LEGISLATIVE COUNCIL

Wednesday, March 22, 1978

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

MOTOR FUEL RATIONING BILL

The Hon. D. H. L. BANFIELD (Minister of Health): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

The PRESIDENT: There being no recommendation from the conference, the Council, pursuant to Standing Order 338, must either resolve not to further insist on its requirements or lay the Bill aside.

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

That the Council do not further insist on its amendments.

The conference commenced in a conciliatory manner. Indeed, the Council managers appreciated the attitude of the conference Chairman, the Minister of Labour and Industry, who indicated that he was willing to accept certain of the amendments. The first amendment, relating to a person's knowledge that he was committing an offence, was acceptable to the Minister of Labour and Industry.

Regarding the second amendment, the question arose regarding the transport of fuel in 180-litre containers compared to 220-litre containers. Honourable members may recall that concern was expressed in the Council that farmers and other people in the outback would not be able in future, as they have done in the past, to transport fuel in 44-gallon drums. The Minister could foresee problems that would have been created had the Council's amendment, which provided for 180-litre containers, been insisted on. The Minister indicated that he was willing to accept the amendment provided that a certain number of 44-gallon containers was transported. Indeed, it was agreed that he would probably agree to up to six 44-gallon drums being so transported. This appeared to be acceptable to the managers for this place, but then the rot set in.

The Hon. C. M. Hill: You ran out of fuel.

The Hon. D. H. L. BANFIELD: We ran into a stone wall from members opposite, who are not interested in emergency measures. They do not care whether they incite the unionists or the employers. All that the Opposition wants is almighty power. We did not run out of fuel: we ran out of common sense from members opposite, who do not care what happens as long as they can direct people.

The Hon. T. M. Casey: You are not suggesting they were playing politics, are you?

The Hon. D. H. L. BANFIELD: No. They were just being plain pigheaded. The Minister pointed out, regarding amendment No. 4, that, if it was necessary to introduce petrol rationing as a result of a dispute interstate, this would not have any bearing at all. We would not be able to affect any person. The provision could not be effective if the seamen were responsible. It could not be effective, because this State would not be able to direct people interstate or the seamen interstate.

In the past, emergency powers have been given when there has been petrol rationing and this has worked well. That indicated to the Minister that it was not necessary to inflame people in advance as members opposite want to do. It was pointed out to the managers that, if this is the policy of members opposite and if they believe that they can settle disputes by ordering people about and inflaming tempers in advance, they can do what they like if they get into Government. This could be the first amendment they make.

However, that is not this Government's way of achieving conciliation in a dispute. We believe in talking around the table. If in future it is necessary for a provision such as the amendment we can still put it in, but we do not believe that it is necessary now, because of past experience.

The Government believes that we can do better by way of conciliation. Our industrial relations, involving employers as well as employees, are the envy of other States. The Minister in another place indicated that he had held discussions with the oil companies, which were also concerned about the possibility of this clause being inserted in the Bill. The Minister indicated that in the past he had received co-operation from the oil companies and from the trade union movement. So, what are the Opposition's motives? The Opposition could not point to one instance where the system had broken down in respect of previous emergency legislation. So, the Opposition must have an ulterior motive and a political reason. The Government does not know of any possible need for emergency legislation but, if the need arises while Opposition members are touring overseas, I indicate that we would have to consider the whole question of granting pairs. The Opposition has been warned of the position. It is not interested in allowing us to have emergency powers to take care of the situation. I ask honourable members not to further insist on the amendments.

The Hon. R. A. GEDDES: I recall that eight or nine years ago the Hon. Mr. Shard said to the Hon. Mr. Banfield, when the Hon. Mr. Banfield was a back-bencher, that he could often talk the Opposition into opposing things if he went too far.

The Hon. D. H. L. Banfield: Fancy arguing along those lines. Evidently you are not interested in the merits or demerits of the Bill.

The Hon. R. A. GEDDES: It was up to the House to decide whether or not this Bill would be laid aside.

The Hon. D. H. L. Banfield: My motion gives you a chance.

The Hon. R. A. GEDDES: The Minister's eloquence ran away with him. The Government's philosophy is to put permanently on the Statutes a Bill designed to cover a section of the problems that may occur if motor fuel rationing has to be introduced. The Bill provides for controls over the private motorist, the transport operator, industrial concerns, and the petrol reseller. It therefore enshrines permanently on the Statutes complete control over the motor fuel reseller and the end user—those using motor fuel for their very existence and for their economic survival.

However, this Bill conveniently omits to provide any control over the motor fuel distributor or manufacturer. The Minister of Health said that the Minister in another place had said that the oil industry did not want this type of provision. As I said earlier, it is not always the unions that are possibly to blame. It could well be industry that could delay delivery of fuel for its own purposes, whether good or bad.

If they refused to deliver the fuel, of course it would be bad. So this Bill does not allow for that provision; it does not provide for any other matter that may cause delay in the supply of motor fuel to the reseller and, hence, to the industry. As I said in my second reading speech, it is a Bill with gums but no teeth, and what point is there in Parliament's knowingly agreeing to legislation that does not cover every contingency?

The Hon. D. H. L. Banfield: You passed similar legislation before, and you know it.

The Hon. R. A. GEDDES: That was temporarily on the

Statute Book for about 30 days; this is to be, as I have said, permanently on the Statute Book.

The Hon. D. H. L. Banfield: It is not; it is to be operative for only 30 days. Come on!

The Hon. C. M. Hill: But you can come back again.

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

The Hon. N. K. Foster: There is nothing wrong with that, Mr. Hill.

The Hon. R. A. GEDDES: The Minister's second reading explanation stated that it was a Bill that would be permanently enshrined in the Statutes of the State. Admittedly, it is for 30 days, but it stays on the Statute Book; let us not quibble about that. In the light of the knowledge and the argument I used throughout the passage of the Bill, I oppose the motion of the Minister of Health and indicate that the Bill should be laid aside.

The Hon. N. K. FOSTER: I rise to endeavour at this stage to dissuade the Opposition from insisting upon its amendment. I do so because I can understand its position in this Parliament and also because of the attitude members opposite display towards the people they want to bring within the ambit of the Bill. We realise, of course, that their attitude and the attitude expressed by members on this side of the Council are somewhat different. I am not being vindictive to the Opposition in saying that that applies, of course, to the whole of the industrial sector in the Western World, and is not confined to Australia.

It is true that there was some bitterness about a previous measure introduced in an emergency to deal with fuel rationing. There is no Government in its right mind in a country like Australia, with its indulgence in the use of petrol, that would want to introduce legislation such as this. That brings me to a point which I wish the Hon. Mr. Geddes would listen to—at the moment he is being distracted. This is purely and simply an emergency measure to meet some of the previous complaints and criticism of members opposite of a previous rationing experience.

The Hon. R. C. DeGaris: There was no criticism.

The Hon. N. K. FOSTER: There was criticism—not necessarily within the confines of a political Party, and there always will be. Never let it be forgotten that the 1949 Federal election was won by a political Party that successfully advocated the abolition of petrol rationing. It is an emotional thing, and the shadow Minister knows enough to recognise that. What I want to remind honourable members of is this: there is contained within the legislation a maximum of 30 days, and that should meet the requirements of anybody here who thinks that the legislation may be providing for far too long a period.

Given the type of installations that we have in Australia and the cessation of the production of petrol products, within 30 days there would probably be little petrol left and everyone would be in the same category. In such a situation it is necessary to define who are essential users, and this Bill does that. In doing so it has incurred the wrath of some members opposite who have said that one should not place within the framework of the Bill a clause specifically providing that a direction shall be given to trade unionists—

The Hon. R. C. DeGaris: It doesn't say that.

The Hon. N. K. FOSTER: That has been openly stated by speakers in the debate. Whether one regards industrial situations as one-sided or not, that aspect should be put aside in the interests of emergency legislation. I refer to the question of whether or not people who cause a dispute will be immune from its effects. I refer to a situation in which petrol production ceases as a result of an industrial dispute, or where power production is disrupted. Indeed, I refer to the present predicament of President Carter and the cooling-off period of 90 days applying in America. The proponents of that legislation suggested that that provision could be accepted by all parties, but the provision does not work in that way, and has not worked in the serious coal-mining dispute, despite the poll taken and the other factors involved.

Even if such a provision is included in the Bill, what is intended by it may not necessarily be achieved. I refer to the confrontation by the Labor Government in South Australia with various unions. It is our Premier who has confronted union member on the steps of Parliament. I refer to Ben Chifley and Cyril Chambers in relation to legislation seeking to bring workers back to work.

The Hon. R. C. DeGaris: Did you agree with it?

The Hon. N. K. FOSTER: In some respects, and not in others, but that is irrelevant. The Leader should make an examination about whether or not what followed that legislation was successful. Did that legislation achieve a return by workers to industry, and a reduction of disruption to industry?

If one examines the records, one finds that neither of those two things happened. Flour and soot bombs were still thrown in this city because of the miners' strike, which led to a railway strike years later. This sort of thing does not work. This sort of situation, which can involve not only unions but also employers, can drag on for many months. Little can be done by legislative action to solve this sort of problem.

The Bill before the Council is an emergency measure and one cannot expect all the "i's" to be dotted and all the "t's" to be crossed. No Government of any political persuasion can be expected to do that. I suggest to members opposite, particularly the Leader, that their responsibility on this occasion relates to emergency legislation only, and that they should not use this Bill to introduce measures relating to all types of industrial activity.

Bearing in mind the 30-day lifetime of the operation, the passage of this Bill is absolutely necessary to ensure that, even beyond the responsible attitude taken by trade unions, for at least some time this State's essential services will be maintained in an emergency.

The Hon. R. C. DeGARIS (Leader of the Opposition): I commend the Hon. Mr. Foster for his contribution to the debate, the best that he has made in this place. Nevertheless, I do not agree with what the honourable member said, and I should like to explain to him and the Government my viewpoint of the matter. First, I point out that the Wran Government in New South Wales adopted almost exactly the same power that is suggested in this Bill.

The Hon. F. T. Blevins: Were those powers inherited by or given to that Government?

The Hon. R. C. DeGARIS: Act No. 69 of 1976, introduced by the Wran Government, gave it these powers by regulation.

The Hon. F. T. Blevins: Do you agree with everything that Wran does?

The Hon. R. C. DeGARIS: Must one always put up with this gabble from the honourable gentleman from Whyalla? Already this power exists in the New South Wales legislation, which was introduced by that State's Labor Government. The honourable member has merely to read New South Wales Act No. 69 of 1976 to see this. However, that power is not being written into this Bill. Rather, it is a regulatory power that the Government can use if it so desires. The Hon. Mr. Foster said that he agreed with Mr. Chifley up to a certain point, but after that point the power exists for the Government to direct the movement of fuel in South Australia during a crisis period. That is a

reasonable and proper power for a Government to have.

I remind the Government that this Council has never refused it emergency powers to handle any crisis that occurs. Every time that there has been a problem and the Government has called Parliament together urgently to consider it, the measure has been given due consideration and passed by the Council. This is the only time that we have objected, because the Government is writing into the Statute a permanent provision relating to emergency legislation.

One recalls that a few years ago emergency legislation gave the Government regulatory powers without its having to refer a matter to Parliament when an emergency occurred. The Government had power to do all things to all men in this State, with the exception that it could not touch trade unionists who were on strike. Those people were excluded in relation to the emergency powers that were to go on the Statute Book permanently. The Council, quite rightly, amended that legislation, and the Government saw fit not to proceed with it in another place. Whenever an emergency has occurred in the past and a Bill has been introduced, the Opposition has always dealt with the matter expeditiously and in a co-operative way.

Under this amending Bill, we are writing into permanent legislation a regulatory power giving the Government authority to move fuel in the State at a time of crisis. One cannot predict what that crisis may be. In this respect, one can think of several things. Indeed, the Hon. Mr. Geddes referred to a host of them, such as strikes or lock-outs, or a dozen other things that could occur. The Government does not have this power unless it makes a regulation, and it can use this power only in an emergency situation.

Much has been said about the 30-day period but, once the Bill is enacted, the Government will have the choice of continuing with the legislation or removing it after the 30 days has passed. The Government has no power to vary in this respect. I cannot therefore see any reason why the Council should not insist on its amendments. If the Bill goes out, it will probably be the correct thing to do; no harm could be done if that happened. If an emergency arose, Parliament could be called together within 24 hours to deal with it. If this Bill did not contain the regulation-making powers such as that contained in the New South Wales legislation, it would be best for the Bill not to pass and for Parliament to deal with any emergency as it occurred.

The Hon. M. B. DAWKINS: I, too, congratulate the Hon. Mr. Foster on what I regard as the best speech that he has made in this place. However, like my Leader, I did not agree with everything that he said. I wish that the Minister of Health had been able to make a speech as reasoned as was the Hon. Mr. Foster's contribution.

The Minister got a little upset and said that the Opposition was trying to direct the Government, or words to that effect. However, that is not so. The Opposition is merely trying to provide the Government with a further reserve power that it could use, if necessary. The Opposition also said that, if the Government was unhappy about the power to use such a direction immediately an emergency occurred, it was willing to agree to a subclause providing that this power could only come into effect after an emergency had existed for 14 days. At that stage the situation would be grave indeed. The Opposition is merely trying to provide the Government with a power so that it may (and not "must", as the Minister suggested) give certain directions.

If the Government has responsibility and if the situation is as desperate as it could be after 14 days, the Government ought to have power to direct anyone who needs to be directed to do a job in an emergency. The legislation as it stands has no teeth and may not work satisfactorily. The Government is completely misinterpreting the Opposition's intention when it says that we on this side are going to direct. We are giving the Government power to do something, but it does not have to do it: it is a matter for the Government's judgment.

The Hon. J. E. DUNFORD: The report to the Council made by the Hon. Mr. Dawkins, unlike the Hon. Mr. Foster's report, dealt with only the making of an excuse that the Council was not trying to direct the Government and with saying that we were giving the Government more power. He has never suggested previously, since I have been here, that the Government ought to have more power. I wondered why the Minister of Labour and Industry took the attitude that he did this morning.

I think that he has noticed the arrogance of people opposite, especially the Hon. Mr. Hill and the Hon. Mr. Burdett, in the past three or four weeks. The Hon. Mr. DeGaris seems to have dropped out, but the other two members can see only red octopuses when they look across at this side. At the conference, Mr. Wright was conciliatory and, before I got there, he had agreed to three parts of the amendment. He knew of the arrogance that has been displayed by the Council in recent times and he knew that the Bill was important. He had to compromise.

The fourth part of the amendment made by the Council is the sort of thing that we would expect in a dictatorship. The Minister was horrified and would not accept it. I think I said, "We only have to bring the troops in if we have to," and the Hon. Mr. Laidlaw said, "You should not say that." The Liberal Party has a history of force and confrontation with the trade union movement. In the air traffic controllers' dispute, Fraser wanted to bring the Air Force in, but it did not have the know-how to do that work. The Hilton Hotel bombing was a catastrophe, but bringing out the military to take people to Bowral was a forerunner of the Liberal Party's intention to condition the people to the fact that it will use troops in any circumstances. The proposition to direct a person to do any specific thing is exactly that.

The main spokesman for the Opposition in this Council, the Hon. Mr. DeGaris, had no intention of conceding to the Minister. If there is a dispute and we have to have legislation, the Liberal Party will move amendments similar to these. The Minister has said that he is willing to say on television how the conference was aborted by the managers from this Council, and I hope that the Hon. Mr. DeGaris appears on television with him.

The Hon. R. C. DeGaris: Do you think Premier Wran in New South Wales is wrong about the power that he has in his legislation?

The Hon. J. E. DUNFORD: I believe that we were wrong. I will not comment about Mr. Wran. I do not know what the legislation in New South Wales provides and, even if I did, I would not criticise another State Government. The only criticism that I have levelled in this Council against any other Government has been levelled against the Fraser Government.

The Fraser Government's record has convinced the Minister that the Opposition's approach is dangerous. This was the worst conference that I have ever served on. The Minister reminded Opposition members that the Opposition was not the elected Government, and he will be giving the same message to the people of South Australia. If this motion is negatived, this Council will be held in even more disrepute than it has been held in the past.

The Hon. D. H. L. BANFIELD (Minister of Health): What ulterior motive lies behind the Opposition's attitude? The Hon. Mr. Dawkins said that all the

Opposition was doing was offering the Government a power. He made his offer, but the Government did not accept it, because the Government believed that it would be better off without the power. I now thank the honourable member for the offer, and I ask him not to insist on it. The Hon. Mr. Dawkins said that this Bill was without teeth, but he did not say that on two occasions when we introduced similar legislation, which the honourable member approved, that legislation did not have the provision which the Opposition is now seeking to have inserted. Where were the teeth then? Where was the honourable member then?

The Hon. Mr. DeGaris said that, if we did not accept the amendment, the Government would not have any powers, but I point out that the very purpose of the original Bill was to give the Government powers. If this Bill is laid aside, there will not be one power available to the Government. The Opposition asked what the position would be if an emergency arose while the Council was not in session. In reply, I point out that the Council would have to be called together to pass emergency legislation. In such circumstances, we would be considering a measure under pressure while a dispute was in progress. By way of contrast, we can fully discuss the Bill now before us. Now is the time to give the Government emergency powers. We assure honourable members that, if and when (but we do not think it is likely) these powers are insufficient, we will come back to Parliament. However, in the past, when emergency powers have been necessary, powers like those in this Bill have been sufficient.

The Council divided on the motion:

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, N. K. Foster, and Anne Levy.

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—Hon. C. J. Sumner. No—Hon. Jessie Cooper

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

Motion thus negatived.

SOUTH AUSTRALIAN HERITAGE BILL

The Hon. D. H. L. BANFIELD (Minister of Health): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

The ACTING PRESIDENT (Hon. R. A. Geddes): No recommendation from the conference has been made. Therefore, the Council, pursuant to Standing Order 338, must either resolve not to further insist on its requirements or order the Bill to be laid aside.

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

That the Council do not further insist on its amendments.

I feel much more confident about this Bill because members opposite have referred to legislation operating in New South Wales, so we are obviously on safe ground here. Referring to the conference itself, I can only compliment the managers from the House of Assembly on the way in which they wanted to reach some arrangement with this Council. They found that they could reach agreement on two amendments—one relating to the binding of the Crown and the other relating to time. The Minister of Labour and Industry indicated that he was able to reach some compromise in those two areas, but we have found that today is the day when people from the House of Assembly were prepared to compromise with the Upper House but found it impossible in the circumstances, again because of the pigheadedness of the members from this Council. It is obvious, from the result and how Bills have fared in joint sittings of both Houses, that members opposite are having their last fling, because it is clearly coming out that they know they are losing their grip, and this is their last chance to have the numbers in this place.

The Hon. M. B. Dawkins: You only got 36 per cent of the vote last December.

The Hon. D. H. L. BANFIELD: That was as a result of a dirty low system introduced not by the Labor Party but by the Liberal Party. There was no democracy when we got in here representing not the people of the State but a minority vote. The system was instituted by the members of the Liberal Party and was allowed to go on. Returning again to the conference, the matter on which members could not reach a compromise was compensation, in respect of which I have indicated that this legislation is consistent with legislation in New South Wales and Victoria, and with the City of Adelaide development control. We heard the Hon. Mr. Hill say yesterday, "We believe there should be a national heritage; we believe in it but we are not going to do anything about it. We are not going to do the sort of thing that has been done in New South Wales or Victoria."

The Hon. M. B. Dawkins: You said that a moment ago about Wran.

