LEGISLATIVE COUNCIL

Wednesday 22 November 1978

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

JURIES ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture): The managers for the two Houses conferred together at the conference, but no agreement was reached. The conference was amicable. The Attorney-General said that he could not accept the amendments made by the Legislative Council. However, he was not unfavourably disposed towards them, and said he would like to consider them at greater length and discuss them with other people involved in the judicial process. For that reason, the conference broke up without any agreement being reached on a compromise, but the Attorney-General did say that he would consider the matter and perhaps be able to introduce other amendments in another Bill in February.

The Hon. J. C. BURDETT: True, the conference failed to reach agreement, but this is no reflection on the managers for either House. The circumstances allowed little room for compromise. The problem was in regard to what happended if a juror became sick or died during a long murder trial. The solution decided on by the House of Assembly was to allow two jurors to be discharged and to allow the trial to continue. The Council considered this to be an undue interference with the 12-person jury system in murder trials. Its solution was to provide for a reserve juror.

The only way in which the conference could have reached agreement would have been if either House had convinced the other of the correctness of its view, and this was inherently unlikely. In any event, it did not happen. Since the Council came to its decision, no substantial reasons have been advanced to suggest why it was wrong, The conference did not reach a conclusion, although that was not through any fault on the part of the managers on either side. I hope the Minister is right when he suggests that the Government may come up with some other solution.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order 338, must resolve to either insist on its amendments or lay the Bill aside.

The Hon. B. A. CHATTERTON moved:

That the Council do not further insist on its amendments.

The Hon. J. C. BURDETT: I oppose the motion and ask the Council to insist on its amendments for the reasons already given, and also because no substantial argument against the amendments was advanced at the conference.

Motion negatived.

Bill laid aside.

PUBLIC WORKS COMMITTEE REPORTS

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

Mount Gambier Community Welfare Centre,

South-East Community College Stage II.

PERSONAL EXPLANATION: REPLY TO QUESTIONS

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make a personal explanation.

Leave granted.

The Hon. D. H. L. BANFIELD: I have always tried to give answers to questions asked by honourable members in the Council before those replies appear in the press. Unfortunately, yesterday, because of human error, I did not give the reply to a question asked by the Hon. Mr. DeGaris regarding workmen's compensation. The reply was handed out elsewhere in the expectation that I would do the right thing yesterday, and a report on that reply has appeared in the press. I apologise to the Council for this because I consider that, if an honourable member asks a question in the Council, the reply thereto should first be given in this place. This merely shows that I am as human as anyone else and am not entirely infallible, as it may seem from time to time that I am. I offer that apology to the Council and hope that it is accepted in the spirit in which it is given.

The PRESIDENT: I am sure that the Council accepts the Minister's explanation.

QUESTIONS

CRIMINAL TRIALS

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Attorney-General, a question regarding the course of preparation of criminal trials.

Leave granted.

The Hon. J. C. BURDETT: My question relates to the use of the police in the preparation of criminal trials. I ask that the Attorney, if he considers it necessary, consult with the Chief Secretary in preparing a reply. I give an example of the matter to which I am referring. On 6 June 1978 a woman at Skye was violently assaulted in circumstances amounting to attempted rape and was robbed by a man in her own house. On 17 June a man was arrested and charged with attempted rape and robbery with violence. On 10 November (I ask the Council to note the dates), certain tests were carried out on blood stains found on the woman's clothing on 6 June. The blood in the vicinity came from both the woman and the man and, because the tests were not conducted until 10 November, they were inconclusive. If those tests had been conducted promptly, it is likely that this would have helped to establish whether or not the man who was arrested was the person who committed the crime.

My questions are: first, will the Minister comment on this matter; and, secondly, are there sufficiently skilled people engaged in forensic tests of this kind? Further, is there an adequate staff to carry them out? Why were the tests not carried out more expeditiously so that the results would have been useful in this case? If there is not sufficient expert staff, what steps does the Minister intend to take to provide such a staff?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member.

BOLIVAR TREATMENT WORKS

The Hon. N. K. FOSTER: I seek leave to make a statement before directing a question to the Leader of the House, representing the Minister of Labour and Industry, on the matter of industrial strife.

Leave granted.

The Hon. N. K. FOSTER: I, like most other people in the community, apart from those who consider themselves somewhat irresponsible in this place (and I find that I have to look towards Mr. Hill when I say that), am concerned about the strife that has gone on for some weeks now at the Bolivar Sewage Treatment Works. Recent press reports, including the one in the *Advertiser* this morning, are disturbing to residents in the immediate vicinity, particularly. In the longer term they indicate possible danger to health if the full cycle in the process of eliminating human wastage is interrupted for much longer.

I make no criticism whatsoever of the trade unions involved in the dispute. No other factor is more conducive to industrial disputation and stoppage than where comparable work is undertaken by one group of workers for a sum of money much less than their fellows receive. I found myself in conflict on this question in the early post-war years, which may be one reason why I find myself, unfortunately, in this place today.

Is it true that the dispute is being prolonged because of the Public Service Board's failure to come to any understanding or agreement on what press reports term a $60 differential for comparable work at that treatment plant? Will the Minister ascertain the veracity of the newspaper reports and take up with the Minister of Labour and Industry and any other Ministers concerned, the Public Service Board's attitude towards settling this serious dispute?

The Hon. D. H. L. BANFIELD: I will obtain a report for the honourable member.

MARIJUANA

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture about the escalation in growing marijuana plants.

Leave granted.

The Hon. M. B. DAWKINS: Some of my constituents have recently contacted me expressing great concern about the escalation in recent months in the growing of marijuana plants in this State. They asked me to express their concern to the Minister of Agriculture and to seek his assistance in controlling this activity. My constituents are anxious to know whether the Minister is concerned about this matter, and I use their words when asking this question. Can the Minister explain how such activity has been allowed to grow to such proportions without his apparent knowledge, and will he say whether he and the Government are anxious to take some action to curtail this activity in those areas, which should more properly be devoted to agricultural pursuits?

The Hon. B. A. CHATTERTON: I do not know why the honourable member addressed his question to me. I find that rather hard to understand.

The Hon. M. B. Dawkins: The question was directed to me and thence to you.

The Hon. B. A. CHATTERTON: I would have thought that the honourable member could apply his Parliamentary experience and direct the question to the Minister most directly responsible. The growing of marijuana is a criminal matter and is the Police Force's responsibility, which comes under the Chief Secretary's jurisdiction. It would be more appropriate if the honourable member were to direct his question to the Minister representing the Chief Secretary.

MEAT HYGIENE

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture about the proposed new legislation on meat hygiene.

Leave granted.

The Hon. F. T. BLEVINS: Reports in the media have stated that the Minister is proposing to introduce legislation to tighten hygiene standards in abattoirs and other places where animals are killed. On the front page of the *Advertiser* today is a full report that I think is particularly well balanced and accurate. On the A.B.C. this morning there was a report, which I believe was derived from the Stockowners Association, saying that the effect of the legislation would be to ban the import of meat into this State. Will the Minister of Agriculture clarify the position?

The Hon. B. A. CHATTERTON: I was somewhat surprised to hear on the A.B.C. news this morning a comment which it was claimed came from the Stockowners Association saying that the proposed legislation would give Samcor a monopoly. That is certainly not true, and it is certainly not the intention of the legislation. The way the legislation is drafted covers only the question of meat hygiene and meat inspection. The area that the legislation is intended to cover is the extension of the metropolitan area into the new suburban districts of Tea Tree Gully, Noarlunga, and so on, which are not presently protected against contaminated meat.

There is nothing in the legislation giving Samcor favourable treatment in that extended area. Animals have to be killed and meat has to be inspected in hygienic premises; that would apply to Samcor, but it equally applies to Metro Meat at Noarlunga, the Murray Bridge meatworks, the Naracoorte meatworks, the Peterborough meatworks, Jacobs' at Mount Barker, and Chapman's at Nairne. So, it applies to many abattoirs which already have high standards of inspection; in fact, export standards. We also propose within this legislation that existing abattoirs that do not currently meet the standards will have three years in which to upgrade. A large group of abattoirs would be free to trade in that extended area. I therefore find it hard to understand in those circumstances how anybody could claim that this legislation is giving Samcor an extended monopoly or a monopoly in any other way. It is a strange interpretation of the legislation.

MARIJUANA

The Hon. M. B. DAWKINS: I seek leave to make a brief explanation before asking a question supplementary to the question I asked earlier about marijuana.

