon. C. J. Sumner: I did not suggest that.

The Hon. C. M. HILL: It is clear, from the honourable member's interjection, that he wanted the situation clarified.

The Hon. R. C. DeGaris: Otherwise what was the point of the interjection?

The Hon. C. M. HILL: Exactly. It should be borne by the people as a whole but the Government, by this Bill, tells the unfortunate individual in South Australia that this Government, which says it holds high the principle of individual rights, believes that it is just too bad. I refer to the individual situation that can arise. A person may owe money on a property, or a mortgage may be held on the property, and its value may decrease so that the individual's total equity in the property disappears. That aspect should be examined carefully, and I am greatly disappointed to know that this Government has introduced such a Bill and expects Parliament to pass it without taking this aspect into more serious consideration.

Another matter which concerns me is that the Bill, as I

have perused it so far, does not bind the Crown to these provisions. Why has not the Crown been bound? I refer to the example on an old building, say, in Victoria Square. Perhaps a Government department will have purchased it with a view to demolishing it and developing the site together with adjacent land to build a multi-storey building. If that old building, which is now in the name of the Crown, was viewed by this committee, then the Government is establishing in this legislation a position whereby a building suitable for classification under the provisions of this Bill can be exempt for the Government's purposes. Why should the Government not say, "If that is the wish of the committee, that building should be retained?" However, the Government has not put itself in that position and steers clear of that possibility and danger, yet it requires private owners to be subject to that provision. I cannot imagine anything more unfair than that situation.

The Hon. B. A. Chatterton: What about the Government's track record?

The Hon. C. M. HILL: The Government's track record is that at every opportunity it tries to avoid being bound by such legislation.

The Hon. B. A. Chatterton: What about Ayers House?

The Hon. C. M. HILL: That is commendable. I have not any complaints about specific cases where the Government has acted, for example, at Ayers House. I am not totally happy about Ayers House being used as a restaurant and used for entertainment by the Government and others who can afford such service.

The Hon. T. M. Casey: The honourable member goes there regularly.

The Hon. C. M. HILL: I do not go there regularly. The Minister is wrong about that. I go there seldom, and I want to make that point clear. The Minister of Agriculture is drawing a red herring across the trail in referring to one or two cases of the Government's actions regarding some building. My point is this: the Government should bind itself to the provisions of this legislation. If it is good enough for the Government to impose such restrictions on private owners, then it should be willing to submit to similar restrictions itself.

I want to know from the Government why it does not submit itself to this legislation. Those are the two points that readily come to mind from my quick perusal of the Bill. Compensation should be payable and, in the event of an appeal, it should be heard by the courts. Regarding compulsory acquisition powers contained in the legislation (I notice that the Government provides itself with the power compulsorily to acquire property in this Bill), I want the position made clear before the Bill passes. What is the value at which property is to be acquired? Is it the value applying before any notice by the Government is served on the property owner?

If the compulsory acquisition is based on a date after the delivery of the notice under this Bill, it would be grossly unfair because the new value that could be arrived at could be much less than the market value applying before the notice was given. There could be a case where the property increases after notice has been given under this Bill, and I do not think the owner of that property should receive that increase in value merely because that notice has been given.

So, whether we consider the situation of values either decreasing or increasing, the value that is to be fixed by the acquisition procedures must be the market value of the subject property before any notice is given under this Bill.

These are some preliminary observations that I have made in perusing the Bill quickly. I am concerned that the Minister has so much power. I think the committee is being put up as some form of a smokescreen because, as the Bill reads at present, I cannot see where it has any power at all.

I should like to see the National Trust and its existing controlling body involved in the general machinery of this Bill to a far greater extent than it will be involved because, if I heard the Minister correctly, only one National Trust representative will be on the committee of 12 members. However, that does not matter, either, when one sees in the Bill that the Minister will simply turn to the committee for advice and that he will decide whether or not a property will be classified.

On a point of detail, I notice that the Bill deals not only with lands and buildings but also with structures. As the debate proceeds, the definition of "structure" should be examined more closely. I recall that, when amendments to the Building Act were debated previously, there were lengthy debates regarding the interpretation of that word, and it is questionable whether some structures fall within the provisions of the Land Acquisition Act.

For instance, a structure might well be a mill that was used to draw water in the early colonial days, and that structure might come within the definition of "item" in this Bill. It might well be a movable structure and, if that could be so, I do not know how compulsory acquisition could occur in relation to a structure of that kind.

"Structure" is a difficult word to define adequately, and this is a matter that ought to be examined more closely. As the Council needs more time to examine the Bill, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It amends the principal Act, the National Parks and Wildlife Act, 1972-1974, and provides for the creation of corporate bodies to be known as development trusts to assist in the development of reserves as defined in the principal Act. Reserves are national parks, conservation parks, game reserves and recreation parks.

At June 30, 1977, there were eight national parks, 158 conservation parks, eight game reserves and 15 recreation parks. Certain of these reserves, and particularly those intended for recreation purposes, require very considerable amounts of capital for development, which is quite impossible to provide under existing circumstances. With this in mind, I have considered the opportunities available to the State Government to provide funds for the development of selected reserves so that they may be provided with facilities that are appropriate to the heavy visitor usage that is now apparent in a number of our parks, particularly those in close proximity to the metropolitan area.

We are currently spending well over $1 000 000 annually from Loan Account on the development of our park system, but this does very little more than provide some upgrading of facilities in existing parks. Very little impact has been made on the development of the more recently acquired parks and, although it is certainly not intended that parks of prime conservation interest will be developed under the provisions of this Bill, diversion of funds from the highly developed parks that would be possible will in turn enable important protective features

required for conservation parks, for example, fencing, fire tracks, and so on, to be given higher priority than has been the case in the past.

It is not intended that there will be any proliferation of these development trusts. The formation of each trust for each individual park will have to be the subject of a separate Bill to come before the Council. It is proposed to include under the provisions of the Bill the Black Hill native flora park in which immediate action is required to develop a unique recreational and educational facility.

In 1973, the State Government gave an undertaking to provide a major conservation park in the Black Hill area with the following major aim:

> To create a major native Australian flora park and bird sanctuary for the people of, and the visitors to, South Australia.

In January, 1974, the State Cabinet commissioned a feasibility study into the establishment of the Black Hill conservation park. The results of that feasibility study were presented in a report to the State Government in 1974, and the recommendations were substantially accepted by the State Government and the area was purchased in late 1974. Since January, 1975, interim management of the area has been carried out by the National Parks and Wildlife Division of the Environment Department until the appointment of a Director in March, 1977. Since the appointment of the Director, a draft report and development proposal has been prepared and released for public comment outlining the basic aims and concepts for the Black Hill native flora park.

This report was made freely available for inspection within the area and a letter from the Minister for the Environment was circulated personally by staff of the Black Hill native flora park to householders in the immediate vicinity. The Director of the Black Hill native flora park also met various individuals and discussed the draft report with them. The reception was overwhelmingly in favour of adoption of the draft plan. The proposal envisaged:

1. A native flora park with informal recreation areas. The native plant nursery will be resited, and amenities such as walking trails, benches, landscape constructions, picnic and barbecue facilities and car parks will be planned and built.
2. An information and administration centre: The centre will provide display and information facilities for visitors and special education, and facilities for groups such as schools or university classes. Lecture rooms, storage and preparation rooms will be included as well as library facilities. The administration of the park will be from this building, which will be designed and built to blend in with the surrounding environment.
3. Wilderness area: This area, which will include Black Hill itself, will be kept undisturbed and in its natural condition.
4. Woodland recreation area: A separate area with signposted walking tracks and educational nature trails to the more inaccessible northern areas of the park, but with informal recreation facilities such as barbecues and picnic areas, which will not be permitted in the wilderness area.
5. Expansion of the wildflower garden: The present garden size will be increased by about a hectare, with the possibility of future expansion towards the quarry. The new plantings will be rarer species which have potential for landscape uses. These new plantings will give the garden a very comprehensive and clearly labelled range of wildflowers, which will have both educational and recreational aspects.

To enable initial work to proceed, $660 000 was allocated from the Planning and Development Fund, and grants were also made available from the State Unemployment Relief Scheme. To date, the enlarged wildflower garden has been fenced and landscaping of the creek areas has commenced. General clearing of rubbish from the area to be developed has been completed, principal access tracks between the existing wildflower garden and the proposed nursery have been created, and a substantial planting of trees in the buffer area between the park and adjacent householders is under way.

Excavation of the proposed nursery site has been commenced, and it is expected that this facility will be available by mid-1978. It is apparent that, to provide facilities appropriate to this unique and important project, additional funds will be required, and it is for this particular requirement and similar projects in the future that I propose the amendment to the National Parks and Wildlife Act, which is now before honourable members.

Proposed section 45d deals with the appointment of members of a trust and provides for their remuneration and, in addition, has a provision relating to interests of any employee members of the trust. It is intended that a member of the National Parks and Wildlife Service will be *ex officio* a member of the trust, so that proper co-ordination and communication will exist between the National Parks and Wildlife Service.

Some members might ask why the National Parks Act itself has been amended to provide for this trust. The answer is that a fairly substantial part of Black Hill is a national park. The only way in which the trust could operate in its own right outside the National Parks Act would be for a resolution to be put before both Houses of Parliament in one session to have this area excised as a national park. It was not intended to create a precedent whereby that would happen. Doing it in this way means that any additions to Black Hill that may occur in the future, whether they be from the State Planning Authority or from land purchased by the development trust, will become national park, and security of tenure will be assured. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends section 35 of the principal Act which deals with the functions of the Minister under the Act to recognise the existence of the proposed trusts. Clause 5 performs a similar function in relation to the powers of the Director of National Parks and Wildlife.

Clause 6 is the main operative provision of the Bill, and inserts a new Part IIIA in the principal Act, and for convenience the provisions proposed to be inserted will be dealt with *seriatim*. Proposed section 45a sets out the definitions necessary for the purposes of the new Part. Proposed section 45b formally provides for the establishment of the trusts. Proposed section 45c provides for the incorporation of a trust established under proposed section 45b.

Proposed section 45e makes the usual provision for meetings of the trust. Proposed section 45f sets out with as much particularity as is possible in the circumstances the functions of the trust, and also provides for the general

control and direction of the Minister. The activities of the trust will remain subject to the provisions of the National Parks and Wildlife Act. Proposed section 45h provides for a trust to employ its own staff, if the circumstances warrant it.

Proposed section 45i provides for a power of land acquisition subject of course to the Land Acquisition Act. Proposed section 45j provides for borrowing of moneys by the trust and for the giving of a Treasury guarantee for the repayment of moneys borrowed, and proposed section 45l provides for the audit of trusts' accounts. Proposed section 45l provides for the dissolution of a trust where this is necessary.

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

MOTOR FUEL RATIONING BILL

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.15 a.m. on Wednesaday, March 22; at which it would be represented by the Hons. D. H. L. Banfield, J. R. Cornwall, M. B. Dawkins, J. E. Dunford, and D. H. Laidlaw.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

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

The Hon. J. A. CARNIE: This short Bill seeks to make two changes to the Act. The first amends section 7, and in that regard that is probably the only query I have. The measure amends paragraph *(d)* of subsection (1) by providing that the Governor shall have power to regulate or prohibit the issue of prescriptions containing any drug to which the Act applies, the dispensing of any such prescription, or the supply of any such drug thereunder.

That could mean that regulations could be made to allow any person to issue or dispense prescriptions. I understand that this matter is covered elsewhere in regulations, but I seek the Minister's assurance that the Government does not allow anyone except registered medical practitioners, dentists, and veterinary surgeons to issue prescriptions and that it does not intend to allow anyone other than qualified pharmacists to dispense such prescriptions.

The Minister has referred to the antiquated provisions of subsection (2) of that section, and the provision is very verbose. It is being repealed, and the neccessary adjustments are being made in subsection (1). As the Minister has explained, the whole amendment should overcome problems that arose last year about regulations. The second amendment merely removes the requirement that an authorised person must be a member of the Public Service, to overcome the problem caused by the setting up of the Health Commission, the employees of which are not members of the Public Service. I support the second reading.

The Hon. D. H. L. BANFIELD: I thank the Hon. Mr. Carnie for his attention to the Bill. The new provision, in effect, combines the provisions of the pre-1976 section 7 (1) *(c)* and existing 7 (1) *(d)*. Pre-1976 section 7 (1) *(c)* provided power to regulate the issue of prescriptions by doctors, dentists and veterinarians, and 7 (1) *(d)* contains power to prohibit the issue of prescriptions by persons other than those categories. This new provision combines both sections and it is therefore necessary that it be expressed in general terms. The regulations will spell out the particular categories to whom it will apply, and there is no intention that it will go beyond those three professions.

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

CROWN LANDS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 16. Page 2264.)

The Hon. C. M. HILL: One or two points in the Bill concern me very much. By clause 19, the Minister's department is seeking power to acquire land for township development and matters incidental thereto and for any residential, commercial or industrial use or other purpose. That land, once acquired, becomes Crown land.

By subclause (3), the Minister seeks the right to develop that land and provide all the services that subdividers and the Land Commission provide to fashion the parcel of land into building sites. The Bill does not say whether the department must fashion that land to the same specifications as the ordinary citizen is forced to do under the Planning and Development Act. To take one example, it does not say that the Minister and his department will be bound to provide bitumen paved roads to the same width as is required of other subdividers under the Planning and Development Act. The Bill merely provides that the Minister shall have power to lay water mains and sewers and to make roads and provide electricity and any other required services to the building allotments.

It does not even say that he should be forced to provide underground electricity cables. I believe that a provision to this effect ought to be in the Bill. Having sought the right to acquire and develop land (and a more socialistic approach I cannot imagine), the Minister is going to offer land to individuals in rural areas. It will be sold as Crown lands, and we will see the same kind of situation as that applying in Canberra, Darwin and other places. We nearly had this situation thrust upon us at Monarto, with individual owners having to take Crown land and, instead of having freehold land, holding 99-year leases.

The Hon. N. K. Foster: What is wrong with that?

The Hon. C. M. HILL: To the ordinary South Australian, it is completely wrong. The Lands Department wants to become a mini Land Commission.

The Hon. N. K. Foster: What about 99-year agricultural leases?

The Hon. C. M. HILL: I am not happy about those, either. They should all be freehold.

The Hon. N. K. Foster: You are a nut.

The Hon. C. M. HILL: I am opposed to building sites being offered by any Government instrumentality on a perpetual lease basis. Young people ought to be given the right to have a freehold property.

The Hon. N. K. Foster: They will be dead before the 99 years are up.

The Hon. C. M. HILL: But what will they have to leave to their children? The Minister did not emphasise the aspect to which I have been referring, and he tried to explain away his department's intentions in that regard. Consequently, this Council should examine the matter very carefully. I am opposed to the clauses giving the Minister power to acquire, develop, and offer building allotments on a Crown lease basis.

The Hon. R. C. DeGaris: Wouldn't a leasehold property cost just as much as a freehold property in the long run?

The Hon. C. M. HILL: Yes. The price at which the

Government will be offering sites on a Crown lease basis will not be very much lower than the price at which a freehold block is for sale a short distance away in the same town. We have the same kind of situation in regard to farmland.

I have a query about clauses 19 and 20. There have been cases in South Australia where people have sold building allotments on a leasehold basis, and the leases have been of very long duration. It is a practice with which I have never agreed, and I have never had anything to do with it. Nevertheless, it has happened, and it has been done within the law.

Under these clauses, the Government is prepared to acquire land in those situations. The Government will purchase such land, and it will be subject to an existing lease. It is provided that the lessee will be liable to pay land tax once the transfer into the name of the Crown occurs. Will the Minister examine this situation more carefully, because in many instances the lessees have leases containing a provision that the lessor shall pay the land tax?

The Hon. T. M. Casey: What is the duration of the lease?

The Hon. C. M. HILL: It is 99 years in some cases, and 999 years in other cases. Actually, it does not matter how long it is. If a person has an interest in the land as a lessee, that person holds a leasehold interest, and it would seem that the Government is overriding a provision in the lease; without any notice whatever to the lessee, the Government is going to assess that lessee suddenly with land tax. If there had been some arrangement when the lessees first acquired the leases that they would be liable for the total land tax on the total parcel as a whole, of course a lessee would be under some understanding that a commitment existed and, indeed, he might have been paying a small contribution toward the total assessment. However, I strongly suspect that, actually, the lessee would not be paying land tax: it would be paid by the lessor.

In future, the Crown will be in the situation of a lessor committed under contract through the terms of an existing lease to a lessee, which contract states that the lessor shall not be paying land tax. Under this Bill the lessor will be assessing the lessee with a land tax assessment. That situation should be examined, because it is complex and ought to be carefully researched before the Bill proceeds much further.

I do not have any serious queries about the machinery clauses of the Bill. If it is the Lands Department's intention to buy broad acres, subdivide them, and offer leasehold titles to prospective home owners, the Minister has to make his position much clearer than he has done so far. How far does the Government intend to proceed with this aim? I suspect that the department is clutching at straws and is wanting to expand its operations.

I notice from departmental announcements that the department's responsibilities and activities have been running down somewhat in the last few years. Even at present a Bill is before this Council which takes from the department much activity in regard to irrigation work in the Riverland. The Land Commission was once under the Minister's control, but it has now been taken over by another Minister. I do not think it is right that a department should look around for more activity simply because it fears that it may be in the process of being phased out of some of its operations.

It is a serious matter when the Lands Department seeks this power. If the Minister can in any way justify its planning, is he prepared to have his department submit it to the same standard of plans and specifications that the planning and development legislation requires for the subdivision of land? It would not be proper for allotments to be offered by this department that were not serviced to the same specifications and in the same manner as the usual servicing required under the other Acts in regard to subdivisions. Would the Minister make some further explanation of this when he comes to reply to this debate?

The Hon. R. A. GEDDES: Bills brought in to give assistance to communties such as Lyrup Village, which is the main intention of this Bill, should be brought in for that purpose, and that purpose alone. I am advised that the amendments requested by that community are needed and, because of that, I support the Bill. But the syrup to support Lyrup is not sweetened by other amendments brought in by the Minister of Lands, and to this end I give notice that I am not altogether in agreement with some proposals he has introduced by using the public demand for Lyrup as a means to force amendments for the Government's own socialistic greed.

I refer in particular to clauses 3, 4, and 19. I read into these clauses that the Lands Department wants the authority and all the power to acquire rural land, leasehold or freehold, to subdivide it, and to develop it with water and sewerage, roads and electricity, and any other requirements that have become the accepted procedure that the Land Commission and the private developer are providing in the metropolitan area, insisting that the land remain the property of the Crown. The Hon. Mr. Hill has just referred to his dislike of the homeowner building on or being a leaseholder of Crown land, and I support his argument completely.

The second reading explanation states that "in most localities there are insufficient vacant Crown lands available which are suitable for subdivision". Where are these ares where there is insufficient land, and why are they unsuitable for subdivision? The Minister conveniently does not tell the Opposition of the department's intentions; he leaves the Opposition with the opinion that something sinister is proposed that could well be provided by the private investor. Unless and until the Minister explains in greater detail the Government's intentions, the Opposition will continue to oppose this clause.

Clause 4, which amends section 53 (1), takes away the restrictions that the Crown Lands Act has always imposed and for which the Crown Lands Act was intended, in the public interest. Section 53 states:

> The Minister may resume lands for roads, railways, tramways, sites for towns, park lands, mining or for any public purpose.

The amendment removes the word "public" and inserts the word "other", which means that the Minister may resume land for any purpose, which supports my contention that the Government now, through the medium of the Crown Lands Act, can acquire land for any of the purposes to which I have just referred.

Again, I ask: why does the Minister want this authority? Then, if we read clause 19, which amends section 260 of the principal Act, having given the Minister the new authority under clause 4, we discover that the Government:

> may acquire lands in any part of the State *(a)* as the site of a town or for purposes incidental thereto; or *(b)* for any residential, commercial, industrial or other purpose.

Clause 260 already gives the Minister his authority for freehold land in rural areas. The second reading explanation admits that he has that authority, so again the Opposition is left ignorant of the Government's intentions.

I turn now to clause 3, a new provision in which the intention is to give the Crown the authority to develop and

improve Crown lands for any residential, commercial, industrial or other purposes. As the Hon. Mr. Hill pointed out, the standard of roadways and electricity supplies is not spelt out, and what guarantee has the local government body that the area to be improved by the Lands Department will conform to those types of rules of conduct that have been applied in the metropolitan area? I want to report to the Council some experience I have had where a private investor wanted to develop some land belonging to the Crown for a housing estate. The builder was told that he would have to wait for the roadways, sewerage, power, etc., to be installed by the E. and W.S. Department. The housing site was in Whyalla, the Engineering and Water Supply gang was in Port Pirie and, after waiting for some time, the builder had to beg permission from the Minister of Works to be allowed to do the job himself—at a cost cheaper than that estimated by the E. and W.S. Dept. As a result of that fact, I ask the Minister to look at the practicability of writing into clause 3 that public tenders will be called before work is undertaken to develop new housing or industrial areas.

