LEGISLATIVE COUNCIL

Wednesday 23 August 1978

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

QUESTIONS

COOPER BASIN GAS

The Hon. R. A. GEDDES: I direct my question to the Minister of Agriculture, representing the Minister of Mines and Energy. Following the Budget announcement that, in order to conserve petroleum, the Australian petroleum product is now to be sold at world parity prices, is the Government considering increasing the price of Cooper Basin gas supplied to the Electricty Trust of South Australia and the South Australian Gas Company so that this energy source will also be conserved in future?

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

CLASSIFICATION OF PUBLICATIONS BOARD

The Hon. R. C. DeGARIS: Will the Minister of Health tell the Council the names of the people who have been appointed to the Classification of Publications Board since its inception, the names of those who have resigned from the board and, if any, their reasons for resigning? Will he also say who has been appointed in their places and on what dates this occurred?

The Hon. D. H. L. BANFIELD: I will seek that information for the honourable member.

PARLIAMENT HOUSE CLEANING

The Hon. JESSIE COOPER: Will you, Mr. President, say in what way and how frequently the lower ground floor corridors of Parliament House leading to the car park are cleaned? This morning, a paper bag and cigarette carton, which have been there since last Tuesday, were still in the corridors, in addition to the usual mess of matches, cigarette butts, and so on.

The PRESIDENT: I will try, through my officers, to have the position rectified.

PREFERENCE TO UNIONISTS

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Minister of Health, representing the Minister of Labour and Industry, a question regarding preference in employment for unionists and its conflicts with Industrial Labour Organisation conventions.

Leave granted.

The Hon. D. H. LAIDLAW: In 1972, the South Australian Government passed the Industrial Conciliation and Arbitration Act, section 29 of which empowers the State Industrial Commission to include in State awards preference in employment to members of a certain union.

It has been suggested that the Government may wish to amend this Act to grant absolute preference to unionists.

Subsequent to the passing of this State Act, Mr. Clyde Cameron, the Federal Minister for Labour, introduced a Bill called the International Labour Organisation Bill, 1973. Using its external power in the Constitution, Parliament ratified on behalf of the Commonwealth of Australia I.L.O. Convention 87, dealing with freedom of association, and I.L.O. Convention 111, dealing with discrimination in respect of employment and occupation.

Australia originally joined I.L.O. when it was created in 1919 after the Treaty of Versailles, and Australia continued membership after I.L.O. was reformed in 1944. However, although Conventions 87 and 111 were accepted originally by I.L.O. in 1948 and 1960 respectively, it was not until Mr. Cameron became Federal Minister in the Labor Government that they were ratified by Australia.

Article 1 of Convention 87 enacts that each member of I.L.O. for which this convention is in force undertakes to give effect to its provisions, whilst Article 2 stipulates that workers, without distinction whatsoever, shall have the right to join organisations of their own choosing without previous authorisation.

Under Article 2 of Convention 111, each member for which this convention is in force undertakes to pursue equality of opportunity and treatment in respect of employment, with a view to eliminating any discrimination. Furthermore, under Article 3 each member undertakes to repeal any statutory provision and modify any administrative instructions or practices which are inconsistent with this concept.

Does the Minister agree that the principles enunciated in I.L.O. Conventions 87 and 111 conflict with provisions in section 29 of the South Australian Industrial Conciliation and Arbitration Act in so far as they empower the commission to grant preference in employment to members of a union?

The Hon. C. J. Sumner: They don't.

The Hon. D. H. LAIDLAW: They do, in so far as they empower the commission to grant preference in employment to union members. If so, will the Minister take steps to delete these provisions from the State Act, especially since the initiative for Australia to ratify was taken by his colleague, Mr. Clyde Cameron, and since Article 3 of Convention 111 says that member countries undertake to repeal any inconsistent statutory provision?

The Hon. D. H. L. BANFIELD: I appreciate the honourable member's concern about this matter. Of course, the honourable member's firm discriminates between people who pay for goods and those who cannot pay for goods; the same point applies in connection with people who work under awards, which have to be paid for by someone. Those awards are paid for by union members, who surely are entitled to preference in employment. In these circumstances, the awards are available to union members who have paid for those awards, in the same way as goods produced by the honourable member's firm are available only to people who pay for them. The honourable member does not tell us that he does not discriminate against people who do not pay for his firm's goods, because his firm insists on payment for the goods supplied. The same principle should apply to the terms and conditions under which union members work. Union members should have preference in the same way as customers of the honourable member's firm have preference if they can pay for the goods available. I will refer the honourable member's question to my colleague, but I again remind him that he discriminates between people who can pay for goods and those who cannot pay for goods.

STUDENT PROMOTION

The Hon. N. K. FOSTER: Has the Minister of Agriculture a reply to my recent question about student-teacher promotion?

The Hon. B. A. CHATTERTON: First, I am advised that the attention of the Minister of Education has been drawn to the report. Secondly, in so far as it makes sense at all to talk about undue pressure being brought by parents, it was certainly not the case that the parents in this matter brought undue pressure. The organisation named in the report, F.I.L.E.F., was in no way involved in the department's decision to reinstate the student in year 12. The organisation merely acted as a support for the family, whose capacity in the English language was very limited; that is, the organisation helped the family write letters and organise appointments to discuss the boy's "demotion" with the school and the Regional Director of Education.

For many years, the Education Department, within the bounds imposed by the Education Act and its regulations, the availability of resources, and common sense, has intervened between parents and schools where these two parties have been unable to reach agreement at the local level. Areas of dispute which arise from time to time include the wearing of "compulsory" uniforms, alleged victimisation of children, progression of children through the school, and the charging of particular fees. The schools' exercise of freedom and authority arises from their ability to resolve these problems at the local level without reference to the department. Where, however, resolution is not possible, the department clearly has and will continue to exercise a monitoring and arbitrating role.

Departmental policy E.D. 809/3/80 of 12 January 1977 was merely a formalising of a position which has been widely understood between all parents for a long time. The justification of the department's action in this particular case is more correctly seen not in terms of a particular minute of the Policy Committee of the Education Department but long-standing practice. There are no recent policy changes that would affect the present understanding by teachers of this department's policy involving teacher-student responsibility and decision-making. However, in order that these matters may be made more clear and guidelines established for them, the Director-General has established a School-Parents Relations Committee to report to him by early October on procedures to be followed in cases of confrontation, indecision, or disagreement between parents and schools. Guidelines will then be promulgated in order that schools and parents may act more confidently with each other where goodwill and local endeavour fail. Finally, I understand that Mrs. Jennifer Adamson, M.P., is a member of the Campbelltown High School Council.

"LIFE. BE IN IT"

The Hon. C. M. HILL: Has the Minister of Tourism, Recreation and Sport a reply to my question of 16 August last about funding for the "Life. Be In It" programme?

The Hon. T. M. CASEY: The Commonwealth Government has allocated $600 000 for each of three financial years, commencing 1977-78, towards the national "Life. Be In It" programme. Part of this amount is channelled through the Commonwealth Department of Environment, Housing and Community Development to finance various national expenses such as television advertising and advertising agency fees. Appropriations from this fund are also made available to the States for their own programmes. An amount of $32 000 has been allocated to the Department of Tourism, Recreation and Sport for each year of this State's programme. This Government provides office accommodation in the Department of Tourism, Recreation and Sport premises at the Grenfell Centre and appropriate administrative support to the Programme Co-ordinator and the Office Assistant whose salaries are met by the department. This Government expects to contribute $16 000 during the current financial year towards the development of "Life. Be In It" activities in the Community. A sum of $15 000 was provided during 1977-78. The private sector provides assistance to the "Life. Be In It" campaign in areas including considerable free television advertising; radio spots; sponsorship for publicity materials such as the "Life. Be In It" calendar, equipment and programmes; and franchised manufactured articles. Income derived from sales of franchised goods such as T-shirts and kites is directed to a trust fund administered by the Commonwealth Government and distributed to the States in a proportion determined by the National Policy Committee.

PLANT DISEASES

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Agriculture a question about plant diseases.

Leave granted.

The Hon. ANNE LEVY: I was recently informed that commercial nurseries in this State are campaigning to form an association to ensure that standards of disease controls in plant nurseries are set and adhered to by prospective members. I understand that this move was initiated following the discovery that *Phytóphera cinamonni* was widespread in some areas of the State. In the literature being sent around to plant nurseries it is alleged that a voluntary organisation should be set up now before what appears to be extremely repressive legislation is brought in by the Government to control the operations of plant nurseries in this State. Can the Minister of Agriculture tell the House just what are the Government's intentions in this matter?

The Hon. B. A. CHATTERTON: I have seen the literature that has been circulated, and the honourable member is quite correct: the organisation promoting the scheme for a better standard of hygiene in these nurseries is claiming that, if the scheme does not work on a voluntary basis, the Government will step in with legislation of an extremely Draconian type to enforce a set of standards. That claim came as a complete surprise to me, because we have been concerned about hygiene standards in nurseries and about protecting the public from certain diseases, particularly the soil-borne disease phytophera cinamonni but we have not planned any legislation. I think it is a pity that people should be using this claim as a threat for what is a very good scheme and one that I hope will be adopted. I do not appreciate the threat about Government legislation, which has not been planned in any way.

ALFALFA APHID

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Agriculture a question about leguminous pastures.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members would be well aware of the problems created in leguminous pastures by attacks of alfalfa aphid, particularly in pastures largely composed of lucerne and also in plantings of irrigated lucerne that have been grown for hay, which was very much needed during the recent drought. Can the Minister say what progress his

department has made with measures to combat the ravages of the aphid, and can he also say what varieties of lucerne that may be resistant to the aphid can be introduced into South Australia?

The Hon. B. A. CHATTERTON: Considerable progress has been made in combating the spotted alfalfa aphid. A programme has been operating for more than 12 months involving the release of trioxys wasp, and that programme has been so successful that we are no longer multiplying and distributing the wasp, which is a parasite on the alfalfa aphid. I congratulate all the people in my department who have been working on the programme, because in the United States it took 12 months before a wild population of this wasp could successfully be established among the aphids, while in South Australia within 12 months we have been so successful in establishing it that we have phased down multiplication and distribution because it is no longer necessary.

The Hon. R. A. Geddes: Is that in all areas of the State, or only in the Salisbury area?

The Hon B. A. CHATTERTON: It has been established in all areas of the State. We started the distribution at Northfield and Virginia but, when the population of spotted alfalfa aphid in the South-East began to increase, we started to distribute the wasp there. I think it was started in December last year, and it has continued right through. Once the population is established, there is no longer a need to continue breeding parasitic wasps, and we have picked up parasitic wasps wherever we have picked up spotted alfalfa aphid, so we know that the wasp had been distributed right through the population in this State. That is a considerable achievement, but we are going on multiplying and distributing a further parasite for the spotted alfalfa aphid, and we hope to be multiplying a third one when we get the basic breeding stock from the Commonwealth Scientific and Industrial Research Organisation.

We are also breeding a parasite for the blue-green aphid, another important pest, in this context, which has recently arrived in South Australia; so the parasite programme has gone extremely well. It is difficult to be categorical about its effect, but we were very pleased indeed with the results at Virginia last year, where the parasite was released for the longest time. Towards the end of the season it appeared to have a noticeable effect on the populations of spotted alfalfa aphid.

In the Upper South-East, however, the period of release was not long enough to find out whether or not it could effectively control the spotted alfalfa aphid. The populations in the South-East did not start to build up until late in 1977 and early 1978, and it was not until then that we could release the parasite, which did not become sufficiently well established during that critical period. The coming season will indicate how effective the parasite programme has been.