Leave granted.

The Hon. M. B. DAWKINS: I will do as the Minister of Agriculture suggested; that is, redirect my question to the Minister of Health, representing the Chief Secretary in this Council. In so doing I do not propose to repeat the question. As I said earlier, I had a specific request from these people that the question should in the first place be directed to the Minister of Agriculture because they are agricultural people and are concerned about what they consider to be misuse of agricultural land. As the Minister of Agriculture has indicated, I now redirect my question to the Minister of Health and ask him to get a report.

The Hon. D. H. L. BANFIELD: I have never seen such a display of ignorance in all my life. The Hon. Mr. Dawkins asked whether the Government was concerned about this matter. Of course the Government is concerned about the

matter. The honourable member could have already told his constituents that it is a criminal offence to grow marijuana. So, it is obvious the Government is concerned about the matter. The Government cannot stop mushrooms growing on the honourable member's property (and, of course, that is not an agricultural matter) any more than the Government can stop a woolly goat from grazing in the same paddock as sheep.

If someone is doing something that is not lawful, then he is committing a crime. All the honourable member needed to have told his constituents was that the Government has already taken action to criminalise this offence. That is the answer the honourable member can take back to his constituent.

PRIVATE HOSPITALS

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my question of 16 August about private hospitals?

The Hon. D. H. L. BANFIELD: As stated in my earlier reply, I took the matter up with the New South Wales Minister for Health, and have now received the following reply:

> The private hospital under discussion is the Baulkham Hills Private Hospital, Windsor Road, Baulkham Hills, an outer-western suburb of Sydney. The Hospitals Corporation of America has formed an Australian subsidiary registered as the Hospitals Corporation Australia Pty. Limited. It applied to the Foreign Investments Review Board and had received Federal official sanction for the purchase of the hospital.
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> Under the Private Hospitals Act, 1908, there are no legal means whereby the licence can be prevented from being transferred to another individual of good repute, there being no racial, national or other similar constraints. I and my Government are watching the situation closely. I am very conscious of the need to preserve the rights of the workers in this hospital and the welfare of patients is paramount. I am reliably informed that this American company is of good repute and that it is not directly involved with nursing homes.
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> There should not be any rise in fees in consequence of the take-over. In any event, the fees are to a very great extent, governed by the benefits whch are available from the various funds and the financial capabilities of the local populace.

The Hon. N. K. FOSTER: In view of the Minister's reply and the inability of the New South Wales State Government (I assume it would also apply to the South Australian Government) to have any form of real control or power of restriction over foreign ownership in the private hospital sector, will the Minister ask his colleague whether or not consideration ought to be given to introducing legislation in South Australia to protect the community against inroads that may well be made, resulting in a monopoly in the private hospital sector in this State, by such an organisation which has now gained recognition in other parts of Australia?

The Hon. D. H. L. BANFIELD: I will refer the matter to my colleague and bring down a reply.

BOARD FEES

The Hon. M. B. DAWKINS: In the temporary absence of the Hon. Mr. DeGaris, I ask the Minister of Health whether he has a reply to the Leader's recent question about board fees.

The Hon. D. H. L. BANFIELD: A new scale of fees to apply to Government appointed boards and committees, representing a general increase of approximately 20 per cent, came into operation as from 1 July 1978. The last review became operative on 1 April 1976. This latest increase is therefore consistent with general movements in the level of wages and salaries governed by wage indexation principles.

WORKMEN'S COMPENSATION

The Hon. M. B. DAWKINS: Has the Minister of Health a reply to the Leader's recent question about workmen's compensation?

The Hon. D. H. L. BANFIELD: The Minister of Labour and Industry has provided the following information in response to the honourable member's questions with regard to workmen's compensation. The figures quoted by the honourable member in respect of workmen's compensation and premiums are correct. In fact, the amount paid out on claims as a percentage of premiums collected by insurance companies has declined from 102·3 per cent in 1972-73 to 61·7 per cent in 1976-77. More specifically, according to the *General Insurance Bulletin*, issued by the Australian Bureau of Statistics in September 1978, premiums collected in 1976-77 amounted to $80 900 000 while payout on claims was only $49 900 000, a difference of some $31 000 000. From 1972-73 to 1976-77 the cumulative amount by which premiums exceeded payments is $73 600 000 which presumably has been placed in reserves. At the current level of payout, that is more than 12 months coverage of claims. The relevant statistics of workmen's compensation claims and premiums for the last five years for which statistics are available are shown in the following table:

South Australian Workmen's Compensation
Claims and Premiums

Year	Claims	Premiums	Claims as percentage of premiums
	($m)	($m)	
1972-73	19·1	18·6	102·7
1973-74	28·5	34·2	83·3
1974-75	48·1	60·6	79·4
1975-76	44·1	69·0	63·9
1976-77	49·9	80·9	61·7

One of the disturbing features of the statistics in this table is the fact that, in the period 1972-73 to 1976-77, workmen's compensation premiums expanded by 435 per cent whilst claims paid out to employees who had been injured increased by 261 per cent.

The Government agrees that current workmen's compensation premiums appear excessive. The Minister of Labour and Industry has been concerned for some time about the level of workmen's compensation premiums and raised this matter only recently with members of his Industrial Relations Advisory Council at the special meeting held on 1 November to discuss an agreed approach to the 24 November meeting of Federal and State Ministers on unemployment. The Minister indicated that the insurance industry had a *prima facie* case to answer and asked employer representatives on that council to advise their organisations accordingly. Contrary to the belief of the honourable member that the S.G.I.C. holds most of the workmen's compensation insurance in this State, that commission in fact accounts for less than 5 per cent of total workmen's compensation insurance premiums and payments in the State. The S.G.I.C., therefore, is not the general price setter in the market.

The Insurance Council of Australia sets out a schedule of recommended rates for its members. However, the S.G.I.C. approaches each case on its merits and sets rates accordingly. The S.G.I.C. is not subject to recommenda-

tions issued by the Insurance Council of Australia and all S.G.I.C. rates are compiled independently of the recommended rates put out by the Insurance Council of Australia. If the honourable member is sincere in his wish to see workmen's compensation premiums in South Australia reduced by at least 20 per cent, it is suggested that he approaches his friends in the private sector, and in particular the Insurance Council of Australia, with a view to ascertaining why there is such a large gap between workmen's compensation premiums and workmen's compensation claims. The Government would welcome the assistance of the honourable member in having workmen's compensation premiums lowered to a more realistic level.

INDIVIDUAL AXLES

Adjourned debate on motion of Hon. M. B. Dawkins:

That the regulations made on 29 June 1978 under the Road Traffic Act, 1961-1976, in relation to the aggregation of the mass on individual axles, and laid on the table of this Council on 13 July 1978 be disallowed.

(Continued from 25 October. Page 1646.)

The Hon. R. A. GEDDES: I rise to speak against these regulations. In lay terms the regulations are designed to approve of, or allow for, end-to-end weighing as a method of ascertaining the mass of a semi-trainer with all the variables that semi-trailers can have these days, with tri-axles, double bogies and all other manner of combinations of wheel assembly.

End-to-end weighing consists of weighing the axles or axle group at each end of a vehicle individually, adding the total results, and assuming that this represents the gross mass weight of the vehicle. The practice of end-to-end weighing is not always reliable, because of so many variables caused by mechanical or human variation. The variation of half an inch between the concrete apron of a weighbridge and the weighbridge itself could produce a weight variation of plus or minus one tonne on the triaxle or tandem trailer. Even with all conditions as favourable as possible for accuracy, there can be a 20 per cent variance.

The trucking industry is most concerned about this method of weighing semi-trailers, because of the heavy fines that can be imposed as a result of using the weighbridge in this way. From the evidence submitted to the Subordinate Legislation Committee, it is obvious that the Government must consider the problem further. Because it is the only method available to the Parliament to correct or alter this procedure, it is necessary to vote against the proposed regulation.

It is worthy of note that in New South Wales, where end-to-end weighing of semi-trailers takes place, the weighbridge authorities always show on the weighbridge card that the method is end-to-end weighing and the results cannot be guaranteed. Even that type of provision in our regulation possibly could help to solve the problem that the transport industry has and give a proper, equitable and fair method of weighing the transports which use our roads and which are so vital to the well-being of so many people. I support the motion.