The real need for the Bill is those clauses dealing with Lyrup Village, which allow for the extension of membership of the Lyrup Village Association. They allow for land to be leased for caravan parks or set aside for recreational purposes. There is also provision in this Bill for the association to make charges on the members and occupiers of land to offset administrative and other running expenses incurred. At the same time, provision is made for futher Government finance by way of a grant of $15 600 to rehabilitate essential irrigation and domestic water requirements.

Clause 20 is an interesting clause which will give the Lands Department the authority to impose land tax on lessees who hold long-term titles up to nearly 2 000 years on leases on which in most instances holiday homes have been erected. I turn briefly to the Bill, and some drafting amendments I wish to point out. Clause 3 refers to (1a) and (1b). On checking with the principal Act, I think those figures should be "(la)" and "(lb)".

The Hon. T. M. Casey: It looks like an "l" to me.

The PRESIDENT: Order! A similar matter arose last week. We must be sure that a distinction between the two is made.

The Hon. R. A. GEDDES: In the principal Act is a letter "l", with a loop at the top, and that is where the confusion occurs when trying to relate the principal Act to the amendments in the Bill. I support the second reading, but I have no intention of supporting the Bill's passage until the Minister comes clean with a full explanation of his and the department's intentions regarding the wide powers which he is seeking and which are spelt out in clauses 3, 4 and 19.

The Hon. T. M. CASEY (Minister of Lands): I thank the Hon. Mr. Hill and the Hon. Mr. Geddes for raising these points. They are entitled to raise them, but I can assure honourable members that under the Irrigation Act, which is administered by the Lands Department, there is provision for the Minister of Irrigation to develop parts of irrigation areas. We are doing this now. There are towns in the River areas where we have acquired land and have developed residential sites. We have contracted the Engineering and Water Supply Department to undertake water and sewerage work. We have also contracted local government authorities to undertake road and kerbing work, and the surveying has been done by the Lands Department. These blocks are offered as residential freehold blocks to people in irrigation areas.

The Hon. R. A. Geddes: They are freehold blocks?

The Hon. T. M. CASEY: Yes. It has always been the policy of the Government as long as I can remember that residential blocks are to be freehold. I see nothing wrong with that. I agree with the Hon. Mr. Hill that, if a person is going to live in a house in a residential area, he should be entitled to a freehold title. The Lands Department has been adopting this practice, and it will continue to do so. Unfortunately, under the Crown Lands Act no provision exists whereby the Minister can do what he is doing now under the Irrigation Act. In various towns in this State we have had to ask local government to develop the areas in question.

Tumby Bay is one such town that comes readily to mind. The local council did not want to be involved, because the town was expanding but, under the Crown Lands Act, the department and the Minister had their hands tied. The department and the Minister have to conform to the Planning and Development Act concerning all subdivisions in providing roads and other services, and there is nothing in the Crown Lands Act presently allowing the Minister to do that, although such a provision exists in the Irrigation Act.

All we are asking in this Bill is to give the Lands Department the same power as already exists under the Crown Lands Act and the Irrigation Act. Honourable members would find that, in relation to contract work and the like, it would be only natural, if the Engineering and Water Supply Department could not do the work, for other sources to be used. The Government has to rely on its other departments for work to be done. That is normal practice. This is what occurs in connection with River areas: we contract the local government authorities to do the roadmaking and kerbing. There is nothing sinister in the Bill, which merely gives the department the same powers under the Crown Lands Act as it now has under the Irrigation Act.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2265.)

The Hon. C. M. HILL: I support the Bill, which tidies up several loose ends. Its main prpose is to relieve His Excellency of the responsibility in certain areas that will now be handled by the Minister. Clause 5 deals with the same point I raised in the previous debate. The Government seems to be assuming that the Minister in charge will not necessarily be the Minister of Lands. Although I do not wish to over-emphasise the point, there is growing evidence that the Minister's activity is decreasing, and under this Bill the Government seems to be providing for control by another Minister. Can the Minister give any explanation on this matter? I support the second reading.

The Hon. T. M. CASEY (Minister of Lands): I can assure the honourable member that I do not think that what he said is so. There is no indication that the activities of the Minister of Lands will decrease so far as the operations of the Lands Department are concerned.

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

DISTINGUISHED VISITORS

The PRESIDENT: I notice in the Gallery two distinguished visitors from New Zealand. They are the Rt. Hon. Brian Talboys, the Deputy Prime Minister and Minister of Foreign Affairs, and His Excellency Mr. Laurie Francis, High Commissioner for New Zealand in Australia. I extend to them a very cordial welcome to the South Australian Parliament, and I ask the Minister of Health and the Hon. Mr. DeGaris to escort the distinguished gentlemen to seats on the floor of the Council.

The Rt. Hon. Mr. Talboys and His Excellency Mr. Francis were escorted to seats on the floor of the Council.

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2270.)

The Hon. M. B. CAMERON: The thought behind this Bill was first promoted during the recent election campaign. It was interesting, when the matter started to become public, to see the answers given to questions indicating that the former member for Pirie in another place, Mr. Connelly, was becoming more and more involved in the proposed outback areas trust. I say that, because it was obvious when this matter first became public that it was, unfortunately, being promoted as a job for one of the boys, the former member for Pirie, who had lost his seat in the redistribution.

The Hon. J. E. Dunford: It's a shame when you talk like that.

The Hon. M. B. CAMERON: It is not. Even the most ignorant political observer was aware, when the announcement was made, who would be involved. It was widely regarded as having been conceived in sin because of that. It was obvious that this would come to pass when, on November 29, 1977, certain replies to Questions on Notice were given to the member for Eyre in another place. He asked the following questions:

1. Which Minister will be in charge of the Outback Areas Development Trust?

2. What are the duties of the newly appointed Research Assistant to that trust?

3. Will funds that are provided be made available to individual groups, or will each project have to be submitted to the trust for its approval?

In reply, the Premier said:

1. It has not yet been decided which Minister will have the responsibility for the Outback Areas Development Trust.

2. No staff have been appointed to the trust at this stage. Mr. Connelly has been employed as an advisory officer within the Local Government Office and his duties include developing proposals for the Outback Areas Development Trust.

3. The trust's methods of funding will be determined by legislation . . .

It was then made clear to the public and the Parliament that Mr. Connelly was well on the way to being in control of the trust. The unfortunate thing is that, while no-one will deny the need for funds for outback areas, outback people will, it seems, have no say regarding who will be in charge of the trust. It involves not a former public servant but the former member for Pirie.

The Hon. R. A. Geddes: It seems as though he's still a very active member.

The Hon. M. B. CAMERON: It certainly does. It would have been more honest if the Government had called it the "Edward Connelly retirement trust". That would have at least brought a bit of honesty into the matter. Anyone who knows anything about this Parliament realises that members must be here for more than three years to qualify for a pension, and the net result of the disappearance of the seat of Pirie in another place has been the potential resurrection of Mr. Connelly in this role.

It would be proper if the Government allowed people in outback areas some say regarding who should be in charge of the trust because eventually, unless something is done, the money provided under this Bill will have to be repaid. If it reaches that stage, I suppose people in outback areas will be expected to pay and, in that event, these people should have some say regarding who will be in charge of the trust. These people experience special problems and require special knowledge, and this matter should not be decided on the basis of whether a person has been a member of one House of this Parliament.

The Hon. J. E. Dunford: This was a person from local government.

The Hon. M. B. CAMERON: If a person from local government was wanted, surely it should be someone from the department with knowledge of these areas. Were applications called for the job of temporary research assistant? Of course they were not!

I have no objections to the Bill, which is a good move. However, I understand that Commonwealth money would have been available long before this if the Government had been on the ball and had been willing to submit this proposal to the Commonwealth Government. However, the State Labor Government chose not to do so, because it was at the time trying to force people from outback areas, against their wishes, into local government.

That situation did not meet with approval and, because the Government was concerned about the seat of Eyre in another place, it did not press ahead. I take exception to a situation that I can see will arise: the people in this area will have a person put above them. They will not have much say regarding how and where the funds involved will be spent. That is not right, and I take exception to a former member of Parliament being granted an almost automatic job after he leaves this place. If the Government chooses to take that action in respect of this man, it may as well do it for everyone who is faced with a similar situation because of the redistribution. But, of course, that did not occur: it related to one Government member only.

I realise the problems faced by people in outback areas in relation to insufficent funds. These people have to some extent been neglected over the years. One of the good things that occurred as a result of the last redistribution was the doubt that was created regarding the seat of Eyre. This led to the Government's paying greater attention to that area and, indeed, to this proposal. At least, the area has got some funds.

The Hon. M. B. Dawkins: Do you think a non-elected trust of this type should be able to be constituted as, in effect, a district council to control the affairs of the area without democratic election?

The Hon. M. B. CAMERON: No. I think the people in the area should have some say. I regard this move as creating somewhat of a colony in South Australia. We are saying to these people, "You are a separate little group, and we are giving you an administrator." It is a strange set-up.

We are saying that we will send a man out to tell people how to spend the money, whereas the people in the area should have a say. The way the set-up was established was almost pre-ordained before the election and certainly before the announcement.

The Hon. C. M. Hill: Jobs for the boys.

The Hon. M. B. CAMERON: Yes, and that has become a habit.

The Hon. F. T. Blevins: What about the Federal Government and—

The Hon. M. B. CAMERON: I am not interested in the Federal Government.

The Hon. D. H. L. BANFIELD: I draw the attention of the Hon. Mr. Cameron to the fact that we know very well why he is not interested in the Federal Government.

Members interjecting:

The Hon. C. M. Hill: What is the point of order?

The Hon. D. H. L. BANFIELD: My point or order is that he says he is not interested in the Federal Government, but as a statesman in this place, he should be interested.

The PRESIDENT: There is no point of order.

The Hon. M. B. CAMERON: The Minister has shown his inability, by that inane point of order. I support the Bill, but not the way that the Government is going about the matter. We should have got rid of this colonial attitude to the outback areas of our State. Apparently we will send someone up, and—

The Hon. C. M. Hill: Do you mean someone who ought to be called Governor Connelly?

The Hon. M. B. CAMERON: Yes. We will see the uniform and the big white car going up and telling people how to run their affairs. We have seen what has happened in other legislation that applies to the North, such as the beverage container legislation. The Government indicates a lack of appreciation of the problems of the North.

The Hon. T. M. Casey: You would not understand, either, because you have never been there.

The Hon. M. B. CAMERON: If the Minister had been past Peterborough, he might understand, too. I trust that the Government will give the people in the area some say in how the money will be spent. We should not have a large amount being spent in administration, and the funds should be applied through local people, who, I am sure, would do the job voluntarily. They would not need the hierarchy that will be set up. Parkinson's law will operate, and I will watch with interest each year to see how much is spent on administration. It is in the interests of the people concerned that these new ideas have a mushrooming effect, but it would be much better for the matter to be dealt with by those who know their own problems and know how to spend money wisely.

The Hon. R. C. DeGARIS (Leader of the Opposition): I wish to make two comments briefly. First, it is not necessary for this Bill to be passed in order to attract Commonwealth money that is available for outback areas. There is a common story that, unless the Bill passes, money will not be available from the Commonwealth, but that story cannot be substantiated. The money will be available if existing organisations in the outback areas are recognised. However, that does not make much difference, because I support the concept in the Bill.

There is on file an amendment to clause 15. That clause provides for a procedure that generally I would oppose. It is on the question of regulations being laid on the table for 14 days before they become operative. As honourable members know, most administrative regulations become law from the day on which they are gazetted and then they must lay on the table for 14 sitting days during which time they are subject to disallowance.

The amendment to clause 15 proposed by the Hon. Mr. Geddes provides for the regulations to lay on the table for 14 sitting days, which in most cases would be for a month to five weeks, and only after that time would they become effective. The reason why I support the proposal in the Bill in this regard is that regulations under clause 15 will not be ones that we can say are of an administrative nature. They will be made in regard to the trust and to alter the powers of the trust.

The Government may make regulations and apply them to the trust, increase the power of the trust, under the existing Local Government Act. Those regulations are not normal administrative ones but ones that can be adapted to alter the power in the Act. Regulations under the Companies Act, for example, must lay on the table for 14 days before they become law, and that is a reasonable application of the regulation-making power there. I support the Bill.

The Hon. C. M. HILL: I, too, support the second reading of this Bill, but I have some doubts along the lines expressed by the Hon. Mr. DeGaris, especially in regard to the regulation-making power. For many years I have been interested in the problem of assisting people in the northern areas of the State by way of some form of supervision comparable with local government. In 1968, I was instrumental, as the then Minister of Local Government, in forming a committee to investigate whether or not it was feasible to establish local government in the North. Honourable members will recall that that is the only part of any State that is not served by local government.

So, as long as 10 years ago it appeared inevitable to me that at some stage some form of local government would be established in outback areas. Despite the fact that committees have changed and Governments have changed, these investigations have been carried on over the past decade. Now, it is proposed to establish a trust in lieu of local government. I believe that the concept of a trust is probably better than that of local government. Of course, the final judgment will be known only after the trust has been operating for a significant period.

The main question remaining is whether the people in the outback areas will be charged some kind of fee; that point is very worrying for them. Certainly, with the trust proposed under this Bill, I cannot see how those people can be rated, because they will not have representation on the trust. They may have some form of representation through the Government's appointing to the trust someone who lives in a northern town or an owner of a pastoral holding, but that is not the sort of representation normally allied with taxation. So, the Government must be very cautious about this matter. The trust will have not fewer than three members and not more than five members.

Clause 14 sets out the trust's powers and functions, which are to carry out development work within the towns and outback areas and to provide local communities and outback areas with the services that they deserve. I can understand the Government's veering away from the local government concept, because the areas are far flung. Most of the townships are not related to each other in any way. One trust overseeing the total area is probably the best way of tackling the problem.

I am pleased to see that the Government is committing itself to an initial contribution in the first year of $1 000 000, which will no doubt be funded through the South Australian Local Government Grants Commission. One of the problems that I can recall in regard to development work in these areas is the case of a decision being made, say, to bituminise the main street in a northern town; in some instances the boundaries of the main street were not easily defined and, consequently, the department responsible for constructing the road had to wait until another department had surveyed that part of the town. Now, with the establishment of the trust, there

will be better co-ordination and overriding supervision, which is necessary if progress is to be made.

I reserve my right to speak on the amendments that have been foreshadowed, but I support the general concept of the Bill. I hope that ultimately the trust will, through careful selection of its members by the Government and through prudent policies, bring considerable benefits to the people of outback areas.

The Hon. T. M. CASEY (Minister of Lands): I thank honourable members for their contributions to the debate, except for the Hon. Mr. Cameron, who did not speak to the Bill at all but, instead, set himself up as a sarcastic expert.

From my experience in outback areas, I can say that this Bill will do wonders for the people there. It is a step in the right direction. People in outback areas will be able to get monetary help for community services through this trust. One of the biggest problems of people in outback areas is the provision of water. In the past, when steam trains operated, most of the water supply in these towns was controlled by the railways but, with dieselisation, the railways do not require this water any longer, and the situation in this respect has deteriorated. On their own, people in outback areas are not capable of financing a water supply, and they cannot live in these towns without an adequate water supply.

The situation is not so bad in connection with electricity, because most of these towns provide their own electricity supply, and they seem to do it very well. This Bill will benefit the people of the outback, contrary to what the Hon. Mr. Cameron has said. Mr. Connelly, a former Mayor of Port Pirie, will make an excellent Chairman. I knew him before he entered Parliament. He has had a wealth of experience in the North.

This is the area with which we are dealing, the rest of the State being covered by local government. So, I can think of no-one more fitted to fill this role as chairman of the trust, and I am sure that his knowledge and that of other members of the trust of local government will help to improve the formulation of policies and come down on the side of the people of the North, who will benefit in the long term.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1978

In Committee.

(Continued from March 15. Page 2213.)

Clauses 2 to 8 passed.

Clause 9—"Petition for severance and annexation."

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

Page 3, line 24—After "(4)" insert "and by inserting in lieu thereof the following subsection:

(2) A petition referred to in subsection (1) of this section proposing severance of any portion of an area may not be presented before the expiration of the period of five years from the presentation of the last such petition in relation to that area.

It may be confusing that this subsection should be inserted after subsection (4), but the Bill as it stands moves for the deletion of subsections (2), (3) and (4); therefore, this new subsection would be subsection (2). The reason for this amendment is that some councils, of which Munno Para is one and Port Pirie may be another, have been in a position where petitions have been presented; it has been the same continuing process. Although the petitions have been objected to, they have certainly upset the workings of the council when it should be busily attending to the betterment of the district as a whole; its attention has to be directed towards rejecting those petitions, and that hinders the working of the council. If a petition for severance is objected to, there should be a breathing space before such a petition could again be presented to the Minister. I believe that, for the good working of local government, some stability is needed in the workings of councils such as those I have mentioned. If they have problems of this kind, it would be advisable for the Minister to consider favourably the insertion of a subsection like the one I have moved.

The Hon. T. M. CASEY (Minister of Lands): I am afraid I cannot accept the amendment because it would unduly restrict the rights of councils or individuals to promote boundary changes. Some councils are being subjected to continuous petitions for change. I suggest that under this amendment, which provides "before the expiration of the period of five years from the presentation of the last such petition in relation to that area", there could be any number of petitions: they could be real furphies, and the amendment would prevent what the majority of the people required; so I cannot see the significance of the amendment, because it would prevent change that was or could be about to take place by getting anybody to sign a petition and put it in to the council and, because of this amendment, nothing could be changed for five years. In those circumstances, I cannot accept the amendment.

The Hon. C. M. HILL: I am disappointed, after hearing that reply to the Hon. Mr. Dawkins. It reveals a lack of sensitivity about local government and the problems with which councils have been and are being confronted. For years, they have been challenged on boundaries, and those problems have taken up practically the whole working resources of the council. I commend the amendment. I received a letter from the District Council of Munno Para—

The Hon. T. M. Casey: I got one, too.

The Hon. C. M. HILL: I do not think you read it or took much notice of it.

The Hon. T. M. Casey: Yes, I did.

The Hon. C. M. HILL: That council had five challenges to its boundaries. What is the view of the Hon. Mr. Creedon? Five challenges were made in four years. I am unhappy that the Minister was not as impressed as I was by the letter from the District Clerk of the district council indicating that the council's total resources were involved in fighting internal problems and fighting for survival when they should have been devoted to the benefit of ratepayers. That situation could continue indefinitely under the existing Act.

The amendment provides that a council in such circumstances is given breathing space over five years so that it can settle down to plan and develop its area. In the case of a small challenge, five years may be too long, but in the challenges in Munno Para the council was justified in seeking a period of protection from challenges. Surely the Hon. Mr. Creedon would have to support this amendment and the Minister should reconsider his attitude.

The Hon. C. W. CREEDON: I listened to the Hon. Mr. Hill and the Hon. Mr. Dawkins constantly telling the Government that people should be free. Any council can make up its own mind about changes in the size of council areas, yet members opposite suggest that we should include certain stipulations in the Bill. The Hon. Mr. Hill referred to five petitions, but I can remember only four, and each was in a separate area. In one challenge concerning Elizabeth, there was no community of interest

with the Munno Para area. People from that area used facilities from Elizabeth. In the Gawler area, the Munno Para council has no facilities and residents used the facilities in Gawler. Residents believed they were not getting sufficient understanding from the Munno Para council. Residents in Virginia and Two Wells believed they would get a better deal by joining the Mallala council. Munno Para is a big council area, and I cannot support the amendment, which restricts what other councils can do.

The Hon. M. B. DAWKINS: My amendment deals with a petition that has already been negated. It provides a reasonable time before such a petition can be re-presented, otherwise a council could continually be upset in its workings by having to deal with such a situation. Other councils have had similar problems, or could be confronted with them in the future. My amendment is reasonable as it allows a council to obtain some stability after a petition has been rejected. I hope that the Committee will accept the amendment to ensure that a council's stability is maintained.

The Hon. T. M. CASEY: The wording of the amendment is exactly the same as the wording contained in the letter from the district council. What are members opposite trying to do?

The Hon. R. C. DeGaris: Are you saying that the council should not have written the letter?

The Hon. T. M. CASEY: Not at all. It can write anything it likes. Honourable members are trying to protect one council.

The Hon. R. C. DeGaris: No.

The Hon. T. M. CASEY: Yes, because no other council has written about this or made any other move. All other councils are satisfied with the provisions of the Bill. The Hon. Mr. Dawkins lives in that area and wants to keep onside with the council. The Hon. Mr. Hill suggested that the council used all its resources to fight the petitions, yet I understand that the petitions were negated because they were incorrectly written in the first place. Munno Para is a progressive council. With other honourable members, I attended its field day and was delighted with what I saw during that inspection.

To write into the Bill that there must be a five-year time span from the presentation of the last petition is ridiculous, because a petition could be cooked up in order to prevent change. If these people want change, they should be able to achieve it by signing a petition correctly. I doubt whether the Hon. Mr. Hill, if he really means what he says, wants this amendment, because it will mean that these people will have to wait for five years before a change can be implemented.