We realise that that is not the complete answer. Of course, spraying was required in the South-East last season, and it will no doubt be required again. That is a second string to the control programme. The third is the question of resistant varieties. Last year we allowed entry of considerable quantities of CUF 101 in order to establish commercial sowings of that variety of lucerne so that seed could be produced from it.

We have agreed to allow the entry of WL 514, which is another resistant variety, and a third variety, WL 318, is under consideration at present. When the data has been fully collected on WL 314, it could well join the other two varieties that have been allowed in on a mass scale. I would like to make that distinction, because other varieties have entered and can still enter under the strict quarantine procedures.

The varieties I am talking about have entered under more relaxed quarantine rules, because we thought that they were of such value to the industry that it was worth taking some risk. Of course, there are many other pests and diseases that could enter with the introduction of a large amount of lucerne seed. We are not prepared to dispense with quarantine completely and to allow the entry of large tonnages of lucerne seed, because that puts the industry at too great a risk. So we have relaxed quarantine to the degree where people can bring in a reasonable amount of seed for commercial sowing which can still be supervised and in which there can still be a situation where the industry is protected from the many other plant pests and diseases.

ENERGY RESEARCH

The Hon. R. A. GEDDES: I direct my question to the Minister of Agriculture, representing the Minister of Mines and Energy. The Budget papers indicate that the Federal Government has allocated $4 000 000 for energy research. Will the Minister ascertain from his colleague how much of that money will be allocated to South Australia and for what purpose it will be used?

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

COCA-COLA

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation before asking the Minister of Health a question about Coca-Cola cans.

Leave granted.

The Hon. F. T. BLEVINS: I have been approached by a number of constituents who live at Coober Pedy and who are complaining about the poor performance, as they see it, of the Coca-Cola company in relation to the recently introduced flip-top cans. By way of explanation, I read to the Council part of the letter that I received, as follows:

> Many complaints have been received throughout town of the number of "flat" drinks being purchased in this type of receptacle. Also, we have been informed of several cases of stomach upset similar to the food poisoning which results from air entering sealed food containers. We feel this is a serious matter as it does not only involve extra costs to the public (45 cents a can) in having to purchase extra drinks but it is also detrimental to their health, and I would therefore appreciate whatever you can do to alleviate this problem.

Will the Minister have the alleged problem investigated?

The Hon. D. H. L. BANFIELD: I will certainly have my departmental officers examine the matter and bring back a report.

MEAT

The Hon. M. B. CAMERON: Has the Minister of Agriculture a further reply to the series of questions I asked on 1 August regarding the committee that was set up to examine meat-marketing arrangements?

The Hon. B. A. CHATTERTON: In my earlier reply to the honourable member's question, I undertook to find out precisely how many times the Working Party on Entry of Meat into the Metropolitan Area had convened, and my information is that the group has met formally on nine occasions. Other than visits to Homebush and Cannon Hill

abattoirs, the party has inspected facilities in Victoria, and has also held discussions with a wide range of meat industry representatives in the Eastern States.

On the local scene, 33 written submissions have been received from the South Australian livestock and meat industries, from both organisations and individuals. In the next few weeks, a number of witnesses will be asked to meet with the working party in order to clarify further some of the points made in their submissions. From that point, the working party will formulate recommendations and, in due course, present them to me.

TRUSTEES

The Hon. K. T. GRIFFIN: I direct my question, relating to the investment powers of trustees, to the Minister of Health, representing the Attorney-General. Does the Government intend to amend the Trustee Act to widen the powers of investment of trustees in accordance with the recommendations of the Law Reform Committee in one of its reports published within the past year and, if it does, when is that action likely to be taken? If the Government does not intend to do so, what are the reasons for its not seeking to implement the recommendations contained in that report?

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

MEAT PIES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Health a question about meat pies.

Leave granted.

The Hon. C. J. SUMNER: In about September 1976, I asked the Minister of Health a question regarding the quality of meat pies that were on sale in South Australia. I made particular reference to the meat content of those pies, and asked whether the provisions of the Food and Drugs Act relating to the quantity of meat in such pies were being fulfilled by meat pie manufacturers. On that occasion, I received a reply which indicated that some manufacturers' pies did not comply with the requirements of legislation relating to the amount of meat contained therein. Recently, I saw a press report in which it was stated that this practice of skimping on meat in meat pies was still occurring. Unfortunately, the report did not nominate the names of the manufacturers who were skimping. It seemed to me that the public might want to know, when buying meat pies, whether they should buy, say, a Balfour's or a Glover Gibbs' pie and, in making that decision, would like to know whether the pie complied with the Food and Drugs Act regulations.

First, has the Minister's department conducted any investigations into the meat content of meat pies in the past two years? Secondly, have any prosecutions been undertaken as a result of those investigations? Thirdly, have any manufacturers been making pies with a meat content below that required by the regulations? Finally, will the Minister name the manufacturers, if any, that have been in breach of the regulations?

The Hon. D. H. L. BANFIELD: I am aware that inspectors have found discrepancies in relation to the amount of meat excluded from meat pies by certain manufacturers. Because I am not aware of what action has been taken in this regard, I will obtain a full report for the honourable member.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. J. A. CARNIE obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1978. Read a first time.

The Hon. J. A CARNIE: I move:

That this Bill be now read a second time.

This short Bill is designed to make less rigid the requirements for voting in local government elections, and to bring the Local Government Act in line with the Electoral Act in this respect. Both Acts lay down certain requirements for voters to follow when casting their votes; for example, under the Electoral Act voters must indicate the order of their preferences for the candidates and under the Local Government Act a cross must be placed against the name of the candidate of their choice. In section 123 (1) of the Electoral Act the rules are laid down whereby a vote shall be considered informal. Nevertheless, section 123 (2) provides:

> A ballot-paper shall not be informal for any reason other than the reasons specified in this section, but shall be given effect to according to the voter's intention so far as his intention is clear.

This subsection allows a Returning Officer to regard a ballot-paper as formal if he considers that the voter's intention is clear, even though the ballot-paper may not be strictly in accordance with the Act. This is subject, of course, to any objection that may be made by scrutineers. The best-known occasion on which a Returning Officer made use of this subsection was in the count for the electoral district of Millicent in 1968. The actions of the Returning Officer on that occasion concerning the exercise of his power were subsequently supported by the Court of Disputed Returns.

The Local Government Act has no such provision. Section 120, paragraph VII, provides that no other matter or thing except as is required by the Act shall be inserted on the voting paper. Paragraph VIII of the same section lays down that the voter shall indicate the candidate of his choice by placing a cross, having its point of intersection within the square opposite the name of the candidate.

Section 127, paragraph II *(c)*, requires that the Returning Officer shall reject any vote which does not comply with these requirements. There is no provision for a Returning Officer to exercise his judgment as to whether the voter's intention is clear. In a recent very close local government election, on one vote the voter had doodled on the ballot-paper. The marks in no way identified the voter, and a cross was quite clearly in a square opposite a candidate's name; but, because of the requirement that no other matter or thing shall be inserted on a voting paper, the Returning Officer had no choice but to reject it.

In the same election two or three votes had ticks instead of crosses. They were quite clearly within a square, and the voter's intention was quite clear; but, because the Local Government Act does not have a similar section to that referred to in the Electoral Act, the votes were ruled informal. This Bill seeks to correct that anomaly.

Clause 1 is formal. Clause 2 provides that a voting paper shall be given effect to so far as the voter's intention is clear. I commend the Bill to the Council.

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

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 551.)

The Hon. F. T. BLEVINS: I oppose the Bill. The Hon. Mr. DeGaris gave a very brief second reading explanation

of the Bill, and I will favour the Council with a very brief response. As the Hon. Mr. DeGaris said, this Bill is similar to legislation introduced on two previous occasions. I therefore do not believe it is necessary to go through all the arguments again as to why the Bill should be rejected. If anyone is sufficiently interested and not bored to tears with the presentation of this matter, he can refer to the record of previous debates in *Hansard*.

In his second reading explanation the Hon. Mr. DeGaris said that this Bill was almost identical with the New South Wales legislation. I assume that he is hoping that we will take that legislation as a precedent because there is a Labor Government in New South Wales. The Hon. Mr. DeGaris is hoping that, because the New South Wales Bill was introduced by a Labor Government there and subsequently endorsed by the electors of New South Wales, we will pass this Bill. However, as everyone here knows, the New South Wales Government, being faced with a hostile Upper House, had virtually no option but to compromise with the Liberal Party and the Country Party in that State. The original Bill introduced in New South Wales was very similar to the Government's legislation here. Had the New South Wales Government not had to compromise with the Upper House—

The Hon. R. C. DeGaris: Did you read Dr. Neal Blewett's evidence before the Select Committee?

The Hon. F. T. BLEVINS: No.

The Hon. R. C. DeGaris: You should have read it, because that evidence contained a scathing attack on the original Bill, which was shocking.

The Hon. F. T. BLEVINS: In New South Wales, a popularly elected Government with a mandate to do certain things was faced with an undemocratically elected Upper House, which refused to co-operate, resulting in a compromise being necessary. The New South Wales Government did not intend to have the system that the Hon. Mr. DeGaris is proposing for South Australia: the New South Wales Government intended to introduce a system similar to the one we now have here.

It seems from my perusal of the second reading explanation that the Hon. Mr. DeGaris has two main complaints about the present South Australian system. He says that the system used will not guarantee that each vote cast will have an equal value. All I can say is, coming from the Hon. Mr. DeGaris, that is very rich indeed. For many years, both he and his predecessors would not give certain citizens of this State a vote at all.

When he finally condescended to give them a vote he made sure that the votes they had, if they were Labor votes, were virtually bottled up in one district, so the best that the Labor Party was able to achieve in this State was six seats out of 20, even though the Labor Party has received a majority of votes for at least the past 13 years. I give some examples of what the Hon. Mr. DeGaris has done, of the system he has supported and what it did to the people's rights of equality of votes that he now says he is so concerned about.

In 1965 the first preference votes for the Australian Labor Party in this Council amounted to 50·6 per cent of the votes. For that magnificent effort we got two seats. The Liberal Party in that year received 42·16 per cent of the votes and received six seats. In 1968 the Labor Party increased its share of the vote markedly and received 52·76 per cent of the votes, but still got two seats. The Liberal Party went down to 41·94 per cent of the votes, but its allocation of seats went up to eight. In 1973 the A.L.P. received 52·62 per cent of the votes and obtained four seats for its effort. The Liberal and Country Party received 46·22 per cent of the votes and for its effort it received six seats.

The Hon. Mr. DeGaris can now cry that some votes do not have equal value, that is rather hollow, belated, and quite false. He and the other Opposition members during those years have had no qualms about depriving people of votes. They made sure that the votes cast were not equal. The Oposition maintained a ratio of 16 Liberal seats to four seats for the Labor Party, except for the election in 1973, when the Australian Labor Party obtained the magnificent total of six seats and the Liberal Party had 14 seats.

The Hon. R. C. DeGaris: Do you believe in one vote one value, or not?

The Hon. F. T. BLEVINS: All we can do is go by the record of the people who sit opposite. They can tell us how concerned they are for one vote one value, but each one of them has voted as some stage, with the exception of the Hon. Mr. Griffin, for a system that deprives people of votes and certainly gives them no equality. Every time a Bill has been presented to this Council these new-found democrats could have voted for the Bill and given every one a vote.

I notice that the Hon. Mr. Cameron is glaring at me; I must confess his record in electoral reform is exceedingly good, and I exclude him and the Hon. Mr. Carnie from any criticism. Mr. Cameron was a relatively free thinker on electoral reform, but what has happened to him now? He is not interested now that he is under the whip of Mr. Dawkins, (that's a terrible thought), and I should like to know what his attitude is.