The Hon. D. H. L. BANFIELD: The honourable member will have his chance to speak. I move:

That Standing Orders be so far suspended as to enable the time for the reports of conferences to be given and Question Time be extended beyond 3.15 p.m.

Motion carried.

The Hon. D. H. L. BANFIELD: I am saying just how enthusiastic the Hon. Mr. Hill was about retaining the heritage of this fine State of ours! He is not enthusiastic one little bit, and he showed that this morning when he would not give an inch when it was pointed out to him that the question of compensation did not arise in other States or anywhere else in the world.

The suggestion was put to the Hon. Mr. Hill, but he pointed out that there might be an odd case or two where there was a depreciation in value of the property once it went into the register, in spite of the fact that it was also pointed out to him that some property appreciated in value when it came on to the register.

We suggested to the Hon. Mr. Hill and other representatives of this Council, "Very well; if we are to pay compensation in an area where property may depreciate, will you agree to support a betterment tax where a property appreciates as a result of being put in the register?" A reply was not forthcoming, because the view of members opposite is that we should socialise the debt but capitalise the profit. The Hon. Mr. Hill then said that the State should bear the cost of any depreciation in this matter, but he did not go on to say that the State should benefit as a result of any appreciation that might occur by properties being put on the register. I wonder why. Whose interests was he looking after? Again, I wonder: not the interests of the State, because he is happy to have these buildings knocked down so that business can go on and make a profit out of it.

The Hon. R. C. DeGaris: That is a totally unfair statement.

The Hon. D. H. L. BANFIELD: It is not. What is more unfair than the State having to subsidise any losses but not reaping any benefit from appreciation?

The Hon. R. C. DeGaris: That is not the point. You

accuse the Hon. Mr. Hill of bulldozing property without considering the heritage of the State. That's unfair.

The Hon. D. H. L. BANFIELD: I did not. He has said that he would retain the heritage of this State, as long as he can socialise the losses and capitalise the profits. I indicated that a few minutes ago, so my statement was not unfair, and the Hon. Mr. DeGaris knows it. When members opposite tell us they are prepared to support a betterment pact, we shall believe that they have some interest in retaining the heritage on this State. The only inference that anyone who was at the conference should draw is the uncompromising attitude of members opposite, which can be construed as being, "Very well; let the State pay for any losses but let the individual have the profits." It is clear to us on this side that, if members opposite do not pass this Bill this afternoon, they have no interest in retaining the heritage of this State. I ask honourable members not to insist on the amendment.

The Hon. C. M. HILL: I oppose the motion and ask that the Council insist on its amendments. First, I deny and refute the foul rubbish that oozed from the Minister's lips in the latter part of his speech, when he made untrue accusations about my attitude towards a Government proposition to consider a betterment tax. If the Government could come up with a proposition applying a fair and reasonable betterment tax under this Bill, I will be pleased to examine it. I do not know how it can be done, and that was the only point I made about such a tax at the conference.

The Hon. Anne Levy: You would not consider it.

The Hon. C. M. HILL: I did not say that, and the honourable member knows it. I told the Chairman of the conference that I could not see how such a tax could be implemented. My position is as simple as that. I do not want anyone making money or increasing their capital as a result of the Bill. However, I do not want individual citizens losing capital because the Government invokes such legislation. That is my major fear and, if losses are involved, I want the State to bear them, because heritage involvement is for the benefit of the State and not for single property owners. Further, I deny that I do not believe in this approach to heritage: I want to see our heritage preserved, and I emphasise my desire to preserve it.

The Hon. C. J. Sumner: At the taxpayers' expense?

The Hon. C. M. HILL: Yes, with the burden spread over the total community, which should bear the cost of preserving this State's heritage. If the honourable member and the Government disagree with that, let them say so. Let them say that they believe that individuals should bear the cost of heritage preservation in South Australia.

The Hon. D. H. L. Banfield: You believe that the individual should benefit from any appreciation that might obtain.

The Hon. C. M. HILL: I do not believe in that at all. The situation could not be more twisted than it is in those words. I stand for the preservation of our heritage, but I believe that the cost should be borne by the whole community. In stressing that view I deny emphatically that I turned my back on any suggested betterment tax. If the Government has such a suggestion, it should bring it forward, but it has nothing to proffer. It is only using that point for political purposes.

The Council should insist on its amendments. I hope that at a later date we shall have heritage legislation in South Australia that is acceptable to both Houses of Parliament and to the community. It is easy to talk of the preservation of heritage, but this matter must be looked at with proper perspective and depth. Regarding compensation, and it was on this aspect that the conference foundered as the Minister said (and he was wrong regarding the compensation aspect) because, whereas an individual owner is put at loss, he—

The Hon. R. C. DeGaris: He could be bankrupted.

The Hon. C. M. HILL: True, and, if loss is forced upon him by this Bill, the State should compensate that person for his loss. I make no apology for that view whatever. That is a principle that I believe in, despite precedents referred to interstate and overseas. Honourable members can refer to the position in Victoria, New South Wales and overseas, but have they really studied those Acts?

Further, four amendments were considered by the conference. Two dealt with compensation matters, one dealt with the need for the Crown to be bound by certain parts of the legislation, and the fourth dealt with the need for the Minister to give a reply to the State Planning Authority in certain circumstances. As the Minister indicated, compromise was offered by managers of another place to the latter two amendments. Concerning the clauses dealing with compensation and acquisition, the acquisition clause was inserted in this Chamber providing, in effect, that if property was placed on the register, the owner had the right within six months to offer that property to the State and for the State to be bound to acquire it. Managers from another place indicated that, as the National Trust had already prepared and issued lists of properties that it believed should come within the control of the State (if the Bill was passed), then almost the whole list would automatically be classified and the properties placed on the register. If the amendment were accepted, many owners could make immediate claims on the State and, because of the advanced stage of the National Trust's machinery, the State could be embarrassed by the amount it may have to pay out for such acquisitions.

Managers from this place recognised that problem and in the dying minutes of the conference indicated their willingness to forgo that amendment as an endeavour to seek compromise, which was a point overlooked by the Minister. However, they could not forgo amendment No. 6 regarding compensation.

That provision states that if, in accordance with the provisions of the Bill, a person has had an application to alter or demolish refused, and if as a result thereof has suffered loss, compensation ought to be payable to him. It was on that one clause that the conference could not reach agreement and, consequently, broke up.

A clause of that kind in the Bill is absolutely necessary if we are to be fair and just in our approach to this problem. However, the House of Assembly managers could not agree to that and, even after a further break in the conference to allow full consideration of the matter, final agreement could not be reached.

In opposing the motion, I hope I have made clear my attitude and that of my colleagues. Indeed, this has been our attitude since the second reading debate yesterday. Other honourable members and I support totally the concept of the preservation of our heritage. However, it should be preserved in a situation in which individual owners do not suffer loss.

The Minister said that I was concerned not with the State but with individuals only. I am concerned more with individuals than I am with the State, and I am proud to belong to a Party that places that tenet high in its code. The individual is all supreme as far as I am concerned, and I do not want to see the individual yield to the will and power of the State.

Government members take the view that the State is supreme. On that point, we are worlds apart in our philosophy, and that is why in this Bill they want the State to have this power, and to hell with the rights of the

individual. However, the Opposition's attitude is in stark contrast with that. I therefore oppose the motion.

The Hon. ANNE LEVY: As one of the Council managers who attended the conference, I support the motion. I do not intend to repeat what happened during the various stages of the conference. As honourable members have said, basically four issues were before the conference, on three of which agreement was possible either by rewording amendments or by not insisting on them, and so on. It was on the fourth category, relating to compensation, that the conference foundered. It was readily admitted in the conference in relation to the city of Adelaide that the power being sought in the Bill already exists under the City of Adelaide Development Control Act.

I point out to the Hon. Mr. Hill that there is no power for compensation because of any loss that is sustained in property values within the city of Adelaide. The honourable member is seeking to draw a distinction between historic properties within the city of Adelaide and those elsewhere in the State. Many, but by no means all, of the properties about which people are concerned are within the square mile of the city of Adelaide. At the same time, a large part of our heritage is outside that square mile, and it seems to me to be completely illogical that opponents of the motion are seeking to have different conditions apply from those that already apply within the square mile of the city of Adelaide. One might well ask, "Why should property owners within the square mile of the city of Adelaide be disadvantaged compared to those outside it?" This is not a logical way of proceeding.

I emphasise that the Council's amendment was concerned only with compensation for property owners who might suffer loss, or potential loss, because their property was put on the register, if their property was outside the square mile of the city of Adelaide. However, no mention was made of the gains that such people might make because their properties were put on the register.

Despite what the Hon. Mr. Hill has said, this matter was not considered seriously by some of the Council managers at the conference. It was pointed out, when objections were raised to the idea that an individual might suffer loss as a result of community action, that one could equally say that an individual should not benefit by any gain due to exactly the same community action and that, in consequence, it would be illogical for the amendment to refer only to compensation and not also to negative compensation for gains.

The Hon. R. C. DeGaris: Certainly, we would agree with that.

The Hon. ANNE LEVY: That point was not considered by the Hon. Mr. Hill. He merely said that this would be a hard provision to draft, and dropped the subject as though it was not worth considering. No attempt was made to find a *modus vivendi.* There was no grasping at a straw: no-one suggested a course of action that might prove a logical solution, or said, "How about putting forward a proposal that we might consider?" The matter was merely dismissed out of hand.

I do not regard that as being conciliatory in relation to compensation and negative compensation. The point should be made that, for several weeks, as all the readers of *Hansard* will know, many criticisms have been levelled by Opposition members at the Environment Department on a variety of trumped-up charges. One such criticism was that the department had produced no legislation to cover urgent environmental matters that required attention. However, the hypocrisy of that approach has been shown. As soon as the department produced legislation that was absolutely necessary for the welfare of environment matters in this State, what did the Opposition do but reject it? It illustrates the Opposition's great concern for environmental matters in this State when it adopts such an attitude, makes carping criticism, and refuses to support legislation emanating from the department.

The Hon. R. C. DeGaris: What right have you to say that? You imply it in the same way as you have implied things about the Hon. Mr. Hill. You could be totally wrong, as you usually are.

The Hon. ANNE LEVY: Thank you. I do not accept that I am usually wrong or that I have implied anything about the Hon. Mr. Hill that is not completely accurate. You were not at the conference and you do not know what took place.

The Hon. R. C. DeGaris: You are not supposed to quote from conferences, either.

The Hon. ANNE LEVY: The Hon. Mr. Hill pointed at me and said, "You know what happened at the conference: you were there." I merely gave an account of what happened, which the Hon. Mr. Hill had described inaccurately.

The Hon. C. M. Hill: That is not true.

The Hon. ANNE LEVY: I gave my version and the Hon. Mr. Hill did not interject to say it was not correct. Indeed, I suggest that no member who was at the conference would question the accuracy of my statements.

The Hon. C. M. Hill: I did not hear what you said then, so if you want to be clear on it you had better repeat it.

The Hon. ANNE LEVY: I suggest that the honourable member read *Hansard.* I spoke at considerable length and I am sorry he was not listening, although I did mention his name. He made some play regarding his concern for individuals, and he said that the community should pay to preserve our heritage. To some extent, he is hoist on his own petard. If the Bill lapses, we will have done much damage to the rights of individuals and the preservation of our heritage.

Members opposite forget that an important provision in the Bill establishes the heritage fund to help private owners of buildings listed on the heritage register maintain them. In many situations, part of the heritage of the community may be under private ownership and, because of the age of the building, considerable financial resources are required for its proper maintenance. Often the resources required are beyond what can be reasonably expected of a private individual. The responsible and caring owner then has the option of letting the building decay or selling it to someone who perhaps will want to tear it down or develop the property and in some way ruin it.

If this Bill becomes law, we shall have the heritage fund, whereby the community will pay to maintain the State's heritage. The community will be providing this fund, which will be used to help the individual maintain his own property, and the maintenance of that property will benefit not only the individual but the whole community. If the Bill is lost through the defeat of this motion, the possibility of such a fund also will be lost, and we will then be in a situation which the Hon. Mr. Hill seemed to deplore, when he spoke in a slightly different context, and in which the community will not be paying to maintain our heritage: it will be entirely the responsibility of the individual owner.

The Hon. C. M. Hill: There is no guarantee that any money will come out of the fund.

The Hon. ANNE LEVY: There is a big guarantee that if the Bill is lost there will be no money at all. Finally, I refer to the compensation clause, which was a difficult one, as everyone admits. Such clauses do not exist in heritage

legislation anywhere else in the world. There are heritage-type Acts in many countries, but none of them has a compensation clause of this type.

The Hon. R. C. DeGaris: Are you sure that that applies in Great Britain?

The Hon. ANNE LEVY: Yes; there is not a compensation clause of the type set out in the Bill. In New South Wales and Victoria there is heritage legislation, but in neither case is there provision for compensation in the form suggested by the Hon. Mr. Hill. I ask members opposite to support the motion and not make South Australia a laughing stock amongst civilised communities by insisting on rejecting such an important Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am disappointed that honourable members have tried to quote what was said at a conference.

The Hon. N. K. Foster: So what?

The Hon. R. C. DeGARIS: If the honourable member waits for a moment, I will tell him. It is quite wrong for members of this Council to quote conversations held at a conference, where no record is kept of those conversations. The report of the conference should be no more than a report of what happened. Then we debate main issues.

The Hon. C. J. Sumner: The Hon. Mr. Hill started it.

The Hon. R. C. DeGaris: He did not.

The Hon. N. K. FOSTER: I take a point of order. Is there anything wrong with quoting from a conference? Is there any Standing Order covering that and, if so, what does it provide?

The PRESIDENT: I cannot find one. Otherwise, I would have stopped the debate long ago. I think it is obvious that the managers have learnt more since the conference than they knew in the second reading debate.

The Hon. R. C. DeGARIS: There is no such Standing Order. All I am dealing with is a convention and a practice existing in this place since I have been here. One thing that concerned me was the allegation against the Hon. Mr. Hill that, because he had the temerity to move an amendment, he had no concern for the heritage of this State.

That is a vicious allegation without any basis in truth. A case can be made out for compensation where severe financial damage is done to a person where a heritage classification is placed on a building. Further, if the classification increases the value of the property, a payment should be made. Some owners of a building in Victoria were virtually made bankrupt because of a heritage classification. Where a commercial use can no longer be conducted in a building that has a heritage classification, to force the owners to continue an uneconomic operation defeats the whole purpose of the Bill. An argument can be advanced in regard to compensation in such cases and in regard to the reverse position being catered for. There is no justification for the claim that people who advance such arguments have no thought for the heritage of the State.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members who have spoken to the motion. This Bill represents possibly our only opportunity to retain the heritage of the State, and I therefore ask honourable members to support the motion.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1978

At 3.53 p.m. the following recommendations of the conference were reported to the Council:

As to amendments Nos. 1 and 2:

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

As to amendment No. 3:

That the Legislative Council amend its amendment by leaving out the word "twenty" and inserting in lieu thereof the word "thirty".

and that the House of Assembly agree thereto.

As to amendments Nos. 4, 5 and 9:

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

As to amendment No. 10:

That the Legislative Council amend its amendment by leaving out the word "twenty" and inserting in lieu thereof the word "thirty".

and that the House of Assembly agree thereto.

As to amendment No. 11:

That the Legislative Council amend its amendment by leaving out the word "three" and inserting in lieu thereof the word "five".

and that the House of Assembly agree thereto.

As to amendment No. 15:

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

As to amendment No. 24:

That the Legislative Council amend its amendment by leaving out the words "fourteen days" and inserting in lieu thereof the words "ten days".

and that the House of Assembly agree thereto.

As to amendment No. 26:

That the Legislative Council amend its amendment by leaving out the word "twenty" and inserting in lieu thereof the word "thirty".

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

In view of the comments made on the conferences dealt with earlier today, I can only say that this conference was conducted amiably. I do not know whether the co-operative atmosphere was a result of the attitude of the managers or whether it was a result of the excellent way in which the Minister from another place explained the situation. However, I am pleased that the conference acted responsibly and resolved the matter much sooner than I had expected it would resolve it. I congratulate the managers, who resolved the matter to the satisfaction of the Government. I believe that the Minister in another place will say that he will examine amendment No. 1, moved by the Hon. Mr. Dawkins, in conjunction with his departmental officers and see whether something can be done about it in the future. I also understand that section 45a will be further considered, too. The Minister has given an undertaking that he will do this, and I give an undertaking here.

The Hon. M. B. DAWKINS: I support what the Minister has said. This conference was conducted cordially, with very good results. It would have met with the approval of those who originally devised the conference system. I agree with what the Minister said in regard to amendment No. 1 and section 45a; the Minister of Local Government said that he would look at these matters and see whether more acceptable provisions could be made, and that clause 45a would be brought into conformity with the other amendments in this Bill. I commend the Minister of Local Government and the Minister of Lands for the helpful way in which they conducted the conference. I also commend the Hon. Mr. Griffin and the Hon. Mr. Geddes for the way in which they contributed to the conference, which was successful, although the Legislative Council obviously

did not achieve all the amendments that it wished to achieve.

The Hon. K. T. GRIFFIN: I, too, was pleased that we were able to reach a compromise at the conference. I am satisfied that the compromise ensures that there are greater safeguards for local people and that those people will have a reasonable opportunity both to participate in polls, having requested them, and to ensure that, if there is anything basically wrong with a proposition, 30 per cent of the electors for a particular area is a not unachievable percentage of those against the proposition.

That is a much more reasonable proposition than the original 40 per cent. The other matters on which compromises have been reached enhance the provisions of the Bill, and I am pleased at the outcome of the negotiations.

Motion carried.

Later:

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture): I have to report that the managers for the two Houses conferred together, but that no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order No. 338, must either resolve not to further insist on its requirements or lay the Bill aside.

Consideration in Committee.

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

That the Council do not further insist on its amendments.

I do not wish to debate the issue at any great length; I think the debate has been thoroughly canvassed in this Council on a number of occasions and there are no fresh arguments to be adduced. It is always difficult at a conference where there is only one issue at stake, and there is not much room for manoeuvre, to have a compromise, balancing one side of the argument against the other. It was a matter of principle, which the Minister from the other place made very clear. The only point I think I should raise now is the matter suggested by the Leader of the Opposition in this Chamber, that the Bill is not of great significance and, if it is laid aside, it does not really matter. I think all honourable members here have received correspondence today from the Vice-Chancellor of the University of Adelaide, illustrating that the significance of this legislation, certainly as far as the University of Adelaide is concerned, is such that this Bill should not be laid aside.

The Hon. R. C. DeGARIS (Leader of the Opposition): I should like to compliment the Minister on what he said about the conference, although I disagree with one point: I cannot recall any statement being made in the Council that the Bill was not of very great importance. I do not think that statement has been made at all by anyone. However, the position is that a number of approaches were made to members by people at the university in relation to certain matters, and we considered many amendments resulting from those approaches. It was difficult to achieve an amendment that satisfied everybody. Eventually, we came to the rather complicated amendment that was finally moved; we would all agree that, before the matter went to the conference, we admitted that the amendment was complicated and cumbersome.

Since the debate in the Chamber, it has come to our notice that a referendum is to be held at the university in relation to certain matters. Also, it has been mentioned by a member in another place that the union has this power at present, and I hope that out of this debate the university will be able to overcome some of the problems that have come to our attention over the last few years. Even though the amendment was cumbersome, it was still worth while but I agree with what the Minister said, that the Bill is of some importance to the university. In my opinion, the Bill should not be dropped.