The Hon. M. B. DAWKINS: I thank honourable members for their contributions to the debate, and I repeat my concern about the inaccuracy that can occur. When moving the motion, I gave one example that showed a discrepancy of from four to five tonnes in two weighings. I want to draw the attention of the Council to a personal letter written by Mr. Jim Crawford to Mr. John Mathwin, a member of another place. That letter states:

Attached is an article from the August edition of the Australian Transport Magazine *Highway Transport*, which sets out the problems experienced by Sporne's Transport. Personally, I am dead opposed to the Highways Department's procedure of split weighing because I think it is not an accurate method of assessing individual axle weights.

The letter that was attached is as follows:

Due to inadequate platform length and limited capacity of the majority of weighbridges available for use by the South Australian Highways Department to check the weight of heavy vehicles, it is customary procedure of the weighing officer to weigh a triaxle group of axles in two operations. Usually the first two axles are weighed as a tandem then the remaining axle weighed separately. The sum of the two weighings is then regarded as being the total weight of the triaxle. South Australian ordinance does permit any axle to be weighed individually.

The PRESIDENT: I ask the honourable member to speak more loudly, as I am having difficulty hearing him.

The Hon. M. B. DAWKINS: The letter continues:

It has always been our company's opinion that this method of weighing a triaxle is most unsatisfactory and could not produce an accurate assessment. However, because of the expense which would be involved to challenge this procedure in court it has been our policy in the past to plead guilty and pay the fine imposed.

With the introduction of higher penalties for breaches of weight regulations we revised our attitude. Several test weighings of groups were carried out and the results obtained showed a variation of approximately 30 per cent (from − 18 per cent to + 12 per cent) when single operation weighings were compared with a two section weighing.

Following the weighing of a company vehicle by the Highways Department at Parafield, S.A., which resulted in an alleged overload of 2·15 tonnes on the triaxle group our company decided to contest the charge before the Court.

In due course the case was heard at Elizabeth court in April 1978, our company being represented by senior counsel. Valuable evidence was presented to the court by a Melbourne engineering consultant who is well qualified to present the many aspects of triaxle suspension behaviour when weighed in sections.

After some seven weeks of consideration the magistrate dismissed the charge and awarded our company $350 costs; however, it is quite possible an appeal against the judgment could be lodged after an analysis of the written judgment by the Highways Department.

From a financial point of view the exercise was a failure, having cost approximately $2 500 in various expenses, but it is hoped that the South Australian Motor Traffic Act will be amended, specifying that the weighing of a triaxle group of axles fitted with load-sharing suspension must be weighed in one operation.

That letter is signed by Mr. R. C. Sporne, of Sporne's Transport Pty. Ltd., and is another example of an experienced transport firm indicating a difference of from minus 18 per cent to plus 12 per cent. This underlines the unsatisfactory situation regarding the regulation, and I ask the Council to support my motion for disallowance.

The Council divided on the motion:

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

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R.

Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. C. W. Creedon.

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

Motion thus carried.

RURAL LAND

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

That the regulations made on 6 April 1978 under the Planning and Development Act, 1966-1978, in relation to rural land subdivisions, and laid on the table of this Council on 13 July 1978 be disallowed.

This regulation, known as regulation 70a, relates to the subdivision of rural land. The first part of the regulation is as follows:

The Director or a council may refuse approval to any plan of subdivision or resubdivision relating to any land in a rural area if such plan would create an allotment which would not be an ecomonic unit.

The regulation goes on to define land in a rural area, and then deals with the matter of "economic unit", as follows:

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

It therefore means that, if this regulation were allowed, the Director would not give consent to the subdivision of land (we are, in the main, dealing with parcels of land of a few hectares in area, because we are talking about rural subdivisions) unless the land so created was an economic unit.

Many people who wish to occupy such land have no intention of using it as an economic unit. In other words, they have other means of livelihood, and they choose to live a lifestyle not as people in urban areas do but as do people who live in a rural environment.

In many cases, these people subsidise their income by using part of their new holding of a few hectares. In many cases, they work in townships and, at the same time, seek land of this kind on which to live and from which they can supplement their regular income. Those people will be precluded from that acquisition and lifestyle as a result of this regulation, which I consider should be disallowed.

Many people whom one might describe as seasonal workers (such as shearers, fishermen and fruit pickers) and who are needed in rural areas prefer to live on land of this kind and size rather than on small building allotments in townships throughout the State.

Such land will not be available for this category of person if this regulation is allowed. The people to whom I have referred play an important part in this State's rural community, and I should like to know what harm they do if they are permitted to live on such land in the manner to which I have referred.

Also, on the fringes of urban areas throughout the length and breadth of this State there are pensioners who supplement their pension by a minimum amount of rural activity. This involves work which they cannot do on a normal township allotment but which they can do if they have a few hectares on which to work. Surely all the people to whom I have referred are entitled to this style of living. However, they are prevented—

The Hon. C. J. Sumner: Anywhere at any time: is that what you're saying?

The Hon. C. M. HILL: It could be anywhere at any time.

The Hon. C. J. Sumner: Totally uncontrolled development: that's what you're saying.

The Hon. C. M. HILL: I point out that, although the honourable member talks about "anywhere at any time", the regulation includes considerable discretion that is placed in the hands of the bureaucrats. That is the type of thing the honourable member wants to see, because he undoubtedly supports this regulation. As we all know, he and the bureaucrats go hand-in-hand. The other part of the regulation deals with rural pursuits.

The Hon. N. K. FOSTER: On a point of order, it crosses my mind that the honourable gentleman may have the right to canvass this matter in the way in which he is doing so. However, I feel that it is remiss in relation to Standing Orders if the honourable member is allowed to continue in this vein, as he is canvassing an area involving a Bill which was debated in earnest last evening and which is due to be debated today.

The PRESIDENT: The honourable member only feels that; if he had a point of order he could put it more clearly.

The Hon. C. M. HILL: Secondly, it deals with the part of the regulation that indicates that land use proposed for the suggested subdivision must be the land use predominantly practised in that locality. How restrictive are we getting when we entertain regulations of this kind? For example, we see instances where people want to live in a rural area and grow flowers, strawberries or mushrooms, or to develop a vegetable and fruit-growing activity, none of which is predominantly practised in that locality.

On the basis of this regulation, that kind of subdivision would be prevented, and those people who freely choose to start a rural activity different from that predominantly practised in that locality would be restricted and prevented from so doing. In other words, according to the Government's regulation, no new form of development of this kind in a rural sense is to be allowed. That should not occur. People should have the right, if they wish, to try growing flowers or mushrooms, or some other activity that is not being carried out there.

It has been said that this kind of subdivision causes increased rating for adjacent properties, and that is why some objections are being made to the Government about it. Statutory means are available to overcome the problem. People with broad acres who fear that their rates might increase because land is being sold for hobby farms or farmlets nearby can apply for special rural rating. The Government could further legislate on this aspect to give them some relief.

People claim that some of these small holdings are neglected, become fire hazards, and are aesthetically degrading because of owners' neglect. Laws and regulations exist to cover that problem, so I do not accept that as a serious excuse. My last, and very important point, in principle, is that Parliament disallowed this same regulation in the last session, and then the Government re-gazetted it, so that it immediately took the force of law again. That was an insult to Parliament. Unless the particular House is immediately told that a grievous error has been made, or some point had been overlooked (and that action was not taken by the Government) how can any House, comprising as it does representatives of the people, that disallows a regulation watch the Government of the day, without any new evidence, re-gazette it?

If we allow that, Parliament is not the law-making authority of South Australian society; the Government of the day is. Members on both sides must surely admit to the

principle that, in a matter such as this, Parliament should be supreme. For those reasons, I urge the Council to disallow this regulation.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I oppose the motion. The Hon. Mr. Hill's attitude towards this matter is quite extraordinary. His remarks this afternoon, combined with his contributions to the debate last evening on the amendments to the Planning and Development Act, show that he believes in completely unfettered and indiscriminate rural subdivision. That is an irresponsible attitude, considering the destruction of agricultural and horticultural land, particularly around Adelaide.

It is important to remind honourable members that we have some valuable land around Adelaide which is irreplaceable and which is the basis of several important industries in this State. I particularly draw attention to the wine industry, with its land at McLaren Vale and the Barossa Valley that I think cannot be replaced. It has a unique climate and soil.

The Hon. C. M. Hill: What about the vineyards at Golden Grove that your Government took for housing?