I do not intend to go through the sorry record of the Liberal Party. It is time consuming and is not pretty to hear. I know members opposite are thoroughly ashamed, and those who are not, should be, and I do not see any point in dragging out the record of some of the utterances of Opposition members.

The other complaint of Mr. DeGaris, apart from saying that the present system does not give equal value to voters, seems to be with the list system. He has objected to the list system, because it does not allow people to vote for the candidaties they wish. Whilst I concede that voters have every right to exercise their choice, I also believe that candidates have some rights.

As a candidate, I can choose to stand with a group of people and say to the electors that I am not soliciting votes from anybody but that I am soliciting votes with a very clear qualification that I only want to solicit votes from people who support the Australian Labor Party. I do not want to solicit votes from facists or characters of that nature, which the Liberal Party may do; I do not. I do not want to solicit votes from anybody who does not agree with the way the Australian Labor Party has arranged its candidates in the order of candidacy. If people do not like that, they are perfectly free to vote in another way.

It is no different from the House of Assembly, in that the Liberal Party selects candidates and so does the A.L.P. If the electors do not like a candidate, there is nothing much they can do about it, execpt vote for the other Party. If we put up "Joe Bloggs" in a seat and they would have preferred "Fred Smith", then that is just too bad; it applies to both sides. The Parties make the choice and the Parties go to the people and say, "This is our choice; please endorse it, or otherwise." The Party makes the initial pre-selection and asks the electors to endorse the decision. That is what happens under the list system, nothing else.

I agree that the list system seems to be undemocratic, and there are some things in it that give one cause to wonder whether it is correct. We have to give it some thought. I admit that, when I first heard of a system using a list instead of individual candidates, it made me pause

and think. I went to the highest possible authorities I could find in this State for their opinion on the list system, to ascertain whether I could be persuaded that it was the appropriate system for South Australia.

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

The Hon. F. T. BLEVINS: The principal person in this State whose words of wisdom I found was the Hon. Mr. DeGaris. For all his life he has been obsessed with voting systems, and for a large part of his life he has wanted to rort the electoral system to keep the Australian Labor Party out of office. Therefore, I thought that he would be impartial: certainly, he would not be advocating anything that favoured the A.L.P. In a second reading speech on 26 June 1973 in a debate on a Bill that had been introduced by the Labor Party (he was not speaking as a result of compromise)—

The Hon. C. J. Sumner: He didn't support a list system, surely?

The Hon. F. T. BLEVINS: You have to take my word that the *Hansard* reporters were taking his speech down correctly. Amongst other things, the Hon. Mr. DeGaris said:

> The impracticality of a large card makes it important that, if the whole State is to be used as an electorate, the list system should be used.

He was so keen on the system that he went on with tedious repetition. He said:

> I would prefer a system where there was a single transferable vote but, using the whole of the State, that is not possible and therefore it is necessary to introduce the list system . . . The essential thing is to preserve a preferential system but attaching to the preferential system a list system.

Again, not wanting to be ruled out of order for tedious repetition, he went on:

> As I have said, I support the list system because it is the only practicable way that one can achieve a proportional representation vote over the whole State of South Australia in regard to a House of 22 members.

As I have said, before I read that speech by the Hon. Mr. DeGaris I had a doubt, but he certainly convinced me, and once I am convinced I stay convinced.

The Hon. R. C. DeGaris: Will you go on about the preferences? It will be interesting if you carry the thing to its logical conclusion.

The Hon. F. T. BLEVINS: I am trying to stick to the Bill and to refer to points that you made in the second reading explanation. You made no point there about preferences. Regarding this Bill, we must look for motives. Why has the Hon. Mr. DeGaris, after being such a strong and convincing advocate of the list system, suddenly changed? I will suggest some reasons for this.

It seems that the Hon. Mr. DeGaris wants to confuse the electors both before the ballot is conducted and more particularly during the voting process. It has been established that, for whatever reasons, informal votes tend to be lost Labor votes. It is significant that, when the list system was used at the most recent Legislative Council election in 1975, the number of informal votes was 4·54 per cent, whereas it had been 7·58 per cent in 1973. That is a good indication and guide as to what the Hon. Mr. DeGaris wants to do.

The Hon. Mr. Hill has said that the Senate system should be considered, and it is clear that, when there is a single State-wide electorate, there is a large number of candidates. In a double dissolution election for the Senate, 10 Senators are elected for each State, and in South Australia we have 11 members elected to this Council at a normal election and 22 at a double dissolution election.

The way the conservative forces organised before elections, particularly before the most recent double dissolution election, was an absolute disgrace. It was proved conclusively that the conservative forces nominated teams of candidates who had no desire to get into Parliament. The only motive that those forces had was to confuse the electors and produce a ballot paper with, I think, in the case of New South Wales, 73 names on it so that people would cast informal votes.

To a large degree, the people did vote that way. The results in New South Wales showed that conclusively and, if members opposite are interested, they can read in the *Bulletin* of 8 November 1975 an article by Malcolm Mackerras, whose article is pro-Liberal, not pro-Labor. He stressed that the high informal vote favoured the conservative forces. As an example, in the safest division for Labor, Sydney, 20·5 per cent of the votes were informal, whereas in the safest Liberal division, Bradfield, 5·6 per cent of the votes were informal. Mr. Mackerras goes on to say:

> These are not isolated examples. If the seats are ranked on a Labor scale and an informal scale there is a close correlation between the two orderings. Is it any wonder that Labor wants to simplify the system while the Opposition resists all changes to the electoral laws?

The reverse is happening here. We have a simple, fair and democratic system. The Hon. Mr. DeGaris wants to introduce a system which, whilst I agree it is reasonably fair and reasonably democratic, can create confusion in the minds of voters because of the large number of candidates on the ballot papers. It has been shown clearly that confusion has arisen. The only reason why the Hon. Mr. DeGaris introduced this Bill was to increase the number of informal votes and to try to get back to the system where the conservative forces have this built-in advantage because of the large number of candidates. In his second reading explanation of the Bill Mr. DeGaris states:

> There are, of course, minor questions of voting principles in the Bill that I am introducing with which I do not agree absolutely.

If the Hon. Mr. DeGaris did not agree with some of the things that he was introducing, why was he introducing them and what does he agree with? We see that by referring to *Hansard*. He does not agree with people being elected to this Council at all: he wants all members to be nominated. He stated that clearly, and to some extent I admire him for sticking to a 19th century view that he has held.

I do not admire him for introducing this Bill when his heart was not in it. He clearly stated that he wanted a nominated house. If there is doubt in any member's mind, I suggest he examine *Hansard*, 8 September 1976, page 870, where the following exchange took place between me and Mr. DeGaris. I am referring to what the Hon. Mr. DeGaris had said in an earlier debate. The debate is reported as follows:

> If there is to be a change, we should consider the question of having some nominated members in the Council.

I then said:

> He referred to "nominated members". Is that not incredible! Does Mr. DeGaris still think that way? Does he still think that we should have nominated members in this Council?
>
> **The Hon. R. C. DeGaris:** Yes.
>
> **The Hon. F. T. BLEVINS:** You would still like to have nominated members in the Council?
>
> **The Hon. R. C. DeGaris:** Yes.
>
> **The Hon. F. T. BLEVINS:** Does your Party agree with you on that?
>
> **The Hon. R. C. DeGaris:** I am not controlled by my Party, as members opposite are controlled by their Party.

The Hon. F. T. BLEVINS: And the Leader still believes that members of this Council should be nominated?

The Hon. R. C. DeGaris: Yes.

The Hon. F. T. BLEVINS: You do not think they should be elected at all?

The Hon. R. C. DeGaris: No.

I made every effort to ask my questions in words of one syllable. It is clear that this Bill is a rather dishonest attempt by the Hon. Mr. DeGaris to create confusion in the minds of voters in this State. I give the Bill no credibility because the Hon. Mr. DeGaris does not agree with people being elected to this Council: he would rather they were nominated. For those reasons, and others given by members on this side previously, I oppose the Bill.

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

CROWN LANDS REGULATIONS

Adjourned debate on motion of the Hon. R. C. DeGaris:

That the regulations made on 15 June 1978 under the Crown Lands Act, 1929-1978, in respect of fees, and laid on the table of this Council on 13 July 1978 be disallowed.

(Continued from 19 July. Page 79.)

The Hon. T. M. CASEY (Minister of Lands): The Hon. Mr. DeGaris, in moving disallowance of the regulations, specifically referred to a new fee, namely, a service charge on perpetual leases. Although the regulations may cover a wide range of fees, it seems that the service charge is in question. At present about 22 940 perpetual leases would be subjected to the service charge, and many landholders, particularly in marginal areas, hold multiple leases, The problem of multiple leases is generally related to areas of early settlement where extensive farming and grazing properties now occupy leases originally allotted for individual occupation. This situation is prevalent where I undertake farming and grazing pursuits.

I think honourable members know that some marginal areas of the State were divided into small parcels of land and, as people believed that rain followed the plough, many settled on those small blocks, only to see their life savings whittled away within a few years. For that reason most of the properties in marginal areas have become bigger holdings, as there has been amalgamation.

For some years the Lands Department has been aware of the problems of multiple leases in one farming or grazing property, and has provided a service for amalgamating leases without any fee to those lessees who applied to do so. This facility is available to all persons who have multiple leases, subject to the service charge.

These persons can apply for leases to be amalgamated, provided the leases are of a similar type and are closely situated. Another problem occurs in areas in which leases that were granted many years ago have now been subdivided. This happens particularly along the Murray River where numerous leases exist with rents ranging from as low as 2c. For example, the Loxton Hotel has two perpetual leases, each with a rent of 2c.

The Hon. R. C. DeGaris: Why don't you scrap it? It's much easier.

The Hon. T. M. CASEY: One of the Berri Hotel's leases is 5c, and the other is 50c; that is ridiculous. Similarly, areas where agriculture was not considered possible when the land was allotted rentals are extremely low. The Hon. Mr. DeGaris mentioned that, in areas where perpetual leases were granted earlier in the century, these rents were fixed in perpetuity. They cannot be changed without being considered by Parliament. People are paying low rents on present-day prices, and administration costs are rising all the time. I have a list of the range of rentals illustrating the situation. It is a print-out from the debtors' master file report, and I ask that it be inserted in *Hansard* without my reading it.

Leave granted.