The Hon. ANNE LEVY: I support the motion. The conference this morning was amicable but I would disagree with the Hon. Mr. DeGaris in one particular, and agree with the Minister, that a comment was made at the conference this morning that the rest of the Bill was not of great importance to the university. I think the letter from the Vice-Chancellor of the university that all honourable members have received in the last two hours certainly puts paid to that suggestion. Clauses 15 and 18, in particular, are of great importance to the smooth and proper functioning of Adelaide University. In the light of that, I think it is important that the Council do not further insist on its amendments.

Motion carried.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

At 4.8 p.m. the following recommendation of the conference was reported to the Council:

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

Clause 3, page 1, line 17—Leave out paragraph *(c)* and insert the following paragraph:

(c) a special magistrate and two justices (of whom at least one is a woman justice),

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendation of the conference be agreed to.

The conference was conducted in an extremely amicable manner, and no great questions of political principle were involved. There was merely discussion on the relative merits of whether or not justices should be involved within the adoption procedure and what role they might play. The discussion was based mainly on the experience of managers rather than involving political principles. I recommend that the recommendation of the conference be endorsed.

Motion carried.

Later:

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

QUESTIONS

MANNUM-ADELAIDE ROAD

The Hon. J. C. BURDETT: Has the Minister of Lands a reply to my recent question concerning the Mannum-Adelaide Road?

The Hon. T. M. CASEY: The ridge to which the honourable member has referred relates to the junction of the old seal and the new seal where the road has been widened east of Apamurra. The ridge is not considered to be a hazard to traffic and will be eliminated by future

resurfacing. The extract from the Royal Automobile Association report he has quoted does not relate to the ridge but to the drop from the road pavement to the road shoulder over a significant length of the Adelaide-Mannum Road. The difference in level between the road pavement and the road shoulder has resulted from fast-moving traffic removing shoulder material. The maintenance of the road shoulder and the edge of the pavement on the Adelaide-Mannum Road has always presented problems, and these have been aggravated by the very dry conditions experienced this summer. Lasting improvements cannot be effected until the season changes, thus enabling more effective grading along the edge of the road pavement. The accident rates mentioned in the R.A.A. report were provided by the Highways Department, and these accident rates have been taken into account in assessing the priority for planning improvements to the Adelaide-Mannum Road. The survey conducted by the R.A.A. has not produced any evidence to alter the priorities for construction of the Adelaide-Mannum Road. It is proposed that planning will proceed as outlined in my previous reply on November 30, 1977, on this matter.

POORAKA HOTEL

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before addressing a question to the Minister of Health, representing the Chief Secretary, concerning the Pooraka Hotel and the New South Wales Commissioner of Police.

Leave granted.

The Hon. J. R. CORNWALL: My question arises as a result of a report in the *Advertiser* of Saturday, March 18, which is headed "Wran refuses inquiry into Saffron claims" and which states:

> Mr. Wran received a report yesterday from the New South Wales Commissioner of Police (Mr. M. Wood) on the allegations made by the South Australian Attorney-General (Mr. Duncan) on March 7. The Wran report—

that report is really the Wood report—

> in effect, says the allegations against the police were investigated at the time and no further action was needed now. It also says investigations of the allegations did not indicate that Mr. Saffron was implicated . . . Mr. Wood also dealt with an allegation made in Parliament by Mr. Duncan that two New South Wales CIB police officers had stayed at the Pooraka Hotel in Adelaide, owned by associates of Mr. Saffron. The officers were part of a party of 30 in Adelaide for the Australian Police Golf Championships. "On return to Sydney, Detectives Grady and O'Hagan made a complaint to the CIB superintendents that their room at the Pooraka Hotel had been entered and searched while in Adelaide," the report says. The matter was brought to Mr. Wood's attention and he telephoned the South Australian Police Commissioner—then Mr. H. H. Salisbury—who had promised to make inquiries. A letter from Mr. Salisbury to Mr. Wood said the hotel had been investigated by Vice Squad detectives during a "routine check" on licensed premises in the area. It had been found that the hotel register had not been filled in since March 5, 1977, some weeks before the two New South Wales policemen had stayed there. The letter, dated May 25, 1977, said the hotel was being prosecuted for the irregularities found. It also said: "You will be interested to know that Mr. Abe Saffron is financially involved in the Pooraka Hotel." However, in his report to Mr. Wran, the New South Wales Police Commissioner stated: "There is no suggestion that the New South Wales police concerned were, or are, involved with Mr. Saffron."

I am reliably informed that the following sequence of events led to the raid by the South Australian Vice Squad on the Pooraka Hotel. The two police officers concerned, Grady and O'Hagan, were skiting at a social function to police officers from another State, not New South Wales, that they were receiving full board and accommodation at the Pooraka Hotel free of charge, and went on to say that police officers from the other State were bloody stupid to be paying for their accommodation. This conversation was overheard by a South Australian police officer, who then proceeded to inform his superiors of the fact that two New South Wales police officers were apparently staying at a hotel owned by associates of Mr. Saffron without charge. As a result of this, senior police officers made arrangements for the Vice Squad to raid the hotel to check the register to ascertain whether or not the two police officers in fact had been staying there illegally.

Can the Chief Secretary ascertain from Mr. Wood, through the South Australian Commissioner of Police, first, whether Grady and O'Hagan paid for their accommodation; secondly, why they chose to stay at the Pooraka Hotel, which is on the other side of town from where the tournament was being played; and, thirdly, why they did not stay with other members of the New South Wales contingent? Further, can the Chief Secretary ascertain from the South Australian Police Force why the Vice Squad chose to raid the Pooraka Hotel at the time of the golf tournament and when the New South Wales policemen were staying there?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

NORTHERN ADELAIDE PLAINS

The Hon. M. B. DAWKINS: Has the Minister of Health a reply to my question of March 9 regarding the difficult situation of the water supply, especially for irrigation, on the Northern Adelaide plain?

The Hon. D. H. L. BANFIELD: The South Australian Government proposes to apply for assistance under the National Water Resources Programme, and the preparation of submissions, which will supply information sought by the Commonwealth Government on projects to be nominated by the State, is nearing completion.

HOSPITALS

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question regarding hospitals?

The Hon. D. H. L. BANFIELD: When the honourable member asked his question I said that I was most unhappy about the way in which we had been treated by the Commonwealth Government in its reducing the allocation this year by $8 000 000, from $13 000 000 to $5 000 000, in regard to hospital buildings. The honourable member asked—

The Hon. C. M. Hill: By how much did your untied grants increase?

The Hon. D. H. L. BANFIELD: I am saying that the hospital building programme was cut by more than $8 000 000 by the Commonwealth Government, yet the honourable member asked whether the State would spend $16 000 000 on hospital construction in order to obtain $5 000 000 from the Commonwealth Government. The honourable member said that, based on our expenditure of $16 000 000, it would enable us to get a lousy $5 000 000—

The Hon. C. M. Hill: I did not say that.

The Hon. D. H. L. BANFIELD: No, I said "lousy". I

said we would be able to meet that expenditure in order to receive the miserable pittance that had been cut by more than 50 per cent by the Commonwealth Government. The answer to the honourable member's question is "Yes".

SOUTH-EAST WATER SUPPLY

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question regarding underground water supplies in the South-East.

Leave granted.

The Hon. R. C. DeGARIS: Some time ago, the Mines and Energy Department made a report on underground waters in the South-East. I understand that it was not a full report and that further tests were being conducted regarding underground water supplies in the South-East. Will the Minister ascertain from his colleague whether the further inquiry has been completed, whether a report has been made by the department and, if it has, when that report will be published?

The Hon. B. A. CHATTERTON: I will obtain a reply from my colleague for the honourable member.

DIREK SIDING

The Hon. M. B. DAWKINS: Has the Minister of Lands, representing the Minister of Transport, a reply to the question I asked on February 23 regarding shunting problems being experienced at the Direk siding?

The Hon. T. M. CASEY: The Minister of Transport reports that, since South Australia became a major sheep exporting centre, there has been a large increase in livestock operations conducted from Direk. The inconvenience caused to road traffic at the level crossing referred to by the member has been kept under review. However, because of the additional trains and necessary shunting operations involved, some problems are still being experienced.

The problem of lights being activated without trains crossing the line has been brought about by the staff not carrying out an instruction that has particular reference to shunting movements at Direk. A notice has been sent to all the staff concerned to ensure that correct procedures are adhered to so that road traffic is not unduly delayed.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Enfield Community Welfare Centre,

Londsale-Hallett Cove Trunk Sewers Scheme.

GOVERNMENT APPOINTMENTS

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

> That, in the opinion of this Council, the statement made to the Council by the Government on Tuesday, March 14 last, during debate on the Constitution Act Amendment Bill, that very few, if any, appointments made by the Government were valid, is incorrect and, in order to clarify the matter, the Government should table the Register of Commissions.

This debate should be entitled "the constitutional crisis that never was". The need for the Constitution Act Amendment Bill to be passed in indecent haste last Tuesday evening was based on the requirement of section 71 of the Constitution as it then existed, as follows:

> No officer of the Government shall be bound to obey any order of the Governor involving any expenditure of public money, nor shall any warrant for the payment of money, or any appointment to or dismissal from office be valid, except as provided in this Act, unless the order, warrant, appointment, or dismissal is signed by the Governor, and countersigned by the Chief Secretary.

The operative part was that an appointment or dismissal was not valid unless it was signed by the Governor and countersigned by the Chief Secretary.

The Minister of Health, in his very brief explanation of what was claimed by the Government to be a dramatic and essential measure necessary to preserve the State from the frightful consequence of the whole business of Government grinding to a halt (and perhaps this may not have been a bad thing), said:

> An examination of a sample of relevant Executive Council minutes going back for 80 years suggests that very few, if any, could properly be described as being "countersigned by the Chief Secretary", and hence there is a distinct possibility that they would all be invalidated by the provision.

A similar statement was made by the Premier in another place. Of course, both Houses should have been told the details, what were the documents, and what were claimed to be the instruments of appointment.

The examples used by the Premier in support of the Bill related exclusively to judicial appointments and other appointments to high office. In this motion I seek the Council's support in expressing the opinion that the Government's statement, that very few, if any, appointments could properly be described as being countersigned by the Chief Secretary and therefore are invalid, is incorrect.

There is no point in my canvassing again the need for the Constitution Act Amendment Bill. That has already been passed. However, it was not necessary for the great haste that we were told was required, and it is not true that very few, if any, appointments were countersigned by the Chief Secretary and were therefore invalid.

That is the first point of the motion. Regarding senior appointments, at any rate, commissions were issued to the appointees. This applies to judges and other senior appointments. Regarding what proportion of appointees received commissions, I have been deprived of the means of knowing. I will deal with that matter in a moment; it is the point of the second part of the motion.

The form of commission that has been issued to judges and at least to senior appointees (how far down the scale, I have been unable to discover) is as follows:

SOUTH AUSTRALIA
(TO WIT)

HIS EXCELLENCY, Governor in and over the State of South Australia and its Dependencies in the Commonwealth of Australia:

To

PURSUANT to "The Constitution Act, 1934-19 , and in exercise of all enabling powers, I, the said Governor, with the advice and consent of the Executive Council of the said State, Do hereby appoint you to be

in and for the State of South Australia and its Dependencies in the Commonwealth of Australia, To hold

such office, with all appertaining advantages, under the provisions of

Given under my hand and the Public Seal of South Australia, at Adelaide, this day of , one thousand nine hundred and

By command,

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XIII.

Under Secretary *Chief Secretary*

The Hon. C. J. Sumner: What are you reading from?

The Hon. J. C. BURDETT: I am reading from the form of commission given to appointees. There is space on the form for the Chief Secretary's signature. If that is not a countersignature, I do not know what is. I also find it hard to believe that, as the title "Chief Secretary" was printed on the form of commission, the commission was not at least in most cases in fact countersigned by the Chief Secretary.

I have seen a number of these commissions, and they were, in fact, countersigned by the Chief Secretary. The bottom left-hand corner of these commissions bears the words, "Recorded in Register of Commissions, Letters Patent, etc., Volume XIII."

When I saw, after the Bill had been passed, a number of commissions that were correctly countersigned, I started to doubt the statement by the Government that very few, if any, of the appointments could be said to be countersigned. Accordingly, on March 17, I wrote the following letter to the Director-General of the Premier's Department:

> I understand that the register of commissions for South Australia is held by your department. I also understand that the register is considered to be part of the records of the Executive Council and as such not readily available to the public. However, I am also informed that access to the register may be obtained by writing to you.
>
> Could you please advise me whether I may have access to the register. I would like to have access to it as soon as possible. Would you be kind enough to advise me by telephone whether I may have access to the register and what detailed arrangements can be made in this regard?

As I did not, on that day, receive a reply by telephone, I telephoned the Premier's Department in the afternoon, and a senior public servant told me that I probably would be allowed to see the register. I was told that the register comprised simply duplicates of the commissions, and he told me that almost all were correctly countersigned. On Monday last, not having received a reply, I contacted the Premier's Department again and first was informed that a further inquiry would be made. I received another telephone call telling me that I would not be allowed to peruse the register. Later, on March 20, I received the following letter:

> I refer to your letter of March 17, 1978, and to our telephone conversation this morning.
>
> I confirm that the Premier has directed that no member of the public may have access to the register of commissions for South Australia as it is his view that they form part of the records of Executive Council. I regret, therefore, that I am unable to grant your request.

It was signed by the Director-General. I say that the commission is clearly the instrument of appointment. Every one that I have seen has been correctly countersigned, and to say that very few, if any, were correctly countersigned is palpably false. I was also told that, in the opinion of the Solicitor-General, the commission was not the instrument of appointment. It is claimed that the Executive Council minute is the instrument of appointment. What arrant rubbish that is!

The Hon. C. J. Sumner: You are accusing the Solicitor-General of arrant rubbish, are you?

The Hon. J. C. BURDETT: Yes.

The Hon. C. J. Sumner: Mr. Cox is guilty of arrant rubbish? Is that so?

The Hon. J. C. BURDETT: I have said what I wanted to say and I do not intend to repeat it. The Executive Council minute is merely a condition precedent, a step in the process culminating in the appointment. I remind the Council that the commission says, "do hereby appoint you to be". The Governor is "hereby" appointing the person. It says what he is being appointed to, and it is countersigned by the Chief Secretary.

If this is not the instrument of appointment, the document, the commission, is a lie and all these commissions solemnly signed by the Governor, countersigned by the Chief Secretary and the Under Secretary, are formal, official, sealed, solemn falsehoods. Of course that is not the case. The commission is the instrument of appointment. The commissions have been countersigned and they are valid. What the Government told us was false and untrue.

If the instrument of appointment was the Executive Council minute, the commission would have been in the form of "do hereby notify you that you have been appointed". However, that is not the case, because it is the commission that is the instrument of appointment, and the statement that all or almost all appointments have been invalid is quite incorrect.

The Hon. R. C. DeGaris: The certificate on the register is the actual commission.

The Hon. J. C. BURDETT: Yes. Even if the Executive Council minute is an appointment, the commission is in terms and, as it says, is an appointment and validates any want of formality in the earlier instrument of appointment. It has been said that only senior appointments are the subject of commissions. As I have been denied the right to peruse the register, I cannot judge how many appointments were not the subject of commissions, but the Government chose to use the senior positions as examples. If the appointments to the senior positions had been invalid (and they were not), that is where a constitutional crisis would have arisen.

One finds it difficult to believe that any want of validity in minor appointments could not have been cured by the blanket new appointments that were, in fact, made. In the letter, it was stated that the register was a record of Executive Council proceedings. I do not consider that the register is part of the records of the Executive Council. It simply comprises duplicates of public documents, namely, commissions that most recipients hold, frame, and hang on the walls of their official offices. I should have been shown the register and should have been put in a position to be able to assess the situation. The fact that I was not shown the register indicated that the Government had something to hide.

The Hon. D. H. L. Banfield: Rubbish!

The Hon. J. C. BURDETT: It did have something to hide. It misled Parliament when it said that few, if any, appointments were valid.

The Hon. C. J. Sumner: It did not say that. Read the second reading explanation.

The Hon. J. C. BURDETT: It did. I have just read it. The refusal to allow me to peruse the register was an attempt by the Government to cover up its false statement. In any event, I do not see why the public should not be allowed to peruse Executive Council minutes. As a

matter of fact, the Solicitor-General has said that. Any suggestion that this Government conducts open government is a farrago of nonsense.

The matter should be cleared up, as is canvassed in the second part of the motion, by tabling the documents. Mr. President, the Premier has grossly misled the Parliament in saying that very few, if any, appointments have been valid. The true position is, of course, that when the dismissal of former Commissioner Salisbury was called for, the Government realised that it was not valid in that it was not countersigned by the Chief Secretary. Of course, appointments are common and are validly made. Dismissals are rare and the Government made a mistake on this occasion.

The Hon. C. J. Sumner: Have you changed your mind since last week?

The Hon. J. C. BURDETT: Not at all. The Government did not dare to ask Parliament retrospectively to validate just this one dismissal. It had faced enough embarrassment over the dismissal already, so it threw up a smokescreen. It pretended, without foundation, that very few, if any, appointments were valid. It bleated about a constitutional crisis and about the official business of the State grinding to a halt. It was all a cover up to achieve a valid retrospective dismissal of former Commissioner Salisbury. He was dismissed, it has been said, for allegedly misleading the Government and Parliament. Mr. President, what is the penalty for Mr. Dunstan's blatant and inexcusable misleading of Parliament in this matter?

The Hon. C. J. SUMNER: The Hon. Mr. Burdett has attempted to beat up this issue today. It is an issue that came before Parliament last week, and he considered it then. It is interesting to note that he voted for the Constitution Act Amendment Bill last week. It is further true that the Hon. Mr. Burdett said in the debate (page 2136 of *Hansard* of March 14):

> I suggest that the opinion given in the Minister's second reading explanation that the Government has confidence in that doctrine—

that is, the doctrine of *de facto* jurisdiction—

> is sound, but it is still subject to appeals to higher courts. Therefore, in my view, it will be necessary to pass this Bill after it has been considered fully so that all its ramifications, consequences, and so on can be thought out to clear up the mistake that has been made over a long period.

The Hon. J. C. Burdett: That was on the face of what the Government then said.

The Hon. C. J. SUMNER: That is what the Hon. Mr. Burdett said last week. Now, because I suppose he thinks he might be able to get a bit more mileage from the Salisbury affair, he has decided to rehash what the Council debated last week, and he has rehashed it in a dishonest and disreputable manner. First, he has called into question the integrity and the legal stature of the Solicitor-General, a Queen's Counsel, a well respected member of his profession, and the senior legal officer in this State who acts for the Crown. He has called the Solicitor-General's opinion arrant rubbish. Further, he said that the Government's statement to this Council on this issue was false and untrue. He also said that the Government said that all appointments were invalid.

The Hon. J. C. Burdett: I did not say that. I said that the Government had said that hardly any, if any, of the appointments were valid. Read the quotation.

The Hon. C. J. SUMNER: In his second reading explanation the Minister said:

> An examination of a sample of relevant Executive Council minutes—

It does not refer to commissions: it refers to Executive Council minutes. How can that have been misleading? The Minister's second reading explanation continues:

> going back for 80 years suggests that very few, if any, could properly be described as being "countersigned by the Chief Secretary", and hence there is a distinct possibility that they would all be invalidated by the provision.