The Hon. C. M. HILL: It is the little people in Munno Para that the amendment is trying to protect. The ratepayers in that area cannot get a fair go because the council has been fighting, five times in succession, for its survival, and, while that happens, the council cannot attend to the needs of its ratepayers. The Opposition is really asking for a moratorium to enable the council to look after its ratepayers. That is the reverse situation to which the Minister referred. By providing a period of time for which dissenters must wait after they have been defeated, the ratepayers will be able to get a decent service.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins (teller), R. C. DeGaris, 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), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

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

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.

Clause 10—"Poll on severance and annexation."

The Hon. K. T. GRIFFIN: I move:

Page 3—

line 31—Leave out "fifteen" and insert "ten".

line 39—Leave out "forty" and insert "twenty".

These two amendments are complementary. New section 27b (1) deals with a poll on the severance of a portion of a local government area and the annexation of that area to another local government area. Electors may require a poll provided that not less than 15 per cent of the electors deliver to the Minister a request for the poll on the severance and annexation proposal. My amendment reduces the figure to 10 per cent, which is consistent with other provisions of the Act. The figure of 15 per cent seems to be unnecessarily high, and there seems to be no reason for increasing it from 10 per cent, the figure that applies in other provisions.

The more significant amendment changes the figure of 40 per cent in new section 27b (2) back to 20 per cent. At any poll held pursuant to new subsection (1), the proposition that the portion be severed and annexed shall be deemed to have been carried unless a majority of the electors voting at the poll constituting not less than 40 per cent of the electors enrolled for the portion votes against the proposition.

Under the new system, where we are dealing with electors rather than ratepayers, it seems to me, on voting results achieved in the 1977 local government elections, that a poll of 40 per cent will never be achieved. It is interesting to note that, under the new rolls, in the 1977 election votes cast rarely exceeded 34 per cent. I could give several illustrations. In Burnside, for instance, in the contest for the mayoralty, there was a 27·4 per cent poll. That was a fairly hotly contested election.

In Enfield, in the contest for the mayoralty, which I understand was again hotly fought, only 5·5 per cent of electors voted. In Marion, where a former mayor contested the election against the sitting mayor, only 5·2 per cent of the electors turned out. There are other examples relative to the voting percentage, and these examples indicate that there is unlikely to be a roll out of electors, even in a controversial poll or severance matter, of anywhere near 40 per cent. Even 20 per cent, on the figures I am given, is unlikely to be achieved.

The Hon. T. M. CASEY: I oppose the amendments. Section 45a of the Act, which was amended in 1976 after negotiations between both Houses, provides for the same percentage as in the Bill.

The Committee divided on the amendments:

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

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

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

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

Amendments thus carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—"Procedure for giving effect to alternative proposals of Commission."

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

Page 4—

Line 30—Leave out "to" and insert "modifying in part".

Lines 31 and 32—Leave out "(which alternative proposal may affect a council not affected by the petition or purported petition)".

The first amendment deals with the operations of the Boundaries Commission. The Minister gave the clear impression in the second reading explanation that the commission could provide an alternative plan to that suggested by the council or by people concerned in a council area, and the clear implication was that it was to be in some way similar to the plan that first came into the Local Government Office from the council area.

However, by the Bill, the commission could provide an alternative plan completely different from the plan initiated in the local government area. That gives the commission much wider power than it has now and gives it the right to bring forward a scheme that the ratepayers have not initiated. We see further in the clause that it is almost impossible for that second alternative scheme of the commission to be rejected by the ratepayers, but I will deal with that later.

The amendment is in keeping with what the Minister said in the second reading debate that the alternative scheme of the commission should be one that modifies in part the plans that have come from the local government area. When Ministers give second reading explanations that are not clear in their intent, they deserve severe reprimand.

Honourable members should be able to accept what the Minister says without any query as to its true meaning, but in this case we were not told that for the first time the Minister was giving the commission a right to provide an alternative plan which might in no way be associated with or follow upon the initial scheme from the local government area. The amendment to lines 31 and 32 highlights the point that the alternative scheme could be quite different from the original one. It could affect a council not involved in the first scheme. I do not believe that such a council should have suddenly thrust upon it by a central body a plan which it is almost impossible to have rejected by the machinery in the Bill. That is completely contrary to the principle that many honourable members have fought for: that schemes for boundary changes should be initiated by the councils themselves and the local people themselves. People in an adjacent area may not have had the opportunity of initiation at all, yet they may find themselves tied into a new proposal.

The Hon. T. M. CASEY: I oppose both amendments, mainly because the principle of flexibility should be introduced to allow commonsense solutions to be reached in regard to boundary changes. Individual petitions are generally inadequate in their definition of boundaries and areas. If the Hon. Mr. Hill withdraws his amendments and supports the Government's amendments, which are on file, we can overcome the problem.

The Hon. M. B. DAWKINS: I support the Hon. Mr. Hill's amendments. I said earlier that I thought the commission could do a good job by giving advice that would help councils to come to a satisfactory conclusion, but I said that I hoped we would not get a centralised body with a heavy-handed approach. It is not unreasonable to suggest that a centralised body would like to get more power. It may put forward proposals that would be unreasonable to people in the local area. This clause is a foot in the door for the commission gradually to take more and more control over the adjustment of boundaries. Everyone realises that adjustment of boundaries is necessary, and this Council has supported voluntary adjustments, but the commission should not be able to come up with an alternative proposal that could be largely unrelated to the original proposal.

The Hon. C. M. HILL: In fairness to the Minister, I point out that his alternative amendment, which was put on file only a few moments ago, provides that the commission's alternative proposal will be examined by the Minister and will not proceed past the Minister if he does not approve it. The Minister said that I ought to support his amendment, but the principle involved in his amendment is still one of centralism. In this context, the Minister, the Local Government Office and the commission are one and the same. Whilst I appreciate the Minister's trying to assist through his proposed amendment, I do not think it is a sufficient check from the viewpoint of the councils and the people in the local government areas.

Amendments carried.

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

Page 4, line 32—Leave out "shall" and insert "may, if he approves the alternative proposal,"

This amendment ensures that the advisory commission is only advisory to the Minister.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 4, line 33—Leave out "and in some newspaper" and insert "in a newspaper circulating throughout the State and in some other newspaper, if any,"

By this amendment, I seek to ensure that the present drafting does not enable the Minister for the time being to advertise in a daily newspaper, which will be a newspaper circulating in the neighbourhood concerned, without publishing it in a newspaper which is a local newspaper circulating in the neighbourhood which is particularly concerned by the alternative proposal.

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

Amendment carried.

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

Line 34—After "and" insert ", upon such publication,"

Amendment carried.

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

Page 4, line 38—Leave out "fifteen" and insert "ten".

Page 5, line 4—Leave out "forty" and insert "twenty".

These amendments reduce the percentage of electors required to call a poll from 15 per cent (in the Bill) to 10 per cent; and then a poll is held. Voting at the poll must constitute a number of electors not less than 40 per cent of the electors enrolled for the area, or portion of the area, against the proposition. Further, my amendment reduces the 40 per cent in the Bill to 20 per cent. I think the principle is that, while I do not agree that a small number of ratepayers should be able to upset polls of this kind, as the Bill reads it is grossly unfair for such a percentage or number to be required where it is almost impossible for ratepayers to make their voice heard effectively. A balance must be struck to make it reasonably fair for ratepayers to carry polls of this kind. The Act ultimately should not involve a figure that would, in practice, make it almost impossible for a change to occur as a result of a poll.

The Hon. T. M. CASEY: I cannot accept this amendment. I have been through it previously, but the honourable member has a very short memory. In 1976, it was agreed, on a recommendation by honourable members from this Chamber, including honourable members on the Opposition benches, that the 40 per cent be adopted. That was agreed to in 1976, at the suggestion

of members opposite; now they want to alter it.

The Hon. C. M. Hill: No, it was not.

The Hon. T. M. CASEY: Yes, it was. All the percentages agreed to in 1976 were agreed to at a conference, and they are in the legislation. Most of those suggestions resulted in the percentages that members opposite wanted at the time; now, they want a change in that figure written into the legislation. Members opposite cannot use the argument that the Hon. Mr. Hill used just now, when they already moved that percentage in 1976, which at present obtains.

The Hon. M. B. Dawkins: No.

The Hon. T. M. CASEY: The Hon. Mr. Dawkins does not know what he is talking about. It is in the Act now. It was passed in 1976.

The Hon. M. B. Dawkins: That was the best we could get at the conference.

The Hon. T. M. CASEY: You moved the 40 per cent at the conference and now you want to reduce it to 20 per cent. Members opposite are not dinkum about it.

The Hon. C. M. HILL: The difference is that the commission under the Minister's Bill, did not have the power under the existing Act that he is giving it in this Bill.

The Hon. T. M. Casey: I am not talking about the commission; I'm talking about percentages.

The Hon. C. M. HILL: But you must tie it in with the machinery involved prior to the poll. In the existing legislation, the proposal is initiated in the local government area, and then it goes through various procedures. It is true that a strong check was written in on the previous occasion; but in this Bill the Minister is wanting it his way all along the line. He wanted that proposition where the commission could put forward an alternative proposal, about which local government knew nothing, and then he made it almost impossible for that new proposal to be rejected by the electors by stipulating 40 per cent. That is the reason for my amendment.

Amendments carried; clause as amended passed.

Progress reported; Committee to sit again.

UNIVERSITY OF ADELAIDE ACT AMENDMENT 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.

The Legislative Council agreed to a conference to be held in the Legislative Council conference room on Wednesday, March 22, at 9.15 a.m., at which it would be represented by the Hons. J. C. Burdett, B. A. Chatterton, R. C. DeGaris, C. M. Hill, and Anne Levy.

[Sitting suspended from 6 to 7.45 p.m.]

PLANNING AND DEVELOPMENT 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 intended to introduce, as a short-term holding measure, an amendment controlling shopping developments in zones other than designated business, shopping and centre zones. The measure is proposed to apply to those parts of the metropolitan planning area where zoning regulations are in force. The special control proposed by the Bill will apply to applications made on or after March 16, but will affect only those applications for shop developments on sites of more than 2 000 square metres, or sites within 100 metres of an existing shop.

Provision has been made for an application caught by the special control to be forwarded to the Minister for his consideration. The Minister is empowered to authorise the local council or the State Planning Authority to deal with the application in the normal way if, in the circumstances, that course is warranted. The Minister will be required to satisfy himself, on a number of criteria, that the shop development being proposed is essentially a local matter, in which case the Planning Authority will be authorised to deal with the application. If the Minister does not allow the application to proceed, the applicant will be entitled to appeal to the Planning Appeal Board. The Bill is, by its nature, a short-term holding measure, and its effect will cease on December 31, 1979.

One of the basic policies promulgated in the Metropolitan Development Plan was the promotion of a series of district centres which would comprise integrated shopping and commercial and community facilities, and act as a focus for their local communities. That policy was widely accepted and accorded with similar measures adopted in cities interstate and overseas. It is still appropriate and desirable. The development of integrated centres provides a high degree of accessibility for local residents to shops and personal services; to Government and professional offices; and to community facilities. Integrated centres can be more adequately served by public transport. Perhaps more importantly, they reduce the total need for travel by allowing one trip to serve a variety of shopping and other purposes. Such centres can be planned to provide a high level of amenity and to minimise the adverse environmental impacts which result from the development of major free-standing shopping and commercial buildings in predominantly residential areas.

If the promotion of such integrated centres is to be successful, co-operative action by both the State Government and local government in restraining development which is incompatible with the proposed pattern of regional and district centres is required. There is already within South Australia one major centre (Elizabeth town centre) developed according to such concepts, and similar proposals are being actively pursued both at Tea Tree Plaza and the Noarlunga regional centre. However, to a significant extent, the concept proposed in the Metropolitan Development Plan is being circumvented.

The most basic reason for this failure to achieve the objectives of the plan is the ability, under current development control arrangements, for major shopping developments to be sited in free-standing locations outside the designated shopping zones. Such developments have exploited a provision in the zoning regulations which was designed to allow councils some flexibility to approve, in residential zones, small local shopping developments serving the immediate needs of local residents. Instead, in many instances that provision has been used to enable major retail developments to go ahead in residential and industrial zones creating severe problems in terms of local amenity, traffic generation, and so on.

At present there is no satisfactory means to ensure that individual development proposals are in line with the Metropolitan Development Plan and are considered in the light of their impact on the development of proposed integrated centres or on the transport network. Under the current provisions of the Act there are only two indirect and somewhat negative means by which State Government planning and servicing agencies may intervene in the

taking of decisions on such proposals. These are, first, by means of third-party objections and subsequent appeals against council decisions or, secondly, by the State Planning Authority determining applications called in to it. The latter course is entirely dependent upon the State Planning Authority having prior knowledge of an application that will affect an adjoining council and, in addition, the support of that adjoining council. Essentially, both measures are quite unsatisfactory, uncertain, time-consuming and costly, and inappropriate as a means of implementing such a basic Government policy. It is this problem that the present measure is designed to overcome.

There have also been other problems and inadequacies in past attempts to implement the policies proposed in the plan. Local government has been left to assume virtually the full responsibility for assessing and controlling such major retail developments. However, councils often do not have the full range of required expertise or the resources to take account of the wider implications of such developments. As mentioned previously, the State planning agencies which do have such resources and which are rightfully looked to in such matters by the Government, councils and the community have been denied a significant role. In some instances councils may feel obliged to allow undesirable developments to proceed due to their inability to bear the full cost of expensive appeal procedures.

In summary, the current South Australian position is unacceptable and, indeed, the view has been expressed by numerous retailers and developers that the planning and development control system in metropolitan Adelaide in relation to the development of shopping centres is the most lax in Australia. By contrast, the Perth Metropolitan Region Planning Authority determines all proposals for major retail developments and is advised in retail policy matters by a widely representative retail consultative committee.

These various problems indicate a need for a basic and thorough review of those aspects of the Metropolitan Development Plan, and existing development control procedures, which deal with retail and centres development. The Government is committed to carrying out such a review and has already commenced the first stage of this process through the commission of a metropolitan centres study. The study will develop clearer policy guidelines and lead to the revised designation of regional and district centres. Close and frank discussions between Government departments, councils, developers and retailers, and community groups, will be essential if the policies which are developed are to best serve total community needs. Key issues will need to be discussed widely before final recommendations are put to the Government.

It is proposed that a retail consultative committee be established comprising nominees of the State Government, retailers, developers and local authorities. The committee will provide an appropriate avenue for reviewing the progress of the study and for discussing retail policies on an on-going basis. Early indications from the work of the metropolitan centres study to date indicate that most retailers and developers accept the need for more effective policies relating to shopping centre developments, and would favour more effective control over retail developments.

Discussion of more effective policies and controls will almost inevitably result in a marked increase in the number of applications received by councils for retail development in residential and industrial zones as indeed has happened in similar circumstances interstate. The effectiveness of new policies and controls arising from the review of present measures could well be pre-empted and undermined by major shopping developments proceeded with in the meantime, and accordingly the short-term holding measure proposed by this Bill is urgently required. The Bill does not apply retrospectively, and will only affect applications made on or after March 16. 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 is the only operative clause of the Bill. It proposes the insertion of a new section 36c in the principal Act, and the provisions of the proposed new section can conveniently be dealt with *seriatim*. Subsection (1) is formal and self-explanatory. Subsection (2) limits the application of the Bill to land that lies within a "use zone" within the metropolitan planning area being a zone not specifically set aside for shops.

Subsection (3) ensures that the Bill only applies to applications made on or after March 16 and on or before December 31, 1979, and, furthermore, will only affect applications relating to sites of more than 2 000 square metres, or sites within 100 metres of an existing shop. The subsection provides that the local council and the State Planning Authority are prohibited from dealing with such applications. Subsection (4) requires that the council or the authority, as the case may be, must forward affected applications, with its report thereon, to the Minister. Subsection (5) allows the Minister to authorise the local council or the State Planning Authority, as the case may be, to deal with the application in the normal manner under certain circumstances. In doing so, the Minister must be satisfied that the proposed shop development conforms to the development plan and zoning regulations, that it will not generate significant traffic or require traffic works, and will not detrimentally affect the development of designated shopping zones.

Subsection (6) provides that the relevant planning authority may deal, in the normal manner, with applications which the Minister has authorised it to deal with. Subsection (7) provides the applicant with a right of appeal to the Planning Appeal Board where the Minister has not authorised the relevant planning authority to deal with the application. Subsection (8) requires that the Planning Appeal Board considers the same matters as the Minister was required to consider, and allows the board to dismiss the appeal or direct the Minister to authorise the State Planning Authority or the local council to deal with the application. Subsection (9) ensures that the normal procedural matters relating to appeals apply also to appeals under this section.

The Hon. R. C. DeGARIS (Leader of the Opposition): I pay a compliment to the Minister for Planning (Hon. Hugh Hudson) because, although this Bill comes to the Council just before the close of the session, the Minister took Opposition members into his confidence regarding it. Indeed, our three suggested amendments have already been incorporated in the Bill.

This is a short-term measure designed to overcome a problem which exists and which is recognised by Opposition members. The Bill will expire in December, 1979. A problem exists in relation to the development of shopping centres, particularly in the zones to which the Minister referred in his second reading explanation.

The Opposition agrees, first, with the termination date of December, 1979; secondly, with the size of the shopping

centres involved (that is, those greater than 2 000 square metres) and with the situation thereof (that is, those within 100 metres of an existing shop); and, thirdly, with the appeal provisions contained in the Bill. The Opposition has had a couple of days to consider this matter and is willing to support the Bill as it stands. I therefore support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Leader for his comments. Although it is unfortunate that our time is limited, I appreciate the support given to the Bill by members opposite.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2 and title passed.

Bill read a third time and passed.

Progress reported; Committee to sit again.

Later:

Clause 2 and title passed.

Bill read a third time and passed.

MINING ACT AMENDMENT BILL

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

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1978

Adjourned debate in Committee (resumed on motion).

(Continued from page 2328.)

Clauses 16 and 17 passed.

Clause 18—"Defaulting councils."

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

Page 6, line 24—Leave out "ten" and insert "three".

Last year, a Bill was introduced to deal with the problem that existed in the Meningie council, and that Bill expires at the end of May. Similar provisions contained in this Bill are made permanent.

I support the concept that the Minister should cause a report to be made to both Houses of Parliament. It is essential that that should happen in emergency conditions. However, I query the suggestion of 10 sitting days. The House usually adjourns at the end of November or early in December each year, and an emergency could arise shortly thereafter.

Although it is not now likely that the House will remain out of session until the following June, it is possible, if good progress is made during the session, that the House may sit for only two or three weeks in March or April, in which event there may be only six, or at the most nine, sitting days at that time. So, if the House adjourned until July, even though an emergency occurred in December, the Minister might not be obliged to make the report to Parliament until the following July.

It is wise that the Minister should have to cause a report to be given to both Houses of Parliament within three, and not 10, sitting days of a proclamation being made. This would mean that the period between the emergency and the making of a report to Parliament could indeed be reduced. I commend the amendment and ask the Minister to accept it.

The Hon. T. M. CASEY: I am afraid that I must disappoint the honourable member, who seems to be creating furphies. No-one knows when a crisis will occur. If Parliament adjourns from the end of November until the second week in February and if a crisis arises in that period, the three days of sitting would not be operative and would defeat the whole purpose of the exercise. The Minister must have time to compile a just and comprehensive report for the Parliament. An administrator may have to be appointed almost immediately, and we should not expect a Minister to compile a comprehensive report in such a short time. The honourable member may be satisfied if the Minister tells Parliament that he has appointed an administrator. I think that 10 days gives the Minister the necessary time. It may be that that is too long in some cases, but we must give the Minister and the department time to report.

The Hon. M. B. DAWKINS: Surely the Minister will not appoint an administrator unless he is absolutely sure of the whole situation and knows why he has to make the appointment. Therefore, it should not cause him any trouble to report to Parliament on what happened. I cannot see why 10 days would be needed. Any responsible Minister would satisfy himself of the circumstances before he took the action.

The Committee divided on the amendment:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (8)—The Hons. 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.

Pairs—Ayes—The Hons. Jessie Cooper and R. C. DeGaris. Noes—The Hons. D. H. L. Banfield and B. A. Chatterton.

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

Amendment thus carried; clause as amended passed.

Clause 19—"Delegation of powers of council to its officers."

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

Page 6—line 43—Leave out "or lending".

Line 45—After "council" insert "not set out in a budget approved by the council"

Page 7, lines 1 and 2—Leave out all words in these lines.

These amendments are a result of discussions with counsel.

Amendments carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—"Local government auditors' certificates."

The Hon. K. T. GRIFFIN: I move:

Page 7, lines 37 to 40—Leave out all words in these lines.

At present the three people responsible for inquiring into the qualifications of any person applying for a local government auditor's certificate are the Auditor-General, an officer of the Public Service, and another person appointed for the purpose. Paragraph *(b)* of this clause seeks to provide that the third of the three people to whom I have referred may also be an officer of the Public Service. I seek in my amendment to exclude that possibility. At least one of the three people inquiring into this matter ought to have had some background in private practice.