RENTALS

00 0864200 1	Loxton Golf Club Inc., C/o Secretary, Loxton 5333		$	
Lease No. IL003428			10·00	1/5
Lease No. IM016292			10·00	1/6
Lease No. PI001890			48·00	1/9
Account Total	Number of Leases=3	Total Rental Amount=68·00		
00 0864300 3	Loxton Hotel (Governing Body of), Loxton 5333			
Lease No. OP00668A		0000043646	0·02	1/7
Lease No. OP006668B		0000034647	0·02	1/7
Account Total	Number of Leases=2	Total Rental Amount=0·04		
00 0864400 5	Loxton Lutheran Parish Inc., Loxton 5333			
Lease No. OP0060201		0000035076	2·00	1/4
Account Total	Number of Leases=1	Total Rental Amount=2·00		
00 0864500 0	Loxton News Pty. Ltd., East Terrace, Loxton 5333			
Lease No. OP004877K2		0000035672	0·50	1/4
Lease No. OP004877W1		0000035665	0·05	1/4
Lease No. TI001599			51·00	1/6
Lease No. TI001643			45·00	1/7
Account Total	Number of Leases=13	Total Rental Amount=198·19		
00 0107300 4	Berri Girl Guides, Berri 5343			
Lease No. IM014279			5·00	1/8
Account Total	Number of Leases=1	Total Rental Amount=5·00		
00 0107400 6	Berri Golf Club Inc., Box 399, Berri 5343			
Lease No. PI000173A			5·50	31/1
Lease No. PI000185A			4·58	31/1
Lease No. PI000192C			6·84	31/1
Lease No. PI002142			2·00	1/10
Account Total	Number of Leases=4	Total Rental Amount=18·92		

RENTALS—continued

00 0107500 1	Berri Hotel Inc., Berri 5343			
	Lease No. PI000172A		0·50	31/1
	Lease No. TI000161		56·00	1/4
	Account Total Number of Leases=2	Total Rental Amount=56·50		
00 0241200 1	Lindsay Clarke Pty. Ltd., 68 Greenhill Road, Wayville			
	Lease No. NP001503	0000046065	14·00	1/7
	Lease No. OP004301	0000028402	2·17	1/7
	Lease No. OP005086	0000038131	7·72	1/7
	Lease No. OP005374	0000035112	7·47	1/7
	Lease No. OP006009	0000037588	9·23	1/7
	Lease No. OP006272	0000038029	1·75	1/7
	Lease No. OP006615	0000020964	8·54	1/7
	Lease No. OP006616	0000020965	3·85	1/7
	Lease No. OP007166	0000019877	1·47	1/7
	Lease No. OP007561		6·95	1/7
	Lease No. OP007840	0000014995	6·15	1/7
	Lease No. OP008332		3·27	1/7
	Lease No. OP008333		1·37	1/7
	Lease No. OP008367	0000020841	3·12	1/7
	Lease No. OP009009A	0000001650	3·22	1/7
	Lease No. OP009664	0000001772	4·55	1/7
	Lease No. OP009676	0000001265	4·87	1/7
	Lease No. OP009676A	0000001264	1·32	1/7
	Lease No. OP009678	0000001263	24·86	1/7
	Lease No. OP010504	0000006296	0·91	1/7
	Lease No. OP010677	0000001855	0·45	1/7
	Lease No. OP011799		6·20	1/7
	Lease No. OP102212	0000015092	5·35	1/7
	Lease No. OP012356A	0000016100	0·79	1/7
	Lease No. OP012356B	0000016101	5·32	1/7
	Lease No. OP013210	0000016195	1·40	1/7
	Lease No. OP014137	0000017240	7·32	1/7
	Lease No. OP014349	0000017247	11·00	1/7
	Lease No. OP014349A		22·90	1/7
	Lease No. OP016632	0000015398	17·10	1/7
	Lease No. OP016633	0000015399	1·49	1/7
	Lease No. PE002291	0000045621	633·00	1/7
	Account Total Number of Leases=34	Total Rental Amount=846·64		
00 0241300 3	L. R. & P. K. Clasohm, Mypolonga 5254			
	Lease No. PI001662		5·00	1/10
	Account Total Number of Leases=1	Total Rental Amount=5·00		

The Hon. T. M. CASEY: Rents fixed in a substantial number of leases are less than the cost of maintaining each lease record. For example, 15 per cent of leases are under $3; from $3 to $10 the percentage is 28; and from $10 to $20 it is 21. It has been determined that the cost of maintaining each lease record is about $13 a year, and that is the administration cost only. Other costs are involved when inspectors travel around the country making assessments, but these are not considered.

The Hon. R. C. DeGaris: What inspection is made on perpetual leases?

The Hon. T. M. CASEY: Inspectors assess properties for amalgamations and for other reasons. I saw two inspectors in the North not long ago doing that.

The Hon. R. C. DeGaris: How many amalgamations would be made a year?

The Hon. T. M. CASEY: I have not checked that. The estate of my late father contained perpetual leases and I intend to discuss the matter with the trustee company and to have the leases amalgamated. It should have been done a long time ago.

Concern has been expressed to me personally by land owners in the area in which I live as well as by those in other areas. These people, who have multiple leases, are concerned that, if their leases were amalgamated, they would be deprived of the right to sell any part of the sections of land that were previously held under separate leases.

That is the tenor of the information that has come through to me. Many people are of the opinion that, if they have a series of multiple leases and they amalgamate them, they will not have an opportunity in future to sell off a section of land. However, that is not the case. In fact, there would be no difficulty at all in approval being given to a person who has amalgamated his or her leases to dispose of a section of land in future if he or she decided to do so. This criterion, which applies at present, would allow such a transfer to take place. For those reasons, I see no reason why the motion should be carried.

The Hon. R. A. GEDDES secured the adjournment of the debate.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It results from a review of the operation of the principal Act since 1970, when it was last substantially amended, and proposes a number of disparate amendments. The major amendments provide for considerable increases to the penalties for offences under the principal Act and regulations. Although these increases may appear very substantial, it should be pointed out to honourable members that these penalties have not been increased since 1920.

The Bill also includes amendments that are intended to clarify and in minor ways extend the ambit of operation of the principal Act and regulations. In this regard, amendments to the interpretation section of the principal Act put beyond dispute the application of that Act to mining for clay, shale, other earthy substances and offshore mining and to all machinery used in mining operations. A further amendment to that section includes

within the scope of the principal Act ancillary mining operations involving the blending or mixing of the products of any mining operation, such as are carried out at pre-mix concrete plants. Amendments proposed to the second schedule of the principal Act specifically empower the making of regulations relating to medical certification of employees and certification of persons in charge of certain classes of mining equipment, and the disposal of overburden or other waste from mining operations.

The Bill finally includes a provision removing the limit on the power of the Governor to extend the period of operation of a proclamation applying the provisions of the principal Act to operations analogous to mining operations. It is now envisaged that the maximum period of operation of three years might not be sufficient if, for example, a major tunnelling project was undertaken or a mine was developed for tourist purposes. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the interpretation section, section 4 of the principal Act. It substitutes a new definition of "machinery", which is expressed in general terms but related to mining operations or undertakings. It also substitutes new definitions of "mining" and "works", which may be varied by subordinate legislation. Mining for clay, shale and earthy substances, together with off-shore mining, are expressly included within the definition of "mining", while pre-mix concrete plants are expressly included within the definition of "works".

Clause 4 provides for the repeal of section 5a of the principal Act which is now unnecessary in view of the amendments to the definition of "mining" which enable the ambit of that definition to be extended by proclamation. Clause 5 amends section 7 of the principal Act, which empowers officers to enter mines and exercise the powers of inspectors. The amendment removes references to wardens having these powers, since this is no longer appropriate given their quasi-judicial functions. Clause 6 amends section 8 of the principal Act so that it provides that an inspector is disqualified from acting as such for the reason that he holds an interest in a mine only if he knows of such interest. This clause also increases from $200 to $1 000 the penalty for an offence against the section.

Clause 7 amends section 9 of the principal Act in order to remove any doubts that may exist as to whether reports of accidents prepared by inspectors may be made publicly available. This clause also increases from $200 to $1 000 the penalty for an offence against the section. Clause 8 amends section 10 of the principal Act so that it is made clear that an inspector may exercise his powers of inspection in respect of any accident causing loss of life or personal injury. That section is also amended so that, where an order of an inspector requiring any work to be carried out in order to render a mining operation safe is not complied with, the inspector, with the Minister's approval, may cause the work to be carried out and recover the costs involved. The clause also increases the penalty for an offence against the section to a maximum for a first offence of $2 000 and for a subsequent offence of $4 000 and, in addition, provides for a default penalty for continuing offences.

Clause 9 provides for the repeal of section 11, which is unnecessary in view of the amendments to section 10. Clause 10 amends section 12 of the principal Act so that inspections by members of the work force of any mining operation as to the safety of the operation may be carried out without any loss of earnings. Clause 11 increases from $100 to $1 000 the maximum penalty provided by section 13 for obstructing an inspector.

Clause 12 substitutes a new section for section 17 whereby persons who are under the age of 18 years may not be employed underground in a mine except with the Minister's consent. Clause 13 increases to $1 000 the maximum penalty for an offence against a regulation, and provides for a default penalty for continuing offences. Clause 14 inserts a new section 24a providing for default penalties for continuing offences. Clause 15 adds to the matters that may be the subject of regulations, the medical certification of employees, the certification of persons in charge of certain declared types of machinery, and the disposal of overburden and other waste from mining operations. Clause 16 repeals the third schedule to the principal Act, which has now served its purpose.

The Hon. R. A. GEDDES secured the adjournment of the debate.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 22 August. Page 626.)

The Hon. D. H. LAIDLAW: I commend the Government for introducing these amendments to the Act. The intention is that South Australia should take advantage of the provisions in section 51 (1) *(b)* of the Federal Trade Practices Act, which empowers a State by Statute or regulation to approve an agreement or other Act between companies or parties in that State. Such an agreement might otherwise be deemed to run counter to the provisions of Part IV of the Act, which deals with restrictive trade practices. I understand that South Australia is the first State to introduce legislation to take advantage of section 51 (1) *(b)*.

The Trade Practices Act was introduced originally by the Whitlam Government in 1974 and was amended substantially by the Fraser Administration in 1977 after receiving the recommendations of the Swanson inquiry.

Part IV of the Act is based on the premise that a lessening of competition is contrary to consumer interests and is illegal unless authorised by the Trade Practices Commission. The question of what constitutes a lessening of competition has led to much uncertainty in the business community and many requests to the Federal Minister for Business and Consumer Affairs that the Act be clarified by further amendments.

I grieve for the Minister who is responsible for administering the Trade Practices Act and the Industries Assistance Commission. On the one hand, the Trade Practices Commission says that mergers and take-overs of companies within the same industry are illegal *prima facie* if they are likely to reduce competition. On the other hand, the Industries Assistance Commission is forever exhorting companies within industries to merge in order to achieve economy of scale and so be able to compete with large overseas companies. By so doing, the locals should need less tariff protection. It must be a nightmare for the Minister to try to reconcile these opposing points of view.

If these amendments are passed, the Government will be able by specific regulation to protect South Australian based companies and businesses. Consider, for example, two companies that are operating with little or no profit in an industry in this State. Their hope for survival is to

merge. The Government would be able to approve such a merger if it was in the public interest, although such a merger might otherwise be forbidden by the Trade Practices Commission.

Consider also the case of a local public company with large fixed assets that is in danger of being taken over by a corporate raider with a reputation for closing factories and then subdividing the real estate. The company may see that its only hope of survival is to issue a block of shares to a large company that is in part competition with it. The Government will be able to approve the agreement to issue the shares and so preserve the jobs of employees who would otherwise have been dismissed. I support the second reading.

The Hon. R. A. GEDDES: I compliment the Hon. Mr. Laidlaw on his contribution to the debate. I appreciate the work that that honourable member has done. However, the intention behind this Bill has caused me some concern. I am more concerned about the problem that will arise if regulations are brought in allowing some South Australian companies to do certain things. Although the regulations brought in to try to assist South Australian companies might not of themselves be terribly restrictive, because of changing circumstances and the financial or other requirements involved, the companies concerned must be considered.

From inquiries I have made from people outside Parliament who are intimately concerned with this problem, I am assured that that will not be the case. Therefore, I will not pursue the concern that I had that possibly there should be an amendment to restrict the period as regards regulations to 12 months or less. I support the Bill.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is to simplify the procedures whereby officers of the bank are appointed or dismissed. As the principal Act now stands, the majority of such appointments and dismissals must be approved by the Governor. This requirement has imposed a burdensome volume of paperwork upon Executive Council, and is seen by both the bank and my Government as an unnecessary procedural step. However, the bank's trustees believe that it is desirable that a number of senior administrative positions ought still to be subject to consideration by the Governor; so the Bill accordingly provides machinery for the designation of such positions.