There is a distinct difference, as the Hon. Mr. Burdett would know, between saying that nearly all these appointments were invalid and saying that there is a distinct possibility that they would all be invalidated by section 71 of the Constitution Act. The Government thought, on the Solicitor-General's advice, that the matter ought to be clarified. According to the honourable member, the Solicitor-General said that the Executive Council minutes are the effective documents. The honourable member has called the Solicitor-General's opinion arrant rubbish. It may well be that the Solicitor-General had some doubt as to whether it was the commissions or the Executive Council minutes that were the documents that attracted the attention of section 71 of the Constitution Act. What he was concerned to do was alert the Government's attention to the problem.

The Hon. J. C. Burdett: The Government was asked what the documents were.

The Hon. C. J. SUMNER: The Premier referred to a random series of examples. Why did the Hon. Mr. Burdett not speak to Mr. Cox when he was here on the evening that the Bill was debated?

The Hon. J. C. Burdett: It was only after the Bill was passed that the question came to my notice.

The Hon. C. J. SUMNER: The honourable member is saying that the Solicitor-General's opinion, that there may have been some doubt, is wrong. If I had to choose between the Solicitor-General's opinion and the Hon. Mr. Burdett's opinion, I know which opinion I would choose. There was some doubt about it and the Solicitor-General expressed that doubt to the Government, and the Bill clarified the doubt.

The Hon. M. B. Cameron: There was no doubt about the Royal Commission being illegal. That was the problem.

The Hon. C. J. SUMNER: The text of the Hon. Mr. Burdett's motion is incorrect. Of course, the Government did not say, "Very few, if any, appointments made by the Government were valid." The Government said—

The Hon. M. B. Cameron: None.

The Hon. C. J. SUMNER: No.

The Hon. M. B. Cameron: Look at the Lower House.

The Hon. C. J. SUMNER: It was said that very few of the Executive Council minutes had been countersigned by the Chief Secretary, and hence there is the distinct possibility that they would be invalidated by the Constitution Act provisions. They did not say that the appointments were necessarily invalid: they said there was a possibility that, if the matter was contested in court, it would be declared invalid. So the premise of the Hon. Mr. Burdett's motion is totally wrong; therefore, how he can condemn the Government on that basis I do not know. The important point is that, given this advice from the Solicitor-General and that there was doubt about these legal issues—about the Executive Council minutes or the commissions being valid instruments of appointment and whether they needed to be signed by the Chief Secretary or the Premier—given the other doubts mentioned in the course of the debate, the Government acted to clarify the position. If it had not acted, there would have been a plethora of legal argument in the courts the following day by any lawyers worth their salt wanting to take a point on behalf of their clients in the courts relating to the appointment of judges. That could have happened; there could have been potential chaos in the administration of

justice and in Government administration in this State, because of doubt. It is possible that a large amount of legal argument around this point would have taken place in the courts, so the Government acted speedily to resolve the problem and clarify the issue.

The Hon. Mr. Burdett voted for the measure and agreed with the opinion put forward by the Government at that time, so I see no justification for the Council going along with this motion; the premise is invalid. It has been brought up as a political issue to try to keep the Salisbury dismissal pot boiling, and it would not do this Council any credit if we were to pass a motion that, on the face of it, does not indicate any misleading of Parliament by the Government. If honourable members read the statements I have quoted from the Minister of Health when the Bill was introduced and if we look at this motion, we see there was no misleading of Parliament by the Government; further, it is a motion that condemns viciously the opinions and standing of the Solicitor-General in this State. I oppose the motion.

The Hon. D. H. L. BANFIELD (Minister of Health): I, too, oppose the motion. It is obvious to us on this side of the Chamber that members opposite are not getting their *quid pro quo* from the Queen's Counsel they have engaged to look after their interests. The Liberal Party had nothing to do with the Salisbury affair except trying to get political advantage, and it followed it up very well with those spontaneous demonstrations some three weeks after the event.

The Hon. N. K. Foster: What about General Willett!

The Hon. D. H. L. BANFIELD: People poured into the streets spontaneously three weeks after Mr. Salisbury had been dismissed. The man who organised that procession or demonstration thought they had done a good job because they had got 4 000 to 5 000 people out in Victoria Square, and they had to sack another man overnight to enable Willett to get the job. He spontaneously stirred up 4 000 to 5 000 people some three weeks later.

That is why this motion has been moved, because they are getting a rough ride on the Salisbury issue. The Hon. Mr. Burdett said we did not dare ask Parliament to validate the Salisbury dismissal; there was no need to ask Parliament to do that, because the fact is that the Chief Secretary was available for the Government to validate the dismissal, anyway, unlike the position pertaining to other appointments made over the previous 80 years, when the Chief Secretary was not available to validate appointments that possibly could be invalid, and the Hon. Mr. Burdett knew that very well.

He implied that we attempted to put something over them when we asked him whether he would like to take advantage of the Solicitor-General coming down to speak to the Opposition. Did the Hon. Mr. Burdett not question the Solicitor-General? Were the Hon. Mr. Burdett and members opposite not convinced by the Solicitor-General? They would not have passed that Bill if they had not been convinced. What did the Hon. Mr. Burdett say in this Chamber after he had had discussions with the Solicitor-General? He said:

> I support the second reading with some trepidation, because it is frightening to be asked to validate retrospective action. I support the suggestion that we should have more time to consider the matter. Obviously, it is complex and has troubled the Government very much. It was thrown on the Government and on us quickly. Different views have been given by the Government and its officers in the short period of the day. The Hon. Mr. Hill is concerned about the repercussions of what we are asked to do, and that also troubles me.

He went on to say:

> What we do know is that positions were filled invalidly.

The Hon. B. A. Chatterton: He went even further; we never said they were invalid.

The Hon. D. H. L. BANFIELD: We did not say that; we said it was only a possibility, but that was not good enough for out learned friend. He said:

> What we do know is that positions were filled invalidly and, while the doctrine of *de facto* judges and officers will no longer help us, if the Bill is passed rapidly, I do not see that any harm can be done.

So why did he go that little bit further than the Government went? We wanted to make sure that the judges' and other appointments would not be questioned. We put it beyond doubt by introducing that Bill. We were not as adamant as the Hon. Mr. Burdett was because he said, "What we do know is that positions were filled invalidly." Why does he change his mind? We know that, as far as lawyer's talk is concerned, this may or may not have happened, on the one hand; on the other hand, it could or could not have happened! But he was so definite in this matter. He did not use his two hands on that occasion: he said he knew the appointments were invalid, so it is obvious that he had already discussed the matter with the Solicitor-General; but the Solicitor-General did not tell him they were invalid; he said it was a possibility. If this is the sort of advice he gives his clients, is it any wonder that the Hon. Mr. Burdett takes a part-time job in this place, because he is unable to earn a living as a solicitor? In the report addressed to the Premier, the Clerk of Executive Council stated:

> I have just conducted an investigation into the old Executive Council records held in the archives to check whether Executive Council recommendations were ever countersigned by the Chief Secretary. By carrying out only a spot check of files I have found that at no stage did the Chief Secretary sign or countersign as such any recommendations into the Executive Council; he may have signed for the Premier. The only countersigning ever carried out on the actual recommendations appears to have been done prior to 1890 by the then Clerk of Executive Council.
>
> The following examples may be of interest:

Docket:	
1561/1891	Playford signed as Prime Minister—Governor approved.
1562/1891	Bray (Chief Secretary) signed for Prime Minister—Governor approved.
23/1894	Kingston signed as Premier—No Chief Secretary signature.
238/1915	Butler signed as Acting Premier —Governor approved.
5/6/1930	Hill signed as Premier—Governor approved.
10/3/1955	Appointments and certain other recommendations made in the form of schedules for the first time. Malcolm McIntosh signed for Premier.
24/3/1955	Lyell McEwin signed for Premier.
30/3/1955	Cec Hincks signed for Premier.

Prior to this I believe the Governor's signature appeared on individual files but this would take a great deal of research to verify as docket numbers are not listed in the minutes.

In Chief Secretary Office docket 612/30 the Port Adelaide Labor Party Branch asked how General Leane could be dismissed from the Police Force as Commissioner of Police.

The Hon. N. K. Foster: What about when the Liberals knocked off Blamey in Victoria?

The Hon. D. H. L. BANFIELD: They knocked off a few in those days. Indeed, they ignore Parliament when they want to. The Clerk of Executive Council states:

> The reply from the Chief Secretary was that power of dismissal of the Chief of Police was vested in the Governor. However, there is no Crown opinion enclosed.

These were the examples given in another place. Discussions were held between members opposite and the Solicitor-General, and the Hon. Mr. Burdett was involved. I suppose that as a legal eagle the honourable member has a right to change his mind after he has condemned certain people and then say that perhaps he was wrong. The honourable member can always say, "It does not matter, it was worth the run, I got my pay." The honourable member's motion has been prompted by his failure to gain access to the Register of Commissions following his appeals and telephone calls to the Premier's Department.

The Hon. R. C. DeGaris: Why do you not table it?

The Hon. D. H. L. BANFIELD: When the honourable member was Chief Secretary, did he ever table any minutes of Executive Council?

The Hon. J. C. Burdett: We were never asked for them.

The Hon. D. H. L. BANFIELD: If the Opposition claimed that it had open government it would have been justified in bringing down minutes of Executive Council, but they never took advantage of it. Decisions of Executive Council appear in the *Government Gazette*, which is available in the Library for all honourable members to peruse. Honourable members can see appointments in the *Gazette*. Why should we table minutes of Executive Council when they have not been tabled in over 100 years?

The Hon. R. C. DeGaris: Because no-one has misled Parliament in that time.

The Hon. D. H. L. BANFIELD: Members opposite and their colleagues ignored Parliament when they were in power. They did not even sit long enough to involve Executive Council. They sat less than 20 days a year, so it is obvious that they ignored Parliament. Now they claim they were never asked to table such information. How can members opposite suggest that Executive Council minutes be tabled—

The Hon. R. C. DeGaris: No-one asks for that. You cannot even read the motion.

The Hon. D. H. L. BANFIELD: As members opposite are having a tough time and must pay a levy towards the cost of a Q.C., who does not appear to be coming up with the right answer for them, they believe they should support the motion. The Government will continue to act in the same way as did the colleagues of members opposite over the past 100 years by ensuring that any records of Executive Council other than those appearing in the *Government Gazette* will not be made available for public scrutiny: they are confidential records of the Government. No matter how much honourable members opposite support the motion, it will not get them one copy of Executive Council minutes.

The Hon. R. C. DeGARIS (Leader of the Opposition): The motion does not seek the tabling of Executive Council minutes: it seeks the tabling of the Register of Commissions. There is no reason why those commissions should not be tabled, as each one is a public document. Statements are already being made by people who have been appointed as judges, claiming that the Government's information is wrong. If the Register of Commissions were tabled we could examine it and see whether or not the allegations made by the Minister have any basis.

The Hon. C. J. Sumner: What were the allegations?

The Hon. R. C. DeGARIS: I will read them in a minute. I refer to the recent Constitution Act Amendment Bill passed by this Council validating certain incorrectly signed documents. That Bill was treated as a matter of urgency by the Council without its having time for extensive or exhaustive investigation of the sweeping claims made by the Government and the Minister. Those claims have already been referred to by the Hon. Mr. Burdett and the Hon. Mr. Sumner, but the Minister stated:

> This short Bill is introduced as a consequence of certain advice given the Government by its legal advisers. Briefly, this advice suggests that section 71 of the Constitution Act, 1934, and the corresponding previous enactment have, since 1856, operated so as to render formally invalid most of the instruments to which it relates.

Then follows an extract from section 71 of the Constitution Act. The Minister then continued:

> An examination of a sample of relevant Executive Council minutes going back 80 years suggests that very few, if any, could properly be described as being "countersigned by the Chief Secretary", and hence there is a distinct possibility that they would all be invalidated by the provision.

The information we had at that time was what was contained in that second reading explanation. We were then given the opportunity to speak to the Solicitor-General. I think I am right in quoting what he told us: that there was an argument that the appointment—not the actual commission handed to the person concerned and the duplicate in the Register of Commissions, but the actual Executive Council minute—

The Hon. C. J. Sumner: He told you that at the time you had the discussion?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. Sumner: Was the Hon. Mr. Burdett there?

The Hon. R. C. DeGARIS: Yes. Since that time we have been able to examine the documents in the possession of certain people, and what the Hon. John Burdett says is quite right, because the document states:

> I—

The Governor—

> do appoint—

and then the relevant name appears. That is quite clearly the appointment. If it was not, what would be said is:

> We notify you of your appointment.

It must be quite clear that that document is the appointment to certain positions.

The Hon. C. J. Sumner: Do you agree with Mr. Burdett that the Solicitor-General's opinion is arrant nonsense?

The Hon. R. C. DeGARIS: Not being a legal person, I cannot say whether his opinion is arrant nonsense, but, on the evidence before me now, I believe quite clearly that the Government misled Parliament on this matter. I do not think there is any doubt about that. If the Hon. Mr. Sumner argues about the question that it was said—"An examination of a sample of relevant Executive Council minutes going back for 80 years suggests that very few, if any could properly be described . . .", let me now turn to what the Minister said in this House to see whether there is any justification in the claim that there is only an argument regarding these minutes, because the Minister went much further in his claim. At page 2138 of *Hansard*, the Minister stated:

> There would be no difference whatever to the people that the Leader believes may be disadvantaged if we pass this Bill tonight: they know nothing about it. This situation has been continuing for over 100 years. Honourable members opposite are horrified to think that the Government is making this Bill retrospective and covering something that members opposite have been doing for years, but that is all the Bill does. Indeed, this Government has only followed the Liberal

> Government once, and that was not to get the Chief Secretary to countersign documents. I ask honourable members to look at the mess the Government is in merely because it followed the example of the Liberal Government. The Government was stupid enough to believe that in this matter perhaps the Liberal Government was right, but that is the only time we have found ourselves in such a mess and that resulted from following the actions of the Liberal Party . . . True, and we have not had one doing his job for 100 years, whoever the Chief Secretary was. Banfield did not do his job, DeGaris did not, McEwin did not, and so we could go back for nearly 100 years.

The Hon. D. H. L. Banfield: Then I went on to talk about Simmons.

The Hon. R. C. DeGARIS: Who is he?

The Hon. D. H. L. Banfield: The Chief Secretary. That's how much you're up with it. That's clearly my point about how far behind the Hon. Mr. DeGaris is.

The Hon. R. C. DeGARIS: Anyway, all I want to point out is that, in those statements of the Minister, there is no thought that there may be an argument that the Executive Council minutes are the actual document. What he is saying there is clearly that the minutes are the appointment, because he claims that he did not do the job, that I did not do the job and that McEwin did not do the job. That is a direct reflection on the ability of a very efficient staff of the Chief Secretary over many years. There is no argument regarding what was said there—that we were possibly covering a position that could occur.

The Hon. C. J. Sumner: You knew that it was a position of doubt.

The Hon. R. C. DeGARIS: I ask the Hon. Mr. Sumner to let me finish my point. The honourable member argued that the Government did not mislead because of what the Minister said in his second reading explanation, as follows:

> An examination of a sample of relevant Executive Council minutes going back for 80 years suggests that very few, if any, could properly be described as being "countersigned by the Chief Secretary" . . .

The Solicitor-General has said that there is an argument that the minutes are the appointments. However, the Hon. Mr. Banfield goes further. He does not talk about the argument but says that nothing was done correctly. That is the point we make in relation to this Parliament's being misled.

The Hon. C. J. Sumner: But the Solicitor-General told you that it was a matter of doubt. How, therefore, could you be misled?

The Hon. R. C. DeGARIS: He said that there was an argument. However, I do not believe, having examined the documents, that there is a doubt, because the documents clearly show—

The Hon. D. H. L. Banfield: Which documents have you seen? Have you seen the commissions, or the vast number of appointments that have been made?

The Hon. R. C. DeGARIS: I have seen the documents relating to the appointments of people to certain positions, and they have been signed by the Chief Secretary and the Governor. There is only one way in which this matter can be resolved, because a slur has been cast not only on my work as Chief Secretary but also on that of Sir Lyell McEwin and dozens of others. Also, a slur has been cast on the staff of the Chief Secretary's Department, and there is only one way in which the matter can be clarified.

If mistakes have been made, I will be the first to admit that I have made them. However, if mistakes have not been made, the matter can be clarified by tabling the register of commissions. Then, honourable members can see whether or not this Parliament was misled and whether a slur can be cast on past servants in the Chief Secretary's Department. Honourable members know that the document involving the dismissal of the Police Commissioner was invalid. That is what the Hon. Mr. Burdett said; we know that.

The Hon. D. H. L. Banfield: He didn't say that at all, and you know it.

The Hon. R. C. DeGARIS: We had information that some documents were invalid. There is no question about that.

The Hon. D. H. L. Banfield: You're misleading the Council.

The Hon. R. C. DeGARIS: If one document in the Government's hands is invalid, it is possible that other documents relating to appointments are also invalid. The Council, rightly in my opinion, passed the Constitution Act Amendment Bill. However, certain claims made by the Government need to be substantiated because of the possibility that the Premier and other Government members have misled the Parliament. Whether or not the Parliament was misled can be determined properly by an examination of the register of commissions only.

The Hon. C. J. Sumner: Nonsense!

The Hon. R. C. DeGARIS: Is there any other way? There is not. The Government must say why it will not allow an inspection of that register in order to clear up the allegations that have been made against former Ministers and members of the Chief Secretary's Department.

I have much pleaure in supporting the motion, because it will at least allow honourable members more fully to examine the matter and to see whether the Government's claim that these appointments were not valid is correct.

The Hon. J. C. BURDETT: As I said previously, I voted for the Constitution Act Amendment Bill on the faith of what the Government had said.

The Hon. C. J. Sumner: You didn't read very carefully what they said.

The Hon. J. C. BURDETT: Yes, I did. If the honourable member reads what the Government said and the entire debate, he will find that there are many examples which justified my statement that the Government claimed that most appointments had not been valid. Page 2166 of the House of Assembly *Hansard* for March 14 records the Leader of the Opposition as asking the Premier the following question:

> What proportion of these officers who might be appointed by Executive Council are appointed in such a way that their appointments could be considered illegal or unconstitutional?

I am debating my motion, which claims that the Government misled the Parliament and made an incorrect statement. The *Hansard* report continues:

> **The Hon. D. A. Dunstan:** There has not been a single countersigning this century.
>
> **Mr. TONKIN:** According to the information that I have received, I do not believe that that is so.
>
> **The Hon. D. A. Dunstan:** It is.

To say the very least, I do not know how many commissions there were.

The Hon. C. J. Sumner: He wasn't talking about commissions, but about Executive Council minutes.

The Hon. J. C. BURDETT: The question asked was about appointments, and it was misleading to say the least for the Premier not to have referred at any time to these commissions, which purport to be the appointments.

The Hon. C. J. Sumner: The Solicitor-General raised this matter with you and with the Hon. Mr. DeGaris. He said that you were there at the same time. It was raised with the Leader as to whether the effective instruments of appointment were Executive Council minutes or commissions. You had time to consider it.

The Hon. J. C. BURDETT: The point was not raised with me.

The Hon. C. J. Sumner: It was raised with the Hon. Mr. DeGaris, who admitted it.

The Hon. J. C. BURDETT: I voted for the Bill on the faith of what the Government had said, namely, that the appointments had been countersigned.

The Hon. C. J. Sumner: The Executive Council minutes hadn't been countersigned.