The Hon. T. M. CASEY: I cannot accept the amendment. I stress that paragraph *(b)* provides that the person "may be" an officer of the Public Service: it does not stipulate that the person must be an officer of the Public Service. The Minister should have as much flexibility as possible in making these appointments. If there is a capable person outside the Public Service with the necessary qualifications, there is a distinct possibility that he will be given the opportunity of fulfilling the role.

The Hon. J. C. BURDETT: I support the amendment, because it is important to ensure that local government is separated from the State Government and does not become too tied up with any Government department. The Hon. Mr. Creedon has often said that the important

thing about local government is that it is local. We must avoid the possibility of Government departments having too much influence on local government because, if they did, there would be the danger of local government becoming merely an arm of a Government department.

The Hon. T. M. CASEY: I cannot follow the honourable member's argument. Most outside auditors are not members of local government: they are people in private practice. An outside auditor may not even live in the area of the council involved. The Government is trying to get the best man for the job. It would be crazy to avoid using the services of a public servant if he was the best man for the job. A man in private practice will not necessarily have any special interest in local government.

The Hon. J. C. BURDETT: The point is that many people in private practice will be fully competent to do the job, and there is therefore no need to bring another Public Service officer into it.

Amendment carried; clause as amended passed.

Clause 23—"Repeal of Part VI of principal Act and headings thereto and enactment of Part in its place."

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

Page 8, line 26—After "company" insert ", being a body corporate or a natural person of or above the age of majority,".

Line 28—After "subsection" insert "or this paragraph"

Line 35—After "persons" insert ", being a body corporate or a natural person of or above the age of majority,"

These are drafting amendments.

Amendments carried.

The Hon. T. M. CASEY moved:

Page 8, lines 44 to 48—Leave out all words in these lines and insert "upon the council".

Amendment carried.

The Hon. T. M. CASEY moved:

Page 9, line 38—Leave out "persons" and insert "bodies corporate or groups of persons".

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 10, line 2—After "persons" insert "or groups of persons".

This is a similar amendment to that moved by the Minister and it merely tidies up certain aspects of drafting, much the same as the next amendment does.

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

Amendment carried.

The Hon. K. T. GRIFFIN moved:

Line 7—Leave out "such person" and insert "body corporate or group of persons".

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

Amendment carried.

The Hon. T. M. CASEY moved:

Page 10, after line 13—Insert subclause as follows:

(3a) The Governor may make regulations relating to the preparation and maintenance of voters' rolls and the evidence upon which the entitlement of persons or groups to be enrolled thereon may be examined and determined.

Amendment carried; clause as amended passed.

Clause 24 passed.

New clause 24a—"Day of nomination."

The Hon. T. M. CASEY moved to insert the following new clause:

24a. Section 104 of the principal Act is amended by striking out from subsection (1) the passage ", in the case of a municipality, at a place fixed by the council, and in the case of a district, at the district office," and inserting in lieu thereof the passage "at the office of the council".

New clause inserted.

Clauses 25 to 27 passed.

Clause 28—"Enactment of Part VIIA of principal Act."

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

Page 15, lines 40 and 41—Leave out new section 142k.

I do not believe that section 142k should be in the Bill; there should be the normal recourse to the appeal provisions.

The Hon. T. M. CASEY: The wording in this new section is exactly that of section 186 of the Electoral Act, and it would be counter-productive if the honourable member removed this clause from the Bill. The object is to solve electors' disputes quickly and to allow the new council to function. It is written into the Electoral Act and there is no reason why it should not be written into this legislation. I oppose the amendment.

Amendment negatived; clause passed.

Clauses 29 to 33 passed.

Clause 34—"Right to demand poll."

The Hon. K. T. GRIFFIN: I move:

Page 17, after line 35—Insert paragraph as follows:

(aa) by striking out from subsection (2) the passage "the day subsequent thereto" and inserting in lieu thereof the passage "the period of fourteen days commencing on that day";

This clause deals with the calling of a meeting of electors to approve a special rate. There is a provision for those who attend the meeting to require a poll. Under clause 34, it is proposed that 10 per cent or more of the electors shall be reckoned to be the number required for calling a poll, but it is provided that that request for a poll must be made on the day of the meeting or the day subsequent thereto. I submit it will be virtually impossible to gather the signatures of 10 per cent of the ratepayers to require a poll on the day of the meeting or the day subsequent thereto; therefore, the period of time should be extended to a more reasonable time, such as 14 days, which is included in my amendment.

The Hon. T. M. CASEY: I do not altogether disagree with what the honourable member is trying to do here but it is not up to me to make this decision; I would sooner the honourable member took this further at a later stage. For that reason I oppose the amendment at this stage but I think this can be resolved later and I would leave it at that for the time being. So I oppose the amendment at this juncture.

Amendment carried; clause as amended passed.

Clauses 35 to 39 passed.

Clause 40—"Payment of council moneys."

The Hon. T. M. CASEY moved:

Page 19, line 5—Leave out "such cheque" and insert "a cheque drawn for that purpose in accordance with that subsection".

Amendment carried; clause as amended passed.

Clauses 41 to 57 passed.

Clause 58—"Power to demand poll."

The Hon. M. B. DAWKINS moved:

Page 25, line 30 — Leave out " 'forty' " and insert " 'twenty' ".

The Hon. T. M. CASEY: I understand that the word "forty" was inserted expressly at the wish of the councils. They were adamant about the increase and, if we are to allow local government to have a say, I cannot accept the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins (teller), R. C. DeGaris, 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), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy,

and C. J. Sumner.

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

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

Amendment thus carried; clause as amended passed.

Clauses 59 to 65 passed.

Clause 66—"Waste or impure liquids."

The Hon. T. M. CASEY moved:

Page 27, line 32—After "from any " insert "land or".

Amendment carried; clause as amended passed.

Clauses 67 to 69 passed.

Clause 70—"Repeal of Divisions I and II of Part XXXIX of principal Act and enactment of Divisions in their place."

The Hon. T. M. CASEY moved:

Page 31—line 5—Leave out "of the municipality".

Lines 15 and 16—Leave out "of the municipality".

Line 19—Leave out "The Bus and Tramways Act, 1935-1975," and insert "the State Transport Authority Act, 1974-1977,".

Line 20—Leave out "within the municipality".

Line 24—Leave out "within the municipality".

Lines 26 and 27—Leave out "within the municipality".

Page 32—Lines 27 and 28—Leave out "within the limits of any municipality".

Lines 41 and 42—Leave out ", and of the full age of twelve years acting as conductor of any licensed vehicle".

Page 36, line 46—Leave out "municipality" and insert "area".

Page 40, line 43—Leave out "within the municipality".

Page 43, line 39—Leave out "within the district".

Page 44, lines 39 to 48—Leave out all words in these lines.

Page 45, lines 1 to 33—Leave out all words in these lines.

Page 46, line 27—Leave out "within the municipality".

After line 32—Insert paragraphs as follows:

XXXVIIa Except as aforesaid, for authorising and regulating the construction or erection of boathouses, sheds, landing-stages, stands, or other buildings, and determining the rents or fees payable in respect thereof; for regulating the rights of admission thereto by the public; and for fixing the charges to be charged therefor:

XXXVIIb Except as aforesaid, for regulating the tolls, fares, and charges payable by the public in respect of the use of the waters of any such lake, dam, river, water-course or pond:

XXXVIIc Except as aforesaid, for regulating fishing and angling in any such lake, dam, river, water-course, or pond:

XXXVIId For regulating or prohibiting fishing from any bridge, jetty, pier, wharf, ferry, or other structure vested in or under the care, control, or management of the council:

XXXVIIe Subject to section 671, for regulating, controlling, or prohibiting the use or occupation of any portion of the foreshore under the care, control, or management of the council and any reserve adjacent to any such foreshore:

XXXVIIf Subject as aforesaid for regulating the speed of motor vehicles along or on any such foreshore or any part thereof:

XXXVIIg Subject as aforesaid, for regulating, controlling, or prohibiting the removal of sand, shells, seaweed, or other material from any such foreshore:

XXXVIIh Subject as aforesaid, for fixing and regulating the collection of fees to be paid for licences to use or occupy any such foreshore or reserve or portion thereof, or to remove sand, shells, seaweed, or other materials from any such foreshore:

XXXVIIi Subject to the Harbors Act, 1936-1974, for the management of any ferry to which Part XXIX applies and the approaches thereto:

XXXVIIj Subject as aforesaid, for fixing the tolls to be levied and the fares to be charged for the conveyance of passengers, horses, cattle, sheep, and other goods and chattels of any kind by any such ferry; and for the collection of tolls and fares:

XXXVIIk Subject as aforesaid, for fixing the times for using any such ferry; and for otherwise giving effect to the provisions of Part XXIX:

Page 48—After line 34—Insert paragraph as follows:

XVIa Generally for the good rule and government of the area, and for the convenience, comfort, and safety of the inhabitants thereof:

After line 39—Insert subclause as follows:

(2) Any by-laws in force immediately before the commencement of the Local Government Act Amendment Act, 1978, shall, to the extent that they are consistent with the provisions of this Act, as amended by that Act, have the same effect as if they had been made under this Act, as amended by that Act.

Amendments carried; clause as amended passed.

Clauses 71 to 85 passed.

Clause 86—"Realignment of street or road."

The Hon. T. M. CASEY moved:

Page 56, lines 8 to 12—Leave out all words in these lines and insert subclause as follows:

(13) The council may at any time, notwithstanding anything contained in this Act, abandon the realignment proposal and may, where land has been acquired by the realignment method, offer the land for sale to the owner from whom it was acquired or his successor in title.

Amendment carried; clause as amended passed.

Remaining clauses (87 to 90), schedule and title passed.

Clause 23—"Repeal of Part VI of principal Act and headings thereto and enactment of Part in its place"—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): An amendment to this clause moved by the Minister of Lands was carried previously. I understand that the roll will become permanent in relation to the nomination of people voting on behalf of companies and aliens. This does not make much difference in relation to corporations or companies, but I do not believe that this should apply to aliens. Once an alien is placed on a roll, there is no way of checking whether that person is still in the district or entitled to vote. I consider, therefore, that the annual registration of an alien should be preserved. The correct procedure would be for the Committee to leave the clause as originally drafted.

The Hon. T. M. CASEY: Perhaps I could explain why this amendment was made. It removes the requirement that resident voters in local government elections, that is, persons resident in an area or ward but not on the House of Assembly roll, must make an annual application for enrolment. This relates to unnaturalised people, of whom there are many in the community. This requirement was designed to overcome any difficulties that councils might find in enrolling and updating the enrolment of resident voters.

It is considered that this approach, to a large extent, defeates the purpose of granting residents the right to vote, and instead residents will be required to apply for enrolment once only. The other amendment ties in with this. It is designed to provide an alternative means by which enrolment of resident voters may be updated by councils. It is proposed that under this provision regulations will be made setting out tests that may be

applied by councils to examine and determine whether resident voters already enrolled should continue to be enrolled.

At present, aliens must enrol annually. The Government is trying to give them ways by which, having got on the roll, aliens need not continue to apply annually. The amendment will enable councils to determine whether such voters, having been enrolled, should continue to be enrolled. There are many non-naturalised people who are ratepayers and who are, therefore, entitled to vote. As the Government considers this to be the best way achieving its objective, I ask the Committee to accept the clause as amended.

The Hon. R. C. DeGARIS: I understand what the Minister is saying. However, there is no way of knowing whether an alien is still living in a district in which he was previously enrolled. In the case of a person enrolled on, say, the House of Assembly or a Federal roll, the Electoral Office knows whether or not he is still residing in a certain area because such a person must advise of any change of address. However, this does not apply to aliens. It is therefore reasonable to require an alien, if he is to vote at a local government election, to enrol with the council each year.

I do not object regarding the company or the nominee of the company or corporation, but I have to draft another amendment, and I suggest it would be better to leave things as they are.

The Hon. J. C. BURDETT: I support the Hon. Mr. DeGaris. I cannot see any hardship being caused by an alien having to register every 12 months, and there would be little other way of making sure he was entitled to vote. The proposed new subsection (3a) says nothing about aliens or companies. It is alarming that, by regulation, the entitlement to vote can be determined. It is democratic for a person to know, from the Act, whether he has the right to vote. If you deprive him of the evidence of his right to vote, you deprive him of the right to vote. I support the clause without the amendments.

The Hon. M. B. DAWKINS: I, too, support what the Hon. Mr. DeGaris has said. I am a little concerned about companies and corporate bodies, which I think until now have had to register their nominee by about March, before the election, and then they do not have to register the nominee again until they change the nominee. I ask the Minister whether new section 88 (2) refers only to subparagraph (ii) of paragraph *(a)* of subsection (1). If so, the deletion of the last four lines on the page would merely withdraw the right of aliens to register each year, not the right of companies.

The Hon. T. M. CASEY: I think the Hon. Mr. Dawkins said that nominees of companies had to register every year.

The Hon. M. B. Dawkins: No, I said that they registered about March and did not register again until their nominee was changed.

The Hon. T. M. CASEY: It is every year. Why should not non-naturalised Australians be given the opportunity to vote? We are making it easier for them to get on a roll for which they do not have to reapply annually. It would be difficult for councils to keep track of owners and occupiers who were naturalised Australians.

The Hon. R. C. DeGaris: They can use the ordinary rolls.

The Hon. T. M. CASEY: Movement in population is so vast that councils have to door knock now, to keep track of owners and occupiers. A non-naturalised person who was on a local government roll and who changed his address could be dealt with in the same way. We think non-naturalised persons should be recognised as ratepayers and given the same facilities as naturalised Australians have.

The Hon. M. B. CAMERON: I understand why the Minister is trying to do this, but these people are getting something that they have not got as taxpayers. We are not denying them anything. Do we next give them a vote at State Government or Federal Government level? They, as ratepayers, are getting an advantage that they do not have as taxpayers.

The Hon. J. C. BURDETT: New subsection (3a) relates not only to nominees of companies and aliens but to any person entitled to enrol. The typical case of a person entitled to be enrolled is if a person is enrolled for the House of Assembly. It seems to me that, if we pass the new subsection, it would be possible and *intra vires* for the Governor to make regulations providing that, before an elector enrolled for the House of Assembly can be placed on the roll, he would have to provide evidence of that in the form, say, of a statutory declaration.

I do not suggest for a moment that that would be done, but I want to demonstrate that the regulation-making power is much wider than a concern with nominees of companies and aliens: it applies to all persons entitled to be enrolled. It is unnecessary to have such a wide regulation-making power.

The Hon. R. C. DeGARIS moved:

Page 8, lines 44 to 48—Reinsert all words in these lines.

The Hon. C. J. SUMNER: I support the Minister's previous amendment and oppose the Opposition's approach. The Opposition likes to give with one hand and take away with the other. On the one hand, the Opposition is saying, "Let us give all residents a vote, " but on the other hand it is saying, "Unlike others, these people have to get on to the roll every year." Effectively, the Opposition is taking the vote away from aliens by making the situation almost impossible. I challenge the Hon. Mr. Hill, the Opposition spokesman on ethnic affairs, to say where he stands on this issue. The Poverty Commission and the Committee on Community Relations that was set up by Mr. Grassby both recommended that aliens be allowed to vote in local government elections.

In some sections of large cities, migrants represent up to 40 per cent of the population yet those who are aliens will not have any effective say in local government. They are encouraged to participate in the Australian community in other respects, yet the Opposition is now seeking to deny them an opportunity of doing so. I can see why there ought to be a distinction at the Federal level and the State level but at the local government level migrants should be able to participate in the affairs of the Australian community. The Opposition is saying, "We will give them the right theoretically to vote, provided that they go to the council office every year and enrol." That is not giving them an effective say. They should be able to enrol once and then, under suitable conditions, remain on the roll.

It will not mean that the roll will become out of date; people can enrol at year one and still remain on the roll at year five, provided that they are still resident in the area. The policing of that can be done by regulation, as provided for in the second part of the Minister's amendment, which members opposite should seriously consider supporting.

Amendment negatived.

The Hon. C. M. HILL: This clause goes too far in regard to the regulation-making powers. I see no reason for it, so I move:

That this clause be deleted.

The Hon. T. M. CASEY: This clause is consequential on the one we have already decided should be amended; it is part of the whole deal. In order that this matter may be resolved so that councils can get on with the job of getting

these rolls in order, they should be given power under regulations to do so.

The Hon. R. C. DeGaris: You can't give more powers by regulation.

The Hon. T. M. CASEY: This amendment is designed to provide alternative means by which the enrolment of residents may be updated by councils. Giving the powers in that respect is essential as the first amendment was carried.

The Hon. R. C. DeGaris: But we cannot give any more powers by regulations. The Act provides the powers; the regulations are only the administrative part. There is no reason for a clause such as this, which could require every person on the roll to provide a statutory declaration that he is on the voters' roll. That would be ridiculous.

The Committee divided on the motion:

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), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

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

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

Motion thus carried.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 6 to 8, 12 to 14, 16 to 23, 25, and 27 to 45, but had disagreed to amendments Nos. 1 to 5, 9 to 11, 15, 24, and 26.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments to which the House of Assembly had disagreed.

The amendments are not consistent with the spirit of the Bill, and I ask the Committee to vote accordingly.

The Hon. R. C. DeGARIS (Leader of the Opposition): I suggest that, as the amendments are consistent with the spirit of the Bill, they be insisted on.

The Committee divided on the motion:

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

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

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

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room on Wednesday, March 22, at 10.30 a.m., at which it would be represented by the Hons. T. M. Casey, M. B. Dawkins, R. A. Geddes, K. T. Griffin, and C. J. Sumner.

LICENSING ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to overcome a problem that has arisen in Whyalla. The Corporation of the City of Whyalla presently owns the Foreshore Motel and leases it to the present licensee. At the conclusion of the lease, the council hopes to operate the motel in its own right. The present Bill is designed to enable the council to do this. Certain other States' local authorities, particularly in the more remote areas, operate hotels and motels to provide a service to the community and encourage tourism. The Government believes that it is desirable to enable local governing authorities to enter into such ventures in this State. Hence, the Bill enables a council to hold a full publican's licence, a limited publican's licence, or a restaurant licence. 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 inserts a definition of "council" in the principal Act. Clause 3 deals with the declarations to be furnished by a council upon application for a licence. Clause 4 empowers a council to hold a full publican's licence, a limited publican's licence, or a restaurant licence.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

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

Consideration in Committee.

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

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

The Hon. R. C. DeGARIS (Leader of the Opposition): The present position is exactly reflected in how we have amended the Bill, except that two justices will sit with the two judges as set out in the Act. No-one can say that the existing system does not work well.

The Hon. F. T. Blevins: That does not mean it cannot be improved.

The Hon. R. C. DeGARIS: The improvement was made 20 years ago when the change was made regarding two justices sitting with a special magistrate. Until the time of that change adoptions were undertaken in a purely court atmosphere. Of the two justices, one is to be a woman. Subsequently, everyone involved with adoptions that I have encountered has referred to the remarkable change that took place in the adoption procedure when it was moved from the court atmosphere to a more informal atmosphere. I refer to the ultra-conservative attitude that the Government adopts. No argument can be advanced to suggest that the system of adoptions was not improved greatly with the implementation of the present system. The Government has not advanced any good reason to change the system which works satisfactorily. I ask the Committee to disagree to the motion.

The Committee divided on the motion:

Ayes (9)—The Hons. D. H. L. Banfield, F. T.

Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

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

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

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council committee room on Wednesday, March 22, at 10.30 a.m., at which it would be represented by the Hons. F. T. Blevins, J. C. Burdett, M. B. Cameron, B. A. Chatterton, and R. C. DeGaris.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

Its principal object is to provide a completely new scheme for the regulating of parking throughout council areas. As the Local Government Act now stands, individual councils have power to make by-laws regulating parking within their areas. A recent investigation has revealed that there are variations from council to council, and that a motorist is in some difficulty in ascertaining the obligations cast upon him in relation to parking. These discrepancies have led to adverse criticism of local government authorities which is sometimes difficult to refute. A further difficulty arises from the fact that parking is regulated by a council by way of resolution, and it is extremely difficult for the ordinary man in the street to ascertain the exact position in any one instance, even if he were to get copies from the council of its parking resolutions.

It is intended that the whole matter will be dealt with by way of regulations, as this will provide greater flexibility for amendment, and will provide a complete code of offences and penalties. Councils will still have the power to decide upon the way in which various streets and roads, and so on, will be regulated in their own areas, but the method of such regulation will be governed by the regulations made under the Act. It is contemplated that the regulations will simply provide that a motorist need only obey the signs and marks erected or placed by a council, and of course the regulations will ensure that there is complete uniformity throughout council areas in the way in which signs and marks are to be provided. 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, and for the suspension of operation of any clause should be the need arise. Clause 3 effects a consequential amendment. Clause 4 repeals two sections of the Act, one dealing with the appointing of taxi stands, and one dealing with the declaration of prohibited areas. Both these matters will be provided for by the regulations.