Clause 1 is formal. Clause 2 provides that the approval of the Governor need be sought only for the appointment or dismissal of officers in relation to positions that have been designated by the Treasurer upon consultation with the trustees of the bank.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

STATE BANK ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This Bill has two objects. First, an amendment is proposed that is similar to the proposed amendment of the Savings Bank of South Australia Act with respect to the appointment and dismissal of bank officers. As the principal Act now stands, all officers of the bank are appointed by the Governor upon the recommendation of the board of the bank. It is proposed to simplify the appointment procedure by providing that all appointments and dismissals will be made by the bank, with the exception of certain senior positions which will continue to require approval by the Governor.

The second object of this Bill is to effect a transfer to the bank of the entire advances for homes programme, which is currently administered by the bank as the agent for the Government under the provisions of the Advances for Homes Act. Since the advent of the housing agreements between this State and the Commonwealth, the funds available under the advances for homes programme have been advanced principally to previous borrowers for the purpose of home additions or alterations. As at 30 June 1977 about $10 000 000 was out on loan under the programme. In addition, several reserves are kept at Treasury and the bank pursuant to the provisions of the Advances for Homes Act for bad debts, losses on sales and insurance, and as at 30 June 1977 these funds totalled about $1 100 000. All assets transferred to the bank will be absorbed into its general housing programme, and the bank will repay to the Treasury an agreed amount upon terms and conditions agreed between the two parties.

The main advantage of the proposal is that the bank may be able to use the funds more effectively for welfare housing purposes if they are all held by the bank in its general housing funds. Administrative costs to both parties will be reduced, and the bank will be able to use a high proportion of the reserve funds in making further home loans available. It is proposed that the Advances for Homes Act be repealed.

Clause 1 is formal. Clause 2 provides for the commencement of the Act to be fixed by proclamation. Clause 3 effects the proposed change to the staff appointment procedures. The board of the bank will appoint and dismiss its officers. The Governor's approval will be required for appointments and dismissals to offices designated by the Treasurer upon consultation with the board. The transfer of an officer from one position to another in the bank will be effected by the board without reference to the Governor.

Clause 4 provides for the transfer by the Treasurer to the bank of all his undertaking under the Advances for Homes Act. All assets so transferred to the bank, and all funds held by it pursuant to the Advances for Homes Act, must be applied by the bank for housing purposes. The bank will be entitled to the benefit of all existing agreements. Subclause (4) sets out the liability of the bank to repay to the Treasurer the amount of the loan moneys outstanding at the date of the transfer. Clause 5 repeals the Advances for Homes Act.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The Renmark Irrigation Trust is the authority responsible for the supply of water to agricultural land in the Renmark

Irrigation District. Owners of such land who are ratepayers under the principal Act are entitled to be supplied with water under its terms. Although the trust has power to supply water to non-ratepayers in the district, it is not clear that it can do this for any purpose other than irrigation or domestic use. Water is needed for other purposes, such as use by industry, drinking water for stock and for public purposes generally. The trust has no specific power at present to supply water for these purposes. The effect of the Bill will be to give the trust a general power to supply water for any purpose on terms and conditions that it determines. The obligation to supply ratepayers is unaffected by the proposed amendments, and the supply of water to non-ratepayers is subject to the trust's obligation to ratepayers. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 removes from section 60 of the principal Act the passage "for irrigation and domestic purposes". These words restricted the power of the trust when supplying water to townships and are no longer appropriate. Clause 3 replaces and simplifies section 64 of the principal Act, which deals with the supply of additional water. Besides simplifying the section, it removes two anachronistic provisions requiring that additional water be supplied only for domestic and irrigation purposes and only with the Minister's consent.

Clause 4 amends section 73 of the principal Act which empowers the trust to make regulations and by-laws. Paragraph *(a)* gives the trust power to make regulations and by-laws for or incidental to the purposes for which the trust is constituted and for the exercise by the trust of its powers under the principal Act. This provision will mean that, in the future, the trust will be less restricted in its regulation-making powers. Paragraph *(b)* repeals the power given by paragraph IIIa to fix terms and conditions for the supply of additional water. This power is subsumed under the wider power to impose terms and conditions on the supply of water in paragraph XII. Paragraph *(c)* adds power to make regulations and by-laws on specific subjects. Paragraph XII gives the general power to impose terms and conditions on the supply of water. Paragraph XIII allows for the measurement of water supplied which will enable appropriate rates to be charged. Paragraph XIV deals with the granting of licences for the diversion or taking of water. Paragraph XV increases the penalty that can be imposed for breach of regulations or by-laws from $100 to $200. The penalty was originally £50 and a penalty of $200 is now more realistic.

The Hon. R. A. GEDDES secured the adjournment of the debate.

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

In Committee.

(Continued from 22 August. Page 616.)

Clause 8—"Apprehension of persons under the influence of a drug."

The Hon. C. M. HILL: I thank the Minister for allowing me to look further into the amendment which we debated yesterday and for thereby allowing me the opportunity to bring forward the amendment now on file.

The CHAIRMAN: As the honourable member has an amendment before the Chair at present, it is necessary for him to withdraw that amendment.

The Hon. C. M. HILL: Very well, Sir, I seek leave to withdraw my original amendment.

Leave granted; amendment withdrawn.

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

Page 4, after line 48—Insert subclause as follows:

(9) Notwithstanding any other provision of this section, if—

(a) a solicitor acting on behalf of a person detained in a police station (not being a sobering-up centre) in pursuance of this section, or a relative or friend of a person so detained, requests that he be released into the care of the solicitor, relative or friend; and

(b) the officer in charge of the police station is satisfied that the solicitor, relative or friend is able and willing to care properly for that person,

that person shall be released into the care of the solicitor, relative or friend.

This new amendment shows the true intention that I had yesterday when I moved my original amendment. I think it is quite self-explanatory, in that it relates only to the situation where a person is apprehended and taken into a police station. When that happens, and the apprehended person is given the opportunity to communicate with a solicitor, relative or friend in accordance with the existing subclause (8), then if that person communicated with is prepared to take the apprehended person out of that police station and into his care, under my amendment the policeman would have to release the apprehended person. I considered seriously the possibility of allowing the police officer the option to either release or not release such a person in those circumstances, but in doing so I must accept that the police officer has that option, anyway. In other words, if I had used the word "may" instead of "shall" in that amendment, I would have only been putting in writing a right which the police officer has, anyway. In other words, he has the right at any time up to the four hours to release the person from the police cell.

This activity in which the police officer is involved in these circumstances is not normal police work: the apprehended person is not under arrest, and the police officer is not in the process of enforcing the law. In these circumstances the police officer is being brought into the Minister's legislative area and is being made part of the Government's new programme to deal with the question of alcoholics and drug addicts. The police officer is placed in a different position from his usual one of dealing with apprehended people who are believed to have broken the law, and he is dealing with a solicitor, relative or friend in entirely different circumstances. That is a very important point for the Committee to bear in mind.

In those circumstances, where he is carrying out work as part of the alcohol and drug addicts programme in this State, I believe he would want to release people whom he is holding for that period of up to four hours as soon as he possibly could. If a member of the public, namely, a solicitor, relative or friend of the person, is also prepared to play a part in the care of such inebriated people, then he should be given that right. Of course, that would empty the cells, and the police officer would be happy. By laying down that the police officer shall do that, and by pointing out the fact that this work of the police officer is not the normal work for which he is responsible, I think honourable members will see that this amendment improves the legislation.

The other point, I repeat, and I make no apology for such repetition, deals with the question of citizens' rights. I

ask honourable members opposite who are interested in this subject to give it their full consideration. I stress that I am not in any way being critical of the Police Force. However, if this Bill passes, circumstances could arise when a police officer, quite unreasonably and indeed quite improperly, could take a citizen off the street and place him in gaol for a period of up to four hours. Whilst the person so apprehended has the right under this legislation to call for his solicitor, relative or friend, that police officer, still acting quite improperly, in my view, would have the right under this legislation, in the instance I have cited, to hold that person there, irrespective of the request or demands of those people who have been communicated with by the apprehended person.

The Minister said yesterday that under my amendment a person who was obviously drunk in public might be placed in a cell and a friend of that person, who might also be inebriated, could call at the police station, in which case the police officer would have to release the drunk and they would both go back to the party where all the problems began. In an extreme circumstance I believe that could happen. At the other end of the scale, however, it could not be denied that the picture that I painted where unfairness and improper conduct by a police officer might occur could, in fact, occur. At what point on the scale, therefore, are we going to make the balance? Where is the fulcrum in those circumstances? I believe it ought to lie more with the individual citizen and his rights than at the other end of the scale. If the Minister pursues his argument, he moves the fulcrum away from the question of civil liberties and civil rights. I would like to hear from members opposite, who are interested in this subject of civil liberties, their views on this subject.

The Hon. N. K. Foster: You don't believe in civil liberties.

The Hon. C. M. HILL: That is an interesting interjection. If the honourable member wants more proof of where I stand on that question, he has only to read in *Hansard* the report of proceedings here yesterday and today. He would have to read yesterday's proceedings, because he was not in the Chamber often then.

I do not think Party commitment or loyalty ought to come into this question: I believe that people opposite ought to say where they stand regarding their claims that they are civil libertarians. They ought to say that the Minister's argument has more force than my argument. The subject of civil liberty is an important one in an issue of this kind and a balance must be struck in which a certain amount of trust is placed in police officers. If honourable members acknowledge that there is an urgent need for legislators always to consider the rights of citizens, they should make their position known on the issue and in a vote of this kind.

The Hon. D. H. L. BANFIELD (Minister of Health): The Hon. Mr. Hill has said nothing more than he said yesterday. The amendment provides that the police "shall" hand the drunk over to a relative, friend or solicitor.

The Hon. M. B. Dawkins: Will you accept "may"?

The Hon. D. H. L. BANFIELD: If a person has so recovered from the effects of drugs as to be able to be taken care of by a friend, there is still no definition of "friend". Is the friend a drinking mate from whom the man has just been taken, for his own protection? Many friends get together and have drinking parties and the amendment provides that the person concerned must be handed back to a friend with whom he has been drinking at, say, a party on the Victoria Square lawns. The friend may be half drunk and may say to a solicitor, "I want this man handed over." Under the amendment, the man must be handed over. It is mandatory to hand him over.

The Hon. M. B. Dawkins: You don't agree with "shall", and neither do I. Would you accept "may"?

The Hon. D. H. L. BANFIELD: "May" often is mandatory. If there was some way that there could be discretion and if, in the view of the police officer, the person was capable of being taken care of by a solicitor, relative or friend, I would be pleased to consider the matter. However, the amendment does not say that. It says that the person "shall" be handed over to a person who claims to be a friend. The whole idea of the Bill is the care of the patient. The police have been handling persons of this type for years and they know how to treat them. There has been no criticism from the courts. The only difference is that the police will not be charging the person with an offence. They will be taking him in for his own sake.

Despite the Hon. Mr. Hill's desires about civil liberties, he would not want that man to be exposed to his so-called friend back in Victoria Square so that he could be bashed or robbed. The amendment does not even say "good friend", and people can have good friends or bad friends. The friend may see the person being taken to the police station and may say to a solicitor, "I want him handed over."

The Hon. R. C. DeGaris: His liberty is removed.

The Hon. D. H. L. BANFIELD: Yes. He has been made safe and has been removed from the possibility of being bashed. Court cases show that people have been led up a lane and robbed as a result of being under the influence of drink. The amendment goes much too far. The friend does not have to be communicated with first. Normally, when the police want someone, they want him for a charge, but they will not be charging these people. They will be taking them, for their protection. I ask the Hon. Mr. Hill to reconsider the matter and not to make it mandatory for the police officer to hand the person back to his drunken friend.