The Hon. B. A. CHATTERTON: The vineyards at Golden Grove and Magill, and the foothills of the Mount Lofty Range, should serve as a warning about what has happened in terms of urban development. It is extraordinary that the Hon. Mr. Hill does not seem to care about this encroachment or change in land use, and is quite prepared, for his own reasons, to see that land use is completely unfettered and indiscriminate. This comes through in his arguments in this debate. The land in the Barossa Valley and McLaren Vale cannot easily be replaced. The wine industry has built up a unique reputation and has contributed greatly to the State's tourist industry. It is important, not only in its direct effect on people living in those areas but also in its considerable spin-offs to the State's economy.

The Hon. Mr. Hill completely ignored the problems of the destruction of those areas. Other areas, such as the Adelaide Hills vegetable and fruit-growing activities and the Virginia area for vegetable growing, also play an important part in the State's economy. We must do what we can to preserve these areas. The Hon. Mr. Hill tried to gain our sympathy by saying that part-time rural workers (shearers, fruit pickers, and so on) should have opportunities to own a small area of land that could be worked on a part-time basis. I suggest that this is available to most rural workers already.

The people about whom we are talking do not live in that particular belt around Adelaide. Many small blocks are available in the Riverland for purchase by people who want to work part-time, and hold a job in a cannery, or in some other seasonal occupation. The Hon. Mr. Hill also tried to interpret this regulation in a way that I am sure was not intended, when he said that an allotment would be created only if "the type of use was the type predominantly and substantially practised in the locality".

He tried to make this definition extremely tight by saying that, if mushroom growing was not practised or if some exotic vegetable was not grown in a district, it would not be allowed. I am sure that that was not the definition intended, and that by "predominantly and substantially practised in that district", it would refer to intensive horticulture, vegetables, fruit trees, or something like that. It is not intended in the regulation to specify the type or variety of fruit tree, or the type of vegetable crop to be grown.

To try to put that definition into the regulation is carrying it to an absolute absurdity and distorting the meaning of it. The Hon. Mr. Hill is also rather illogical in his criticism of the type of wording in the regulations. Last evening he was praising the English system of control based on a system of land use, yet he is now saying it is not a good idea to have land use involved in these regulations. It seems to be rather illogical that in one debate, on the Planning and Development Act Amendment Bill, he should be praising the English system of land use control, while in this debate he is saying, "No; it is no good making any attempt to introduce any land use criteria in the subdivision of land." It seems to me his arguments have been very inconsistent.

The regulations deal with the concept of an economic unit, which we all know is a very difficult concept to define, but it does provide us with some system of subdivision control. In these circumstances it is perhaps not the ideal system, but it does hold the situation, which we all know is deteriorating, until other means are determined of producing a better system to preserve the landscape and to prevent the agricultural and horticultural industries from being destroyed by indiscriminate subdivision. This method is worth pursuing. For those reasons I oppose the motion.

The Hon. N. K. FOSTER: I oppose the motion. The Hon. Mr. Hill is well known for indulging in the real estate industry. Murray Hill flogs properties under his own name when they become available to his business organisation. Last evening he criticised the Government about certain developments outside Strathalbyn: I refer to the Highland Valley development. The honourable member well knows that there is a crying need for some form of regulation and for changing regulations to meet changing situations.

Does the honourable member suggest that we should continue to turn a blind eye to the desecration of valuable land in the near Adelaide Hills area? The honourable member should compare the present state of the Piccadilly, Carey Gully, and Cudlee Creek areas with what they were producing between 10 years and 20 years ago; they are now overrun by native and exotic weeds. Does the honourable member believe we should take a fixed attitude toward these matters? Does he suggest that the Buckland Park and Virginia estates should have remained as they were until the early 1960's, instead of being broken up into viable units? This regulation seeks to impose restrictions associated with land use.

One of the the great tragedies of the post-war years has been the competition indulged in by various land agents. Liberal Governments in the past failed to recognise that there was an urgent need for preservation of agricultural pursuits in the Adelaide Hills and Adelaide Plains areas, and those Governments did nothing about it. Land agents went to the Adelaide Hills and bought up one property in each of several localities, paying between five times and 10 times the going price. The land agents shrewdly calculated that Joe Blow, having sold his property for $25 000 when it was worth only $4 000, would tell his story and lead others to say, "Did you hear what Joe Blow got for his property?" In this way the whole thing escalated out of all proportion.

It is necessary to provide for land use in specific areas. Much of the area in question is within local government boundaries, but I point out that only a small proportion of the total area of the State is covered by the Local Government Act. Is there any sense in depleting our water resources in Virginia to grow potatoes if they could be grown more economically on land that is at present waste land? As the level of the artesian basin underlying the Virginia area falls, so the salinity of the water increases. As a result, the time may come when we cannot grow vegetables in the Adelaide Plains. That area should be maintained at all costs.

This is basically what it is about. That is what it aims to do. We cannot go on willy-nilly seeing good producing land being lost. Land the other side of Meadows is being broken up into 40-hectare blocks, and given to somebody who will erect a fence around it and use it to breed dogs. The number of dog-breeding kennels on the north side of the city is terrible. Lindsay Park stud breeds foals to give away to the monarchy.

The Hon. C. M. Hill: What is it worth as an industry?

The Hon. N. K. FOSTER: If you could calculate what the racing industry is worth on the basis of a letter you and I received recently, then you can ask a lot of questions from that, because it is not fully and properly determined. There has been a downturn in the racing industry. The industry is worth a lot more if you are able to procure breeding studs and sell them overseas. It may fluctuate if there are better studs overseas than those studs standing in local areas. The industry cannot be based on cereal or vegetable growing in South Australia.

The Hon. Mr. Hill is playing politics in regard to this matter because of the industry he represents and which pertains to land use. People such as the Hon. Mr. Hill should not be engaged in the industry because they are not sincere. People in a community that can afford such luxuries, and those in the higher bracket, get some protection. We can compare Sir Edward Hayward, with his vast stud at Delamere, to the person who gets five or 10 acres, which becomes overrun with blackberries, streams get polluted, and who uses it to keep half a dozen geese, four dogs, a wife, and a couple of kids.

That is not good enough in a State which is already starved for good land and which should be maintaining the highest production rate, not only from the economic viewpoint but also of necessity. If you want to put the clock back and say that those areas ought to be maintained and we should do what we like with them, then I do not believe that you are sincere. The Hon. Mr. Hill told me he missed out on a very lucrative deal because he could have got the whole of Skye for $30 000.

The Hon. C. M. Hill: What are you talking about?

The Hon. N. K. FOSTER: He would have sat on it for four years and made $5 000 000, as the average block sold for almost $30 000 two or three years later. If that is his concept, I suggest that the Hon. Mr. Hill is being less than honest.

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 3)

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

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

That this Bill be now read a second time.

Its purpose is to enable the Government, by regulation, to ban dangerous articles. The three groups of articles that have inspired the amendment are imitation firearms, self-protecting aerosol sprays, and hand-held catapults. The amendment, however, is drawn in a general form so that the Government will from time to time in the future be able to ban other dangerous articles as the need arises without incurring the delays involved in passing amending legislation on each occasion.

The imitation firearms that the Government is concerned about are exact copies of genuine firearms. Most of them are impossible to distinguish from the genuine weapon without close examination. Some of them are capable of firing blank cartridges. Their potential for use in crime is obvious.

Self-protecting aerosol sprays are used by directing the spray into the face of an attacker. They cause temporary blindness and may damage the respiratory system. If these sprays remain available it is impossible to ensure that they will not be used for aggression instead of defence.

The hand-held catapult now available in Adelaide is an extremely powerful weapon capable of firing a missile, such as a ball bearing, at over 200 ft. a second. It is a precision instrument and capable of great accuracy and, in the hands of irresponsible people, will be a threat to the safety of others.

Clause 1 is formal. Clause 2 amends section 15 of the principal Act. Paragraph *(a)* inserts a new subsection that makes it an offence to manufacture, sell, distribute, supply, possess, or use a dangerous article. The provision excludes a person who has a lawful excuse for doing any of these things. Paragraph *(b)* replaces subsection (2) of the section to simplify the drafting and to enable the forfeiture of dangerous articles to the Crown. Paragraph *(c)* defines "dangerous article" to be an article or thing declared by regulation to be a dangerous article for the purposes of the section. Paragraph *(d)* redefines "prescribed drug" to mean one declared by regulation instead of one by proclamation. Paragraph *(e)* adds a new subsection empowering the Governor to make regulations for the purposes of the two definitions. I commend the Bill to honourable members.

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

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 21 November. Page 2118.)

Clauses 68 to 70 passed.

Clause 71—"Duty to surrender vehicle."