Clause 5 repeals the Part of the Act that provides for parking meters and parking stations, and inserts a new Part dealing with parking generally. New section 475a provides the widest possible regulation-making power. Certain matters will be prescribed by the regulations themselves, for example, the prohibition against parking within a certain distance of traffic signals. In all other respects, a council may regulate, restrict or prohibit parking in public places within its area, in accordance with the regulations. The regulations may specify certain exemptions, and it is proposed that such classes of vehicles as, for example, vehicles used by or for persons with a severe physical handicap will be dealt with in this manner.

New section 475b empowers a council to grant special exemptions in such circumstances as it thinks fit. New section 475c provides that parking signs, and so on, need only substantially conform to the regulations (or regulations under the Road Traffic Act) in order to be valid. This means that, for example, a discrepancy of a few millimetres does not invalidate a particular sign or mark. New section 475d provides that any person carrying on a business in the name of which a vehicle is registered is deemed to be the owner thereof. New section 475e provides certain necessary evidentiary provisions for the facilitation of prosecutions. The usual so-called "owner/onus" provision is provided. It is made quite clear that no person can call in question the actions of a council in erecting signs, etc. (A defendant, of course, may still establish that a sign was not in fact erected at all, or that a sign was there, but did not conform to the regulations.)

New section 475f provides that a person has a defence if he had to contravene the regulations in order to avoid accident, or to comply with directions of a police officer or council officer. New section 475g provides that a council, or a council officer, is not liable to any person merely because of the exercise in good faith of any powers under this Part. New section 475h provides that a council may provide car parks and parking stations, and may make by-laws for the purpose.

Clause 6 repeals the various powers to make by-laws in relation to the parking or standing of vehicles. Clause 7 deletes some words from section 679 of the principal Act that were inadvertently left in that section as set out in the first amending Bill of 1978. Clause 8 inserts two new sections. New section 794a provides that any prescribed offence may be expiated. This section replaces the existing provision in the Police Offences Act. The latter Act now seems to be an inappropriate "home" for such a provision. New section 794b provides that prosections for offences under the Act must not be commenced without the approval of the Commissioner of Police or the appropriate clerk of the council. It is inappropriate that private citizens should prosecute for offences without such prior approval. Clause 9 effects another minor consequential amendment to the Act, as amended by the first amending Bill of this year.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2276.)

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

his second reading explanation, the Minister said that this Bill is designed to protect the revenue received from stamp duty in two respects. In order to carry on insurance business in South Australia, a company must hold a licence, and the duty payable thereon is based on the premiums received by the company. These provisions are at present under legal challenge. If the present Act is held to be invalid, revenue to the Treasury will be affected, on the Government's estimate, by $1 800 000 a year.

The Bill continues the liability for companies to pay duty at present rates, but applies it on an annual return basis. Certain parts of the Bill will not be proclaimed unless, as I understand it, the court judgment goes against the Government in relation to existing stamp duty legislation. It will apply if the court finds a certain way and the State's revenue will be so protected. Although I do not object to the procedure, this seems to be a strange way of going about the matter.

I stress that we in South Australia are imposing a tremendous burden on life assurance societies. It has been argued before, and the facts have been given in the Council, that about 99 per cent of premiums collected in this State go to mutual societies in which there are no shareholders. In fact, the beneficiaries are the policy holders themselves.

It is interesting to look at the returns to the State Treasury in the various States. In Victoria, the figure payable to the State Treasury from total premiums collected is ·35 per cent; in South Australia, it is 1·16 per cent; in New South Wales it is ·45 per cent; in Tasmania it is ·5 per cent; in Queensland, the figure is ·48 per cent; and in Western Australia nothing is payable. The stamp duty or licence fees collected in the various States are: Victoria $370 000, South Australia $230 000, New South Wales $294 000, Tasmania $28 000, Queensland $102 000, and Western Australia nil.

So, it can be seen that South Australia is well ahead of every other State in relation to the collection of stamp duties of this type, mainly from mutual societies. We are, therefore, virtually taking money out of people's pockets in relation to the stamp duty applied in this State. In the licence year ended December 31, 1968, the rate was ·5 per cent. Now, the rate is up to 1·5 per cent, and this financial year $256 000 is expected to be received from this form of revenue. I point that out, because this is certainly a large rip-off in relation to State taxation. South Australia is collecting more than double the nearest State to us in this form of taxation.

I hazard a guess that, if one examined all stamp duties in this State, one would see that the impost here is higher than that in most other States. On many occasions, members in this place have said that if this State is to remain viable in competition with the other States we must examine carefully the question of taxation costs here.

The life offices at present have not taken any action against South Australia's policy holders. In other words, the life offices would be correct in saying that, because the impost in South Australia is more than double that in any other State, the bonuses that apply in South Australia should be reduced. So far, that has not happened, although I suggest that it would be a reasonable thing for any life office to do. After all, why should the policy holders in, say, Queensland or Western Australia, because their State Governments do not impose such a heavy stamp duty burden on the people, subsidise the bonuses payable in South Australia? If one examines that matter, one will see that it is a perfectly logical argument. Although the life offices have not moved in this direction, it would be a reasonable policy for them to adopt.

The Bill also makes a new provision regarding share transfers. Where a register of a company is established outside the State and where no duty is payable, the Bill applies stamp duty up to the level applying in South Australia. That is a reasonable provision, and I have no objection to it.

Whilst I think I know that the Government is doing by clause 8, I oppose it. I cannot see why the Government should exempt any body or authority established by Statute from the payment of duty under the Act. Most of those bodies are in competition with the private sector. If they are not, I do not think it matters. Why should an authority have an exemption when people cannot see exactly how that authority is operating in the cold world of the private sector?

The matter goes further than that. This provision would allow the State Government Insurance Commission to be removed from its commitment under other legislation that has been passed. If the Government, by proclamation, decided to exempt the commission from payment of stamp duty, I believe that it could exempt it. I have taken grave objection to what the commission is doing at present in advertising in this State. Today, I heard the Hon. Mr. Sumner ask a question about advertising by Colonel Sanders chicken firm, but anyone will need a strong argument to convince me that the commission's advertising is fair.

There are ethics in the insurance profession and there are ethics regarding fair and unfair advertising. There are rules under the Trade Practices Act, and the commission's advertisements at present offend this provision. Can anyone tell me what other insurance office would advertise that the policy that people have is no good and that they should get rid of it and take out a policy with the office advertising? It would be unethical in the industry to do that, but the commission is doing it. It is claiming that it offers policies that no other offices are offering, but those policies have been available from the other companies for 30 or 40 years.

If the commission, which is responsible to a Minister in this Parliament, can get away with that kind of advertising, after the assurances that were given when the Bill was passed, clause 8 can be applied so as to remove the requirements in the Act. We know that assurances given here on such matters as sales tax have been got around and the commission is not competing on the same basis as other companies. Therefore, I will vote against clause 8 in the Committee stage. I support the second reading.

The Hon. C. M. HILL: First, I disclose an interest in regard to this Bill: I am a Director of Friends Provident Life Office, one of the larger mutual offices in Australia. I support the Bill but I also support the two principal points that the Hon. Mr. DeGaris has made. The first is a severe criticism because of the rates of tax that the Government proposes to impose on life assurance premiums.

The Hon. R. C. DeGaris: The Bill does not change that. That rate has been applicable for some time. This is a fill-in proposal in case the court case goes on.

The Hon. C. M. HILL: The point I was going to get to was that the rate seems to vary between the States and it seems unfair for this State to impose a higher rate than applies in other States. There are common charges or taxes levied (and pay-roll tax is one of them) by which the States have, by mutual arrangement, agreed to certain rates, and, with one or two exceptions that may be extended to give incentives to commerce and industry, the rates are the same throughout Australia. Therefore, it seems desirable and proper for this Government to try to treat with the other States so that the same rate will be charged in each State.

The Hon. D. H. L. Banfield: What do the other States

charge?

The Hon. C. M. HILL: The rates that I have just been able to obtain are ·35 per cent in Victoria, ·45 per cent in New South Wales, ·5 per cent in Tasmainia, ·48 per cent in Queensland, and, of course, nil in Western Australia. Compared to these relatively low rates, we have 1·5 per cent in South Australia. It may be possible to strike uniformity and for each State to be satisfied, because in this general industry when offices operate in most cases throughout Australia it would be a fair approach for the Government to take. The second point I make is that I, too, am opposed to clause 8, on the grounds that it is apparent that the Government may, by proclamation, exempt S.G.I.C.

The Hon. D. H. L. Banfield: That is not true, because under its Act the commission will have to pay it.

The Hon. C. M. HILL: This is clear in regard to the Government's power in the clause. The clause provides that the Governor (and that means the Government) may, by proclamation, exempt any body or authority established by Statute from payment of stamp duty under the Act. The Minister may reply to that, but, as I read the clause, the commission could be exempt, contrary to the many undertakings given and emphasised in this place that the commission was to be placed on the same competitive basis as private enterprise.

In view of undertakings previously given, any legislation that would give the Government an opportunity to give a special advantage to the State Government Insurance Commission should be strenuously opposed.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for considering the Bill. The Government is willing to take up with other States the possibility of their coming into line with this State.

The Hon. C. M. Hill: That is not what I asked for.

The Hon. D. H. L. BANFIELD: Whose rate are we going to strike? We are willing to take up with other States the fact that the Opposition wants us to ask them to make the rate uniform, and we will suggest that it be the same as in South Australia.

The Hon. C. M. Hill: I did not say "the same as in South Australia". You know that.

The Hon. D. H. L. BANFIELD: The honourable member has asked me to take up the matter but, as soon as I agree to do so, he is not satisfied with my reply. New section 114 (1) provides:

> The Governor may, by proclamation, exempt any body or authority established by Statute from the payment of duty under this Act.

The Opposition knows very well that the State Government Insurance Commission operates under the same conditions as does any other insurance company. I am willing to give an undertaking that it is not the Government's intention to exempt the State Government Insurance Commission.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Exemption from stamp duty."

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the clause, because I do not see any reason for it. If the clause is struck out, the Government will not be able, by proclamation, to exempt any authority from the payment of duty. I see no reason why an authority should not pay stamp duty. If the Government wishes to refund the sum involved to the authority, it can do so.

The Hon. D. H. L. BANFIELD (Minister of Health): The argument during the second reading debate centred around the State Government Insurance Commission. I have already given an undertaking in this connection. The Opposition may like to consider moving an amendment along the lines that other authorities, apart from the State Government Insurance Commission, can be exempted from paying duty; for example, the Festival Theatre and State Opera. If honourable members have any fears in relation to the State Government Insurance Commission, the Government would be willing to consider an amendment in this connection.

The CHAIRMAN: Since this is a money clause, if it is struck out, it can only be a suggested amendment to the House of Assembly.

The Committee divided on the clause:

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

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

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

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

Clause thus passed.

Clause 9 and title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2271.)

The Hon. M. B. DAWKINS: I support the Bill with much regret, because the Government did not support the Hon. Mr. Burdett's Bill at an earlier stage. I refer to an editorial in last week's *Advertiser*, some of which was referred to by the Hon. Mr. Burdett, as follows:

> 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.
>
> Late on Tuesday night the Chief Secretary (Mr. Simmons) introduced an amendment to a Bill amending the Police Offences Act. The original Bill dealt with powers of arrest for offences committed outside South Australia but the Government decided to add another amendment increasing the penalty for publishing indecent matter from $200 to $2 000, and removing from the Police Offences Act the definition of indecent material.

I hope to support an amendment to see that that definition is not deleted. The editorial continues:

> The effect of the first change will be to increase the penalties for dealers in child pornography while both the need for, and the effect of, the second change are far from clear and should be explained quickly by the Minister.
>
> No-one could reasonably baulk at higher penalties for people distributing child pornography. Such is the almost total community condemnation of this particular variant of the sex industry that there was ready support for the State Government's instruction to the Classification of Publications Board last year that child pornography be no longer

> classified for sale in South Australia, thus making any person dealing in it liable to prosecution. Community disgust with this type of material also led to widespread agreement with the aims of the Liberal Party's Bill, which seemed to express public attitudes more forcefully than did the Government's utterances.

When I first came into this Chamber it was sometimes agreed that some matters were above politics—there was agreement between the Government and the Opposition. Indeed, a then leading member of the Opposition stated, "When the Government and the Opposition get together, we do our best work." I believe that was often correct. This Bill amends the Police Offences Act, but in the original Bill in another place clause 3 was clause 2. The Government's legislation is a panic measure in recognition of the degree of public disquiet. Clause 2, which was inserted in the measure in the manner described by the *Advertiser* provides:

> Section 33 of the principal Act is amended—
> (a) by striking out from subsection (2) the passage "One hundred pounds" and inserting in lieu thereof the passage "Two thousand dollars".

The Government has not handled the problem of child pornography in a proper manner. This Bill is a belated and half-hearted attempt to resolve wide public indignation about the way in which child pornography has been peddled in recent months in South Australia.

The Government has belatedly recognised the public's concern about child pornography, but this Bill does not adequately cover the situation and, if the Government had acted in co-operation with the Opposition in this matter, in a manner referred to some time ago, child pornography would have been dealt with far more satisfactorily than the way in which this Bill seeks to resolve the matter by making a last minute amendment through the back door.

This Bill is a poor commentary on the Government's attitude. Opposition members and the public believed that the Hon. Mr. Burdett's Bill was necessary and desirable, and it is to be regretted that the Government did not support it. Clause 2 of this Bill increases the penalty from $200 (£100) to $2 000 in belated recognition of the public's concern about the incidence of permissiveness in South Australia today. The public has been concerned that the Government chose to do nothing about it. The Hon. Mr. Burdett is to be commended for his persistence in seeking to do something about the situation. Members on this side of the Council have been shocked at the incidence of this evil in South Australia, especially as we were told about it in some detail last year. Although clause 2 does something about the matter, I believe the approach adopted by the Hon. Mr. Burdett was commendable and much more effective. Having made those points and having expressed my regret that the Hon. Mr. Burdett's Bill was not passed earlier, I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): The publicity given to this Bill was most unfortunate, because it really has nothing to do with child pornography.

The Hon. C. J. Sumner: Nothing?

The Hon. R. C. DeGARIS: Nothing at all.

The Hon. C. J. Sumner: It has nothing to do with child pornography?

The Hon. R. C. DeGARIS: It has absolutely nothing to do with it.

The Hon. C. J. Sumner: It is totally irrelevant to child pornography?

The Hon. R. C. DeGARIS: That is so. The Government has instructed the Classification of Publications Board not to classify child pornography. That has nothing to do with this Bill. Publications are being classified in this State under the classifications AB, ABC, ABCD, and ABCDE. The importation of those publications into Australia has been banned. However, they are coming into this country, being copied and given a classification by this State's board. The number of classifications that fall into this category are as follows: *Pleasure* No. 4; *Gay Boys* No. 5, the publisher of which is C.O.Q.; and *Schwanz Parade* No. 3.

These fall within regulation 4a under the Customs Act. There is no record of their being allowed into Australia, yet these publications are here, being reproduced and given a classification by this State's Classification of Publications Board. Merely because the board is not now classifying child pornography—

The Hon. J. C. Burdett: It is not classifying some of it.

The Hon. R. C. DeGARIS: That is correct.

The Hon. C. J. Sumner: What evidence have you got of that?

The Hon. R. C. DeGARIS: I have any amount of evidence. One can buy the stuff in South Australia at present. I also checked with a person on the board, who told me that there was still no censorship in South Australia and that, because the board was not classifying some child pornography, that did not stop the stuff being sold in South Australia.

Who is doing the reproduction work in Australia on banned imports and, if their importation into this country has not been approved by the customs officials, how is this material being classified by the board for sale in South Australia? They are questions that this Government must answer.

There is also a book called *Abused by Beasts,* which is classified ABCDE by the board, although its importation has never been approved. However, that book is in this country and is being published by a company called the Mature Media Group. Classified by this State's board, the book is on sale here.

What sort of a system have we in South Australia when this State is classifying material the importation of which into Australia has been prohibited? There are many other matters which should not be classified. Can the Government approve the classification of material that is absolutely degrading to the women of this State? Can it justify sadism, or much of the material that is being circulated in relation to the enjoyment of rape? That material has been classified in South Australia. This is a disgusting process, and this Government should be thoroughly ashamed of itself in relation to what is being classified by the board under this legislation.

I am willing to support the Bill, although it does not go as far as did the Bill introduced by the Hon. Mr. Burdett which this Council passed and to which the Government should have agreed. However, the Government, in its dogmatic, pig-headed way, thinks that nothing good can come from this place and that only the Government itself has the right to introduce legislation. It therefore refused to pass the Hon. Mr. Burdett's Bill in another place. The Government has introduced this Bill to cover up its inactivity in this field. I support the Bill, and will support the amendment that I hope the Hon. Mr. Burdett will move.

The Hon. D. H. L. BANFIELD (Minister of Health): It is not fair to suggest that the Government is not interested in child pornography. I remind the Hon. Mr. Burdett that South Australia was the first State to distinguish child pornography as a separate class of pornography. No other State had done so. Previously, the position was assessed in Australia in relation to what actions were depicted rather than the age of the participants. In June, 1976, the South Australian representative asked at an interstate conference whether the Commonwealth could supply a separate

notification when child pornography was seen so that it would not be classified with other material. Although the request failed, subsequent negotiations resulted in the Premier's gaining a concession from the Commonwealth Attorney-General at a Ministers' conference on February 4, 1977.

On March 8, 1977, the South Australian Classification of Publications Board decided to move child pornography out of the ABCDE class and to refuse classification in future so that prosecutions could occur under section 33 of the Police Offences Act. Despite all this, members opposite say the Government is not interested in this matter. However, it was the first Government to initiate steps in this regard. So much for what members opposite say in this regard!

This type of pornography was not the only type causing concern. From time to time the board refused to classify other material. The advantage of the South Australian Classification of Publications Act is that it provides the board with a discretionary power so that a certain type of pornography can be dealt with according to current attitudes. If the board at any time decides to refuse classification for a new class of pornography, section 33 of the Police Offences Act can be used immediately. The Government therefore saw the advantage of increasing penalties under that section rather than supporting a child pornography Bill and perhaps later a sadism Bill if it was subsequently needed. It was therefore decided to seek the advice of the Police Commissioner on the suggested amendment of penalties. He agreed that the fines should be increased, as no increase had occurred since 1952. Indeed, all penalties in the Police Offences Act are to be updated in due course.

Some doubts have also been expressed regarding the effect of section 33 (3) of the Police Offences Act should a prosecution be launched in respect of a publication offered for sale in a restricted publications area established under the Classification of Publications Act. It might be held under section 33 (3) *(b)* that certain publications sold would circulate in a particular class of persons or age group and that a conviction would not be warranted. It was therefore recommended that the provision be deleted. The provisions of the Classification of Publications Act have provided adequate means of classifying material (whether related to pornography, drug addiction, violence, crime, cruelty, or revolting or abhorrent phenomena).

The private Bill proposed to control child pornography was similar in some ways to legislation passed in some other States, but it should be remembered that their other Statutes did not contain provisions as adequate as ours. In Tasmania, for instance, the Police Offences Act type of provision was repealed when they passed legislation similar to the South Australian Classification of Publications Act in 1974.

The other aspect of this matter relates not to the sale of publications but to the taking of indecent photographs of children for inclusion in pornography. If such is detected in South Australia a prosecution can be launched under the Criminal Law Consolidation Act.

In view of the editorial in the *Advertiser* on March 16, it should also be pointed out that the Government does not instruct the Classification of Publications Board as to decisions to be made; the Government submits its views for consideration, as the board has autonomy in that regard.

Members interjecting:

The Hon. D. H. L. BANFIELD: Members opposite say that the board should have autonomy, but when it has autonomy they laugh. They want the Government to be refused the right to put its view. What Opposition members were doing was a pure sham and they know the effect of the Bill introduced by the Hon. Mr. Burdett. That honourable member knows that at least 10 categories of offence cover child pornography.

The Hon. J. C. Burdett: They could.

The Hon. D. H. L. BANFIELD: They not only could, they do. I will give some examples, as follows:

> Unlawful carnal knowledge of any person under 12 years of age. (Section 50, Criminal Law Consolidation Act).
>
> An attempt or an assault with intent to commit carnal knowledge with a person under the age of 12 years. (Section 51).
>
> Carnal knowledge of a person above the age of 12 years and under the age of 13 years. (Section 52).

The PRESIDENT: Order! I ask the Hon. Mr. Blevins to get within the precincts of the Chamber if he wishes to take part in this debate.

The Hon. D. H. L. BANFIELD: Other offences are:

> Unlawful carnal knowledge of a person of or above the age of 13 years and under the age of 17 years (Section 55).
>
> Indecent interference with a person under the age of 17 years (Section 57b).
>
> Gross indecency with a person under the age of 16 years (Section 58).
>
> The unlawful taking of a person under the age of 16 years out of the possession and against the will of his parents (Section 61).
>
> The procuring of a person to have unlawful carnal connection with any other person (Section 64).
>
> Kidnapping of a child under the age of 18 years (Section 2, The Kidnapping Act, 1960).

We tried to tell people that the offences existed already, but the Hon. Mr. Burdett and other members opposite went ahead because it suited their purpose. They tried to get publicity by saying we voted against some things that reduced the penalties!