The Hon. J. A. Carnie: What about "may"?

The Hon. D. H. L. BANFIELD: "May" does not make any difference, as lawyers will tell us. If you put "may or may not", I would go along with that. Lawyers will tell us that nine times out of 10 "may" means "shall".

If you put "may" in, police do not have to detain him in any way. They can say, "Let us take care of this person for four hours and not let him be exposed to his drinking mates, where anything could happen." Things have happened to drinking mates in the past.

The Hon. N. K. FOSTER: I take issue with the Hon. Mr. Hill, because he took strong exception to my remark about civil liberties. Honourable members opposite have collectively sat in this Chamber for many years. Mr. DeGaris has been a Chief Secretary administering a portfolio. The difference is that the Minister who was recently the Chief Secretary, Don Banfield, had some constructive thoughts regarding the plight of unfortunate people in the community.

Coming to the point about protecting a fellow from his mates, there was recently a case where a bloke was drunk, whacked his best mate, and put him through a glass door. There have been several cases where mate has killed mate. Would it be better for these people to be sent to a sobering-up centre, if available, or placed in a cell?

There is nothing in the Hon. Mr. Hill's amendment, and he and his colleagues have not lifted a finger of conscience on behalf of these people. I worked on the waterfront at one time, and drinking was a problem. The employers did not do anything for them. They put them out of the way or before a disciplinary tribunal, but the Waterside Workers Federation did something for them.

Mr. Hill suddenly seizes on something as though he is the defender of civil liberties of the people. People have lost their rights in the community through over-indulging in liquor and they should also be protected. Mr. Hill says, "Once you pick people up, you create problems whether or not they should be placed in one centre or another." That is splitting hairs.

If a person is in such a position that the apprehending officer thinks he ought to be removed temporarily from an area, that person does not lose his legal rights. He can claim wrongful detention.

The Hon. C. M. HILL: I cannot place much reliance on Mr. Foster's submission, because of its basic errors. He said that members on this side when in Government did nothing about the problem. My colleague, the Hon. Mr. DeGaris, set up the first institution for these people. The honourable Minister talked about Victoria Square. He had his handkerchief out, wiping the tears from his eyes about Victoria Square. Police apprehending a person there would take that person to a sobering-up centre at Norwood or College Park, under the amendments passed yesterday. They could hardly say, being so close to the mobile units at police headquarters, that it was impracticable to take them to those places. I understood the honourable Minister to say that if this amendment included words to the effect that if it was the opinion of the police officer that the person communicated with was capable of caring—

The Hon. D. H. L. Banfield: I did not say that; I said "released to".

The Hon. C. M. HILL: I am using the word "care" because it is in the amendment. If the Minister said "released to", I accept that. Did the Minister say that, if the amendment was worded in such a way that if the police officer was of the opinion that the person to whom the apprehended party was released was capable of caring for the apprehended person, he could see wisdom in the amendment and that he would favour it?

The Hon. D. H. L. Banfield: I said I would look at it. I could see wisdom in it. Are you amending your amendment?

The Hon. C. M. HILL: I want the best possible legislation on the Statute Book, and I am sure that the honourable Minister wants that. If we are on common ground, we should be able to work together towards that end. If this amendment included a provision to give the police officer the right to make a judgment as to whether the person communicated with was capable of taking care of or taking the apprehended person out of custody, would the honourable Minister agree to it?

The Hon. R. C. DeGARIS: The Hon. Mr. Hill correctly summed up the position earlier when he said that the Minister and he both had fairly valid arguments and that they should try to find some common ground on which they could agree. I agree with what the Hon. Mr. Hill said about the Hon. Mr. Foster, who did not debate the matter but made allegations about people in this condition. That is indeed an unhappy state of affairs, because we all know that those allegations were untrue. Clause 8 (8) gives a detained person the right at all times to contact a solicitor.

The Hon. N. K. Foster: It gives him the same right. It doesn't deny him the right.

The Hon. R. C. DeGARIS: That is so. The Hon. Mr. Hill says that, if the solicitor, relative or friend who has been contacted can show that he is capable of caring for the person in custody or under detention, that person should be released to him. I agree with the Hon. Mr. Hill that in many instances the person responsible for the intoxicated person should be able to release him to any of the three people referred to in subclause 8.

I come from a small country town, where we are closer to this type of thing than are people in the city. We see people who are taken into custody for their own good and who should not in any circumstances be released to a solicitor, relative or friend. I have seen people well known in the community who have got drunk and a little violent, as a result of which they have been taken into custody. They are locked in the cell and let go the the following morning without any charges being laid, a system to which I am not opposed.

However, it seems to me that if the person responsible for the detainee is satisfied that the solicitor, relative or friend is capable of caring for him, the detained person, who is not violent, should be released. There must be common ground between the arguments of the Hon. Mr. Hill and the Minister on which we can agree.

The Hon. D. H. L. Banfield: Can you give us any idea of what "friend" means?

The Hon. R. C. DeGARIS: That word is already used in the Bill. The detained person can be handed over only if the police officer is satisfied that the person who has come to the police station or sobering-up centre is responsible and can care for him. If the person responsible is satisfied in this respect, the release should occur. That is the sort of compromise that could be reached.

The Hon. D. H. L. BANFIELD: I have always said that I do not like the prospect of a police officer's being compelled to hand over a person to his drunken friend. Although I am satisfied with the principle to which the Hon. Mr. Hill has referred, it is a little contrary to what is contained in his amendment, which provides that the police officer "shall" do certain things. It will not matter whether he has grave doubts about the capabilities of the solicitor, relative or friend.

I am sure that what the Hon. Mr. DeGaris and the Hon. Mr. Hill have said is correct. The police officer would be pleased to have the detained person taken off his hands. However, I think the police officer should be satisfied that the person to whom the detainee is being handed over is a fit and proper person who is capable of taking care of him. I should add that I do not like "may" used in provisions of this nature: the police officer must believe that the person concerned is capable of taking care of the patient when seeking his release. To enable the Hon. Mr. Hill to draft an amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

SEEDS BILL

Adjourned debate on second reading.

(Continued from 15 August. Page 492.)

The Hon. M. B. CAMERON: I do not intend to speak at length on this Bill, because I agree with most of it. Some honourable members would know that for many years I was involved in the seed industry. Like the Minister, I know of many examples of where seed has been sold and erroneous descriptions have been given, when it was sold in the knowledge that the seed was not up to standard, or when the seeds sold would have fallen in the category of uncertified seed.

There is no doubt that some requirements were needed, but I must warn that, even though this Bill will provide conditions concerning the sale of seed, nevertheless there must still be a great deal of trust. There is probably no other sphere of business in which trust plays such an important part as in the seed industry, because it is not difficult for people to circumvent the conditions laid down. It is easy for people to mix various lots of seed, to sell seed

under various labels, and to change the labels. No amount of legislation will cure that situation, because farmers generally accept the labelling of seed. It gives the seed an air of legality.

Perhaps these requirements will lull the suspicions that farmers might otherwise have regarding unlabelled seed. However, it is necessary that the Government should take some action, which is long overdue, toward controlling the sale of seed by unscrupulous people. I have known of some unhappy cases of people being taken down by merchants who were not necessarily legal but who purported to be seed merchants.

Further clarification is needed of some aspects of the Bill. I congratulate the Hon. Mr. Griffin on the way in which he highlighted the provisions in the Bill that need amending. I intend to support many of his foreshadowed amendments, because I do not believe it is possible to implement the requirements at present in the Bill in connection with some packaged seed. Perhaps the Minister intends to deal with this matter when he brings down regulations. Perhaps he recognises the problem, but I point out that it would give much more confidence to people involved in the sale of seed if the Bill itself laid down the requirements and the extent of the requirements, particularly in connection with small packets of seed.

Clarification is necessary in connection with farmer-to-farmer sales and in connection with farmers who send seed for cleaning. No matter how careful an inspector is and no matter how careful a farmer is in cleaning his paddocks of noxious weeds, he can never get rid of the lot; there will always be some degree of contamination or potential contamination. Efforts are made to get rid of many of these weed seeds by cleaning. A farmer may sell seed on an unclean basis to a merchant. The question arises as to whether the point of sale occurs before the seed is sent to the merchant. Of course, the farmer could be considered to be "in the business of seed", as it is described in the Bill. It is important that this point be clarified, to ensure that farmers are not prevented, just because there happens to be a noxious weed in the unclean seed, from sending the seed.

It is a normal part of the seed business to sell seed before harvest, at the point of harvest, or after harvest; or, it could be sold before cleaning or after cleaning. At each point it is caught in some way by this Bill. Of course, the merchants themselves would impose requirements as regards standards. I support the Bill, and I intend to support the amendments foreshadowed by the Hon. Mr. Griffin, which amendments will be an essential part of the Bill.

The Hon. C. M. HILL: I protest about this form of legislation. To deal with the subject of seed by enabling legislation is making a mockery of a House of Review.

The Hon. F. T. Blevins: This is not a House of Review.

The Hon. C. M. HILL: It is, and the sooner the honourable member acknowledges it the better. We are here to review legislation, but we are presented with a Bill entitled "The Seeds Bill". We do not know what seeds will be involved.

That illustrates how ridiculous this Bill is. It is a typical approach to legislation just to introduce a Bill so that later regulations will take over, and the real body of the proposal will come forth through those regulations. It is ridiculous that we should be asked to pass a Bill concerning seeds when we do not know what seeds will be involved. The Minister must know.

The Hon. B. A. Chatterton: I have said so in a press release.

The Hon. C. M. HILL: The Minister tells the public, but he does not tell Parliament. He stated in the country press that he intended to move amendments, but we have not seen them. We have no idea of the details of this proposal. We do not know what seeds and what quantities are involved. Further, we do not know whether seeds sold by the tonne or seeds sold in a nursery shop will be involved. Reference is made to people selling seeds in the course of business, but we are not given the definition of "business".

Are we dealing with the sale of seeds from one neighbour to another in the country? Are we dealing with wholesale business or retail business? Some country people are regarded as suppliers to several purchasers in a given country area. Simply informing this Council that the details will come down later by regulation and that Parliament will have the right to disallow those regulations is making a mockery of the system.

Earlier this year, the Council disallowed a regulation, and within one week a Minister of the Crown saw that it was regazetted in this State. Once that occurs it can happen again and again. If the Bill is passed in its present form, the Minister could bring down his regulations and, if the Council disallowed them he could reintroduce them and could go on governing with legislation which cannot be reviewed adequately and which cannot be curbed by Parliament. These are the dangers in this principle of enabling legislation.

I can recall one instance, since I have been a member, when a reasonable argument was put forward for enabling legislation dealing with the Building Act. At that time the whole situation was explained about the need for enabling legislation. Undertakings were given that, if Parliament disallowed regulations in relation to a specific type of building material and kinds of construction in the building industry, the Government would accept that disallowance as evidence that Parliament did not want that form of legislation on the Statute Book. We cannot accept the fact now that any regulation can be effectively disallowed. We do not know what we are talking about when we talk of this Bill, because we do not know what seeds are involved, what quantities, or what defines a business.

I can only conclude that the legislation is badly prepared, and it certainly needs to be heavily amended to be improved. I have not yet perused the Hon. Mr. Griffin's amendments, but by their volume he has tried to bring some good sense to this approach. Whilst I support the second reading I do so only in order that the amendments moved by the Hon. Mr. Griffin can be debated fully in Committee.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I am glad that, with few exceptions, most honourable members support this new approach to legislation. I believe there has not been a complete understanding of how new is this approach. Previous legislation dealt with agricultural seeds on the basis of imposing standards. This legislation is based on truth in labelling, and is appropriate for agricultural seeds because the development of standards for biological products has been extremely difficult.