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

Page 21, line 10—Leave out paragraph *(d)* and insert paragraph as follows:

(d) by inserting after the passage "deliver up the vehicle" the passage "as soon as reasonably practicable".

My amendment would result in a more practicable arrangement, something that can be sustained rather than something that will sometimes be impracticable. My amendment is more sensible than the provision in the Bill.

The Hon. T. M. CASEY (Minister of Lands): I sympathise with the honourable member, as I know what he is trying to do. This amendment is partly recommended at the request of members of the Police Department as they are required not only to assist members of the public to recover their damaged vehicles but also for simple breakdowns. They, not the inspectorate, can assist members of the public at this stage unless the section is amended accordingly. The suggested amendment also protects the crash repairer by the addition requiring a member of the public to pay any lawful claim for the quotation of the cost of repair. The word "forthwith" is added to prevent crash repairers refusing delivery of the vehicle to the owner by stating that they will acquire advice on the matter and advise. As the honourable member seeks to make this situation a little more simple, will he accept after the passage "deliver up forthwith" the

passage "during normal business hours"? I think this would satisfy the honourable member and would be more in keeping with the spirit of the amendment.

The Hon. M. B. DAWKINS: I appreciate the Minister's helpful attitude, but I believe my amendment is better. The Minister referred to "forthwith" to strengthen the amendment, but the amendment does not say when the vehicle should be delivered: it could be at any time. The use of "forthwith" gives too much strength. My amendment strengthens the existing provisions, because it requires that the vehicle should be delivered as soon as reasonably practicable. I wish to sustain my amendment.

The Hon. C. M. HILL: Can the Minister say what are normal business hours in the tow-truck industry?

The Hon. T. M. CASEY: We are dealing with the crash repair industry. I think the hours are from 7 a.m. until 5.30 p.m.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. C. W. Creedon.

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

Amendment thus negatived; clause passed.

Clause 72 passed.

Clause 73—"Persons who may ride in tow-truck."

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

Page 21, lines 33 to 44—Leave out the whole clause and insert clause as follows:

73. Section 98o of the principal Act is amended—

(a) by striking out the passage "to or from the scene" and inserting in lieu thereof the passage "within the area to the scene";

(b) by inserting after the present contents, as amended by this section (which are hereby designated subsection (1) thereof) the following subsections:

(2) No person other than—

(a) the driver of the towtruck;

(b) the owner, driver or person in charge of a damaged vehicle that is being towed; and

(c) any person who was a passenger in that damaged vehicle,

shall ride in or upon a towtruck while it is towing a damaged vehicle within the area from the scene of an accident.

Penalty: Two hundred dollars.

(3) Where a person rides in or upon a towtruck in contravention of subsection (1) or subsection (2) of this section, the driver of the towtruck shall also be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) An allegation in any complaint for an offence against this section that a towtruck was being driven, or was towing a vehicle, within the area to or from the scene of an accident shall, in the absence of proof to the contrary, be proof of the facts so stated.

I understand that sometimes, when a tow-truck operator goes to the scene of an accident, there is no other conveyance available for other people involved. The amendment allows the tow-truck operator to take with him, in the cabin of the tow-truck, the owner, driver or passenger from the damaged vehicle. I do not agree with the suggestion by a section of the tow-truck industry that members of the family of the tow-truck operator should be permitted to be in the vehicle. I believe that is wrong. The amendment provides for cases of non-observance of this restriction, and would improve the legislation.

The Hon. T. M. CASEY: At present, only the tow-truck driver is allowed in the tow-truck when going to the scene of an accident but, when he is returning from the scene, a person involved in the accident also can go in the tow-truck. I am not disputing what the honourable member is trying to do but I would prefer to leave the matter for a conference to determine. For that reason, I cannot accept the amendment.

Amendment carried; clause as amended passed.

Clause 74—"Inspectors."

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

Page 22, lines 2 to 29—Leave out paragraphs *(a)*, *(b)*, *(c)* and *(d)* and insert paragraph as follows:

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

(3) Subject to subsection (3a) of this section, an inspector may, on any day and at any hour, with such assistants (if any) as he thinks reasonably necessary, upon the authority of a warrant issued by a justice—

(a) break into any premises;

(b) break into any part of the premises or any vehicle or thing contained in the premises;

(c) enter upon and search any premises or any vehicle or thing contained in those premises;

(d) require the driver of a tow-truck to stop his vehicle;

(e) require any person to produce any documents or books that may be relevant to the investigation, and to take copies of those documents or books, or any part thereof; and

(f) require any person to answer truthfully any question that may be relevant to the investigation.

This amendment supersedes the amendment to line 27 on page 22, and amends lines 2 to 29 on that page. The clause gives inspectors fairly wide powers. The legislation provides for powers to be exercised upon the authority of a warrant issued by a justice, and the Bill gives these stringent powers without the need for a warrant.

The power to enter upon and search any premises is reasonable. Further, I am not complaining about the power to require any person to produce any documents or books that may be relevant to the investigation or about the power to take copies of those documents or books or any part of them. However, new paragraph (b) of paragraph (d) provides:

Without a warrant—

(iv) seize any documents, books or other objects that may furnish evidence of an offence against this Act; and

(v) require any person to answer forthwith and truthfully any question that may be relevant to the investigation.

I believe that those requirements are too stringent and that the inspector's powers should be subject to the authority of a warrant issued by a justice. It should not be possible for an inspector, especially without a warrant, to seize any documents after he has had the opportunity to inspect them and take copies. Paragraph (f) of my amendment

deletes the requirement to answer forthwith any questions that may be relevant, and requires a person only to answer truthfully. A person should have the opportunity to consider his reply before he gives it.

The Hon. T. M. CASEY: The amendment is unacceptable to the Government. To leave out paragraphs (a), (b), (c) and (d) and insert new paragraphs would mean that a warrant would have to be obtained on every occasion on which an inspector wished to perform a normal day-to-day routine inquiry. This is where the honourable member has missed the point. Similar provisions to those in this Bill are in many Acts, such as the Industrial Code, the Consumer Credit Act, the Prices Act, the Industrial Safety, Health and Welfare Act, and the Inflammable Liquids Act, yet the honourable member wants the Government to accept this amendment.

If it works well in relation to the Acts to which I have referred, there is no reason why it should not work well in relation to this legislation. Regarding the amendment to delete "forthwith and", I assure the honourable member that inspectors experience much difficulty obtaining information from the people whom they interview. When the people are interviewed, they say, "Come back in a week, and I will give you an answer." However, that is not good enough. The Parliamentary Counsel, who drafted this clause, has been assured that a person will be able to refuse to provide further information pending legal advice.

We seem to have a difference of opinion between lawyers, as I see the Hon. Mr. Burdett shaking his head. However, according to the Parliamentary Counsel that assurance was given in another place. We must consider whether or not inspectors can get the information they require within a reasonable time and, if people who are questioned are allowed to fob off inspectors, it makes things difficult indeed. Those involved will not have to answer questions if they say that they will obtain legal advice, and that is fair enough. I therefore oppose the amendment.

The Hon. J. C. BURDETT: I strongly refute the Minister's suggestion that the Bill, as it stands, means that a person may refuse to answer questions until he has consulted his legal practitioner. It is a well recognised canon of construction that Statutes have been interpreted according to the plain literal and grammatical meaning. This provision means that a person will have to answer questions forthwith: it does not mean that he must do so tomorrow, after he has consulted his solicitor. If the Minister wants to move an amendment relating to obtaining legal advice, he can do so.

The requirement to answer any question that may be relevant to the investigation is a wide one indeed. I remind the Committee that it is a power that even the police do not have. Apart from a few specified things in the various enactments, generally speaking, if the police ask a person a question, he may refuse to answer. Indeed, that often happens. In some instances, it has been necessary to insert an enactment that a person is obliged to answer questions asked of him. Usually, that is restricted to specific Acts. Rarely does one find such a wide obligation as we have in this instance. This is indeed a great obligation that is being imposed on the person concerned, and is one of a kind that is not often imposed in other Acts.

The Minister has referred to other Acts in which fairly wide powers exist. However, I point out that honourable members usually complain about them. Wide powers of this kind are something of which Opposition members in this place have, for good reason, been suspicious. I refer, for example, to the power, without warrant, to enter premises and search them, and the power to seize documents, which, as the Hon. Mr. Dawkins said, are wide indeed. In the interests of freedom of the individual, we ought to think closely about them.