The Hon. R. C. DeGaris: Rubbish!

The Hon. D. H. L. BANFIELD: It was rubbish for members opposite to do it. However, that did not prevent the Hon. Mr. Burdett from introducing the Bill and it did not prevent the Hon. Mr. DeGaris or the Hon. Mr. Hill from voting for it.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Publication of indecent matter."

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

> Page 1, lines 13 and 14—Leave out all words in these lines.

The Bill seeks to strike out subsection (3) of section 33 and the amendment would retain that subsection. The Government's move to strike out the subclause has confused the press, and I have moved the amendment because I feel that otherwise other people also may be confused. True, this matter is not clearcut and it is not certain what will be the effect on prosecutions if the subsection is struck out, but it has not been shown that that will be any better than the present position. The deletion of the subsection may open up more loopholes than it closes. Section 33 (1) defines "indecent matter" and Halsbury's *Laws of England,* fourth edition, volume 11, paragraph 1022, defines "obscene matter" 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.

What is the harm in the court having regard to the "nature of the matter"? Again, why should the court not have regard to the persons into whose hands the matter may fall? This is very much in line with the common law

definition: paragraph *(c)* is almost definitely in line with that definition.

I can see no advantage in striking out section 33 (3). I cannot see that any loopholes are likely to be closed; indeed, loopholes may be opened. There is nothing in the Criminal Law Consolidation Act at present which makes illegal the mere photographing of a child in pornographic circumstances, and that was the purpose of my Bill. I take exception to the way motives have been imputed to me in connection with the introduction of my Bill. It has been suggested that my purpose was publicity and porn politics. Actually, my motive was to prevent the abuse of children in this way. It was ridiculous to say that my Bill reduced any penalties: rather, it fixed a penalty for a new offence. Regarding section 33 (3), it has not been demonstrated in any way that the Government's amendment would be an advantage.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The Government's provision is desirable inasmuch as section 23 of the Classification of Publications Act provides:

> The Police Offences Act, 1953-1973, is amended by inserting after subsection (4) of section 33 the following subsection:
>
> (4a) In deciding whether to consent to a prosecution under this section, the Minister shall take into consideration any relevant decision of the Classification of Publications Board.

With the establishment of the Classification of Publications Board, which has the function of classifying particular matter to ensure that inappropriate material is not available for the viewing of minors, it does not seem necessary that section 33 (3) *(a)* and *(b)* remain in the Act. It is not necessary that specific heads be provided for the court's consideration in determining whether matter is indecent. The result will be that in the future in making such determinations the courts will be guided by common law principles.

The Hon. J. C. BURDETT: I have never heard anything quite as ridiculous as the Minister's giving as the reason for striking out section 33 (3) the fact that section 33 (4a) has been inserted. The typical case is where material is unclassified. Where unclassified material is sold, there should be prosecutions under section 33. Where there has been no classification, subsection (4a) does not come into the matter. As the courts have been aided by subsection (3) in the past, that provision should remain.

The Hon. R. C. DeGARIS: I support the Hon. Mr. Burdett's amendment, and I point out that child pornography was classified in this State until about May, 1977. The following statement was made by the Premier at that time in a channel 9 news bulletin:

> The provisions of the legislation are quite clear—that people can read and see and hear what they wish, provided that the material is not forced upon other people, that it does not involve minors and that it is not made available to minors, and in all of those cases the policy that has been agreed to by the Federal Liberals as well as ourselves is working better in South Australia than anywhere else.

Until that time, there was the policy that people could read, hear and see what they liked.

The Hon. F. T. Blevins: Provided—

The Hon. R. C. DeGARIS: There was no proviso until that statement was made on May 29, 1977. Until that time, the policy was that people could read, hear and see what they liked. Until that time, the board had been classifying for sale in South Australia the vilest of child pornography, but the board changed its mind following the Premier's statement. Yet Government members say that the Government did not influence the board.

If the Government did not influence the board, how can Government members guarantee that the board will not classify child pornography in the future? Already, people can buy child pornography. This Government was dead scared of the Hon. Mr. Burdett's Bill.

That frightened the life out of it. Let me read a letter from the Australian Labor Party, as follows:

> Dear Sir/Madam,
>
> I hope you will forgive me for replying to your letter on child pornography in circular form, however, I received approximately 20 such letters all on the same subject and all asking that A.L.P. Parliamentarians "be allowed" a conscience vote on an amendment to the appropriate Act. It is not a fact that the Secretary of the S.A. Branch can allow or disallow conscience votes by the Parliamentary Party. Policy is made by the annual convention of the Party or by special conventions called to deal with specific issues. Once policy has been determined the Parliamentary representatives have the responsibility of implementing legislation necessary to give effect to such policies as and when it is possible to do so. On matters of a social nature Parliamentary representatives can—and have done in the past—decide whether or not a so-called "conscience vote" will be adopted on an issue. Accordingly, I have forwarded a copy of your letter to the Secretary of the Parliamentary Labor Party for the information of all members. I trust this action meets with your approval, and in closing I would like to draw your attention to the fact that the A.L.P is opposed to all forms of exploitation of humans by their fellows including the area in which you express concern.

If the A.L.P. is so keen on the idea of opposing all forms of exploitation of human beings, why does it not take some action in regard to pornography?

The Hon. D. H. L. BANFIELD: As regards not taking action, I indicated to the honourable member opposite, and he did not refute it, that the South Australian Government was the first State Government that specified child pornography as a separate class of pornography. We were the first State to raise the issue, and the Hon. Mr. DeGaris knows it; so we have already taken action, contrary to what the Leader has said. In 1968 to 1970, when he was Chief Secretary, what did he do about it?—nothing. Why did we oppose the Hon. Mr. Burdett's Bill? He made it clear that in nudist clubs, quite lawful and private, it is common for photographs to be taken of children—for example, at Christmas parties, during swimming races or playing tennis. Under the Burdett Bill, a nudist father who photographed his children playing tennis or receiving a present from Santa Claus could find himself imprisoned for three years if he took a photograph from the wrong angle. This is absurd. The Hon. Mr. Burdett knows that his Bill incorporated that possibility.

The section 58 formulation, under the present law, is preferable, because it requires an act of gross indecency, which clearly must be something more than mere nudity. That is contrary to what the Hon. Mr. DeGaris has said. Another area of "overkill" is that, under the Burdett Bill, publishers of medical books could not sell anatomy textbooks which included full-frontal pictures of a child's penis or vagina. The Hon. Mr. Burdett wanted to ban those books; he wanted to see that the doctors and the publishers of those medical books were imprisoned for three years. The medical professor writing a textbook on children's diseases could be prevented from including any photographs in which a child was posed in a way "calculated to give prominence to sexual or excretory organs".

It is all right for the Hon. Mr. DeGaris to laugh but he did not deny it when the Bill was before the Council. He says that the Labor Party should have voted for this sort of

thing; it would not do that. The Hon. Mr. Burdett did not want the Labor Party to do it—it was purely political propaganda as far as he was concerned. For those reasons and the fact that we were the first State to distinguish child pornography as a separate class of pornography and that we did not want to see the publishers and authors of medical books imprisoned for three years, we opposed the Hon. Mr. Burdett's Bill.

The Hon. J. C. BURDETT: My Bill did not make it possible to prosecute in the case of mere nudity.

The Hon. D. H. L. Banfield: Yes it did.

The Hon. J. C. BURDETT: I will tell you what it did. The Bill did not make it possible for prosecution in the case of photographing children in positions of mere nudity or to prosecute a nudist father photographing his nude child, etc.; the only relevant part of the Bill to which the Minister should have been referring is where it made it an act of indecency if the child was photographed in such a way that the photograph gave undue prominence to the reproductive or excretory organs.

The Hon. D. H. L. Banfield: You wrote it into the Bill and you did not exclude them.

The Hon. J. C. BURDETT: They were not excluded—

The Hon. D. H. L. Banfield: They were.

The Hon. J. C. BURDETT: —for the good reason that they were never included. The only kind of photograph that was included in this area that the Minister is talking about is the photograph giving undue prominence to the reproductive or excretory organs. The type of photograph the Minister is talking about was never in the Bill, so there is no need to exclude it. I suggest we confine ourselves to the amendment.

The Committee divided on the amendment:

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

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

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

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

Amendment thus carried; clause as amended passed.

Clause 3 and title passed.

Bill read a third time and passed.

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

I indicated earlier that I believed that the position was well covered under the Classification of Publications Act, and I can add no more to that.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot agree with the Minister on this matter. It is a shame that this definition is being removed from the Act. However, as the penalties are considerably increased, I am willing to agree that the Council should not insist on its amendment, although I am not prepared to agree that the position is already covered.

Motion carried.

SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It provides for a number of significant amendments to the principal Act, the Superannuation Act, 1974-1976. The Bill provides that superannuation benefits may be extended by regulation to part-time employees in Government or semi-government employment. It provides that early retirement pensions, that is, the lesser pensions payable on retirement at the age of 55 years, may be commuted to a lump sum payment and a smaller fortnightly pension payment. It is proposed that this right to commute will apply to early retirement pensions first payable after the commencement of this amending measure.

It provides that the pension payable to a spouse on the death of a contributor or pensioner may be commuted regardless of the age of the spouse. Under the present provisions of the principal Act a spouse may only commute the spouse pension after attaining the age of 60 years. This right to commute is to apply to any spouse pension first payable after the first day of January, 1973. The Bill proposes that the child benefit payable under the principal Act be extended to a child adopted by the spouse of a deceased contributor or pensioner after the death of the contributor or pensioner if the Superannuation Board is satisfied that the contributor or pensioner, or the spouse, or both, had, before the death, assumed the care of the child with a view to its adoption.

The definition of "salary" is amended by the Bill so that the extra amount payable to an employee appointed in an acting capacity to a higher position is to be regarded as part of the employee's salary for the purpose of determining his level of contribution and pension after this situation has continued for a period of 12 months. The Bill proposes an amendment to section 11 of the principal Act designed to enable an arrangement as to superannuation to be entered into between the Superannuation Board and a body that is not a Government agency but to which a contributor has been seconded.

Any existing lower benefit contributor is under a further amendment to the principal Act to have the right to elect before June 30, 1978, to be a higher benefit contributor with superannuation benefits of amounts determined by the Public Actuary having regard to the relative periods for which the contributor contributed as a lower benefit contributor and as a higher benefit contributor. 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 the definition section of the principal Act, section 5. The clause amends the definition of "commutable pension" so that early retirement pensions are not excluded and thereby may be subject to commutation and by removing the limitation that spouse pensions may not be commuted until the spouse has attained the age of 60 years. The definition of "eligible child" is amended by this clause so that it includes a child adopted by the spouse of a deceased contributor or pensioner after the death of the contributor or pensioner where the board is satisfied that the contributor or pensioner, or spouse, or both, had, before the death, assumed the care of the child with a view to its adoption. A new definition of "salary" is substituted for the present definition providing that allowances may be

included or excluded as part of "salary" by regulation. It is proposed that a regulation will be made including as part of "salary" any higher duties allowance that has been payable for 12 months.

Clause 4 inserts in the principal Act a new section 10a providing for the making of regulations to establish a superannuation scheme for part-time employees. Clause 5 amends section 11 of the principal Act which provides for the making of arrangements as to superannuation between the board and any public authority. The clause amends the definition of "public authority" in this section so that it includes any body prescribed by regulation.

Clause 6 amends section 13 of the principal Act which sets out the investment powers of the Superannuation Fund Investment Trust. The clause amends the section so that the trust may make investments in any manner not presently listed in the section but which is approved by the Treasurer. Clause 7 amends section 14 of the principal Act by providing that any borrowing by the trust is not automatically guaranteed by the Treasurer but may be guaranteed by the Treasurer. Clause 8 inserts in the principal Act a new section 57a providing that a lower benefit contributor may, before June 30, 1978, elect to be a higher benefit contributor. Subclause (2) provides that this election will have effect from the contributor's next contribution adjustment day, that is, in July, 1978, and that the superannuation benefits of such contributor will be of amounts determined by the Public Actuary.

Clause 9 amends section 64 of the principal Act so that the salary of a contributor who has been reduced in salary but who has elected to continue to contribute to the fund at the salary attaching to his previous position may be adjusted by the board to reflect salary movements. Clause 10 makes a drafting amendment to section 78 of the principal Act. Clause 11 amends section 84 of the principal Act by providing that the spouse of a deceased contributor or pensioner may elect to commute part of the spouse pension regardless of his or her age. This right is to apply to any spouse pension first payable after January 1, 1973.

The Hon. D. H. LAIDLAW: The Minister states that this Bill provides for significant amendments to the Superannuation Act, and with that statement I certainly agree. Once again it extends the benefits and scope provided for public servants by the South Australian Superannuation Fund.

The Bill amends section 5 of the principal Act so that, first, early retirement pensions payable at the age of 55 may be commuted to a lump sum payment.

Secondly, the pension payable to a spouse presently can be commuted only after the age of 60, but under this Bill it may be commuted irrespective of age.

Thirdly, the child benefit payable under the Act will be extended to a child adopted by the spouse after the death of the pensioner if they had previously assumed care of the child (a rather extreme case).

Fourthly, the term "salary" is amended so that the extra payments paid to a public servant, who is acting in a higher position, may be included for calculating his pension after he has served in that acting position for more than 12 months.

Fifthly, under this Bill a superannuation scheme will be established for part-time public servants, and in another section the board can arrange to extend a benefit to an employee who has been seconded to a body that is not a Government agency.

Although these new provisions may cover some deserving cases, they do add yet again to the amounts required from the Government to meet the shortfall between the employees' contributions and the overall commitment of the fund. As I have previously stated, only a rich State with good economic prospects, including full employment, can afford the luxury of a retirement scheme with indexed annuities of the size that apply in this State.

South Australia enjoys neither of the advantages that I mention. Therefore, I believe that a responsible Government, despite the undoubted opposition of public servants, should attempt to curb this ever-spreading monster. Instead of facing up to the problem the Government now intends to extend once again the benefits, and I believe that is totally irresponsible.

I refer to the escalation in the Government's contributions to the fund in the past four years. In 1973-74, the Government and its public authorities paid $6 900 000 towards superannuation benefits. In 1975 the contribution increased to $10 800 000, in 1976 it was $15 370 000, and in the following year it increased to $20 960 000.

From 1974 to 1977 the contribution from public funds increased by 203 per cent, whereas the consumer price index from the Adelaide area increased by only 61 per cent in the same period. Based on current monetary values and a stable number in the Public Service (which is unlikely), the contribution within 10 years could exceed $100 000 000 annually. If the State's population grows as expected to about 1 500 000, each man, woman and child in this State will be paying about $70 a year toward the retirement benefits of State public servants.

The explanatory booklet issued by the Superannuation Fund to cover the 1969 legislation stated that employee contributions were calculated so that employees bear only 30 per cent of the cost, whilst the Government carries 70 per cent. The explanatory notes to cover the 1974 legislation deleted any reference to the relationship of the Government contribution.

The ratio of payments from public funds compared with the members' own contribution has changed dramatically in the past four years. In the year to June 30, 1974, the Government provided 71 per cent, and public servants provided 29 per cent. In the following year the gap widened to a ratio of 78:22, and in 1976 the gap increased to 81:19, and in the last year it was 82:18.

An actuary to whom I have spoken has calculated that, if present benefits continue, within 10 years taxpayers will be contributing over 90 per cent of the annual commitment needed for public servants' superannuation. The amendments proposed in the Bill will shorten the time by which the Government must contribute in the proportion of nine to one. The explanatory notes to the 1974 Act state that, if a public servant joins the fund at the age of 30 years and contributes thereafter 6 per cent of his annual salary to the fund, he can retire at 60 years of age on two-thirds of his final annual salary. That is, of course, the salary in his final year rather than the average over three or five years before his retirement, which is the norm that usually applies in the private sector.

Since the annuities are indexed annually in accordance with changes in the consumer price index, this open-ended commitment to provide two-thirds of salary will impose an intolerable drain on public funds.

I agree that the Superannuation Act should be amended but, instead of extending schemes to cover part-time employees and providing better pensions for employees in an acting capacity, and so on, the Government should get its priorities right and revert to the basis of benefits in the 1969 Act. It should subsidise members' contributions on the basis of 70 per cent to 30 per cent, and pay annuities upon retirement depending on the funds available at the time. The ratio of 70 per cent to 30 per cent is that used in many superannuation schemes in the private sector.

Alternatively, members should contribute a greater percentage than 6 per cent personally each year in order to

acquire an annuity equal to two-thirds of their final salary. I deplore the attitude of the Government, which is prepared to extend the scope of the fund at a time of economic recession.

I apologise for my voice. If the Hon. Mr. Foster was as sick as I am, he would be having a sickie!

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I will speak briefly to the third reading in order to support absolutely what the Hon. Mr. Laidlaw said in his second reading speech. There is very little that honourable members can do in relation to the passage of this Bill. Nevertheless, as I have done for many years, and indeed as the Hon. Mr. Laidlaw has done, I warn the Government about the effects that this superannuation scheme will have on future taxation in this State.

If one examines the growth of the Public Service and increased wages therein, and adds to that the increasing commitment that will be needed in relation to superannuation payments being made from Government funds, one sees that soon this whole matter will become an intolerable burden on South Australia's taxpayers. I warn the Government again that, unless it examines the whole question in depth, in a few years it will become a serious matter for South Australia.

Bill read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2322.)

Clauses 4 to 17 passed.

Clause 18—"Advances to association".

The CHAIRMAN: I point out to the Committee that, because this is a money clause, it cannot be voted on by this Committee. However, Standing Orders require that, in the message transmitting the Bill to the House of Assembly, the Council shall indicate that this clause is deemed necessary for the Bill. Provided that no honourable member objects, I propose so to advise the House of Assembly.

I draw honourable members' attention to Standing Order 298, which provides that no question shall be put on any clause printed in erased type. Honourable members will note that clause 18 is in erased type. Are there any objections? There being none, the House of Assembly will be so advised.

New clause 18a—"Certain lands to be sold at auction."

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

After clause 18, page 4, insert new clause as follows:

18a. Notwithstanding anything in this Act contained, any lands developed by the Minister under paragraph (1a) of section 9 of this Act for residential purposes shall not be alienated otherwise than by auction for cash or on terms, or by calling for applications for an agreement to purchase.

The amendment relates to the concern I expressed in the second reading debate. Under clause 19, the Minister is being given power to acquire land for township, residential, commercial, industrial or other purposes and, having acquired the land, the Minister is empowered to develop and improve such land and to service it so that building allotments are so obtained. Then came the question that the Minister, having done that in country townships, would want to dispose of the land. I expressed fear that the Minister might have been planning to dispose of such titles on some leasehold arrangement.

Comparing that form of ownership to freehold ownership, I was against any such possible leasehold arrangements. To ensure that the Minister must offer freehold title when he disposes of such land, I have moved to insert a new clause. However, on reading it closely, I still have a slight doubt and I ask that progress be reported.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN HERITAGE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2318.)

The Hon. C. M. HILL: I will summarise the points that I have made earlier. I am not in any way opposing some form of this heritage legislation. I believe that the State must protect its heritage, but one must look further and, when one does that, one finds that certain owners of property can have properties placed on the proposed register, and in my view technically the value of those properties would decline. Such a situation should not be tolerated by any fair-minded Government or by a Parliament that places individual rights at a high priority. Therefore, I believe that compensation should be paid to an owner who suffers a loss of value because the State places its mark on his property and says that it must remain as it is for all time.

I also think the owner should have another alternative from the point of view of compensation. He ought to have the right to offer the property to the State if the State marks it down for retention for heritage purposes. I believe the latter point should carry a time limit within which, after the property is placed on the register, the owner ought to have the right to offer it to the State, and I think the State should have to purchase it. Owners would receive compensation for loss of value on the one hand or, secondly, be able to dispose of it to the State if they wished.

I repeat that I believe that the Crown should be bound by the legislation and I disagree with clause 23, which provides that the Crown is not bound. If it is in order, as the Bill provides, that a person shall not add to, alter or demolish a building or do anything that is likely to change the character of the building or the land without consent, the Crown ought to bind itself to those restrictions.

If it did that, we could be assured that all buildings necessary to be retained for posterity could be retained, but by this legislation Parliament can be assured only that those in private ownership can be retained and no guarantee can be given with certainty about those in the name of the Crown. I intend to move amendments in Committee, but I support the second reading, because I support the principle that there should be some form of heritage legislation. I only want Parliament to look at the matter in a realistic way so that people are treated fairly regarding their properties.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

New clause 15a—"Acquisition of Item."

The Hon. C. M. HILL: I move to insert the following new clause:

15a. (1) The owner of an item that has been placed in the register may, before the expiration of the six months next following the day on which that item is so placed, by notice in

writing served on the Minister, require the corporation compulsorily to acquire that item and the corporation shall so acquire that item.

(2) For the purposes of subsection (1) of this section, the value of the item shall be deemed to be the value of the item on the day immediately preceding the day on which the relevant public notice was given under section 12 of this Act.