The Hon. J. C. BURDETT: It was only the following day when I read the *News* that I realised that what purported to be appointments had been signed. The *News* of Wednesday, March 15, contains the following report:

> Two senior judges produced evidence today to prove their appointments were valid. Mr. Justice Walters produced his evidence before the resumption of the final stages of the Holland murder trial. And the Chief Justice, Dr. Bray, made a similar move in the Supreme Court.
>
> Mr. Justice Walters said today: "It may be of some comfort to counsel that I have in front of me a commission dated July 1, 1966, signed by former Lieutenant-Governor, Sir John Mellis Napier, and the Public Seal of South Australia. The appointment of myself to this office is signed by the former Lieutenant-Governor and is countersigned by the former Chief Secretary, Mr. A. J. Shard. I ask if there is any challenge to the validity of my position," he said. No challenge was issued.

The point I make, and the point I have made in my motion, has nothing to do with the need to pass the Bill, which has been passed. I claim that it was grossly misleading of the Parliament by the Government to claim that there was a grave doubt, so say the least, about these appointments. I have quoted Mr. Dunstan as saying that the appointments had not been countersigned and were, therefore, not valid, but he did not refer at any time to the fact that there were commissions which certainly purported to be appointments and which were countersigned.

The Council divided on the motion:

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

Motion thus carried.

PERSONAL EXPLANATION: STATEMENT IN DEBATE

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: During the debate on the motion on which the Council has just divided, I said, in reply to a question asked by the Hon. Mr. Sumner, that I had discussed the matter with the Hon. John Burdett and the Solicitor-General. On checking with the Hon. Mr. Burdett, I have found that that statement was not correct. I discussed the matter with the Solicitor-General and the Hon. Trevor Griffin. I am sorry if I misled the House, but it was not done intentionally.

MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL

The Hon. ANNE LEVY: I move:

> That the Select Committee on the Bill have leave to sit during the recess and to report on the first day of the next session.

The fourth report of the Mitchell committee on penal law reform has been tabled in the Council this afternoon, and members of the Select Committee desire to examine this report before making their final recommendation.

The Hon. ANNE LEVY, having obtained the suspension of Standing Orders, moved:

> That the Select Committee on the Bill be empowered to request the Attorney-General to refer to the Law Reform Committee, for its advice and recommendations, the Bill and evidence taken by the committee.

In moving this motion I do not wish in any way to pre-empt any recommendation that the Select Committee may make, or to suggest that the Select Committee wishes to make such a request of the Attorney-General. Members of the Select Committee unanimously agreed that I should put this motion to the Council today so that, if we consider such a request desirable, we would have the power to make that request. I stress that in no way does this mean that the committee has determined to make such a request.

Motion carried.

CREAM PRICES REGULATIONS

Order of the Day No. 3: the Hon. R. C. DeGaris to move:

> That the cream prices regulations, 1977 (No. 2), made on December 14, 1977, under the Metropolitan Milk Supply Act, 1946-1974, and laid on the table of this Council on February 28, 1978, be disallowed.

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

> That this Order of the Day be discharged.

Order of the Day discharged.

POLICE REGULATION ACT AMENDMENT BILL

Order of the Day No. 4: the Hon. C. M. Hill to move:

> That he have leave to introduce a Bill for an Act to amend the Police Regulation Act, 1952-1973.

The Hon. C. M. HILL moved:

> That this Order of the Day be discharged.

Order of the Day discharged.

BURNSIDE ZONING REGULATIONS

Order of the Day No. 5: the Hon. J. C. Burdett to move:

> That the regulations made on October 13, 1977, under the Planning and Development Act, 1966-1976, in relation to Metropolitan Development Plan—Corporation of Burnside—zoning, and laid on the table of this Council on October 18, 1977, be disallowed.

The Hon. J. C. BURDETT moved:

> That this Order of the Day be discharged.

Order of the Day discharged.

ENFIELD ZONING REGULATIONS

Order of the Day No. 6: the Hon. J. C. Burdett to move:

That the regulations made on October 13, 1977, under the Planning and Development Act, 1966-1976, in relation to Metropolitan Development Plan—Corporation of Enfield —zoning, and laid on the table of this Council on October 18, 1977, be disallowed.

The Hon. J. C. BURDETT moved:

That this Order of the Day be discharged.

Order of the Day discharged.

[Sitting suspended from 5.39 to 7.45 p.m.]

PLANNING AND DEVELOPMENT ACT REGULATIONS

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

That the regulations made on April 28, 1977, under the Planning and Development Act, 1966-1976, in relation to rural land subdivisions, and laid on the table of this Council on July 19, 1977, be disallowed.

I oppose this regulation, which was tabled on July 19, 1977, in relation to rural land subdivisions. It requires that an allotment should not be created in a rural area unless that allotment alone will provide the occupier with a living by the practice of rural pursuit. It was quite impracticable to define a living area; the regulation does not attempt to define what is a living area, but it must be clear that a sufficient economic return may vary widely, depending on the standards of each individual owner. If there is any confusion or debate on what is a living area, it is the Planning Appeal Board which is faced with the task of determining what is a sufficient return.

Judgments have been made by the Planning Appeal Board on this matter, and I refer honourable members to the judgment in the case of *Biggs v. the Director of Planning*, on March 10, 1977. So any decision by the Planning Appeal Board about what is an economic unit is difficult for the board to determine. The regulation goes on to require that rural pursuits shall be of the type predominantly practised in the locality. It seems, therefore, that no new form of development of agriculture is allowed to be considered in that locality.

I give one case that I know of, where an area does not have any beekeepers at all or, maybe, one in a large rural area, and a beekeeper wanted a block of land about four hectares in extent for his bees. Under this regulation that four hectares could not be subdivided to provide for that area on which to build his house from which to cart his hives in the district. For instance, if this district of four hectares had been used for wool production and was suitable for growing mushrooms or cabbages on much smaller areas, under the regulation the Director or a council shall refuse a resubdivision creating an allotment of two acres or 20 acres and leave it to the applicant to appeal to the Planning Appeal Board against the decision.

I submit, on what I have from the Planning Appeal Board, that that is a ridiculous suggestion. One of the most important objects of the legislation is the suggestion that the allotment must be an economic living area. It is desirable that people should be encouraged to live on workmen's blocks to subsidise their incomes from produce on a small area. In my experience, there are many successful farmers now on large properties who began their lives as rural workers on very small blocks. One particular block I know very well has changed hands five times over the last 30 years. A young person buys it; he will milk about 15 cows on that area. He works in the yards and as a labourer on rural properties, and from there he goes on to own an economic unit. It is important that these sorts of blocks should be available where a person of limited income can begin in the rural field and later become a large producer. If a person owns this type of allotment, what harm is done to the community? There are cases where a farmer wants to retire and hand over his property to his family, but he wants to retain four to eight hectares for his own use. Perhaps later the whole property will once again be amalgamated into one. Many people want to retire on a small block.

The Hon. C. J. Sumner: They can do that; they can have a house detached from the rest of the land used for rural pursuits.

The Hon. R. C. DeGARIS: That may be so, but perhaps the person does not want to take the main homestead off the property; maybe he wants to build a small house in the corner of the property but, under this regulation, he cannot do so.

The Hon. C. J. Sumner: He can do that.

The Hon. R. C. DeGARIS: I doubt whether he can.

The Hon. R. A. Geddes: Not if it is not considered an economic unit.

The Hon. C. J. Sumner: You can do it for a residence.

The Hon. R. C. DeGARIS: There is nothing in the regulation that I can find dealing with that. I quote:

"any allotment which would not be an economic unit means any allotment which, if created and used for the purpose of primary production, or for non-residential rural pursuits—

The Hon. C. J. Sumner: Non-residential.

The Hon. R. C. DeGARIS:

—of the type predominantly and substantially practised in the locality."

The Hon. C. J. Sumner: But, if it is residential, it is all right.

The Hon. R. C. DeGARIS: What do you mean by "residential"?

The Hon. C. J. Sumner: You can do it; you can set aside a small block and detach that from the main block. It does not have to comply with the minimum requirements of the regulation, so the farmer who wants to retire can retire on the block of land provided he uses the block only for a residence.

The Hon. R. C. DeGARIS: Let me quote the whole of paragraph (2) (b):

any allotment which would not be an economic unit means any allotment which, if created and used for the purpose of primary production, or for non-residential rural pursuits, of the type predominantly and substantially practised in the locality would, without recourse to any other income, provide the owner or occupier thereof with sufficient economic return from the use of the allotment to enable him to continue the rural use on a permanent basis.

One cannot read into that regulation the point raised by the Hon. Mr. Sumner.

The Hon. T. M. Casey: That is not rural use, it's residential use.

The Hon. R. C. DeGARIS: It is rural use. In talking about residential use one is talking about blocks of about a quarter acre, whereas blocks of 10 or 20 acres constitute rural use and must comprise an economic unit. If what I am saying is incorrect, why have regulations at all?

There are other reasons. Many farmers started with uneconomic properties. Is there any valid reason to discourage such people for pursuing and entering the rural sector? Examples could be quoted of farmers who have made significant contributions to the advancement of

agriculture from such properties. The regulations are necessary because subdivision of agriculture areas is increasing as a result of reassessed values and rates. Perhaps the problem could be overcome in some other way. I oppose the regulations.

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

BUILDERS LICENSING REGULATIONS

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

> That the regulations made on December 1, 1977, under the Builders Licensing Act, 1967-1976, relating to the Builders Licensing Advisory Committee and laid on the table of this Council on December 6, 1977, be disallowed.

I oppose the regulations, which increase the number of members on the Builders Licensing Board from six to eight by adding two members from the trade union movement. That will give the trade union movement four board members. There is no justification for this move and I oppose the regulations.

Motion carried.

GRAIN PEST REGULATIONS

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

> That the Grain Pest Regulations made on November 24, 1977, under the Fruit and Plant Protection Act, 1968-1976, and laid on the Table of this Council on November 29, 1977, be disallowed.

I remind honourable members, if they need reminding, that regulations cannot be varied or amended: they have to be withdrawn or disallowed, redrafted and presented again. In moving this motion, I am not suggesting for one moment that I am against the general concept of these regulations. Some words in these regulations should be omitted, or the regulations reworded in order to make them slightly clearer. The regulations at present, in paragraph 3 state:

> For the purposes of Section 12 of the Act the prescribed measures to be taken for the control or eradication of a pest by any owner upon whom a notice has been served under Section 12 shall be any one or more of the following:—
>
> *(a)* such structural or other alterations specified in such notice to the premises which shall be made within the period specified in such notice as are necessary to permit thorough cleaning of the premises or to prevent spillage of any plant within such premises or to prevent leakage of water onto any plant within such premises,

I object to this regulation as being too wide, in referring to "structural or other" alterations and also to "eradication" which is idealistic but unfortunately, hardly possible to achieve. I will not bother to read *(b)* because there is nothing there for me to object to. Paragraph 3 *(c)* states:

> such spraying or fumigation measures specified in such notice of the premises or any plant therein which shall be taken within the period specified in such notice as are necessary for the control or eradication of any pest.

I understand that regulations such as these are necessary to control the problems which we have with pest plants and with weevil in grain but I feel that they are too wide as they are worded at present. I am not, as I said earlier, against the general concept of the regulations. I understand that at present it is intended that these controls will be undertaken by the inspectors of Co-operative Bulk Handling Limited, and to that I do not object. However, I believe that at some time in the future these regulations might be interpreted more literally, to the great disadvantage of some primary producers. I am aware that the regulations are not only for farmers but that other activities are covered by them.

However, I am also aware that, if the Council disallows these regulations, the Government can place them back next week and if they do this I would hope that the Government would take some notice of the objections which I raised. There is considerable disquiet about suggestions concerning the eradication of this pest. We would like to think it could be eradicated but, unfortunately, the best thing we can hope for is control. I support the general concept of control. I know that some primary producers do not look after their sheds, storage bins, and machinery as they should. Therefore, there is some need for control. The "trace back" system has done some good. Further controls may be necessary, but I object to the actual terminology of the regulations as they stand at present.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The Hon. Mr. Dawkins raised several issues concerning the regulations but I was not clear exactly what the honourable member was objecting to. The objection related to the structural alterations in buildings, but I believe there was some misunderstanding in respect of what was intended in developing a workable grain hygiene system in this State. The system has been developed in close consultation with farming organisations and is based on a trace-back system.

It has been developed on a basis requiring minimum enforcement and maximum advisory service for farmers. We have agreed in conjunction with South Australian Co-operative Bulk Handling Limited to institute a trace-back system under which samples are taken, or have been taken, of grain delivered this year to silos. Samples have been incubated and the weevils that will appear in some of those samples will be identified and the particular farmers who delivered that grain will be notified. The intention of the co-operative is to advise the farmers concerned on how to improve grain hygiene on their properties so that such infestation does not again occur. This plan will be followed through in future years and more samples will be taken after next harvest, and the farmers concerned, whose grain has been positively tested this year, will be tested again next year.

If farmers consistently refuse to take the necessary action and consistently deliver contaminated grain, the question of enforcement under the Act will arise. It is intended to use a basic advisory approach following the trace-back system. An important aspect that has been missing from past discussions is that we have other facilities besides farms and the bulk handling co-operative's facilities on farms. I refer to stock feed manufacturers, mills, and the like, and it is important that these operations are clean and do not contaminate other grain. It has been pointed out by the co-operative that its operations are sometimes in jeopardy because of the unhygienic conditions of mills, stock-feed merchants or general merchants holding stocks of poultry or pig feed near the co-operative's facilities. For those reasons it is important to have a set of regulations to cover the situation. It would be useful in these circumstances if I had the opportunity to see the specific complaints raised by the honourable member. I seek leave to conclude my remarks later.

The Hon. M. B. Dawkins: No.

The Hon. D. H. L. BANFIELD: What is the position in relation to regulations? If a motion is adjourned and if the

mover is willing to allow the adjournment until the next day of sitting, I understand that the motion remains on the Notice Paper, although this does not apply in respect of other matters. Is that the correct situation?

The PRESIDENT: As the Council is to prorogue this evening, this notice of motion will be cleared from the Notice Paper. I also point out that the regulation will have lapsed because of the effluxion of time, it having been on the Notice Paper for more than 14 sitting days.

The Hon. D. H. L. Banfield: Even though notice of disallowance has been given?

The PRESIDENT: This is the only chance that the Hon. Mr. Dawkins will have to pursue his motion.

The Hon. M. B. DAWKINS: I refused leave most reluctantly because I considered that I had, as you have ruled, Sir, to deal with the matter now. Although I appreciate what the Minister has said and although he made clear his position, I considered that the matter should be dealt with this evening. I made clear this afternoon that I expected the Government soon to bring down a regulation providing for basically the same thing, perhaps some note being taken of the objections I raised this afternoon.

The PRESIDENT: Order! It seems that there is some confusion inasmuch as the honourable member immediately refused the Minister leave to conclude his remarks. However, the Minister was partly on his feet, and I therefore believe he should have the right to conclude his remarks.

The Hon. B. A. CHATTERTON: There is little more that I wish to say. I am sorry that this situation is inevitable, the motion having to be voted on during the last day of the session. I should have appreciated having an opportunity to study the *Hansard* report of the Hon. Mr. Dawkins' speech and to see his reasons for opposing the regulations. The Subordinate Legislation Committee has examined and taken evidence on the regulations and, having done so, has reported in favour of them. As the motion must be voted on this evening, I must oppose it.

The Hon. C. J. SUMNER: I wish to intervene only briefly in the debate to reinforce what the Minister has said. I am a little disappointed that the Hon. Mr. Dawkins did not refer to the evidence taken by the Subordinate Legislation Committee.

The Hon. M. B. Dawkins: I read it.

The Hon. C. J. SUMNER: But the honourable member did not refer to it in the debate.

The Hon. R. C. DeGaris: What, at this hour?

The Hon. C. J. SUMNER: As I recall, the Hon. Mr. Dawkins spoke this afternoon and the debate was adjourned until this evening. One should have thought that the Hon. Mr. Dawkins, if he was serious about the motion, would have taken the trouble to refer to the evidence taken by the committee. The committee took evidence from Mr. Pearce, a representative of the Barley Board, from Mr. Andrews of United Farmers and Graziers of South Australia Incorporated, and from representatives of the Agriculture and Fisheries Department.

However, the Hon. Mr. Dawkins, in moving his motion, did not refer to that evidence or to the fact that on March 7 the Chairman of the Subordinate Legislation Committee presented to the Council the committee's seventh report for 1977-78 and recommended that, after consideration of the evidence place before the committee, no action be taken regarding the regulations. You, Sir, having been a member of the committee at the time, wil recall the evidence that was taken, and you, Sir, agreed with the recommendation and report that was tabled in this place.

That does not deprive the Hon. Mr. Dawkins of the right to move his motion as he has done. However, it seems odd that he should move his motion and not refer at all to the work done by the committee. The honourable member went off completely on his own bat and took no account of the detailed recommendation made by the committee that no action be taken. That recommendation was made because the committee considered that the problem of weevils in grain was an enormously important one for the primary producer and our export industry.

Although United Farmers and Graziers have some quibbles about and there was some opposition by the Barley Board to the regulations, there was no real opposition to the intention of them, that is, to deal with the problem of weevils in our grain supply. The point made was really an objection to the wording of the regulation. If the Hon. Mr. Dawkins had read the evidence, he would have seen that the Agriculture and Fisheries Department representatives adequately covered the matter.

The Hon. Mr. Dawkins suggests that "structural" should be taken out of the regulation so that an order cannot be made that a silo be demolished or that major structural alterations be effected. The committee submitted that, whether or not that word was removed, it did not make any material difference to the regulation. The committee was unanimous in its view that this regulation should be allowed to proceed on those grounds.

The U.F. and G. proposed amendment did not make any difference to the effect of the regulation, and to disallow this regulation would hamper greatly the department and the farming community in their attack on this problem of weevils in grain. For this reason, the committee recommended that no action be taken. I ask honourable members to take account of the recommendations of the specialist committee set up by the Parliament to examine these matters, and to oppose the motion.

The Hon. M. B. DAWKINS: I was sorry that I had to refuse the Minister leave to conclude his remarks, but I considered that, as you, Sir, subsequently ruled, now was the only time to proceed with the matter. I explained this afternoon my reasons for wanting the wording to be altered. Having read all the evidence, I gathered information from various people who considered that the wording should be amended. I have also discussed the matter with departmental officers. I have made clear that I favour the general concept. I am not pleased about the width of the regulations and have been told that some alteration would be considered if it was disallowed.

The Council divided on the motion:

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, B. A. Chatterton (teller), 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 PRESIDENT: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

I want to make an explanation at this point. Having been a member of the Subordinate Legislation Committee at the time and having studied this matter, which was of concern to me personally, I point out that there is only one way in which the regulation could be adjusted, and that is through the action that the Hon. Mr. Dawkins has taken. The regulation had to be disallowed as a safeguard to have certain words put in, but I do not think those words will make much difference to the regulation. I think that, had

the Hon. Mr. Dawkins spoken to the Minister, the Minister would have made that adjustment. I have no other course but to support the disallowance.

Motion thus carried.

PLANNING AND DEVELOPMENT REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris (resumed on motion).

(Continued from page 2436.)

The Hon. C. J. SUMNER: This matter also was considered by the Subordinate Legislation Committee, and on December 6 last I brought up the third report of the committee for 1977, together with minutes of evidence, in regard to these regulations in respect of rural land subdivisions. The report states:

> In its first report for this session, tabled in this Council on October 13, the Joint Committee on Subordinate Legislation indicated that it may take further evidence on regulations made under the Planning and Development Act and relating to the control of rural land subdivisions. The committee has taken this further evidence and all evidence received on this matter is tabled with this report.
>
> After consideration of the evidence placed before it, your committee now recommends that no action be taken on these regulations.

We again have the situation where a specialist committee of the Parliament has considered regulations and has recommended that no action be taken.