One must remember also that the persons administering these provisions are not police officers but inspectors. In this State, we have come to respect the Police Force as the usual and main law enforcement agency. Often, we find that inspectors do not have the expertise and fairmindedness of police officers. Sometimes, the power that they possess seems to go to their head, so it is not wise to give them too much power. These are indeed wide powers and, broadly speaking, are wider (particularly in relation to asking questions and insisting on an answer) than those possessed by police officers. The Hon. Mr. Dawkins' amendment is a reasonable way of restricting these powers. I therefore support the amendment.

The Hon. T. M. CASEY: The Hon. Mr. Burdett claims that these inspectors do not sometimes have the necessary qualifications.

The Hon. R. C. DeGaris: It is not a question of qualifications.

The Hon. J. C. Burdett: I did not use the word "qualifications".

The Hon. T. M. CASEY: What word did the honourable member use, then?

The Hon. J. C. Burdett: Do you want me to repeat everything I said?

The Hon. T. M. CASEY: I assure the Committee that the two inspectors who are operating under this Act have between them about 60 years experience with the Criminal Investigation Branch.

The Hon. J. C. Burdett: They won't always be the same inspectors.

The Hon. T. M. CASEY: The Hon. Mr. Burdett said that the people who are administering this Act do not have the proper experience, or words to that effect. However, I point out that the two inspectors have between them 60 years experience with the C.I.B.

The Hon. J. C. Burdett: Well, write their names in the Bill, then.

The Hon. T. M. CASEY: Being a lawyer, the Hon. Mr. Burdett must agree that it is the right of any person to obtain legal advice before answering questions put to him.

The Hon. J. C. Burdett: Not when it is written in this way.

The Hon. T. M. CASEY: According to the Parliamentary Counsel, it does exactly that. After all, he drafted the Bill and, if the honourable member wants to dispute the matter with the Parliamentary Counsel, he can do so.

The Hon. J. C. Burdett: I do.

The Hon. T. M. CASEY: The honourable member can do so. However, the Parliamentary Counsel has given an assurance that a person's right to seek legal advice before answering questions is not disputed. I cannot therefore accept the amendment.

The Hon. J. C. BURDETT: I am by no means satisfied that the Parliamentary Counsel has said that. I repeat what I said before. What is in the Bill requires a person to reply to any question forthwith. Certainly, on my interpretation, whatever the Parliamentary Counsel may or may not have said, that means exactly what it says, namely, that there is an obligation to answer forthwith. There is not the ability to say "No. I will not answer until I have had the opportunity of taking legal advice." Regarding questions asked by the police, of course the person may decline to answer until he has had legal advice, or he may decline to answer at all, because there is no obligation to answer the police. But, it is expressly stated, and the legislation requires any person to answer forthwith. I certainly dispute any opinion which may have been given that those words do not mean what they say.

The Hon. T. M. CASEY: I assure the honourable member that what I read previously was taken from *Hansard* in another place. It is spelt out by the Minister who introduced the Bill, and I read from it again:

> I am assured by the Parliamentary Council that the provision that a person will be able to refuse to provide further information pending legal advice applies in this instance.

The Hon. R. C. DeGARIS (Leader of the Opposition): That is an opinion expressed by the Minister. We have had examples lately where firm undertakings have been given by Ministers in this place that have not meant one thing whatsoever, but have meant exactly the reverse of the undertakings given.

The Hon. M. B. DAWKINS: I agree entirely with the Hon. Mr. Burdett's statement that "forthwith" means exactly what is says. I also indicate, in case there is any indecision or query, that I am moving the paragraphs that I previously read out. After the clause has been dealt with, with your concurrence, Mr. Chairman, I will deal with lines 39 and 40 on page 22, and also with new subsection (10) on page 23. I ask members to support the amendment.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. B. A. Chatterton.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To allow the amendment to be further considered, I give my casting vote for the Ayes.

Amendment thus carried.

The Hon. M. B. DAWKINS: For the reasons which have been canvassed and which I do not propose to canvass again, I move:

> Page 22, lines 39 and 40—Leave out all words in these lines.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. B. A. Chatterton.

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

Amendment thus carried.

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

> Page 23, lines 18 to 21—Leave out all words in these lines.

The powers conferred on inspectors by this Part are very considerable. The Minister has said that, between them, the two inspectors have 60 years experience. This may mean that one or both of the inspectors are close to retirement. Succeeding inspectors may not have exactly the same attitude that the present inspectors have. Liability should not be completely taken away from inspectors, as they have the power to search and to break into premises.

The Hon. T. M. CASEY: The Government cannot accept the amendment. Subsection (10) provides a protection for inspectors. A similar provision occurs in several other Acts.

The Hon. J. C. BURDETT: I support the amendment. We have had several instances recently of Government legislation that relieves people, who have wide powers, of any liability. I do not see why such people should be completely immune. If they exercise their wide powers improperly, they should be answerable in the same way as anyone else would be answerable.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

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

Amendment thus carried; clause as amended passed.

Clauses 75 to 87 passed.

Clause 88—"Effect of dishonoured cheques on transactions under the Act."

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

> Page 28—
>
> Lines 15 to 17—Leave out all words in these lines after "presentation," in line 15 and insert "the Registrar may, by notice in writing served personally or by post upon the person by or on whose behalf the cheque was tendered, avoid the transaction".
>
> Lines 18 to 28—Leave out subsections (2) and (3).
>
> Line 29—Leave out "void by virtue of" and insert "avoided under".

My amendments seek to avoid the situation where the Registrar is paid by cheque by an applicant or owner of a motor vehicle that has to be returned by the bank, whether it be because there were no funds in the bank or because of lack of signature or some other reason. There have been problems where cheques have been sent but are void and the Registrar is justified in indicating that a registration disc is void. At present there is no requirement on the Registrar to let a person know this is so. Some people inadvertantly make a mistake, and their registration disc becomes void after it is sent to them, but they are not told that it is void. I believe that they should be informed, and then they cannot complain. Whilst the provision for the Registrar to void any registration is perfectly correct, it should be encumbent upon him to inform the person concerned, because sometimes these things happen inadvertantly and someone is penalised when he or she should not be penalised. For that reason it is reasonable that no person should have, technically or legally, a void disc on his vehicle without knowing that it is void. As honourable members know, a person can go to the Registrar who will accept a cheque, and a disc will be given to him immediately. But if, for some reason a mistake is made, there is no requirement at present for the Registrar to advise that person of that fact. Honest mistakes, which can be made, will be corrected. As I have suggested that the Registrar be required to notify the person accordingly, I ask that the Committee support the amendments.

The Hon. T. M. CASEY: The Government cannot accept the amendments. The present sections 43 and 86 relating to payments made by cheque for registration and licences have been in force for 40 years. They have always provided for a registration or licence to be void from the time at which it would have become effective if the cheque

was dishonoured and another payment not made within 14 days of the date it was dishonoured.

The new section combines the previous sections relating to registration and licence payments and adds any other transaction effected by the Registrar. He collects a wide range of payments in the administration of this Act and in addition collects fees on behalf of the Marine ahd Harbors Department for boat registrations and licences, on behalf of the Labour and Industry Department, the Highways Department, and is shortly to accept payments on behalf of some other departments as a service to the public.

The new provisions allow the Registrar to suspend the voiding action where a cheque is dishonoured for reasons of errors by the drawer and/or the Registrar. If a cheque is dishonoured due to wrong dates, amounts differ, one signature missing, deceased drawer, etc., then the voiding action will be suspended until this cheque is corrected and rebanked.

Where a cheque is deliberately given in payment of a registration or licence and the drawer has no funds in the bank to meet the cheque, then the drawer deserves no consideration with respect to his registration licence or any other transaction he may have falsely obtained.

If he can do that, this has been the case on many occasions where the gentleman in question is not seen again for perhaps another 12 months until he comes in to renew his registration. He can not be tracked down. The Registrar has 15 to 20 cheques each day returned by the bank dishonoured, and must have the power to take administrative action to either collect the payment or to take any action necessary with those persons who deliberately set out to get a vehicle registration licence or any other thing issued by the Registrar withot having the money to pay for it. The new section is basically no different from what it has always been, but the new provisions make it clear that they apply to anything the Registrar accepts payment for and clarifies the action he can take to help those where genuine errors have been made, and to penalise those who set out to defraud the Registrar.

The Hon. M. B. DAWKINS: The Registrar should let people know. I am aware that some attempts to get vehicles registered are deliberate attempts to defraud the Registrar. I am also aware that there are occasions when honest mistakes are made. That is all I would like to provide for in these particular amendments.