So many factors can vary to a considerable degree, and imposing a standard on agricultural seeds excludes valuable seeds which might not meet those standards but which have a value, if not a great value, in the agricultural community. That is why this legislation has taken a considerable time to draft. It has needed much discussion with people involved in the seed industry, and with the farmer organisations, who are the major consumers of seeds.

We started with a green, or discussion, paper on the

general principles and, after several meetings and receiving comments and submissions from organisations involved in the seed industry, from the Stockowners Association, U.F. & G., and from other organisations, we developed a second white paper, which was the basis for the drafting of this Bill. This draft Bill has been released to those organisations for comment, and their response has been very good.

I think it is important to contradict the remarks that were made by some honourable members who said that this Bill is over-regulating the industry, is cumbersome, and so on. The whole intention is to make the sale of seeds much more flexible. If we remove the requirement for standards to be imposed, we have to be stricter in providing labels. The buyer, to be protected, must have that information, and that was the confusion in some honourable members' minds. We must become stricter in providing information but more flexible in the type of seeds that can be sold. It is a forward step.

It has also been suggested that this may cause difficulties for the State. The thinking of people involved in the seed industry is certainly moving in this direction, and this will not be the first piece of legislation based on the truth-in-labelling principle. I believe the Northern Territory has already introduced such legislation, or is about to do so, and the other States are moving in this direction.

Several amendments have been proposed by the Hon. Mr. Griffin, and I have some myself that will clarify some of the points that have been raised by honourable members. I will not refer to them at this stage, they will be discussed in Committee. One of the major questions raised by the Hon. Mr. Hill, and by other honourable members, is to what this legislation will apply. I intend that it will initially apply to the commonly-used clover seeds, lucerne seeds, and grass seeds. That is the most obvious area where it will apply immediately.

Beyond that we will be looking at lupins, oil seeds, protein grain crops, and finally it could apply to wheat and barley. There is no intention at this stage, for the legislation to apply to wheat and barley: much discussion would be required in the industry, before we could apply it to those seeds. It would not be appropriate at this stage, where the proper schemes do not exist, to apply it to that industry, which has not yet requested such legislation.

The point has been raised about analytical procedures for flower seeds and I am aware there are problems. We would not include flower seeds while such problems exist. My information is that these problems are being actively worked on, and it is expected that it will be possible to include flower seeds in future. The legislation makes a useful contribution to the seed industry, which has already been moving in this direction for some time.

Many labelling requirements that will be required under this Bill are already being undertaken voluntarily by people in the seed industry. The requirement to label the seed will not be an additional burden for most people in the industry, certainly not for the reputable people.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 618.)

The Hon. M. B. DAWKINS: I support the Bill which, as the Minister has said, has two functions. One is to try to speed up payment to barley growers, and I commend the Barley Board for the work that it has done over a period of about 30 years. I believe that it has been an efficient board and that it has been of much help to cereal growers.

The Minister has said that at present the Act does not permit the board to make payments pursuant to an estimation of the expenses that it may have, and the Bill should correct that situation. The Minister has also said that the present position causes much delay, and it also causes financial embarrassment to some growers on occasions, especially when they have had a succession of droughts as has occurred recently. I do not take the Minister to task, but I refer to this part of the second reading explanation:

> The Australian Wheat Board, which operates under a different Act, is not fettered in this manner, and consequently is able to make more prompt payments.

The manner referred to is the ability to be able to make estimations. I do not know what is meant about prompt payments being made by the Australian Wheat Board and whether it is suggested that that board can make payments more promptly than can the Barley Board, but that would not be correct. However, I commend the Australian Wheat Board. It has been a successful body over the years. Nevertheless, I believe that the Barley Board has had a better record with prompt payments.

The Hon. B. A. Chatterton: I think there may be confusion there. I think it is a reference to the discounting that is offered by the Wheat Board.

The Hon. M. B. DAWKINS: In the past, the Barley Board has been able to complete payment of dividends for various pools in 18 to 20 months, certainly in less than two years, and until recently the Wheat Board has taken up to three years to make payments. I am not blaming the Wheat Board for that, but it is only in recent times that that board has been able to offer discounted payments to enable growers to get much-needed money before they otherwise would get it. I do not know for certain whether this amending Bill will mean that the Barley Board will be able to do likewise. That may well be so, but, in any case, the Barley Board is to be commended for its record.

The desirable amendments are in clause 2, which amends section 19 of the principal Act by providing that "the amount that the board has received or estimates that it will receive" will replace the words "the amount received or to be received by the board" in the principal Act. In subclauses *(a)*, *(b)* and *(c)* it is indicated that the board will be able to work to some extent on estimates. Section 19 of the Act refers to prices to be paid for barley and section 19 *(a)* refers to prices to be paid for oats, and in this new section, introduced last year, similar amendments are made. The only other alteration made by the Bill is the repeal of section 21 of the Act and the insertion of a new section 21. New section 21 (2) *(c)* provides that regulations may:

> prescribe the manner in which any elections contemplated by this Act are to be held, and the eligibility of persons to vote in those elections.

I understand that a producer gets a vote for election of the Australian Barley Board if he can deliver to the board not less than 15 tonnes of barley in either of the two years ending in the March immediately preceding the election date. That means that, if in a drought year a producer can get in only five tonnes, he will not necessarily be deprived of a vote. It is also provided that, if a partnership delivers more than 30 tonnes, both partners will get a vote and, if the delivery is made by a private company, only one vote is available. I understand that there is no intention to alter those provisions as a result of the amending Bill. I commend the Government for introducing the measure. I

believe that the Barley Board favours it and that producers will favour it because it enables payment to be made on a better basis than the present one.

The Hon. F. T. BLEVINS secured the adjournment of the debate.

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 619.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I am not in favour of this Bill. I oppose, first, the concept of price control and the need for any price control on urban land at this stage. Secondly, I strongly oppose the method used to impose urban land price control. I would like to go back in the history of this legislation to its introduction in 1973, when I said at page 1467 of *Hansard:*

> The Hon. Mr. Hill, when speaking on this Bill, said that the Government expected Opposition members to oppose it, and I agree with his contention. Apart from its concept, the Bill is drafted in such a way that it invites defeat, and the correct fate for it would be its defeat. A gentleman with considerable legal experience said to me, "Apart from the concept of the Bill, which is bad enough, the way in which that concept is expressed means that it was produced with a knife and fork."

I concluded by saying:

> I am willing to do the best I can to try and fashion something sensible out of this Bill. With the Land Commission Bill honourable members had a basis on which to work, and I believe we came to an extremely satisfactory conclusion in relation to it. However, the surgery that was required on that Bill was minor compared to the legislative surgery that will be required on this Bill even to make it rational.

After a very long debate and a long conference following disagreement between the two Houses, a reasonable Bill emerged. It is interesting at this stage to look back on the pressure that the Premier brought to bear on the passage of that Bill. I think it is fair to say that the Premier's histrionics are directly proportional to the stupidity of the legislation which he is fostering.

Going back in history, the more the Premier has performed before the media and in the press, the more we should look very carefully at the legislation in question. When the Urban Land (Price Control) Bill was introduced, the Premier had a number of things to say about it. He was reported in the *Sunday Mail,* referring to people involved in real estate who would be making representations to members of the Upper House, as follows:

> Their motive is obvious . . . They want to prepare the ground so that the reactionaries in the Legislative Council can reject the Bills or water them down to suit the big speculators.

We did a lot of work on that Bill at the time and, although many of us were opposed to the idea of imposing urban land price control, we produced a reasonable Bill. But one of the most important things we did was to put in the Bill a clause that there would be a terminating date, which presently is December 1978, after which there will be no further urban land price control in South Australia. Let us see what the Government has to say about its own legislation. I quote from the *Advertiser,* 7 April 1978, as follows:

> The suspension of price control on urban land would bring more blocks on the market, it was claimed yesterday. The South Australian Government yesterday announced the suspension of price control on urban land. The Real Estate Institute of South Australia President (Mr. K. A. Gaetjens) said the move was welcome. "It will certainly have the effect of bringing more land on to the market," he said. "I don't think it will have any effect on raising prices. The R.E.I. has been trying to get price control lifted for 12 months because we think it will help the industry. I don't think it will help the industry in the short term but in the long term it will."
>
> The Minister for Planning (Mr. Hudson), announcing the change, said the Government would reintroduce the controls if there were substantial price rises. The Government would amend the Urban Land (Price Control) Act due to expire on December 31. The amendments would remove the Act's expiry date so price control could be reintroduced by proclamation if necessary.
>
> Mr. Hudson said the real estate market was in a depressed state and no increase was likely other than in the prices of some higher-value allotments. The lifting of price controls was expected to result in more allotments being brought on to the market in inner-suburban areas. Allotments had been withheld in the expectation of the controls expiring at the end of this year.

Then on 4 August 1978 the Government announced that it wanted to introduce price control on selected areas of land, so we have this Bill before us, imposing price control by regulation. As with most commodities we use, the price of land depends upon the law of supply and demand. The supply of land for housing in South Australia was, according to the Government in 1973, caused by speculators and land developers holding land for housing development. Anyone who knows anything about the real estate industry would know that that was not a reason. At least one can be generous and say that it was not the whole reason, because part of the reason for the lack of supply of building blocks in South Australia had been the policy followed by this Government for a number of years.

Since 1973, with the Land Commission and urban land price control operating, hundreds of blocks have become available from the Land Commission. The question of supply and demand should be in favour at present of a decline in land prices.

The point that amuses me a great deal, however, is that Land Commission prices appear to be anything but cheap. The idea that the Land Commission was going to be able to provide a range of cheap serviced blocks to the consuming public can be shown to be rather a long shot, because Land Commission prices are just as high as any other blocks on the market. Furthermore, I would not know what the cost has been to the community in developing these blocks. The Council made a very wise decision in 1973, and that was to insist on providing the legislation with an expiry date, that is, December 1978.

This Bill really replaces the original Act that expires this year. I did not believe in the first place that there existed any case for bureaucratic controls on the price of building blocks in urban areas. Such a control is unnecessary and costly, and at this stage serves no purpose. The method proposed in this Bill is, to me, particularly objectionable. In other words, what we say is, "Yes, you can have price control," but the Government can advertise in the *Gazette,* any time it feels like it, the area in which price control will apply.

That regulation will be placed in the *Gazette* and will be law from that time. Parliament will have no opportunity to disallow the regulation until it meets. I strongly oppose this piecemeal approach. The Government can not only apply price control to a certain area by regulation but it can also remove price control without reference to

Parliament. I cannot support this means of applying land price control in South Australia. I am not convinced of the need for price control at all, and I am a long way from being convinced that the method that the Government has chosen to continue urban land price control is one for which I can vote. Indeed, I find that approach quite objectionable.

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

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 619.)

The Hon. C. M. HILL: I am very cautious in my approach to this Bill, because it deals with works of art being loaned to the public by the Art Gallery of South Australia. All honourable members must carefully consider such changes to the law.

The Minister has explained that, whereas at present the board may lend or make available to institutions or (with the Minister's consent) persons any works of art, the Government intends to amend the legislation so that the Ministerial consent to institutional borrowing is removed. At the same time, a new provision will be inserted in the Act stating that the board must be bound to guidelines that the Minister may lay down in relation to such loans of works of art from the Art Gallery.

I have misgivings about the Bill, because the Minister said in his second reading explanation that "institution", as defined in the Act (which definition is now being deleted), has led to some difficulty and, to use the Minister's own words, "may not include private or commercial galleries".