The Hon. R. A. Geddes: What would the voting have been when this decision was made?

The Hon. C. J. SUMNER: I have not that information, but I know that the voting on the previous matter that we have dealt with was unanimous. I know that no dissenting report was put in regard to the regulations we have been discussing. If members of the committee disagreed with the recommendation being made by the majority, they could have made a dissenting report.

The Hon. R. A. Geddes: Is there much evidence of dissenting reports having been made by the committee, in your experience?

The Hon. C. J. SUMNER: No, but my experience is not lengthy, as I have been in the Parliament for only about two and a half years. The committee took much evidence and I think the reasons for its decision were that disallowance would mean that the State Planning Office would have no control over rural subdivisions in South Australia.

The Hon. R. C. DeGaris: Local councils have.

The Hon. C. J. SUMNER: I do not know whether a local council will have power unless the regulation goes through, because it gives the council power to administer this matter in the local area. Without the regulation, there was no way to control rural subdivisions in South Australia.

If the Hon. Mr. DeGaris wants to see the Adelaide Hills behind the hills face zone cut up into many small blocks and if he wants to see the whole character of the Adelaide Hills destroyed, let that be on his head. The Government does not agree with that proposition. The regulations are designed to combat any possibility that the land will be cut into small allotments that would destroy the recreational character and the rural character of the Adelaide Hills.

The Hon. R. C. DeGaris: Only the Adelaide Hills?

The Hon. C. J. SUMNER: No. I have emphasised the Adelaide Hills because that is where the main problem exists. Having taken evidence from the State Planning Office, the committee decided to take no action, precisely for the reasons I have given. On those grounds I oppose the motion.

The Hon. C. M. HILL: I examined this matter some time ago and, as I recall the situation as regards the Adelaide Hills, the effect of the regulations will be exactly the opposite to that outlined by the Hon. Mr. Sumner. At present, without these regulations, the minimum allotment size in the rural areas of the Adelaide Hills is 30 hectares. The object of these regulations is to change that minimum criterion to a new approach in which the criterion is that subdivisions will be approved for living areas.

Living areas in the Adelaide Hills, relative to rural pursuits, can be much smaller than 30 hectares. For example, flower-growing and mushroom-growing can be carried out on living areas of 10 hectares. So, if the criterion under these regulations is to be based on an economic living area, the Government will finish up with more subdivisions than it has now in the Adelaide Hills. For that reason, I support the motion.

I turn now to the situation applying to farmlands farther from the city than the Adelaide Hills are. When I meet friends from country areas, they frequently ask whether or not the Government intends to increase the minimum 30-hectare size for subdivisions. They do not want the Government to change to a larger allotment size. Honourable members should take into consideration the question of economic living areas being taken as a criterion in connection with grazing areas. I believe that the 30-hectare minimum criterion will go out of the window if these regulations come into effect. I was surprised to hear the Hon. Mr. Sumner say that country people did not object to the regulations.

The Hon. C. J. Sumner: I did not say that. I said that we heard evidence that no action be taken.

The Hon. C. M. HILL: I misunderstood the honourable member. I support the motion.

The Hon. M. B. CAMERON: I, too, support the motion. It always concerns me that people who purport to be experts talk about economic areas in connection with rural production. I will give full marks to any person who can tell me exactly what an economic area is in every field of agriculture. It is absolutely impossible to give that information, because there are so many variables. The Hon. Mr. DeGaris said that nowadays, with the high capital cost involved in rural production, it is almost impossible for a young person straight away to buy an area suitable for an economic unit. Perhaps a young person may be able to start on a unit that some people may consider uneconomic; he may have a second job. Such a person may eventually be able to afford an economic unit.

The Hon. T. M. Casey: No. You're way off beam. You are contradicting yourself there. You cannot start off with an economic unit. You've already indicated that. You are saying that if he starts off with an economic unit he must work outside and have two jobs.

The Hon. M. B. CAMERON: The honourable Minister worries me sometimes.

The Hon. T. M. Casey: You worry me, too, because you are contradicting yourself.

The Hon. M. B. CAMERON: Say he is a farmer employee of the Minister's, mine or anyone else who is involved in rural production; he is working in a rural pursuit but, whether he is or is not, is irrelevant. If he wants to go on the land he might have to start off with a unit that the Minister and I might consider totally uneconomic—

The Hon. T. M. Casey: And he, too, for the time being.

The Hon. M. B. CAMERON: Right. Let us get away from an economic unit, as it is being judged according to

this regulation-making power. Why should we cut out every opportunity for a small block to be created for a person who wants to set himself up in farming in a small way and then slowly build it up? I have a person on my farm who assists me and who started out trapping rabbits and bought himself a small area of land that was totally uneconomic, without an ounce of pasture on it.

He is now a very successful farmer because he was able to start out in that way. If this regulation were in operation he could never have got under way because we would not have allowed him to have a unit. We would have said that the unit was uneconomic and would not have approved the transfer of land in the first place. I thank the Hon. Mr. Sumner for making available to me the evidence that was taken in relation to this regulation.

The Hon. C. J. Sumner: It was a pleasure.

The Hon. M. B. CAMERON: One paragraph of a letter from Mr. Stuart Hart, Director of Planning, is as follows:

> The regulation amendment has therefore been drafted to authorise refusal of a rural subdivision if the proposed use is not one normally undertaken in the locality.

That means that any person with a bit of imagination who is prepared to take on a new pursuit will automatically be denied this opportunity because he happens to put a proposition that is not considered to be a normal use of land.

The Hon. R. C. DeGaris: Would you claim that bee farming is predominantly or substantially a normal pursuit in the South-East?

The Hon. M. B. CAMERON: Of course not.

The Hon. R. C. DeGaris: Some do.

The Hon. M. B. CAMERON: Of course they do, but it is not a normal pursuit.

The Hon. R. A. Geddes: The other point is that a man could buy a block of land on which to run dairy cows but then keep bees.

The Hon. M. B. CAMERON: Yes, and make quite a success of it, too. One can, in rural pursuit, get into an economic unit provided one runs a specialist unit. One could run a specialist beef stud with a very small number of cattle. If those cattle are considered to be good enough by purchasers, one can make a good living from a small number of beef cattle. The same could be done with racehorses, as the Minister of Lands would know. One could have a small area indeed and could run a good economic unit by having good animals.

The PRESIDENT: One needs a little bit of luck for that.

The Hon. M. B. CAMERON: Not only luck.

The Hon. T. M. Casey: What area would be required as an economic unit for thoroughbreds?

The Hon. M. B. CAMERON: You tell me. You are the one asking the question; you must have the information at your fingertips.

The Hon. T. M. Casey: You tell us.

The Hon. M. B. CAMERON: I said that the Minister cannot decide it. That is my point; thank you very much for making it for me.

The Hon. T. M. Casey: That is not what you said a few minutes ago.

The Hon. M. B. CAMERON: You have merely confirmed my argument.

The Hon. C. M. Hill: Another point that confuses the issue more is that the proposal must be based on existing, and not on proposed, use; the subdivision is made in the name of the existing owner or user.

The Hon. M. B. CAMERON: That is correct. I remember being involved in a vegetable industry in my area and, at that time, nobody had done it before. Under this proposal, it seems that, if you put up a proposal based on that case, there is no factory and, because nobody has done it before, you are denied the right to get land to build one, because it is for a specialised purpose. A large amount can be made from a small area.

The Hon. T. M. Casey: Nobody is denying the purchase of land.

The Hon. M. B. CAMERON: It means that, if an area has been used predominantly for grazing and somebody wants to start up a brand new activity and subdivide the land for that purpose, that person has a fairly high degree of risk of being denied that opportunity. I do not think we should allow this matter to go through without argument. It is not possible to make decisions just on a one-figure basis. I challenge the Minister or anybody else to tell me how they arrive at those decisions on the viability of units.

The Hon. R. C. DeGaris: The Planning Appeal Board could not decide it.

The Hon. M. B. CAMERON: No, and I am concerned that we are applying a figure like this willy-nilly and we have to prove viability on the existing, and not on the new, use. I do not see how the Minister can argue against that. The other point concerned subdividing for the purpose of building a residence. We can subdivide one area off an existing unit now, but not everybody wants to. What happens to a farmer with more than one child who wants to put up more than one residence?

The Hon. C. J. Sumner: On what size block?

The Hon. M. B. CAMERON: I do not care; it can be in an area reasonably close to the metropolitan area. If the farmer has more than one child and wants to provide for them, he would have to buy land for them somewhere else: that is ridiculous. Surely the family unit should be capable of being used inside the family. Some farmers are denied the opportunity of providing a child with the start that he may need. I should have thought that the members of the present Government would be the first to give people the opportunity of starting in a small way. The assumption that a person can go straight on to an economic unit is not correct.

We are denying people the opportunity of getting into farming. I see the situation that has arisen in many areas where we break the hearts of young people before they can start, because they have to purchase such large areas before they can get into farming. I urge the Government to support the disallowance, because I believe that the arguments that have been put up must surely give the Government cause to look into the matter further.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I oppose the motion. I think that the Hon. Mr. Sumner has covered most of the points adequately. Being a member of the committee, he heard the evidence that led to the conclusion which brought down the report to the Council. It is a pity that this debate did not take place earlier, because it has been difficult to follow. The Hon. Mr. Cameron said that his argument should convince us, but it did not sound convincing to me. It took me some time to ascertain on what side the Opposition was coming down: whether to encourage or discourage further subdivision. His remarks led me to believe that he wanted to encourage further rural subdivision.

The Hon. M. B. Cameron: Not encourage: give the opportunity.

The Hon. B. A. CHATTERTON: I inferred from his remarks that we should be making it easier for further rural subdivisions. That would be a mistake and contrary to the wishes of most members of the rural community, who have come to see many difficulties associated with further rural subdivisions; for example, the cost of servicing properties and the need for councils to provide more roads and other services. Such added costs would

further increase rates, and property values would rise. Many people in the rural community who treasure the landscape and beauty of the countryside see it being destroyed in many cases by the poor placing of housing and other buildings. Indiscriminate rural subdivision would be a great mistake. The Hon. Mr. Cameron and other speakers seemed to imply that the only way in which young people could take up farming was by means of subdivision, but I find that difficult to understand. There are many small properties they could purchase.

The Hon. R. C. DeGaris: Where?

The Hon. B. A. CHATTERTON: One can find them throughout the State. There is no shortage of them. What we see is properties being subdivided by people not for agricultural pursuits, about which the Hon. Mr. Cameron spoke, but by hobby farmers wishing to have a rural retreat. I am not opposed to people doing that. The type of planning that should be introduced for rural retreats is different from the type of subdivision we have had in the past. The Council should not disallow the regulations. I am sure that the Minister for Planning is aware of the deficiencies in the total planning scene and of the need for better legislation to cope with this type of situation. With the legislation we have now, it is important to do what we can, and these regualtions have been provided for that purpose. For those reasons, I oppose the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): On the question of a person subdividing a block of land on which to build a house, the position is clear under the regulations: the director or the council could refuse an approval for subdivision of, say, 20 acres, with the idea of trying to erect a house. One can build a house only if it is within part of an economic unit, and that is clear under the regulations.

Disallowance was first to be moved by the Hon. Mr. Sumner, and that was one reason why I did not proceed to move for disallowance earlier, although my motion was on the Notice Paper.

The Hon. C. J. Sumner: We reported in December that we were not going to proceed, and you had all that time, but you kept adjourning it.

The Hon. R. C. DeGARIS: What time?

The Hon. C. J. Sumner: About six or seven weeks.

The Hon. R. C. DeGARIS: We have had a busy session, and there has been a need to reappraise the position. Also, the honourable member's motion was on the Notice Paper for eight months, otherwise I would have moved for disallowance earlier. I refer to the wording of the regulation. The Planning Appeal Board cannot even determine what is an economic unit in a rural area. What is the use of having a phrase in a regulation that cannot be defined? We are being asked to approve a definition containing words that cannot be defined. Further, I suggest that no subdivision of any rural land could be allowed under the second part of the regulation. How can one know whether or not land use will be of a type predominantly practised in a locality? How would one know that such activity would continue after subdivision? Recommendations for rural subdivision are now in the hands of local councils, and that is where it should be left, without any clap-trap phrases that cannot be defined.

The Council 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, B. A. Chatterton (teller), 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 PRESIDENT: There are 9 Ayes and 9 Noes. There being an equality of votes, I give my casting vote for the Ayes. I take this opportunity to make this explanation: not only was I a member of the Subordinate Legislation Committee when these regulations were introduced, but I was also instrumental in most of the evidence being presented to that committee. I feel in no way obliged to vote other than I have. The reason why the committee did not disallow the regulations was that a disallowance motion had already been moved by the Hon. Mr. DeGaris, and it was decided by the committee that we should follow the debate in this Chamber.

Motion thus carried.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CROWN LANDS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Insert new clause as follows—

18. Amendment of principal Act, s. 107a—Advances to association—Section 107a of the principal Act is amended—

(a) by striking out from subsection (2) the passage "Crown Lands Act Amendment Act, 1973, not exceeding in total the sum of two hundred and fifteen thousand dollars" and inserting in lieu thereof the passage "Crown Lands Act Amendment Act, 1978, not exceeding in total the sum of two hundred and thirty thousand six hundred dollars"; and

(b) by striking out from subsection (3) the passage "Crown Lands Act Amendment Act, 1973, shall not exceed the sum of ninety-five thousand dollars" and inserting in lieu thereof the passage "Crown Lands Act Amendment Act, 1978, shall not exceed the sum of one hundred and ten thousand six hundred dollars".

No. 2. Insert new clause as amendment of principal Act, s.271d—Transfer of land to Minister—Section 271d of the principal Act is amended—

(a) By striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) The owner in fee simple of land—

(a) that is unencumbered; or

(b) that is encumbered only by a registered lease,

may transfer or convey that land, and deliver the title therefor, to the Minister who may accept the land on behalf of the Crown.;

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:

(3) Where land is transferred or conveyed under this section, the following provisions apply:

(a) if the land is tranferred or conveyed subject to a lease, the Minister shall, subject to this section, succeed to the rights and obligations of the lessor; or

(b) in any other case, the Minister may sell, lease, or otherwise dispose of the land in such manner and upon such terms and conditions as the Minister, upon the recommendation of the Land Board, determines.;

(ba) by striking out subsection (7) and inserting in lieu thereof the following subsection:

(7) In this section—

"Certificate of title" includes land grant:

"unencumbered" in relation to land means unencumbered by any registered—

(a) mortgage;

(b) charge;

(c) lease; or

(d) encumbrance of any other kind, whether statutory or otherwise; and

(c) by inserting after subsection (7) the following subsections:

(8) Where land is transferred or conveyed to the Minister subject to a lease, the lessee shall be liable to land tax in the same manner and to the same extent as if the lease were a perpetual lease.

(9) Where at the time of transfer or conveyance of land subject to a lease there were any outstanding rates or taxes due in respect of the land, the Minister may recover those rates or taxes as a debt due to him from the lessee.

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

These amendments involve money clauses on which the Legislative Council could not vote but which the House of Assembly has agreed to insert in the Bill.

Motion carried.

OUTBACK AREAS COMMUNITY DEVELOPMENT TRUST BILL

In Committee.

(Continued from March 21. Page 2325.)

Clause 14 passed.

Clause 15—"Powers and functions of the Trust."

The Hon. R. A. GEDDES: I move:

Page 5—After line 7, insert subsection as follows:

(1a) Trust shall not have power to levy rates.

I pay a compliment to you, Mr. Chairman, for the enormous amount of work you have done in the Northern areas over many years, whether as a jackeroo, manager, property holder, or as a member of Parliament.

The Hon. T. M. Casey: What about jilleroos?

The Hon. R. A. GEDDES: Perhaps the Minister is referring to your daughters, Sir, who have also played a part in helping you. You have often tried, Mr. Chairman, to find a way to solve the problem of local government involvement in outback areas. You spent many days on one occasion in company with Dr. McPhail (who is now in charge of the Local Government Office) interviewing people and allaying their fears, because people in the North have a disrespect for Governments in some ways, even though they recognise them in other ways. Now, in your present position in the Chamber, it is almost impossible for you to take part in debate, but you were prepared to stand up and be counted this evening when a regulation was being dealt with. The Minister in charge of the Bill, the Hon. Tom Casey, when member for Frome, also spent much time in dealing with matters affecting the people of the Northern areas, and showed concern for them.

There is great concern about the possibility of rates being levied in outback areas. The principal taxing method for local government, as we know it, is a tax on property. Pastoralists in the Northern areas could not afford it if the appropriate part of the Local Government Act was brought in by regulation to provide that their land was to be taxed on a valuation basis. Similarly, residents of the many small towns in the Northern areas would face hardship. At Marree, the buildings owned by the Commonwealth Government would not be rated and, as a result, only the three stores and the one hotel would be rated. Many Queensland pastoralists became bankrupt because of foolish rates and taxes being imposed on their holdings. As a result, their neighbours in South Australia are concerned about this aspect. I believe that the Government would, on reflection, agree that, before a tax is imposed on people in outback areas, the trust members should be elected by the people in those areas. The old catch-cry should apply: no taxation without representation.

The Hon. J. E. Dunford: What would happen if a station hand was elected and if he wanted time off to attend a meeting of the trust?

The Hon. R. A. GEDDES: The best man will win. Coober Pedy has few stores and hotels and very few permanent residents, yet there are possibly 2 000 to 2 500 itinerant people there with no land ownership and tenure and no ability or desire to pay rates and taxes to local government. It is necessary in the formative years of this trust that it be clearly understood that no taxes will be levied.

The Hon. T. M. CASEY (Minister of Lands): As much as I appreciate what the honourable member is doing, I think this matter has already been covered by my remarks, and I cannot accept the amendment.

The Hon. C. M. HILL: I am amazed that the Government is not willing to commit itself to this amendment. If it refuses to accept the amendment it must be contemplating levying rates on people who are not represented on the trust. That is a principal of which the Government should be ashamed.

Amendment negatived.

The Hon. R. A. GEDDES: Can I move to insert my next two amendments together?

The Hon. T. M. Casey: I have no objection.

The Hon. R. A. GEDDES: I move:

Page 5, after line 15 insert subclauses as follows:

(3) A regulation shall not be made for the purposes of subsection (2) of this section unless the Minister has certified—

(a) that a notice prepared by the Minister setting out the substance and effect of the proposed regulation was published in a newspaper circulating throughout the area at least one month before the proposed date of the making of the regulation; and

(b) The Minister has considered the objections (if any) made to him in relation to the proposed regulation.

(4) A regulation made for the purposes of subsection (2) of this section shall come into force—

(a) upon the next day following the day on which the time for disallowance of the regulation expires; or

(b) upon the day fixed in the regulation as the day on which it will come into force,

whichever is the later.

The trust, once formed, is breaking new ground where there has been little involvement of the people before. The amendment is necessary, as the Bill provides for regulations to be introduced. Before the Government introduces regulations I would ask it seriously to consider publishing those regulations in the press a month beforehand to give people the opportunity to pick up the information, to ask questions about it and to understand

it. I would emphasise that the Minister should consider objections if they are made to him in relation to the proposed regulation. The first amendment obliges the Minister to advertise the proposed regulations and consider objections before the regulations are brought into the Chamber. For the next two or three years, while the trust is growing in its responsibility and is establishing its character for semi-governmental control of the area, such a procedure would help it.