The Committee divided on the amendments:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

The CHAIRMAN: There are 9 Ayes and 9 Noes. So that the matter can receive further consideration, I give my casting vote for the Ayes.

Amendments carried; clause as amended passed.

Clauses 89 and 90 passed.

Bill recommitted.

Clause 4—"Interpretation"—reconsidered.

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

Page 2, lines 9 and 10—Leave out "(either habitually or intermittently)" and insert "habitually".

I thank the Minister for allowing the clause to be reconsidered. A problem in rural areas, which concerns the registration of a vehicle carrying accessories of varying weights, would be resolved by this amendment.

The Hon. T. M. CASEY: The prescribed accessories or equipment are those prescribed in regulation 13 which provides:

> The following accessories or equipment carried (either habitually or intermittently) upon the vehicle are prescribed pursuant to section 5 of the Act as mass:
>
> *(a)* Stock hurdles, stock crates, sheep gates, cages and other like equipment used to contain animals;
>
> *(b)* Containers and tanks used to carry solid, liquid, or gaseous loads;
>
> *(c)* Stake sides, drop sides, canopies, frames, tarpaulins and other like equipment used to contain or protect a load.

It continues:

> Subsections *(a)* to *(c)* inclusive in this regulation shall not be applicable to vehicles registered at concessional registration fee rates for primary producers under section 34 of the Motor Vehicles Act, 1959, as amended.

It is to be noted that the equipment for containing the load as in *(a), (b)* and *(c)* does not apply to vehicles registered at concession rates for primary producers.

The Hon. R. A. Geddes: Is that in the Bill?

The Hon. T. M. CASEY: It is in the regulation. I do not think that the honourable member has anything to worry about, because it is in the regulation, and primary producers are exempt.

The Hon. R. A. GEDDES: The trouble with regulations is that sometimes they are altered, which could cause another problem for primary industry having to convince the Government that the regulations need to be reviewed because they might cause hardship. Parliamentary procedure prevents our amending or making constructive criticism in respect of regulations: we can only move to disallow them. The amendment removes the need for regulations concerning this matter.

The Hon. T. M. CASEY: I cannot accept the amendment.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To allow the matter to be further considered, I give my casting vote for the Ayes.

Amendment thus carried: clause as amended passed.

Clause 68—"Prohibition against towing of any vehicles unless driver of tow-truck has authority to tow the same signed by the owner or driver, etc., of the vehicle" —reconsidered.

The Hon. R. C. DeGARIS: I thank the Minister for having the Bill recommitted and I apologise for not having been present when the clauses were being debated previously. Regarding clause 68(a), the Minister has stated that he hopes to reduce the number of tow-trucks that attend the scenes of accidents. By insisting that the driver personally sign when he is taking a car away and providing that he can take away only the car for which he signs, we are adding to the problem. When accidents occur, a tow-truck operator will send two, three, or four trucks (not one truck) in the hope of getting more business. The Minister's intention is clear, but I believe that what he is doing will not assist: it will make the position worse. I move:

Page 19, lines 17 to 19—Leave out subclause *(a)*.

The Hon. T. M. CASEY: The South Australian Automobile Chamber of Commerce states that there seems to have been a significant increase in the number of tow-trucks operating within the area as defined in the past 12 months or so. This has accentuated the need for control of the number of such trucks that may be at the scene of an accident. Apparently, it is not unusual for 12 tow-trucks to be at the scene of an accident, and frequently there are three trucks from one company.

The ratio of tow-trucks to potential clients is considered to be too high. In the Adelaide metropolitan area, about 255 tow-trucks and about 320 000 sedan cars and station sedans are registered, while in the Melbourne metropolitan area, where it is also considered that there are too many tow-trucks, 410 trucks and 1 000 000 sedan cars and station sedans are registered. The relevant committee holds the view that the number of tow-trucks registered and licensed to attend accidents should be placed under strict control and that no increase in the number should be permitted.

The Hon. R. C. DeGaris: That supports my argument.

The Hon. T. M. CASEY: It does not. The higher the number of tow-trucks registered, the higher will be the number at an accident, and I oppose the amendment.

The Hon. R. C. DeGARIS: I ask any member who has been involved in an accident to say how many tow-trucks he has seen there. The reverse of what the Government intends will occur if the clause is passed as it is, because a company with four or five trucks will send Bill Smith to the scene of an accident; he will see that two trucks are required; he will radio the company; and another truck will be brought. If a driver has to sign for one car only, there will be a delay until another tow-truck arrives.

The Minister's argument that there are in South Australia more tow-trucks for each motor car adds to the weight of my argument because, if more tow-trucks are available, more of them will go to accidents.

The Hon. N. K. FOSTER: Living, as I do, adjacent to the intersection of Gorge, Newton, Lower North-East and Darley Roads, I know that a continual spate of accidents occur there, and one sees as many as nine or 10 tow-trucks from one company—

The Hon. R. C. DeGaris: This clause won't stop that.

The Hon. N. K. FOSTER: If the provision is struck out, it will not help, either. I refer also to the false calls that are made. In the area in which I live, one sees all the indications that an accident has occurred, but is sometimes involves a false call. This is not the only industry that is suffering from a glut of principal units and, although I examined the figures recently to compare the number of tow-trucks today with that obtaining two years ago, I cannot remember what the increase was. At least this provision will restrict the number of vehicles that can be involved.

The Hon. R. C. DeGaris: It will restrict the number of vehicles that can go to an accident.

The Hon. N. K. FOSTER: If a big tow-truck operator is restricted, he will not send six of his trucks to an accident. Members opposite do not care about protecting tow-truck operators from their own industry.

The Hon. J. C. Burdett: That's not true.

The Hon. N. K. FOSTER: It is true. Opposition members have not taken any action to restrict the number of tow-truck operators on the basis that a fair and proper living is not available for them. The provision should remain because the Opposition's approach is totally negative.

The Hon. R. C. DeGARIS: Once again, the Hon. Mr. Foster has supported my contention. We cannot restrict the number of vehicles that go to an accident. The clause does not do that but provides that a person driving a tow-truck can sign up only one person at the scene of an accident. Instead of sending one truck to an accident, the company involved will send three or four trucks. So, the number of tow-trucks that go to an accident scene will at least be trebled. This provision does exactly the opposite of what the Government says it is trying to do.

In reply to the Hon. Mr. Foster, I state that is it not the Opposition's responsibility to come up with all the answers. After all, the Government has plenty of research staff at its disposal. When it is seen that this clause will do exactly the opposite of what is intended, the Opposition should not be blamed. As I said, the Government has the research staff to deal with the matter properly, whereas the Opposition has not got such staff.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

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

Amendment thus carried; clause as amended passed.

Clause 72—"General penalty provisions"—reconsidered.

The Hon. R. C. DeGARIS: I move:

Page 21, lines 21 to 26—Leave out all words in these lines.

Usually people who have been involved in an accident are somewhat disturbed, and they want to get their vehicle out of the way. The tow-truck hooks up to it, and the right place to take it is to the repairer. A person can have the vehicle taken to his home if he desires, but he may later want it to be taken to a repairer, which means that it must be retowed. However, if the vehicle is taken directly to a repair shop, the insurance company will send out the loss assessor to examine it, assess the damage, and authorise the repairs and costs involved.

Many people involved in an accident do not know what they should do first, and they rely on someone coming forward and advising them of the procedure. If this provision passes, no advice that could be considered soliciting or anything else can be offered to that person, because of new paragraph *(ac)*. This is too restrictive. The right place for a damaged vehicle to be taken is to a repairer. If an owner wants it then to go somewhere else, he can remove it. A tow-truck operator cannot give advice about where the vehicle can go for repairs when the person wants that.

People may feel that those involved in an accident should be able to request the tow-truck operator for advice, and that may well be a valid argument but, if that request is met, it is difficult for the tow-truck operator to do that and be totally clear of this provision. How does one define "soliciting" or the giving of advice to a person at an accident? For those reasons, I am against new paragraph *(ac)*.

The Hon. T. M. CASEY: I do not see the significance of the Leader's argument. We all know that there are many cases where explosive situations occur between tow-truck operators at an accident scene, particularly when soliciting takes place. One operator will solicit to tow the car away and another to take it to have the repairs done. If a vehicle owner is suffering from shock, he does not know whether

he is coming or going. That is what we are trying to eliminate. If one does not protect the driver or owner of a vehicle, tow-truck operators will have open slather, as will other touts. People who have had certificates suspended or cancelled by the consultative committee could attend, and could be working solely on a commission basis. These people could cause more trouble than tow-truck operators, and could be an undesirable element.