Compensation is fixed under the Valuation of Land Act. There are rights of appeal if agreement cannot be reached by negotiation within the compulsory acquisition process. I do not foresee a rush of properties being offered to the State under this clause.

The Hon. R. C. DeGaris: What about commercial properties?

The Hon. C. M. HILL: Some owners of commercial properties may have no need to dispose of their properties in totality. In appropriate circumstances, owners of commercial properties could simply apply for compensation if they believed there had been a decline in value as a result of their properties being registered. I do not deny that the measure will cost the Government some money. I believe that compensation for measures of this kind should be borne by the community as a whole. The loss of value should not be borne only by the individuals concerned. A burden should not fall on individuals who simply, through some quirk, suddenly find that they, as individuals, have to bear the total cost. The principle that would be enforced by this new clause is quite fair.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government opposes the new clause. The reply I will now give relates to the series of amendments of the Hon. Mr. Hill. As I have already explained, the Government has not provided for compensation as an automatic right of owners of designated heritage items. This approach is consistent with legislation in New South Wales and Victoria. In the city of Adelaide, through the City of Adelaide Development Control Act, the City Council already has development control policies on townscape and amenity which can influence the type of development that may occur in a precinct. There is no provision for compensation in this case. Here, heritage conservation is more fully integrated with the overall development control system. No compensation is awarded for changes in zoning of land use, nor are there provisions for this for buildings within a precinct where a policy of historic preservation exists. It would be inconsistent to make provision for compensation elsewhere in the State. Research in New South Wales, Victoria and in the city of Adelaide indicated that there is no clear evidence that classification of a building of heritage values results in a lowering of land values. Through classification a building is recognised as a rare and precious thing.

The Hon. R. C. DeGARIS (Leader of the Opposition): I shall illustrate the problems that can arise by referring to the case of a building in Melbourne. I have been informed that the case is something along these lines. A building was on sale in Melbourne for $7 000 000. A heritage classification was applied to the building, and the building could not then be sold. That building had to be carried on as it was. As the purpose for which the building was used was uneconomic, the heritage classification cost the owners a large sum. There was a mortgage of millions of dollars on the property. In the end, the Government bought the property for $4 500 000. Where a classification is made in such circumstances, there can be an extremely large loss. It is totally wrong for the Minister to have the power he is given under this Bill. As I have illustrated, a classification can create economic havoc. I doubt whether anyone with a house that has a classification would be over-concerned but, in the case of a commercial building, a classification could create a situation where the only use to which the building could be put would be a use involving a large loss. I therefore support the Hon. Mr. Hill's amendment.

The Committee divided on the new clause:

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

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

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

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

New clause thus inserted.

Clauses 16 to 22 passed.

Clause 23—"Enactment of Part, heading and sections of principal Act."

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

Page 10, line 22—After "Minister" insert "or until the expiration of the third month next following the day on which it so informed the Minister of its receipt of the application, whichever event first occurs."

I feel strongly that in this measure as in other measures the Crown should be bound. On another occasion, a compromise was reached that, if the Crown was not totally bound, it should go part of the way. I see no difference between the classification of a property owned by the Crown and one owned by private enterprise; there should not be one law for the Crown and one for the individual citizen. There should be one law for all.

The Hon. D. H. L. BANFIELD: I hope the Hon. Mr. Hill is not blackmailing me into accepting this amendment. In opposing it, I do not intend to divide the Committee but we are determined on this matter. I do not want it pointed out in any conference that I did not call for a division.

Amendment carried.

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

Page 10—

Line 24—After "of this section" insert "or, as the case may be upon the expiration of the period of three months referred to in subsection (1) of this section".

Lines 24 and 25—Leave out "that recommendation" and insert "the recommendation, if any,".

These amendments deal with where a person shall not alter or demolish a building or change its character in any way without the consent in writing of the Planning Authority. Then we come to new section 42f of the Planning and Development Act. The Bill does not state for how long the Planning Authority has to wait for a reply from the Minister. If he does not reply, the authority's hands are tied and the individual concerned is completely tied up. The amendment gives the Minister three months in which to reply instead of having a situation in the Bill where no time limit is attached to the Minister in which to reply to the authority. That is fair for the individual and for the good working of the authority, and the Minister would fall into disrepute if he put the advice from the Planning Authority in the "too hard" basket and did nothing about it.

The Hon. D. H. L. BANFIELD: The Government opposes the amendments.

Amendments carried.

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

Page 10 After line 29—Insert:

"42g. (1) Where, pursuant to section 42f of this Act, a planning authority has—

(*a*) refused its consent: or

(*b*) granted its consent subject to conditions,

any person having an interest in the relevant item who suffers loss or incurs expenditure in respect of that interest in consequence of the refusal or the granting subject to conditions of such consent, shall be entitled to receive from the Corporation, as defined for the purpose of the South Australian Heritage Act, 1978, compensation in respect of that loss or expenditure as may be agreed upon between that person and the Corporation.

(2) In default of agreement under subsection (1) of this Section the amount of compensation shall be determined by the Land and Valuation Court."

Page 10, line 30—Leave out "42g" and insert "42h".

If the authority lays down that it will not approve of an alteration or demolition, the owner can be in a situation of loss. The community as a whole should bear equally the costs of such legislation. If loss is suffered and the owner still retains the property, compensation should be granted, and the amendment provides that compensation cannot be fixed by agreement. The matter can go to the Land and Valuation Court.

The Hon. D. H. L. BANFIELD: I oppose the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (24 to 28) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

There are two main amendments, one in relation to the Crown being bound, and the other dealing with compensation. For the reasons previously outlined, I ask the Committee to support the motion.

The Hon. C. M. HILL: I ask the Committee to insist on the amendments, which are fair, reasonable and just. I disagree entirely with the reason given by the House of Assembly that the amendments would destroy the purpose of the Bill.

The Committee divided on the motion:

Ayes (8)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, Anne Levy, and C. J. Sumner.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. A. Geddes, K. T. Griffin, C. M. Hill (teller), and D. H. Laidlaw.

Pairs—Ayes—The Hons. C. W. Creedon and N. K. Foster. Noes—The Hons. Jessie Cooper and R. C. DeGaris.

The CHAIRMAN: There are 8 Ayes and 8 Noes. There being equality of votes, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council committee room on Wednesday, March 22, at 11 a.m., at which it would be represented by the Hons. D. H. L. Banfield, J. A. Carnie, C. M. Hill, D. H. Laidlaw, and Anne Levy.

[Midnight]

CROWN LANDS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2343.)

New clause 18a—"Certain lands to be sold at auction."

The Hon. C. M. HILL: I move to insert the following new clause:

18a. The following section is enacted and inserted in the principal Act after section 228—

228aa. Notwithstanding anything in this Act contained, any lands developed by the Minister under paragraph (1a) of section 9 of this Act for residential purposes shall not be alienated otherwise than by auction for cash or on terms, or by calling for applications for an agreement to purchase.

The amendment ensures that, in the event of the Minister of Lands proceeding to acquire and develop land into residential allotments, the Minister must transfer freehold title.

The Hon. T. M. CASEY: Earlier I was able to accept an amendment moved by the honurable member because he extended the amendment in accordance with my suggestion. I refer to the situation at Regency Park, where land is controlled by the Lands Department and offered to applicants on a freehold basis.

The Hon. C. M. HILL: Not for residential purposes.

The Hon. T. M. CASEY: It is for industrial purposes. We can do that in country towns under the Irrigation Act. We do it with industrial and residential properties.

The Hon. C. M. Hill: Did you do it for commercial purposes in river towns?

The Hon. T. M. CASEY: We did it for residential areas.

The Hon. C. M. Hill: I refer to 1969 when Woolworths wanted to expand in a river town but could only obtain a lease.

The Hon. T. M. CASEY: That was under a Liberal Government. A Labor Government would review the position with more detail and come to a more satisfactory compromise. I accept the amendment.

New clause inserted.

Clause 19 passed.

Clause 20—"Transfer of land to Minister".

The CHAIRMAN: Is it agreed that the suggested clause 20 be recommended to the House of Assembly? There being no dissentient voice, I will advise the House of Assembly accordingly.

Remaining clauses (21 and 22) and title passed.

Bill read a third time and passed.

ART GALLERY ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its main purpose is to amend the Art Gallery Act to enable a bookshop and coffee shop to be run by and in the Art Gallery. At present, the gallery operates a small coffee shop, which also on occasions sells biscuits and sandwiches, and a bookshop is established in the gallery foyer. However, legal opinion is that it is possible that the Art Gallery Board does not have power under the Act as it presently stands to operate such facilities, since the only

power by which it is permitted to do so is that by which it has "such other functions as are necessary or incidental" to its other powers and functions, which are undertaking the care and control of the Art Gallery, all land and premises under its control and all works of arts and exhibits, promoting art galleries, advising the Minister on matters of policy relating to art galleries, and selecting works of art for the State.

For many years, the board has supported the practice of selling reproductions, postcards, catalogues, and so on, from a sales desk in the gallery foyer. This practice provides a meaningful service to the public and is consistent with the provision of such services by major galleries in Australia and throughout the world. Accordingly, this Bill adds specific provisions to the Act to enable the gallery to continue its services to the public by running both a bookshop and coffee shop.

The Bill also amends section 23 of the Act, the section concerning regulations, in two areas. First, the maximum penalty for breach of regulations is raised from $40 to $500, a necessary amendment in view of current money values. Secondly, there have been some problems relating to the enforcement of regulations governing parking and driving vehicles on land in the care of the gallery. In particular, illegal parking often restricts access to service vehicles and the Fire Brigade in case of fire. Notices on offending vehicles that the owner is liable to a fine appear to have little effect, and for the board to initiate legal action to recover penalties is both cumbersome and time consuming.

Therefore, the Bill amends section 23, first, to give the board specific power to make regulations restricting traffic and parking on land under its control. This is merely a clarification of the present position. Secondly, evidentiary provisions relating to the ownership of vehicles parked on Art Gallery land are provided and, thirdly, the Bill makes provision for a procedure for paying an expiation fee for offences under parking regulations. 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 Act to come into operation on a day to be fixed by proclamation. Clause 3 amends section 16 of the principal Act to give the Art Gallery Board power to run a coffee shop and bookshop and to combine with other persons or bodies in the performance and exercise of its powers and functions.

Clause 4 amends section 23 of the principal Act by inserting a specific power to govern parking by regulation and evidentiary provisions in respect of an offence under a parking regulation. A procedure for the payment of an expiation fee for parking offences is provided, and the maximum penalty for breach of regulations is increased from $40 to $500.

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

LOTTERY AND GAMING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LAND SETTLEMENT ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

RACING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ENFORCEMENT OF JUDGMENTS 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.

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

Leave granted.

Explanation of Bill

Its principal object is to establish a simplified procedure for the enforcement of civil judgments of the Supreme Court and of Local Courts and to implement recommendations of the Commonwealth Law Reform Commission in relation to the enforcement of civil judgments.

In 1974 the Law Reform Committee of South Australia recommended a general reform of the law relating to execution of civil judgments. The major recommendation was to sweep away the old writs of execution and to substitute certain statutory writs in their place. Thus the Bill provides for new forms of writs of execution—the writ of sale, writ of possession and writ of attachment. Further, the Bill provides for enforcement procedures in accordance with recommendations of the Poverty Commission and the Law Reform Commission of the Commonwealth. These recommendations relate to the recovery of what might be described as "consumer debts", that is to say, non-business debts incurred by a natural person and not exceeding $15 000 in amount.

It is intended, in these cases, that before execution issues to enforce judgments of this kind, the judgment debtor should be examined as to his means. Upon such an examination the court will be able to decide what is the most appropriate means of enforcement in the particular circumstances of the case and will make appropriate orders for securing compliance with the judgment.

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. Clause 5 is a transitional provision.

Clause 6 by reducing to three the number of writs available for execution of a judgment greatly simplifies the procedures for enforcement. These procedures, until now, have been the result of hundreds of years of haphazard development resulting in a complex system which is both inefficient and cumbersome. Clause 7 provides that the Crown is to be bound by the new Act.

Clause 8 provides for the issue of a writ of sale where a judgment for the payment of money has been given. The writ is issued as of right except in the circumstance set out in subclause (2) of clause 7. This exception is aimed at the smaller, non-business debts of a natural person. In such a case the court shall examine the debtor as to his means and may issue a conditional or unconditional writ of sale or may decline to issue a writ where an instalment order would be a more appropriate remedy.

Clause 9 provides that the writ of sale shall authorise

execution against the real and personal property of a debtor. Subclause (2) protects certain property of a natural person from execution. Subclauses (3) and (4) make special provision in the case of bank-notes and negotiable instruments respectively and subclause (5) provides for removal of chattels seized in execution.

Clause 10 makes detailed provision for the sale of real and personal property pursuant to a writ of sale. Clauses 11 and 12 provide for a writ to be known as a writ of possession. This will be used where judgment has been given for the delivery of land or a chattel by one party to another as distinct from a judgment for the payment of money. Clause 13 provides for the issue of a writ of attachment for contempt of a judgment or order of a court. Clause 14 provides the powers and duties of the Sheriff under a writ of attachment once it is issued.

Clause 15 provides for the priority of entitlement of execution creditors to the proceeds of execution. Clause 16 deals with the case of a conditional judgment. Clause 17 provides for execution against a partnership or the members of a partnership. Clause 18 requires leave of the court in cases of delay or death of a party to the proceedings.

Clause 19 provides for the resolution of disputes as to liability to execution. Clause 20 deals with expiry and renewal of writs of execution and is self-explanatory. Clause 21 enables a party to apply to the court for a stay of execution against him. Clause 22 gives the court power to set aside a writ in certain circumstances.

Clauses 23 and 24 make provision for the return of writs. Clause 25 entitles the party issuing the writ to claim the costs of issue and execution against the debtor. Clause 26 enables a person who has obtained a judgment in his favour for the payment of money to have the judgment debtor examined by a court as to his means, and sets out the orders that a court may make upon such an examination. Clause 27 provides for the making of garnishee orders.

Clause 28 protects an employee against whose salary or wages a garnishee order is made from suffering prejudice in his employment. Clause 29 corresponds to the present section 33 of the Supreme Court Act and provides for the execution of instruments in pursuance of an order of a court. Clause 30 provides that certain old legislation of the Imperial Parliament shall not apply in this State. Clause 31 repeals a provision of the Mercantile Law Act which prevents garnishee of an employee's wages. Clauses 32 and 33 provide for miscellaneous matters and are self-explanatory.

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

SHERIFF'S 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.

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

Leave granted.

Explanation of Bill

It is consequential upon the proposed new scheme for enforcment of judgments of the Supreme Court and Local Courts. At present the office of sheriff is established under the Supreme Court Act and the sheriff is thus constituted as the authority for executing judgments of the Supreme Court. On the other hand, the Local and District Criminal Courts Act provides for the appointment of bailiffs who have the responsibility of executing judgments of Local Courts. Under the new scheme the execution of civil judgments of the Supreme Court and Local Courts is to be brought under a single authority. Hence the present Bill sets up the office of sheriff under independent statutory provisions and provides that the sheriff is to be responsible to both the Supreme Court and to Local Courts and District Criminal Courts.

Clauses 1 and 2 are formal. Clause 3 provides for the repeal of the present provisions of the Supreme Court Act relating to the sheriff and enacts the necessary transitional provisions. Clause 4 contains definitions necessary for the purposes of the new Act. Clause 5 provides for the appointment of the sheriff and of sheriff's officers. Clause 6 provides for the appointment of sheriff's officers by the sheriff. Clause 7 provides that a court may appoint a suitable person to act in the place of the sheriff where the sheriff is unable of unavailable to act. Clause 8 sets out the duties of the sheriff. Clause 9 provides that the sheriff or one of his officers must attend criminal sittings of the Supreme Court or a District Criminal Court.

Clause 10 provides that where the sheriff arrests any person in pursuance of any process, he must bring the arrested person, without delay, to the place nominated in the process. Clause 11 deals with the offence of hindering the sheriff in the execution of his duty. Clause 12 deals with the commission of torts by the sheriff or a sheriff's officer in the course of his official duties. Clause 13 deals with the procedure for disposing of complaints of offences against the new Act. Clause 14 provides that the sheriff is not disqualified by his office from holding an appointment as a justice of the peace. Clause 15 provides for regulations to be made governing the performance of the duties of the sheriff.

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

SUPREME COURT 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.

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

Leave granted.

Explanation of Bill

This Bill is consequential upon the Enforcement of Judgments Bill, 1978. The substance of the sections of the Supreme Court Act repealed by this Act is to be incorporated in the Enforcement of Judgments Act, 1978. Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 provides for the repeal of section 33 of the principal Act, which relates to the execution of documents in pursuance of a judgment of the Supreme court. Clause 4 repeals sections 115 and 116, which relate to matters to be dealt with by the new Enforcement of Judgments Act, 1978.

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

LOCAL AND DISTRICT CRIMINAL COURTS 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 amends the principal Act by increasing the jurisdictional limits applicable to the court. Under the amendments the jurisdictional limit of a Local Court of full jurisdiction is increased from $20 000 to $30 000. The jurisdictional limit of a Local Court of limited jurisdiction is increased from $2 500 to $10 000. The jurisdictional limit of the Small Claims Division of the court is increased from $500 to $2 500. The Government believes that these amendments will produce a more realistic division of work within the Court in the light of current money values.

The Bill also provides that, where an action is referred to a Local Court by the Supreme Court in pursuance of section 40 of the principal Act, the Local Court will have power to deal with all aspects of the case from that point onwards. In addition, the Bill makes necessary amendments to the Act consequential on changes in the law made by the Enforcement of Judgments Act, 1978, and the Sheriff's Act, 1978.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 makes consequential amendments to the definition section of the principal Act. Clauses 4 and 5 remove references to "bailiffs" in sections 16 and 17 of the principal Act. The new Sheriff's Act, 1978, will, from now on, provide for sheriff's officers who will take the place of bailiffs. Clause 6 repeals section 18 of the principal Act. This section is no longer necessary. Clause 7 makes amendments to section 25 of the principal Act consequential upon the Enforcement of Judgments Bill, 1978, and the Sheriff's Bill, 1978.

Clause 8. Similar provisions to the ones removed by this clause are to be incorporated in the proposed Sheriff's Act, 1978. Clause 9 repeals section 27 of the principal Act, which deals with the powers and procedures of bailiffs. The necessary powers and duties of the sheriff and his officers will from now on be contained in the Sheriff's Act, 1978. Clauses 10 and 11 increase the jurisdictional limits of local courts of full and limited jurisdiction to $30 000 and $10 000 respectively. They also delete paragraph IV of sections 31 and 32 of the principal Act, which deal with unsatisfied judgment summonses. These summonses will no longer exist after the amendments made by this Act, their place being taken by the procedures laid down in clause 25 of the Enforcement of Judgments Bill, 1978.

Clause 12 amends section 32b of the principal Act for the same reason that the two preceding clauses amend paragraph IV of sections 31 and 32 of the Act. Clause 13 deals with a case in which a matter is remitted by the Supreme Court for hearing in the Local Court. The amendment provides that, where this course is taken, the action shall proceed in all respects as if it had been instituted in the Local Court. At present there is a rather awkward procedure under which the Local Court hears the action but the judgment is enforced as a judgment of the Supreme Court. This provision has no practical merit and is accordingly removed. Clause 14. This amendment simply removes an unnecessary reference to the sheriff.

Clause 15 increases the minimum value of property referred to in section 46 (2) of the principal Act. Clause 16 increases the limit over which a party may appeal as of right to the Supreme Court to $2 500. This is consistent with the provision increasing the jurisdiction of the Small Claims Court to $2 500. Clause 17 confines proceedings by way of special summons to claims over $2 500. Clause 18 simplifies the procedures for the defence of a small claim.

Clause 19 simplifies the procedures where a counter claim is made in answer to a small claim. Clause 20 allows the rate of interest on a judgment where no appearance is entered to be fixed by rules of court instead of being fixed by the provisions of section 107. This allows the rate to be varied more easily. Clause 21 provides that, where the defendant is a natural person, proceedings against him must be taken in the court nearest to his place of residence. In all other cases the jurisdiction of the court is unaltered. Clause 22. This amendment is similar to that made by clause 20.

Clause 23 is a minor amendment which improves the drafting of section 131 of the principal Act. Clause 24 removes section 134 of the principal Act, which is now inappropriate in view of the provision made by the Enforcement of Judgments Bill, 1978. Clause 25 allows the detailed alterations required to streamline the procedures in the Small Claims Court to be made by rules of court. Clause 26. The purpose of section 152g is to further simplify procedures in the Small Claims Court by removing pre-trial procedures. Such procedures cause long delays and defeat the speedy administration of justice, which is the purpose of this court. In addition, they involve technical considerations that cause difficulty to unsophisticated parties. Section 152h is a transitional provision dealing with the increase of the jurisdictional limit in the Small Claims Court.