The second part of the amendment is consequential on the first argument I have put, that the regulations shall lie on the table of the House for 14 sitting days before they become operative. This is not the generally accepted method in modern Parliamentary terms. It was a habit of the past, and is still used in relation to the Companies Act. It has been used until today in the creation of by-laws for the Local Government Act. It is to give an emergency pause for Parliament to hear a complaint from the residents and those people in the Northern areas who may be concerned or who may think that they are harshly dealt with, and who have never had regulatory powers imposed upon them previously. In giving my blessing to the trust and hoping it fulfils all the hopes I have for it, I ask the Committee to support the amendment.

The Hon. T. M. CASEY: The Government appreciates what the honourable member is trying to do, but I think he is restricting the work of the trust. He requires regulations to be placed on the table in the House for 14 sitting days. This will delay the planning of the trust. My experience in the Far North has been that many people do not get newspapers regularly.

Because the trust is being set up to help people in the future, I am prepared to accept the amendment. I do not agree that two or three years should elapse before something is done to review the amendment. I think it is a matter of trial and error, and perhaps in 12 months to 18 months the trust will prove itself and will be given more latitude, because it is somewhat restricted under the amendment. This is a new area into which the Government is venturing, and I am willing to accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 23) and title passed.

Bill read a third time and passed.

Later:

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2351.)

The Hon. D. H. LAIDLAW: The Minister claimed that the object of this Bill is to ensure that there will be available to the public as a matter of public record an accurate and up-to-date statement of the financial and material interests of members of Parliament. The sponsors of this Bill believe that, if legislation before this Chamber is of a kind which involves one or more members in a conflict of interest, then the public should be able to ascertain that from a register. However, I say at the outset that, if the Government wants to ascertain all the material interests of members, the Bill should have been drafted with far more care.

First, the Bill provides that members should disclose their assets, but not their liabilities. I can think of many examples where a liability could produce a serious conflict of interest. Consider, for example, the member who is threatened by a creditor with foreclosure against his mortgage.

The Hon. F. T. Blevins: Then move an amendment along those lines.

The Hon. D. H. LAIDLAW: There will be amendments. The existence of the liability might well change the direction of a member's vote if any legislation is introduced affecting the creditor in question.

Secondly, the Bill concentrates on financial interests and states that, if a member and/or his family receive more than $200 from one source during a six-month period, that interest shall be listed in a return to the Registrar. But there are innumerable matters other than pecuniary which can influence the way in which a member votes, and these are not covered by the Bill.

There are, for example, several keen golfers, in addition to myself, sitting on both sides of Parliament. I suggest that we are more likely to be swayed when dealing with some legislative issue affecting our respective golf clubs for no reason other than personal interest than we would by the prospect of receiving $200 or more each six months from some investment.

The Hon. J. R. Cornwall: Are you saying that seriously?

The Hon. D. H. LAIDLAW: Of course, I am.

The Hon. J. R. Cornwall: I'm falling down on the bench laughing. Can you give us more background?

The Hon. D. H. LAIDLAW: I can think of other examples. For instance, a certain member owned a well bred greyhound bitch that could not go around bends because it fell over. If someone were able to produce a track with better graded bends, I could imagine that the member would be capable of being swayed and, needless to say, as he had some knowledge of that bitch, there would be no way in which he or any of his friends could make $200 within six months. I hope that that is a good example of a member acting from personal interests only.

Thirdly, the Bill draws no distinction between the extent of disclosure required by Ministers of the Crown and ordinary members of Parliament. Ministers are involved in the day-to-day administration of Government especially with the accepting of tenders. They must be careful not to be associated with any business venture which tenders for Government contracts. On the other hand, I think it is acceptable, or even desirable, for ordinary members in a House of Review to retain contact with their particular field of specialisation so that they can speak with up-to-date knowledge of the problems involved. I accept that there should be some disclosure of interests but members, other than Ministers, should not be expected to divest themselves of such interests.

It should be noted that the New Zealand Parliament adopted in 1956, as principles of propriety rather than rules of law, the recommendations of a Select Committee on Ministers' private interests. It laid down that Ministers should resign from directorships in public and private companies. Any of their shareholdings with potential conflict should be sold. A Minister should cease professional practice or active interest in a business. In contrast with the guidelines for Ministers there are no standards set in New Zealand for ordinary members.

The Hon. Mr. DeGaris argued in his second reading speech that disclosure of pecuniary interest is a matter for Parliament and no-one else. I think it should be noted that the word "pecuniary" is not used in the wording of the Bill. However, almost all the provisions refer to financial matters. I believe that the register of interests should be maintained by the President or the Speaker with respect to members in this Council or another place. The President would decide in any issue whether a conflict of interest

arises. Presumably he would remind the member involved and the member or, failing him, the President would refer to the conflict in this Council.

This procedure would be somewhat similar to that adopted at Westminster in 1975. A permanent Select Committee on members interests was set up with a registrar, and upon his sole discretion would details in the register be made available for public scrutiny.

However, we must remember the democratic principle that there should be widest potential for participation of citizens in Government. It is claimed that, as one of the factors in this process, the citizen should be told where a conflict exists between the interest of the legislator and the business before the Legislature. Balanced against this is the equally strong democratic principle that the rights of the individual, including the right to privacy, must be protected, and this extends also to members of Parliament.

This conflict of democratic principles and the manner in which various countries have tackled the matter is covered in an excellent paper published this month by the Australian Parliamentary Library. Presumably, this is intended as background data for the inquiry into pecuniary interests of Federal Parliamentarians that is to be chaired by Sir Nigel Bowen, Chief Judge of the Federal Court. One of the terms of the inquiry set up by Mr. Fraser in February last is to decide whether a register of interests should be established under judicial supervision.

I believe it is important to preserve the right to privacy of Parliamentarians. I support the Hon. Ren DeGaris in this matter. If the register is laid open to public scrutiny as provided in this Bill, and certain details are reprinted with embellishment in the press, I believe that members will be subject to even more abuse than occurs at present.

Furthermore, keeping the register confidential may well overcome the objections of some spouses who, under the provisions of this Bill, have their interests added to that of the member. The member for Coles in another place, who happens to be a female, said that her husband objects to having his pecuniary interests known by the public. I know of one wife who also objects, not so much because the public should see the list of her assets but because her husband could also learn of them.

I also have reservations about whether it is proper to include in this Bill the interests of spouses and children, or adopted children or step-children under the age of 18 years. I am aware that since last year in the United States all financial dealings of the spouses of all members of the Senate and the House of Representatives are disclosed. If the interests of spouses and children are excluded from this Bill, the legislation could well have few teeth. Against this, it must be remembered that it is only the member, and not his family, who is elected to Parliament and who is answerable to the public. The scheme adopted at Westminster was restricted to members.

The Bill does stipulate that a member shall list merely the name of the interest which provides him, his spouse and children under the age of 18 with an income of $200 or more in any six months without having to disclose the number of shares held or the extent of other interests. This is also consistent with the rules adopted at Westminster in 1975 when, in establishing a register, it was spelt out for the sake of members' privacy that it was not necessary to disclose the size of investments or actual remuneration received. I agree with this restriction.

Under clause 9 the Government would have regulatory powers and, for better effecting the objects of the Act, it could thereby include full details. This means it would be possible subsequently, by regulation, to say that the size of investments and interests should be taken into account. As a safeguard, I believe that clause 9 should be deleted, and if the Government in a subsequent period wants additional information it should try to obtain that by amending the Act.

Under the listing requirements of the Australian Associated Stock Exchanges, public companies have to show in the annual statement of accounts the number of shares held directly or non-beneficially by each director. As I am a director of several public companies, details of my investments in connection with those companies have been available to the public since I entered the council three years ago.

It is perhaps ironical that under the rules of the Stock Exchange, which this Government has criticised from time to time for lax standards, directors have for some years been required to provide the public with more specific details of pecuniary interests than the Government is now requiring of Parliamentarians. I say in passing that Sir Cecil Looker has been appointed to the Federal board of inquiry and was President of the Associated Stock Exchanges when this provision was included. He encountered much opposition from his colleagues, and I shall be interested to see what comes out of this inquiry.

The last matter to which I refer is clause 5 (2) *(d)* relating to travel or holidays outside the State. I realise that the Government wishes, for example, to expose a member who may accept a free holiday, say, to the Gold Coast, paid for by some business that is going to be prejudiced by forthcoming legislation. The Government wishes to disclose that matter. However, the clause as drafted is far too broad.

The Hon. J. E. Dunford: Why should someone pay for your relations to go to the Gold Coast?

The Hon. D. H. LAIDLAW: I am saying that the Government wants to expose any member who accepted that. The clause is too wide. Under this clause, every member must, at the end of each month, give details of any travel or holiday outside the State that that member or his family has undertaken where all or part of the cost was not paid for by the member or out of public funds.

I give an example. If my wife goes to Sydney to visit and stay with her sister-in-law, as she does from time to time, I would have to provide details of her holiday, including the names of her male and female friends who might have asked her to lunch during her time in Sydney, and the chances of my obtaining that information would indeed be remote.

In the second case, if I go overseas on behalf of an engineering company to keep up to date with trends in that industry or to enter into licence agreements, as I have done many times, I would be obliged to list the names of everyone who had entertained me during that trip.

Thirdly, when I go to Melbourne once a month for a board meeting, I am often given a lift from Tullamarine Airport in to Melbourne by acquaintances who have cars at their disposal like Federal members of Parliament have. Under this Bill, I should have to list each month the identity of the persons providing me with a lift, which would be ludicrous.

If details of travel or holidays must be listed, they should at least exclude travel on behalf of companies or businesses that have already been listed by the member in the register. I should prefer clause 5 (2) *(d)* to be deleted completely.

In conclusion, I stress that this Bill was introduced in another place last November. It languished on the Notice Paper and, with the fullness of time, has reached the second reading stage in the Council within two days of Parliament's rising. The Hon. Mr. DeGaris suggested that the Government should leave consideration of the Bill

until Parliament resumes in August. I agree with him, because by that time we may know what, if any, form of legislation Mr. Fraser intends to introduce federally as a result of the Bowen inquiry.

The Hon. M. B. CAMERON: Although basically I support the concept of this Bill, I have certain reservations regarding it that deal with spouses' interests. One of the things about which I have been careful in my approach to politics is to ensure that my wife and family are kept separate from this part of my life. Although public exposure is something that we, as members of Parliament, accept, I do not believe that it should necessarily be transferred to our families. Although our wives and children may be unfortunate enough to be associated with us, they should not be exposed to the public eye if they do not wish to be so exposed.

I do not object to my interests being exposed to the public. If any person believes that my assets or income may cause me to be in conflict in regard to legislation or to adopt a particular voting pattern, I have no objection to that person raising the matter. Regarding the assets of my wife and family, I have no objection to Parliament knowing them and I would not object to disclosing them if that is necessary in order to reassure Parliament, because I believe that that is where confidentiality should exist, with a record being kept by the Clerks or yourself, Mr. President. In that way Parliament can be assured that the member's interests through his family do not bring him into conflict regarding a matter before the Parliament, because the position can be raised with the member.

Whilst we as members are separate individuals representing the people, it is unfair for people associated with us to be dragged into the arena against their will because Parliament believes that they should be. I trust that, in their approach to amendments that will be moved, members will understand my concern. I suppose that, in the short term, the best course is to support the amendments that the Hon. Mr. DeGaris has proposed, as some members may believe that all matters connected with a member of Parliament should be kept in confidence by the Parliament.

Whilst it may be easy for me to say that I have no objections to my assets being disclosed, other members may not feel that way, yet those assets may not bring them into conflict. Therefore, I will support the members who wish confidentiality to be retained in the Parliament.

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

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2320.)

The Hon. M. B. CAMERON: I support the second reading. The Bill provides finance for the National Parks and Wildlife Division, particularly for national parks, through trusts. Obviously, there is now an awareness of the need to spend more money on national parks. For some time I have been concerned because, whereas once the move towards greater need for national parks was extremely popular, now that popularity seems to have died away. It seems from recent action by the Government that the department is slowly but surely being downgraded, because it no longer has a Minister who has the environment as his only portfolio. It is now one of the portfolios of the extremely busy Deputy Premier.

One of the reasons for failures in this department has been stated by the Minister for the Environment: the department does not have enough staff. Officers of the National Parks and Wildlife Division are now expected to look after huge areas of parks. If we are to have these parks, we must look after them and prevent the intrusion of foreign animals and noxious weeds. For a long time one of the problems has been lack of finance, and today the Minister for the Environment gave as a reason for problems in the department the fact that the department does not have enough staff. This is not a new problem. The Auditor-General's Report for 1973-74 states:

> Answers received from the department to queries raised on these matters indicated that staff shortages were responsible for some of the problems which had arisen. Action was being taken to overcome these problems.

Insufficient action has been taken, and insufficient finance has been available to cater for the huge areas of national parks. This Bill is a step in the right direction, but whether it is the right step is another matter. The Bill will provide for more funds, which are certainly needed. Some of the problems have arisen because of the very nature of the department, as officers are over-stretched in the jobs they are required to do. There is little point in our being concerned about our fauna and flora if we do not provide sufficient funds to conserve them. This department has not been given a sufficiently high priority in relation to its needs. This Bill enables the Government to set up trusts to provide funds, but the Government should also re-examine priorities in relation to the department. I support the Bill.

The Hon. C. M. HILL: I support the second reading. Does the Government intend to appoint any local people to these trusts that will be established to control national parks in country areas?

It is absolutely essential for the successful control of such parks that some of the personnel on the trust be local people because they have an intimate knowledge of the area and, in many cases, they are prepared to give a great deal of service to the community in work of this kind. Trusts will be held to ridicule in country areas if they comprise people who come from metropolitan Adelaide, because those people, as members of the trust, could be controlling land in a far flung part of the State. I therefore ask the Minister whether the Government intends to appoint some of these local people who have a close and intimate knowledge of the land concerned. I support the second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I thank honourable members for their contribution to this debate. Regarding local people having a say on and participating in these trusts, I am sure that the Minister responsible for the administration of this Act will certainly consider local people as well as other people who have the necessary degree of competence to be on these trusts. The track record in the past in terms of local participation and involvement has been good. I am sure that the Minister in charge of the measure will take into account the remarks made by the honourable member and will try to appoint the best people and, if possible, local people.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Enactment of heading and Part IIIA of principal Act."

The Hon. C. M. HILL: I challenge the Minister on his view that the department has a good track record regarding local content in personnel supervising or managing some of these parks. I can recall clearly talking

to a farmer west of Port Lincoln whose property adjoined a national park.

The Hon. T. M. Casey: Were you at Port Lincoln or did he come to see you?

The Hon. C. M. HILL: I was on his property. He said he could not understand why local people were not being given the opportunity to supervise that park. I can also recall a complaint about a national park in the Flinders Range where local people informed me that they were willing and able to supervise the park and were prepared to give their service voluntarily as rangers in a tourist area where much damage and vandalism was being caused by tourists.

The Hon. T. M. Casey: Why do you call them tourists? What is your definition of a tourist?

The Hon. C. M. HILL: I was talking about people who are holidaying in the Flinders Ranges, touring in the ranges. The people in the area were eager that the department should accept the principle that local people could supervise and manage those areas well, and they were willing to do it. When such a Bill comes before us, and when separate trusts are to be set up to manage these parks, I recall these instances, and that is why I am bringing them to the notice of the Government. I hope the Government will appoint some local people to these trusts. It will be fatal to the success of the scheme if the Government should appoint people from metropolitan Adelaide.

The Hon. B. A. CHATTERTON: When I was referring to participation, I meant the overall policies and objectives of these national parks and conservation parks. I cannot recall the exact details, but I know that there has been considerable effort in terms of developing management plans for these parks and having them available for public comment and scrutiny in the hope that people, local or otherwise, will contribute to the overall policies and objectives of management. I realise that the honourable member is talking about more detailed day-to-day involvement, and I shall convey his remarks to my colleauge.

Clause passed.

Title passed.

Bill read a third time and passed.

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2346.)

The Hon. C. M. HILL: I support the Bill, which formalises some activity being carried on by the Art Gallery which apparently it has not the power to perform under the existing Act. The gallery is providing refreshments and has its own bookstall, which sells post cards, reproductions, and such items. Indeed, an excellent amenity is being provided for the public in that way. Section 16 of the principal Act is therefore extended so that the board, under its Statute, has this power.

The second change in the Bill is outlined in clause 4, and gives the Art Gallery power to regulate for the parking of vehicles on land under the control of the board. The requirements applying in the Bill to this measure are similar to those given to other statutory bodies. I recall the Botanic Gardens Board being given similar powers recently under a Bill that was before the House. This aspect of the Bill is quite proper.

I take this opportunity of commending the Government for its appointment of the Chairman of the Art Gallery Board (Dr. Prest) and for the appointment to the board of Mr. David Thomas, who, as members know, is the Director of the Art Gallery. I confidently believe that, under the influence of these two gentlemen in the positions to which they have been appointed, the Art Gallery will not only maintain its position as being one of Australia's foremost galleries but will also expand further its exhibits and its role to the great benefit of the South Australian public generally.

The two matters to which I have referred are the only issues contained in the Bill. I commend the gallery for the way in which it has recently displayed the two world-famous exhibitions, namely, the Chinese exhibition and the more recent El Dorado gold exhibition from Colombia. South Australia should be proud of the board and of its enterprise in completing these arrangements, because such major exhibitions provide the South Australian public with a wonderful opportunity to see world-famous exhibitions in Adelaide in their own Art Gallery. I support the second reading.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1978

Adjourned debate on second reading.

(Continued from March 21. Page 2335.)

The Hon. K. T. GRIFFIN: Existing sections 370 and 373 of the Local Government Act provide that councils may by resolution deal with certain aspects of the parking of vehicles and the standing of vehicles. They are the principal sections to be dealt with by this Bill. The practice that has developed under those two sections has resulted in uncertainty in some areas of the law with respect to parking and standing of vehicles, and has resulted in the lack of uniformity between local government areas and the resolutions they pass.

The repeal of these sections and the enactment of the provisions of the Bill will enable uniformity of regulations to prevail, which is desirable. Some practices under the existing provision have resulted in technical breaches and have enabled certain people, who have been especially diligent in their research and prosecution of various aspects of offences, to create some difficulties for local government.

There are several reasons why those practices have developed. I refer to inexperience of staff, sloppy practice, the lack of experience in making resolutions, and in the placing of signs and markings on the road. In supporting the second reading of the Bill I agree with the proposition that it is desirable that there should be some flexibility in regulating the parking and standing of vehicles, that the regulations should not be allowed to be construed pedantically to the advantage of a few and to the disadvantage of the many, and that in general principle substantial compliance with the spirit of the law should be sufficient in this area of regulations.

Ordinarily, I believe that Government by regulation should be kept to a minimum but, in the day-to-day management of the parking of vehicles and standing of vehicles, the enactment of regulations dealing with such provisions is certainly better than government by resolution of councils, especially as such resolutions cannot be discovered other than by diligent and time-consuming research. I foreshadow two amendments in Committee, but I will not expand on them now. I support the second reading.

The Hon. J. C. BURDETT: I support the second reading

of the Bill, which provides uniformity and, at the same time, flexibility in respect of the regulation of parking. There are only two matters of detail that I intend to raise, but it is likely that these are the two matters that the Hon. Mr. Griffin intends to make the subject of foreshadowed amendments. New section 475e (3) provides:

> In any proceedings for an offence against the regulations under this Part, a certificate produced by the prosecution, purporting to be signed by the clerk of the council or any other officer of the council authorized for the purpose, and stating that on a specified day a sign had been erected by the council, or a mark had been placed by the council on a footpath or roadway, shall be conclusive proof of the facts so stated.

Obviously, this is designed to prevent the activities of certain astute persons referred to by the Hon. Mr. Griffin who have been clever in getting around council and parking by-laws.