I cannot help querying whether it has been, or is likely to be, the Art Gallery's policy that works that are owned by it (in other words, works that are owned by the people of this State) should be loaned to such organisations as private galleries. I ask the Minister to say, when he replies to the second reading debate, whether works have been loaned to private galleries.

One could go further and try to define "private galleries". I imagine that anyone with a private house and a hall or room in which they have a number of paintings, for example, on display, could claim that they have a private gallery. It is surprising to me, to say the least, that there appears (and I stress "appears") to be some intention to lend to such private galleries or, in other words, to private homes works of art from the Art Gallery.

The Hon. C. J. Sumner: Wouldn't you want one ? You'd like to have some in your new house, wouldn't you?

The Hon. C. M. HILL: I do not believe that there should be a privileged few citizens in this State who have such rights. If the honourable Mr. Sumner and the Party to which he belongs believe in that kind of establishment, that is their decision. However, I do not agree with it. My second point, apart from the misgivings to which I have referred, is that it seems a pity that Ministerial consent is being deleted from the Act. New subsection (1a), which involves the Minister, provides:

> The board shall observe any policy or direction made or given by the Minister in relation to the exercise of powers conferred by subsection (1) of this section.

That does not really mean much at all. I say that because the Minister can take the view that he does not believe that he should lay down the policy or, indeed, that there is no need for him to do so. This means that that subclause would be ineffective, and the board could do as it wished in relation to this matter.

My third point (again I am repeating the doubts to which I have already referred) is that one cannot help but ponder on what might happen if this Bill passes in its present form. Will we in Adelaide move into a situation where works of art from the Art Gallery adorn the walls of private homes? Will they, for example, be hung for display at private parties? That could well happen if this Bill passed and the Minister either did not lay down the policy or thought that it was quite in order for such loans to be made. We must therefore be careful in considering what may happen if this Bill passes in its present form.

I do not want to be unkind in my comments. Indeed, I have a high respect for the Art Gallery Board, all its members, its general policies, and its contribution to South Australia's cultural life. I intend simply to reserve judgment on the Bill and to ask the Minister to give a far greater explanation and more detail in his reply than we have been given in the second reading explanation.

I might well be convinced, by his explanation, that I should support the Bill. I should like the Minister to say when he replies whether any works of art from the Art Gallery have been lent to private galleries or homes for either short terms or longer terms over, say, the past three years.

The Minister's second reading explanation leaves a doubt in one's mind as to whether that practice has been going on. If it has been going on, it has been with the consent of the Minister, who would deserve severe criticism in that case. The blame would lie entirely with the Minister. I stress that I am concerned with the Minister, not with the Art Gallery officers. I will await the Minister's reply to the points I have raised before I decide whether or not to support this Bill.

The Hon. JESSIE COOPER secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 619.)

The Hon. R. A. GEDDES: This Bill is designed to bring the principal Act into conformity with the Vertebrate Pests Act, which has a definition of "occupier" different from that in the Dog Fence Act. Further, this Bill brings the provisions relating to the payment and recovery of rates and special rates into line with the corresponding provisions in the Vertebrate Pests Act. This should enable the rates to be notified jointly, thereby reducing administrative costs. Earlier today we heard a Minister trying to explain away the $5 charge on Crown land leases which is designed to cover administrative costs. In this Bill the Government is trying to reduce administrative costs, and one can only applaud such a move. Clause 6 *(c)* amends section 34 of the principal Act as follows:

> by striking out from subsection (3) the word "balance-sheet" twice occurring, and inserting in lieu thereof, in each case, the passage "statement of receipts and payments".

Section 34 of the principal Act provides that the Dog Fence Board must prepare an annual balance-sheet, but this Bill requires the board instead to prepare an annual statement of receipts and payments. I find in the Auditor-General's Reports that in the past three years the board has submitted statements of receipts and payments, not balance-sheets. So, the board has been contravening the principal Act. It is clearly more efficient for the board to

present a statement of receipts and payments.

The dog fence has an important role to play in keeping out wild dogs and dingoes from the inside country. We all know that wild dogs and dingoes can cause shocking losses of stock. Only last year in the Orroroo district a wild dog came in and killed or injured many lambs and calves. It was some months before the dog was shot. So, even in 1978 the dog fence is necessary. I hope the board will continue to perform its valuable work, and I support the second reading of the Bill.

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

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 620.)

The Hon. D. H. LAIDLAW: This Bill makes minor amendments to the principal Act, which is administered by the Electricity Trust of South Australia and which provides for an advisory committee of five members. Under the principal Act, the Chairman is appointed by the Electricity Trust and the Deputy Chairman is appointed by the Minister of Works; of the three ordinary members, one is nominated by the Electrical Trades Union, one by the Electrical Contractors Association, and one by the Minister of Education. Responsibility for the Electricity Trust has been transferred from the Minister of Works to the Minister of Mines and Energy, and this Bill transfers the right to appoint the Deputy Chairman to the Minister of Mines and Energy. In 1965, when the advisory committee was created, the members were appointed initially for periods varying from five years to one year, and thereafter for terms of five years each. This Bill deletes the staggered terms that initially applied and makes all the appointments of five years duration. I support the second reading of the Bill.

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

ADMINISTRATION OF ACTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 August. Page 620.)

The Hon. J. C. BURDETT: I support the second reading. In his second reading explanation the Minister of Health stated that the purpose of the Bill was to do three things. I agree with the first and the third of those three things, but I do not agree with the second. The first purpose of the Bill is to make clear that, even when there is no explicit power in a particular Act, the Government may, by proclamation, commit or transfer the administration of an Act to a specific Minister. The second reading explanation states that a purpose of the Bill is simply to make this explicit. The kind of procedure to which I have referred is already carried out, and I agree with the provision to which I have referred. The third thing that the Bill does is provide a simple means of determining for the purpose of court proceedings which Minister is responsible for the administration of a particular Act or is vested with a particular statutory power or function. In this connection the Bill simply facilitates proof in court proceedings, and I have no objection to this provision in the Bill. However, I object to the second purpose of the Bill, because it takes away from the powers of Parliament. The Minister's second reading explanation states:

> Secondly, the Bill empowers a Minister to delegate statutory powers and functions to another Minister. At present this power can be exercised by a Minister in whom the administration of an Act is vested.

That is so, by virtue of section 6 of the principal Act. The explanation continues:

> However, certain Ministers (for example, the Attorney-General and the Treasurer) are frequently vested with statutory powers and functions under Acts that they do not in fact administer. The power of delegation is therefore extended by the present Bill to allow any Minister, whether he is responsible for the administration of the relevant Act or not, to delegate statutory powers and functions.

True, there are numerous Acts in which a Minister, other than the Minister who is vested with the function of administering the Act, is given certain statutory powers, and that is usually the Attorney-General or the Treasurer. For example, in the Education Act, while the administration of it is vested in the Minister of Education, certain guarantees may be made on a certificate of the Treasurer. Parliament has seen fit to give this power, not to the Minister who administers the Act but to another Minister, namely the Treasurer. It is in the Treasurer that the administration and control of the public finance of the State is vested, and Parliament deemed, and fairly reasonably it seems, that when it is a matter of the State giving a guarantee, the State being committed financially in this way by the guarantee, it should be the Treasurer's certificate that must be given.

If this Bill is passed, the Treasurer can delegate that power, notwithstanding what the Act provides, or what Parliament states. That is not what Parliament wanted, and is not what it stated. Parliament thought in that case, when a guarantee that would bind the State's finances was to be given, it should be given on the certificate, not of the Minister administering the Act but on that of another Minister charged with the care of the State's finances.

In the same way various things may be done on a certificate of the Attorney-General who may not be the Minister administering the Act in question. That makes sense, because sometimes Parliament thought that certain things should be done, not by the Minister administering the Act but on the certificate of the Minister who is responsible for the administration of justice and of law and order in the State when it fell within his particular sphere.

If this Bill is passed, in most cases the Attorney-General could delegate that power to any Minister, including the Minister administering the particular Act, and if we pass this Bill, we would, in those cases, frustrate the intention of Parliament, because the Treasurer or the Attorney-General could delegate that power to another Minister, a less appropriate Minister including the Minister who administers that particular Act.

We have had an example of this in the previous adjourned debate on a Bill for an Act to amend the Electrical Workers and Contractors Licensing Act. In the principal Act in that case, we find that the ordinary members of the committee shall consist of various people, including a representative of the Minister of Education, whereas that Act is administered by the Minister of Mines and Energy. Section 11 (2), provides for a representative of the Minister of Mines and Energy and also a representative of the Minister of Education. If we pass the Bill, the Minister of Education could presumably delegate his power to appoint a member of the committee to the Minister of Mines and Energy who already elects one

member of the committee.

True, the principal Act already enables the power of Parliament to be frustrated in certain circumstances. I do not think this should be taken any further, because the principal Act provides that, notwithstanding that Parliament has committed the administration of the Act to a Minister, the Governor may, by proclamation, give the administration of that Act to a different Minister. Even though Parliament expresses the intention of stating that such and such an Act shall be administered by a particular Minister, the Government, through the Governor, may, by proclamation, provide that the Act shall be administered, not by the Minister provided for by Parliament but by another Minister. I regret the fact that the principal Act contains that provision, although I do not intend to do anything about that now. However, this principle should be carried no further.

If this Bill is passed in its present form, including clause 3 (which provides for the amendment of section 6 of the principal Act), we would be going even further in enabling the Government to frustrate the intention of Parliament. We would then be providing that even where Parliament considered that there was a special need for a particular Minister, other than the Minister charged with the administration of the Act, to do certain things, that intention of Parliament could be frustrated and the Minister could delegate his power to some other Minister.

If some difficulty arose in regard to a particular Act administered by the Attorney-General, the Treasurer, or some other Minister charged with a particular function in carrying out that power, the Government could ask Parliament to delegate some other Minister or leave that function to the Minister charged with the administration ot the Act. It seems that it is wrong that the expressed intention of Parliament can be set aside by the Executive Government and some other Minister can be given the task that has been vested in a particular Minister by the Parliament. I support the second reading, but I will consider clause 3 in Committee.

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

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 680.)

The CHAIRMAN: When the Committee was considering the Bill previously the Hon. Mr. Hill had before the Chair an amendment to clause 8 and that would have to be withdrawn to enable him to now move a different amendment.

The Hon. C. M. HILL: I seek leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

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

Page 4, after line 48—Insert subclause as follows:

(9) Notwithstanding any other provision of this section, if—

(a) a solicitor acting on behalf of a person detained in a police station (not being a sobering-up centre) in pursuance of this section, or a relative of a person so detained, requests that he be released into the care of the solicitor or relative; and

(b) the officer in charge of the police station is satisfied that the solicitor or relative is able and willing to care properly for that person,

that person shall be released into the care of the solicitor or relative.

The amendment is something of a compromise but, nevertheless, it introduces a check regarding the problems that I have dealt with earlier. I trust that the Minister will accept it.

The Hon. D. H. L. BANFIELD (Minister of Health): I can now accept the amendment. Earlier I was concerned mainly about the word "friend", because anyone could be a "friend". From time to time, the officer in charge of the police station would see how many distant relatives a man had. Under the new amendment, if the officer in charge of a police station is satisfied that the solicitor or relative is able and willing to care properly for the person, the person shall be released into the care of the solicitor or relative. The person in charge of the police station may be the officer who detained the person in the first place, and then he will receive a request to release the person. However, he must be satisfied about the person to whom the release is made.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.46 p.m. the Council adjourned until Tuesday 12 September at 2.15 p.m.