Clause 27 by paragraph *(a)* makes an amendment to section 153 of the principal Act, which is consequential upon the amendments made by the next clause. Paragraph *(b)* is similar to clauses 20 and 22. Clause 28 removes sections of the Act that deal with enforcement of judgments and orders. For the sake of simplicity, provisions for the enforcement of the judgments and orders of the Supreme and Local Courts are now made in the Enforcement of Judgments Bill, 1978. Clause 29 removes sections relating to unsatisfied judgment summonses and garnishee orders. The subject matter of those sections is now provided for in the Enforcement of Judgments Bill, 1978. Clause 30 removes from the principal Act interpleader provisions enacted for the benefit of bailiffs.

Clause 31 increases the jurisdictional limit of the court in actions for the recovery of premises from $3 180 to $5 000. Clause 32 amends section 223 of the principal Act, simplifying it and bringing it into line with the Enforcement of Judgments Bill, 1978. Clause 33. Provisions similar to these sections are made in the Enforcement of Judgments Bill, 1978. Clause 34 by paragraph *(a)* brings subsection (1) of section 228 of the principal Act into line with section 216. Provisions similar to subsection (8) of section 228 are incorporated in the Enforcement of Judgments Bill, 1978. Clause 35 is consequential upon changes in the jurisdictional limit of the court.

Clause 36 removes subject matters that will be dealt with in the Enforcement of Judgments Bill, 1978. Clause 37 is consequential upon changes in the jurisdictional limit of the court. Clauses 38, 39 and 40 are consequential amendments. Clause 41 provides that fees be specified by schedule or rules of court. This will facilitate alterations when required. Clause 42 is a consequential amendment. Clause 43 removes section 301 of the principal Act, which is no longer relevant. Clauses 44 and 45 bring sections 302 and 303 respectively into line with the Sheriff's Bill, 1978.

Clauses 46 to 49 repeal sections 304, 308, 311 and 312 respectively to bring the principal Act into line with the Sheriff's Act, 1978, and to enable similar provisions to be made in that Act. Clause 50 removes the fourth schedule

to the principal Act. Matters covered by this schedule will be provided by regulations made under the new Sheriff's Act, 1978.

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

DEBTS REPAYMENT BILL

Adjourned debate on second reading.

(Continued from March 16. Page 2265.)

The Hon. K. T. GRIFFIN: At the appropriate time, I will seek to move that the Bill be referred to a Select Committee but for the present I indicate that I agree with the principle of the Bill. It is necessary to have legislation that will assist those who are in trouble with debts to arrange their affairs so that they may repay them. There is a small group of debtors that can be described as professional debt dodgers, and they work the system. However, the majority of debtors are unable to cope with their affairs or they get into trouble because of illness or some other reason that may be no fault of theirs.

In those circumstances, it is important to have a counselling service that will enable them to make financial arrangements to repay creditors by instalments. Of course, in those circumstance it is also in the interest of creditors. It is degrading for people with numerous debts to attend the unsatisfied judgments court many times, when they will either lose their job because of being absent from work or will lose time and reach a situation where their debt is compounded and they are not assisted. In my experience, most debtors desire to pay their debts, and proper arrangements to enable them to do this will facilitate that.

I want to refer now to several matters in the Bill. The first is the conflict between Federal and State laws, particularly the bankruptcy law. It is my view that, in the promulgation of the sort of legislation covered by the Bill, if possible there ought to be a scheme worked out in consultation with the Commonwealth to achieve what the legislation envisages. There should not be a conflict about the validity of the law as a result of which debtors and creditors are placed at a disadvantage.

Of course, there are difficulties with the present legislation in that acts of bankruptcy may be committed which are available to a creditor for six months after the act of bankruptcy is committed. There are also questions of preference that may have to be met by a particular service that is paying out creditors in instalments. Where there are preferences, of course, there is the real prospect that creditors who have received payments under the scheme will be required to disgorge what they have received and that will then form part of the funds available under the bankruptcy law.

The next matter is the involvement of the Credit Tribunal, and I point out a curious position. As I understand it, the present Judge in Insolvency in the State jurisdiction is Chairman of the Credit Tribunal. As judge in the Insolvency Court, which is vested with Federal jurisdiction, he exercises jurisdiction under the Bankruptcy Act. A curious position could occur where, under the Bill, the Chairman of the Credit Tribunal was presiding over a scheme and soon afterwards, or even concurrently, might be dealing with a petition for bankruptcy under the Bankruptcy Act. That is not in the interests of the creditor or the debtor.

There is, in clause 12, a significant amendment that seeks to affect securities, whether they are mortgages, bills of sale, or other securities.

There is provision in clause 12(3) *(c)* for modifying contractual rights and liabilities of debtors and creditors. In subclause (3)*(a)* there is provision for the sale or conversion into money of any of the property of a debtor, which may include property which is the subject of a security. So, a lender may find that there is no effective security that can protect his loan. Therefore, the provision has wider implications than those that I believe have so far been considered by the Government.

As a result of these provisions, is it likely that there will be fewer or no funds available in areas where lending is desirable; for example, housing loans? Does it mean that there may be considerable increases in interest rates? If those are the consequences, they will be to the detriment of ordinary people seeking to raise funds to purchase a family house. For lenders, uncertainties will arise, too. I refer to the case of a charitable group or trust lending on security. There could be a breach of trust through a security being modified.

Some charitable groups and trusts lend on the security of real property up to two-thirds of the market value, and they will be prejudiced by the uncertainty created by these provisions. There will be no preference for secured creditors in the repayment of debts. Under clause 14, there are restrictions on the enforcement of a security. Clause 14(1) provides:

> During the subsistence of an approved scheme, a creditor . . . *(b)* is not entitled to enforce any security relating to any debt covered by the scheme.

That compounds the difficulties facing those who borrow under securities and lend under securities. The definition of "debt" can create difficulties. For example, fines have been excluded from the definition, but fines can be the straw that breaks the camel's back with respect to repayment of debts. Federal taxes cannot be affected by the Bill, but they purport to be covered by the definition. Road taxes are excluded, because they are within the meaning of a penalty or a fine imposed by a court, yet road taxes have a serious effect on a debtor's capacity to repay debts.

It is not clear what consequences will flow with respect to the recovery of rates and land tax in arrears, which are a charge on land. I have no objection to the principle behind the Bill. I support that principle, but I believe that there are implications which have not been studied fully. Submissions should be sought from those in the community concerned with these matters. I support the second reading.

The Hon. J. C. BURDETT: I, too, support the second reading. This Bill is part of a scheme of five Bills designed to reform the law of debt recovery. I agree that there is a need for reform in this area, because of changed economic and social conditions. These Bills have been introduced very recently, and there is a need for people on both sides of the spectrum to be able to express their viewpoints. Finance companies and stores and their advisers have a right to express their viewpoint, while people representing the interests of debtors have a right to express their viewpoint. This is a group of Bills ideally suited for reference to a Select Committee, just as the Residential Tenancies Bill was suitable for reference to a Select Committee of the House of Assembly. The definition of "debtor " is as follows:

> "Debtor" means a natural person who is liable to pay debts.

This a very wide definition. Any person going into a store to buy goods on credit would be a person liable to pay debts, and he would be liable to the protection of the Bill. So, the range of people who can seek protection is very wide. Fundamental to the Bill is the setting up of a

Debtors Assistance Office. The Government hopes that this office will provide a practical way of assisting people in difficulties in connection with paying debts. The essence of the scheme is that a counsellor will propose a scheme that will assist in working out satisfactory arrangements. That scheme is considered by the Credit Tribunal and, if the tribunal confirms the scheme, this freezes the recovery procedures.

The scheme may be terminated in various circumstances, including breach of the scheme by the debtor. There are other provisons, including representation by debtors and creditors. As did the Hon. Mr. Griffin, I too have doubts about the provisions relating to security. Those provisions very much weaken the value of the security as it exists at present. The clauses concerned include clause 12(3), which provides:

> A scheme may (a) provide for the sale, or conversion into money, of any of the property of the debtor,

and may include property which is subject to security; and there is also clause 12(3)(a), which provides for the modification of contractual rights and liabilities of debtors and creditors. This is rather alarming—almost going as far as the Contracts Review Bill. It states that the scheme may provide for the modification (modification, presumably, in any way, whether by varying the security or otherwise) of contractual rights and liabilities of debtors and creditors. These provisions in relation to security I find perhaps the most frightening. Clause 13(5) provides:

> Upon approving a scheme under this section, the tribunal may order a creditor to whom debts covered by the scheme are owed to return any property seized in pursuance of a security given by the debtor over that property.

So it may be that a person has purchased a motor car or some other goods on what is commonly known as time payment. The security will be a chattel mortgage, under the Consumer Transactions Act, over the motor car. Default is made and the creditor, properly under the Act and after due notice probably under the mortgage, recovers the motor car; yet, when a scheme is approved, he may be ordered to return the car properly seized as security. This seems to be rough on the creditor.

Clause 14(1)(b) provides that "a creditor is not entitled to enforce any security relating to any debt covered by the scheme", which means that the value of the security is largely lost. If the intention of the Bill in regard to security is virtually to negate the efficacy of security, people may not get credit. People who can give security and who would at present be regarded as a good credit risk may not get credit. It may not be in the interests of the consumers to destroy the efficacy of security. I propose to vote for the motion foreshadowed by the Hon. Mr. Griffin to refer this Bill to a Select Committee. I support the second reading.

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

STATUTES AMENDMENT (IRRIGATION ACTS) BILL

Adjourned debate on second reading.
(Continued from March 16. Page 2266.)

The Hon. M. B. DAWKINS: I support this Bill, which provides for what would appear to be a logical transfer of the responsibilities of irrigation from the Minister of Lands to the Minister of Works. I say that it appears to be a logical transfer, although it does, to my mind, overload the Minister of Works portfolio, which is already a very heavy one, and is yet another responsibility which is being removed from the oversight of the Minister of Lands.

The Bill amends seven Acts, the principal one being the Irrigation Act, the others being the Agricultural Graduates Land Settlement Act, the Discharged Soldiers Settlement Act, the Irrigation on Private Property Act, the Pyap Irrigation Trust Act, the Ramco Heights Irrigation Area Act, and the Renmark Irrigation Trust Act. The Bill provides for amendments to each of those Acts, and the amendments remove by title the Minister of Irrigation and the Minister of Lands, making the necessary amendments in those cases.

In relation to irrigation, as I see it this is a further removal of responsible powers from the Minister of Lands to the Minister of Works. I ask whether this means the eventual abolition of the portfolio of the Minister of Irrigation or whether it will in effect transfer that portfolio to the Minister of Works, who already has a heavy load to carry. The transfer of departmental responsibility in this area has been proceeding from time to time and it is intended that, from July 1 next, the Engineering and Water Supply Department will accept official responsibility for irrigation. The Minister of Works is already responsible for water supplies throughout the State and perhaps it is reasonable to suggest that he should be responsible for irrigation, which directly involves the use of Murray River water. Irrigation systems and management have a bearing on the effective use of the varying types of water received in South Australia.

In some respects I am sorry to see this responsibility tranferred from the Minister of Lands, because the portfolios of Lands and Irrigation have been associated for some time, but I think it is probably in the best interests of South Australia and of the people who are engaged in irrigation on the Murray River and elsewhere that the responsibility be vested in the Minister of Works. Probably we are at the stage where we should have a special ministry for water resources. Be that as it may, it is probably in the best interests of South Australia that these responsibilities be transferred at this time to the Minister of Works.

The Bill provides for a number of alterations, including doing away with the drainage committee which was set up many years ago and which consisted of someone from the Irrigation Department, a member from the Soils Division, and a drainage engineer. That committee, I gather, has done much valuable work, and it has been done away with by this Bill. Once again, it means more responsibility and more control to the Minister. It seems to be a trend that is not altogether desirable. Nevertheless, I think on balance that it is in the best interests of the State that the responsibility be vested in the Minister of Works, and I support the Bill.

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

RECREATION GROUNDS (REGULATIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from March 16. Page 2266.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to support the Bill, which deals with the penalty in respect of misbehaviour on recreation grounds, increasing the existing £10 penalty to $200. As I see no reason why such penalty should not be increased, I support the Bill.

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.
(Continued from March 16. Page 2268.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I conclude my remarks by quoting from the Progress Report of the Joint Committee on Pecuniary Interests, together with minutes of proceedings, of the Parliament of New South Wales. In examining this matter, the Joint House Committee of both Houses of the New South Wales Parliament made the following recommendations:

1. Each member of Parliament should be required to disclose in a register details of—

(a) any interest capable of producing a benefit of a financial or material nature and,

(b) any benefit however received,

which he considers could influence him in the discharge of his duties or responsibilities and in conformity with any code of conduct adopted by Parliament.

2. That separate registers be maintained in respect of the Legislative Council and the Legislative Assembly.

3. Obviously, difficulties over the interpretation of interests will arise in the initial stages of the operation of the register and for this reason a Joint Standing Committee upon Pecuniary Interests should be appointed not only to deal with the problems as they arise but to generally supervise the operation of the register.

4. That access to the information disclosed in the register only be permitted after establishing to the satisfaction of the registrar and the Joint Standing Committee upon Pecuniary Interests that a *bona fide* reason exists for such access.

5. That the Clerk of the Parliaments and the Clerk of the Legislative Assembly should be the registrar of the respective registers and should have the responsibility of compiling and maintaining them.

6. The Joint Standing Committee upon Pecuniary Interests be entrusted with the responsibility of drafting a suitable and meaningful code of conduct for submission to Parliament.

7. Members should furnish the information in the form of a statutory declaration at the commencement of every Parliament or in the case of new members upon taking their seat in Parliament to the registrar who will act on the instructions of the committee as well as under the resolutions of the House.

8. Members to be notified in writing immediately by the registrar when an access request has been received. The member shall be given seven days in which to reply to such notification by the registrar.

9. That the register be kept in loose leaf form and members be required to notify the registrar of any changes when they are known by the member to have occurred.

10. The decision of the Joint Standing Committee upon Pecuniary Interests in cases where access is opposed will be final, and there will be no right of appeal.

11. Members will be expected to comply with registration requirements or face the prospect of disciplinary action by the respective Houses.

12. The Joint Standing Committee be entrusted with the responsibility of making such recommendations to the Standing Orders Committee in respect of Standing Orders 204 in the Legislative Assembly and 126 in the Legislative Council which will ensure that interpretation of these orders takes cognizance of relevant factors contained in this report.

That is almost the recommendation I would make to this Parliament. If the Bill proceeds, I have asked the Minister whether he would allow it to reach Committee and then hold it over until the next session to allow members to examine this question fully. At this stage of the session, we have had a tremendous amount of legislation today. This is not an urgent matter and does not require to be placed on the Statute Book tomorrow. We should pass the second reading and then allow members a couple of months to think about it and draft their amendments. The New South Wales report deals with the registration system in other Parliaments, as follows:

9.1 *Federal Parliament of Australia:*

A register was recommended by the Joint Committee on Pecuniary Interests of Members in 1975. No steps have been taken by the Australian Parliament to implement the recommendations.

9.4 *Legislative Assembly of Saskatchewan, Canada:*

Members are required to file a statement under oath within 2 months of election to the Clerk of the Assembly showing details of any involvements with government contracts and company memberships in respect of both himself or his spouse.

9.5 *New Zealand House of Representatives:*

No register in operation, however, on October 25, 1956, the Ministers Private Interests Committee recommended the acceptance of certain basic principles which should be observed by holders of Ministerial office under the Crown in the reconciliation of their public duties and private interests.

I have said that, concerning the question of pecuniary interest, there are two kinds of Parliamentarians each with a varying degree of responsibility. This matter has been investigated by several Parliaments operating the Westminster system and it seems that they have come down on the side of saying that it is a matter for Parliament and not one for public scrutiny. Evidence taken by a privacy committee in New South Wales emphasises that that committee had strong views on the question of invasion of privacy, and page 10 of the report states:

> Any alternative involving a register of interests direct or indirect, public or otherwise, would in the Privacy Committee's opinion, provide only spasmodic and uneven benefits. Because of its ineffectiveness and its intrusion into the democratic process it would be an unjustified invasion of privacy.

I am prepared to support the second reading but ask the Minister to undertake that, if the Bill reaches Committee, it will be held over until the next session of Parliament.

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

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2334).

The Hon. J. C. BURDETT: I rise to speak on the second reading of this Bill. In the time I have been in Parliament this is the most precipitously introduced, unnecessary, unwarranted, inappropriate, ill-conceived, philosophically unsound and unwanted Bill that has come before the council. The second reading explanation states.

> At the conclusion of the lease, the council hopes to operate the motel in its own right.

I just do not believe that this is true. First, I have made inquiries in Whyalla. I have had other inquiries made and I

just do not believe that this statement in the second reading explanation is warranted.

The Hon. N. K. Foster: We believe it.

The Hon. J. C. BURDETT: If the honourable member believes it I will just point this out: if you want, properly, to be able to say what a council intends you must be able to point to the resolution. I ask the Minister, when he replies, to say on what basis he believes that the council is in such haste to operate the motel in its own right. I hope he will point out to the House what the resolution of the council is. As I understand it, there is no resolution. I believe that the matter has been considered by the council on more than one occasion in committee. Of course, nobody ought to know what was resolved in committee.

The Hon. N. K. Foster: You seem to know.

The Hon. F. T. Blevins: He has plenty of inside information from the committee.

The Hon. J. C. BURDETT: I do not know what was resolved in committee. No-one else is able to know, either. I do know that the committee did consider the matter last night, or it intended to consider the matter last night. I presume that it did so.

The Hon. N. K. Foster: It was the report you got.

The Hon. J. C. BURDETT: I have not got a report.

The Hon. N. K. Foster: You're in the box.

The Hon. J. C. BURDETT: I am not in the box, I am making a speech, a better speech than the Minister's second reading explanation. If one is going to say that the council hopes to operate the motel in its own right, one should do so on some better information than just what some officer of the council has said, or what one or more councillors have said. There must be something to back it up.

The Hon. F. T. Blevins: You should amplify that a bit.

The Hon. J . C. BURDETT: All I said, and I stick to this, is that if one is going to make the statement that the Minister made, then one should have something better to go on than some statement claimed to be made by an officer of the council or some particular councillor.

The Hon. F. T. Blevins: You should amplify that.

The Hon. J. C. BURDETT: I have amplified it and made it clear. I pointed out that if the Minister is going to make a statement like this he should put up or shut up. He should be prepared to say where he got his information and what the basis was. This Bill is even worse when it comes to a question of principle because it states that it is not peculiar to Whyalla at all. It is saying nothing about Whyalla; it is not related to Whyalla. The Bill states:

> (1b) Notwithstanding the provisions of any other Act—
>
> (a) it shall be lawful for any council to apply for and hold a full publican's licence, a limited publican's licence or a restaurant licence under this Act;
>
> and

It also states, and this is probably even more to the point:

> *(b)* any council to which any such licence is granted is authorized and empowered to carry on the business of a licensed victualler or licensed restaurateur from the licensed premises.;

Not in the Local Government Act but in the Licensing Act is the council empowered to carry on this particular kind of business.

If it is proper to empower a council to carry on a business, the provision should be in the Local Government Act. This is bad legislation, because it grants a wide power outside the Local Government Act. Why not empower councils to carry on supermarts? If it is intended to empower councils to run motels, licensed restaurants, and supermarkets, it should be done in an organised way in the Local Government Act, not piecemeal.

There is something to be said for the proposition that wider powers should be given to local government and, in this connection, there may be some merit in the doctrine of *intra vires*. I stress that the Local Government Act is the traditional charter for local government in South Australia. It is largely administered by laymen who have become very familiar with it. Those people, on going to the Local Government Act and other Acts that councils specifically administer, should feel confident that they can find there everything that councils can and cannot do, and everything pertaining to local government.

If this Bill was to be introduced, it should have come through the ordinary local government process. It should have been initiated by resolution of one or more councils. It should have come through the Local Government Association in the ordinary way, instead of being sprung on us through a suspension of Standing Orders in the other place today. That is no way in which to give a large and additional power to local government. The Local Government Association people had not heard about the Bill until I told them.

The Hon. J. E. Dunford: What did they say about it?

The Hon. J. C. BURDETT: They said they did not like it. The point is that they had not heard about the Bill until I told them.

The Hon. F. T. Blevins: "They said they did not like it." Who are "they"?

The Hon. J. C. BURDETT: The Secretary of the Local Government Association.

The Hon. F. T. Blevins: Then it is his opinion.

The Hon. J. C. BURDETT: He had not heard about the Bill. This is not the ordinary case of merely being opposed to a Bill. In that case we simply vote against the Bill. It may be difficult for some members because, generally speaking, on this side of the Chamber we acknowledge the right of the Government to govern. On many occasions we support legislation about which we have reservations. I have done that many times and I have said so. This is not one of those cases. In the first place, the legislation was not requested by the local people, by local government, or by the people concerned. It is quite contrary to the concept of the Local Government Act. I shall have no hesitation in voting against the second reading. I oppose the Bill.

The Council divided on the second reading:

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

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

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

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

Second reading thus negatived.

[Sitting suspended from 1.25 to 1.50 a.m.]

INSTIUTUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT BILL

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

RESIDENTIAL TENANCIES BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference held on March 16.

ADJOURNMENT

At 2.13 a.m. the Council adjourned until Wednesday, March 22, at 2.15 p.m.