However, it seems to be bad legislation and a bit tough that no defendant can ever prove that the sign in question, which was a necessary ingredient of the offence, was not there. This is to make the certificate of the council conclusive proof, but it seems rough that, if one is charged with contravening an offence and where the existence of a sign was an essential ingredient of the offence, and the sign was not there, one is not allowed to give evidence that it was not there, so that that is not allowed to be a defence.

The other matter is the proposed new section 794 *(b)* which states:

> No person shall commence proceedings against a person for an offence against this Act without the prior approval of the Commissioner of Police, or the clerk of the council of the area in which the alleged offence was committed.

From the point of the Local Government Act this seems to be a bit unnecessary. This requirement should be restricted to the offences created in this Bill, but I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Repeal of Part XXIIA of principal Act and enactment of Part in its place".

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

> Page 4, line 4—Leave out "on a specified day".

The reasons for this amendment have already been indicated by the Hon. Mr. Burdett.

The Hon. T. M. CASEY (Minister of Lands): I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Expiation of offences."

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

> Page 6, line 7—After "against" insert "a regulation under Part XXXIIA of".

The reason for this amendment has already been stated by the Hon. Mr. Burdett.

Amendment carried; clause as amended passed.

Clause 9 and title passed.

Bill read a third time and passed.

Later:

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

DEBTS REPAYMENT BILL

(Second reading debate on March 21. Page 2350.)

Bill read a second time and referred to a Select Committee consisting of the Hons. D. H. L. Banfield, F. T. Blevins, J. C. Burdett, R. C. DeGaris, K. T. Griffin, and C. J. Sumner; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on the first day of the next session; the quorum of members necessary to be present to be four; and the Chairman to have a deliberative vote only.

ENFORCEMENT OF JUDGMENTS BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2347.)

The Hon. K. T. GRIFFIN: This Bill is one of a parcel of five Bills that are affected by re-arrangements relating to enforcement of judgments, debts repayment and the general application of the law regarding the Local and District Criminal Courts Act.

The Bill resulted from the thirtieth report, tabled in 1974, of the Law Reform Commmittee relating to the reform of the law on the execution of civil judgments. That report recommended considerable amendments to the law that should result in the simplification of procedures for the execution of civil judgments.

The parts of the Bill that will need eventually to be considered in great detail will be Part III, which deals with the examination of judgment debtors, and Part IV, which deals with garnishee proceedings. More significantly, it deals with the abolition of various writs of execution, and the enabling of execution to be undertaken by three writs, that is, of execution, sale and possession, with provision for a writ of attachment in circumstances where there is contempt of court.

I support the second reading, but indicate that I intend to move that this Bill also be referred to the Select Committee for consideration, together with the other four Bills that are related to this topic.

Bill read a second time and referred to the Select Committee on the Debts Repayment Bill.

SHERIFF'S BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2347.)

The Hon. K. T. GRIFFIN: I generally support the principle of establishing the office of Sheriff as independent of the Supreme Court. At present the Sheriff is an officer of the Supreme Court under the provisions of the Supreme Court Act. This Bill also is one of a parcel of five that reform the law regarding the enforcement of judgments and the repayment of debts. As with the other Bills, I will move that this measure be referred to the Select Committee on the Debts Repayment Bill.

Bill read a second time and referred to the Select Committee on the Debts Repayment Bill.

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2347.)

The Hon. J. C. BURDETT: I support the second reading. This is another in the group of five Bills to be referred to a Select Committee. As the Minister states in the second reading explanation, the measure is consequen-

tial on the Enforcement of Judgments Bill. 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. This matter will now be covered by the Enforcement of Judgments Bill.

Clause 4 repeals sections 115 and 116. These deal with writs of *fieri facias* (or execution), which are now covered by the Enforcement of Judgments Bill. The principal Act, of course, deals with the whole operation of the Supreme Court, including its criminal jurisdiction. The fourth report of the Mitchell committee on criminal law became available today.

It is interesting to note that the committee recommends, at page 326, that there be an amendment to the Criminal Law Consolidation Act relating to a person who takes pornographic photographs of children.

The Hon. C. J. SUMNER: Mr. President, on a point of order, I ask how this is in any way relevant to the matter before the Chair. This is a total abuse of the Standing Orders by the honourable member.

The Hon. R. C. DeGaris: What are you so worried about it for? It's got under your skin.

The Hon. C. J. SUMNER: I am not worried about it in the slightest.

The PRESIDENT: Order! I will see that the honourable member is heard properly.

The Hon. C. J. SUMNER: I am in no way frightened of this issue. I am happy to debate with the Hon. Mr. Burdett, at any time he wants to do so, a matter relevant to the issue that he is raising, but child pornography has nothing to do with debtors' enforcement. To use Standing Orders as a subterfuge at this stage is a scandalous abuse of Standing Orders, and he ought to be ashamed of himself.

The PRESIDENT: The Hon. Mr. Burdett.

The Hon. C. J. SUMNER: What about my point of order, Mr. President? The point I made was that there was no relevance to this Bill in the Hon. Mr. Burdett's comments on child pornography. The Bill deals with amendments to the debtors' repayment scheme. How can child pornography by relevant to that? My point is that it is irrelevant and should be ruled out of order.

The PRESIDENT: I suppose the point of order being taken relates to Standing Order 186. I find it difficult to comply with the Hon. Mr. Sumner's request because the Hon. Mr. Burdett has not gone far enough to justify the raising of a point of order.

The Hon. C. J. SUMNER: I ask that the matter be treated seriously. The Hon. Mr. Burdett is abusing Standing Orders.

The PRESIDENT: Which Standing Order?

The Hon. C. J. SUMNER: The Hon. Mr. Burdett is abusing the Standing Order that states that discussion must be relevant to the matter before the Chair, which matter in this case is the Supreme Court Act Amendment Bill.

The Hon. J. C. Burdett: The Criminal Law Consolidation Act is obviously related to that.

The PRESIDENT: The Hon. Mr. Sumner believes that what the Hon. Mr. Burdett is saying is irrelevant, and I, too, believe it is irrelevant. I ask the Hon. Mr. Burdett to confine his remarks to debt repayment and the Supreme Court Act Amendment Bill.

The Hon. J. C. BURDETT: My remarks were addressed to the Supreme Court Act Amendment Bill, to which the Criminal Law Consolidation Act is closely connected. I support the second reading.

Bill read a second time and referred to the Select Committee on the Debts Repayment Bill.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 21. Page 2349.)

The Hon. K. T. GRIFFIN: This is the fifth of the parcel of five Bills, all related to the enforcement of judgments and the repayment of debts. It seeks to increase the limit of the jurisdiction of the small claims court from $500 to $2 500. I believe that this increase is taking the jurisdiction of the small claims court too far. The sum of $2 500 is a significant sum for many people, and we must bear in mind that there is generally no right of appeal in the small claims court. So, this change in the jurisdictional limit of the small claims court may have unduly harsh effects on some people.

The Bill also confines proceedings by way of special summons to claims over $2 500. Further, it provides that proceedings against a person must be taken in the court nearest to his place of residence; that is a significant departure from the present provision in the principal Act. Further, the Bill simplifies procedures in the small claims court, and one could not complain about that provision. All these changes impinge on the question of repayment of debts. As it is therefore appropriate that these provisions be examined in greater detail in the context of the overall plan, I believe that this Bill should be referred to the Select Committee on the Debts Repayment Bill.

The Hon. J. C. BURDETT: I support the second reading. Some increase in the small claims jurisdiction is certainly warranted, but increasing it to $2 500 is too great an increase. This jurisdiction can include cases where parties are properly entitled to representation, where the rules of evidence ought to apply, and where difficult questions of fact and law may arise. The small claims jurisdiction has functioned reasonably well, but most honourable members will have had complaints made to them by litigants who are dissatisfied with the jurisdiction. Except in special circumstances, there is no right of appeal. In the small claims jurisdiction it is often the consumer who is at a disadvantage, because many suppliers and large stores are represented by employees who become expert in this kind of jurisdiction; indeed, they are as expert as legal practitioners would be. I would have thought that a limit of $1 250 would be nearer the mark. I support the second reading.

Bill read a second time and referred to the Select Committee on the Debts Repayment Bill.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2444.)

The Hon. M. B. DAWKINS: About 2½ years ago this matter was the subject of considerable discussion at a Commonwealth Parliamentary Association conference held in New Delhi. I have copies of several worthwhile speeches, as well as my own, which were made on that occasion. Yesterday the Hon. Mr. DeGaris gave some instances of what happens in New South Wales and what may possibly happen in the Federal Parliament and in one of the provinces of Canada. I should like to mention the findings of a Select Committee in Victoria.

About five years ago the Victorian Government decided that the Attorney-General should introduce a Bill to constitute a joint Select Committee of both Houses to

inquire and report into the law relating to certain disqualifications for membership of the Parliament. That committee reported about 18 months later and made the following recommendations:

> Persons elected as members of Parliament shall—
>
> *(a)* accept that their prime responsibility is to the performance of their public duty and therefore ensure that this aim is not endangered or subordinated by involvement in conflicting interests
>
> . . .

I hardly need say that I agree with that, and I hope all honourable members agree with it. The recommendations continue:

> (2) Members shall not advance their private interests by use of confidential information gained in the performance of their public duty.
>
> (3) A member shall not receive any fee, payment, retainer or reward, nor shall he permit any compensation to accrue to his beneficial interest for or on account of, or as a result of, the use of his position as a member of Parliament.

Again, I hope that all honourable members would agree with those recommendations. The recommendations further provide:

> A Minister of the Crown is expected to devote his time and his talents to the carrying out of his public duties. Subject to reasonable reservations for personal affairs and family life a Minister should give his full attention to the carrying out of the duties of his office without the distraction of other active or competing interests.
>
> The application of the principles: Directorships.
>
> 1. A Minister should on assuming office, resign any directorship in a public or private company, where either of the basic principles apply.

I agree with those findings of the Victorian Parliament, and believe that they should be the normal guidelines applied to people in public life such as members of Parliament. To properly express my concern about the Bill I refer to the comments made on this matter by Lord Houghton, a member of the British Parliament who, talking about the year 1973, stated:

> The year just ended has not been a good one for "integrity" in public life. The main feature of the whole "squalid picture" which holds attention in Britain is the so-called "outside interests" of members of Parliament. The question is whether M.P.s should have them at all and, if they do, whether these "outside" financial interests should be disclosed in some form of compulsory or voluntary register for all to see.

I interpose here to say that in New Delhi another distinguished member of the Opposition of the British Parliament supported the concept of a register of members' interests. Returning to Lord Houghton, I say that he went on to state:

> The United States enjoys the most developed system of financial disclosure, and also reputedly much corruption amongst people in public life.

Certainly, whilst I support the general concept of a register being kept, I cannot support the Bill as it stands. I believe that such a register could be as completely ineffective as it has been in the United States. The suggestion of the Hon. Mr. DeGaris that a register be kept by the President and that another one be kept by the Speaker in another place commends itself to me. Some of the present Bill's provisions go too far. We have been asked to legislate to the effect that the spouse of a member, any child, adopted child or any step-child of that member under the age of 18 has to disclose interests, and that is going too far. The Bill should provide only for a member of this place or another place.

Regarding the matters raised by the Hon. Mr. Laidlaw such as travel, prescribed matters and regulations, the Bill also goes too far. I am willing to support legislation which provides for a confidential register and which would be available to the Presiding Officers of both Houses. Such officers would use that register if necessary to remind members of any interests that might be in conflict with their public life. I will support the second reading in order that the Bill may be dealt with in Committee, but I indicate that I cannot support the provisions that I believe should be excised from the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): The amendments on file indicate the direction that I would like the Bill to take. If the Minister reports progress now we would have time to consider the Bill in more detail, although I am willing to go on and amend it at this late stage. I ask him to report progress.

The Hon. D. H. L. BANFIELD (Minister of Health): As amendments have been on file for a short time only, I am willing to report progress.

Progress reported; Committee to sit again.

PROROGATION

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

> That the House at its rising adjourn until Tuesday, May 2, 1978, at 2.15 p.m.

We have been working toward this end for some time, and I indicate that it will be some time in July before we sit again. I should like to thank you, Mr. President, for the way in which you have handled your duties at such short notice. You have maintained decorum in this Council and we know that that is not the easiest task. You have handled it well, and we thank you.

I thank Opposition members for their co-operation and especially for the work that we have got through this week. Although this has not been the easiest session that we have experienced, it has been a good one from the point of view of legislation. I also thank my colleagues and back-benchers for their help.

Special thanks must also go to the two unpaid Whips, the Hon. Mr. Creedon and the Hon. Mr. Dawkins, who do much work to ensure that legislation keeps flowing and that we have honourable members speaking on Bills. I also thank the Clerks at the table for the assistance and guidance they have given to honourable members. Without them, we might be in a bit of a pickle, especially when we come up against Standing Orders.

It is said that an army marches on its stomach. So, we must give special thanks to the staff in the refreshment room. I hope that you, Sir, will convey honourable members' thanks to them. I refer also to the messengers, including Ted Dawes and his colleagues who have looked after us so well.

Tonight is a sad occasion, because this will, I understand, be the last time that Mr. George Hill, the Leader of the Parliamentary *Hansard* Staff, will be recording the debates in this place. I understand that Mr. Hill is about to retire, and I should like to place on record on this, his last day in the gallery, the Council's appreciation of the services rendered by him.

Mr. Hill commenced his duties in the Public Service in May, 1932, as a junior clerk in the office of the Commissioner of Public Works. He served as a clerk in

other departments until, in 1945, he was appointed Clerk and Reporter in the Industrial Court. That is when I first met George Hill, and since then I have always regarded him as a friend.

In July, 1947, Mr. Hill was appointed to the position of *Hansard* Reporter, and in December, 1959, became Assistant Leader of the *Hansard* Staff, the position he held until his appointment as *Hansard* Leader in 1975. For the past 18 years, Mr. Hill has been in charge of the reporting of debates in this Council, and I am sure that all honourable members would want me to thank him for the untiring service he has given to this Parliament. We wish George and his wife a long, happy and healthy retirement. I thank everyone for the assistance they have rendered during the session.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Minister's remarks. This has been a busy session, particularly towards the end of it. I thank the Minister of Health, as Leader of the Government in the Council, and his Ministerial colleagues for the help and consideration they have given to Opposition members.

Once again, Sir, I should like to convey my congratulations to you on your election as President of the Council and to say that, although I have not agreed with all your decisions thus far, and may not do so in the future, I appreciate the way in which you have performed your duties.

The Hon. R.A. Geddes: But you will respect the decisions that he makes.

The Hon. R. C. DeGARIS: That depends on the decisions that you, Sir, make. I have a high regard for your ability, and I am sure that any decision you make is one that you make yourself without influence from any person on either side of the Council. I thank all members of the Government and of the Liberal Party, and should like particularly to comment on our new member, Mr. Trevor Griffin, and the mark he has already made in the Council.

The Hon. C. J. Sumner: Very ornamental.

The Hon. R. C. DeGARIS: That is more than can be said for the Hon. Mr. Sumner.

The PRESIDENT: I think the Hon. Mr. Sumner said that in jest in relation to a remark made by someone else.

The Hon. R. C. DeGARIS: As long as it was made in jest, I accept it. However, I say that the Hon. Mr. Sumner is not even ornamental. As usual, I also thank the Clerks at the table and the messengers for the work they have done in the Council. I also thank the staff of the Council generally, and particularly the *Hansard* staff.

I refer particularly to Mr. George Hill, the Leader of the *Hansard* staff, who will soon retire after a long career on *Hansard*. George Hill has a fine insight into and a brilliant appreciation of wit and humour. I am pleased that his skill in reporting is much greater than that in bowls! I wish Mr. Hill the best in his retirement. He has been a faithful servant of the South Australian Parliament.

Once again, I should like to make a comment that I have made previously. It is unfair to the Parliament and not conducive to good legislation to have, in the closing stage of the session, a tremendous amount of legislation flowing in to the Council. This session the Council sometimes dealt with Bills that were not even on file. A total of 50-odd Bills came into the Council in the last two or three weeks of the session. That is unfair, and it does not give members or the Legislature a chance to understand what legislation is all about.

I do not know how this problem can be solved. Although I have made this plea before, I do so again. To achieve a good legislative process, a means must exist whereby legislation is spread more evenly over the session. It is totally unfair to expect the Council or any House of Parliament to deal with complex legislation in a short period.

I am also disturbed that Standing Orders in regard to first, second and third readings of Bills are being suspended in relation to 75 per cent of the legislation that comes through the Council. That also is not fair to the Legislature. Whether the Government is willing to do anything about that matter, I do not know. However, I make the plea that I have made previously: that the Government allow Parliament more time to consider legislation. If that does not happen, we will find a whole series of legislation on the Statute Book that has not been given sufficient attention by the Parliament.

Often, honourable members hear complaints. We have heard honourable members say, "But you dealt with this legislation 12 months ago, and this is what you passed. Why should you want to change your mind now?" Often, one finds that such a Bill was introduced in the dying hours of the session and passed through the Council in a short time. I make the plea that more consideration be given by the Government to the ability of the Legislature to digest legislation coming through it.

I have thought of saying that we will not accept any more legislation after a certain time, but that would be unfair to the Government. It is a matter of co-operation and of being able to get time to consider measures properly. I ask the Government again to consider my plea on this question.

I again thank the Minister in charge of the Council for his co-operation on all matters. Occasionally, we think he goes too far in what he says, but I have always found his co-operation to be readily available and I thank him very much for his work in this Council. We look forward to the session that is to begin in July, but I do ask the Government to consider the submission I have made about legislation coming before the Council late in the session.

The PRESIDENT: Before putting the motion, I should like to reply to the Minister and the Leader of the Opposition to thank them for their fine words about me, and I say that I will continue to do my best in my high office. I hope that, even if members do not agree with my decisions, they understand that I have made each one on good faith. On behalf of members, I thank our Clerks at the table, the messengers, the typists, the telephonists, the reporters, the library staff, the Parliamentary Counsel, and, last but not least, the ladies of the catering staff. I know that each one of you would like me to thank them for the assistance they give at all times.

I am conscious, too, of how much better the late Frank Potter, had it not been for his untimely death, would have been able to say these words of appreciation. I am indebted not only to the staff but also to the members. I feel that you have done your utmost to see that I get through this initial period without too much hassle, and I tell Mr. Drummond and Mr. Hull that, without their assistance, there would be chaos. Any mistakes that have been made have been mine, not theirs. They are both extremely competent gentlemen. I hope that I have mentioned all members of the staff, because they all deserve special praise. They are an excellent staff. Nowhere would we find messengers, clerks, reporters, or anyone else who would compare to the group of people who service this Parliament.

I, too, want to make special mention of our new member, the Hon. Mr. Griffin, and the contribution that he is making. Already I am hearing people from both sides of politics saying that he is an extremely capable member.

I also want to make special mention of Mr. George Hill. I do not suppose that one would find anyone who has been

of more assistance to members in his role over the years that I have been here. He is quietly spoken and ever ready to assist. I often think, as I see the *Hansard* staff come into the gallery, that their theme song should be, "Anything they can say we can say better." I am sure that their phraseology and editing of our speeches is so much better than the spoken word that it is a credit to them.

George, on behalf of all members, we wish you happiness in your retirement. We hope to see you back here amongst us from time to time, with your quiet and unassuming manner and words of advice.

Motion carried.

ADJOURNMENT

At 11.6 p.m. the Council adjourned until Tuesday, May 2, at 2.15 p.m.