The advantage of an amendment preventing a person soliciting for crash repairs within six hours following an accident protects a member of the public from undue harassment. If a person was not hurt in the accident, but his car was considerably damaged, he could still say to the tow-truck operator, "Tow it to your place and carry out the crash repairs." If an owner wishes to discuss repairs, he may, but the aim of this is to defuse the explosive aspect of soliciting at an accident scene. If the clause is deleted, the public will not be protected, as it should be. I oppose the amendment.

The Hon. R. A. GEDDES: If a person whose car has been damaged asks a tow-truck operator, "Where do you suggest that I send my car for repairs?" the operator is not permitted to answer.

The Hon. T. M. Casey: The tow-truck operator or the commission agent must not solicit, but the owner of the car can take the initiative and say, "I want to get my car repaired."

The Hon. R. A. GEDDES: In view of paragraph *(ac)*, how can a tow-truck operator reply to that statement without his being regarded as soliciting?

The Hon. T. M. Casey: The honourable member is dealing with the tow-truck operator or the commission agent, who is not allowed to solicit, but I am talking about the owner of the vehicle.

The Hon. R. A. GEDDES: I am saying that the owner of the vehicle should be able to seek and receive advice. Many tow-truck operators are linked with crash repair firms. If a tow-truck operator says, "I am a tow-truck operator, and my crash repair workshop is at Bowden," surely that can be interpreted as soliciting.

The Hon. T. M. Casey: Yes. Of course, the owner of the vehicle may take the initiative and ask, "Have you a workshop on your property?" The tow-truck operator may reply, "Yes." The owner of the vehicle may then say, "Fix up my car."

The Hon. R. A. GEDDES: A tow-truck operator may believe that he will endanger his licence if he gives advice. I therefore believe that the amendment has merit.

The Hon. J. C. BURDETT: I agree with the Minister that, if it was really believed that the owner of the vehicle spontaneously requested that his car be repaired and if the tow-truck operator carried out that request, there would not be any question of soliciting. The Hon. Mr. DeGaris did not say there would be; he said that, if the tow-truck operator in any circumstances within six hours following an accident accepted a direction for repairs, it would be very hard for him to get out of any suggestion of soliciting.

The Hon. R. C. DeGARIS: After a person's car has been hooked on to a tow-truck, he will be asked, "Where do you want to go?" The owner of the damaged car may reply, "I do not know."

The Hon. T. M. Casey: The owner of the damaged car would have to sign an authority for the car to be taken away to the tow-truck operator's yard; that is not soliciting.

The Hon. R. C. DeGARIS: I am not sure about that. The tow-truck operator may say, "The car will go to our yard, and it will have to be taken to a repairer. Why not have it taken to a workshop now?" That would be regarded as soliciting.

The Hon. T. M. Casey: Most tow-truck operators have crash repair workshops on their properties.

The Hon. R. C. DeGARIS: I do not think that is correct. The Minister made a valid point that I had not considered: people whose licences have been cancelled by the Registrar may go to an accident without a tow-truck and solicit. I agree that that practice should fall within paragraph *(ac)*. However, preventing a tow-truck operator on the scene from giving advice within six hours of an accident is another example of Government red tape; the period of six hours is far too long.

The Hon. T. M. CASEY: About 90 per cent of tow-truck operators have crash repair workshops. A tow-truck operator may say, "I am here to tow your vehicle. Would you sign the authority?" That is not soliciting.

The Hon. J. C. Burdett: It is coming close to it if the operator has a crash repair workshop on his premises.

The Hon. T. M. CASEY: What about those who arrive in taxis before the tow-truck operator arrives? Those people are soliciting, and that is what we want to stop.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

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

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

The earlier Committee debate emphasised that the Legislative Council's amendments were unreasonable in many respects. The Leader of the Opposition complained that the Government had at its disposal committees to investigate community problems and that the Opposition did not have such committees at its disposal; I admit that. However, I point out that this Government has provided more facilities to the Opposition than were provided to Oppositions when Liberal Governments were in power. When I was in Opposition in another place for a long time, the resources made available to Opposition members were very limited. True, committees at the Government's disposal consider problems and come up with solutions that are in the best interests of the people of South Australia. The Opposition's amendments to this Bill are loaded toward the people who are exploiting the public.

The Hon. M. B. DAWKINS: First, I deny categorically that the amendments were loaded. All the amendments were rejected by another place, the reason given being that the amendments adversely affect the legislation. That is not so, because the amendments were moved to improve it. I ask the Committee to insist on its amendments.

The Committee divided on the motion:

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

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron,

J. A. Carnie, Jessie Cooper, M. B. Dawkins (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. In the hope that the matter can be further considered, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council room at 9 a.m. on Thursday 23 November, at which it would be represented by the Hons. J. C. Burdett, T. M. Casey, C. W. Creedon, M. B. Dawkins, and R. A. Geddes.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The formula upon which superannuation benefits for members who have during their Parliamentary career occupied Ministerial or other Parliamentary offices attracting additional salary has a number of defects. Ministerial service prior to 1974 is not recognised; Ministers who have spent a long time on the back-bench receive insufficient (if any) recognition of their extra service compared with members with equal Ministerial service but little back-bench service; owing to the effects of inflation, recent Ministerial service is given more weight than past Ministerial service. The present Bill is designed to correct these anomalies. It establishes a formula under which a member will be fully superannuated in respect of the additional salary appropriate to an office that he has held at any time during his Parliamentary career if he has held the office for six years or more. When he has occupied the office for a lesser period, the superannuation benefit is proportionately less. This principle is carried through into the provisions of the principal Act relating to the calculation of widows' pensions. The Bill also provides that a person in receipt of additional salary must contribute 11½ per cent of that salary to the fund and removes the present provision under which such a contribution is optional.

The Bill also makes a number of other amendments to the principal Act. It provides that the formula by reference to which recognition is given in basic pension to increasing years of service shall begin to operate after six years service rather than eight years service, as at present. It provides also that recognition may be given, after payment of an appropriate amount into the fund, of prior service in the Commonwealth Parliament or any other State Parliament.

Clauses 1 and 2 are formal. Clause 3 defines a "prescribed office" as an office attracting additional salary. Clause 4 makes amendments consequential upon later provisions of the Bill. Clause 5 obliges a person who holds an office attracting additional salary to make superannuation contributions in respect of the additional salary. However, the rights of those who have made elections to contribute in respect of additional salary are preserved. They may if they think fit elect to have their pensions determined under the old formula.

Clause 6 repeals section 14a of the principal Act. This is the provision of the principal Act enabling a member who has ceased to hold an office attracting additional salary to continue to contribute at the higher rate. Clause 7 sets out the new formula that I have outlined above relating to superannuation benefits in respect of additional salary and provides that additional years of service shall begin to attract additional pension after six rather than eight years service.

Clause 8 makes a consequential amendment. Clauses 9 and 10 extend the new principles to widows' pensions. Clause 11 provides that a member, who has had previous service in the Parliament of the Commonwealth or a State, may have that service counted for the purposes of the principal Act if he is prepared to make an appropriate contribution to the fund.

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

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 2 and had disagreed to amendment No. 1.

Consideration in Committee.

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

That the Council do not insist on its amendment No. 1.

When this amendment was before the Committee previously, I accepted it on behalf of the Government because we believed that AMIRA was in favour of that. It provided that the association shall be responsible to the Minister, and I said then that, as we considered that the association already was so responsible, we did not have any objection. Contact was made with AMIRA, which was not averse to the amendment, but since then the Minister of Mines and Energy has received a formal objection from the organisation, which considers that the amendment breaches an agreement involving the States, the Commonwealth, and the organisation. Therefore, I am now opposing the amendment.

The Hon. C. M. HILL: I thank the Minister and the Government for considering the proposal and for having accepted the amendment originally. It is a general principle that statutory bodies should be responsible to a Minister, because State funds are involved and, further, a Minister should be responsible for answering any questions asked in Parliament about the association and for investigating queries about it. However, there are some unique features of this association, because the States, the Commonwealth, and AMIRA are involved in an agreement in regard to the Australian Mineral Development Laboratories. In all the circumstances, I do not oppose the motion.

Motion carried.

BOATING ACT AMENDMENT BILL

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

GLANVILLE TO SEMAPHORE RAILWAY (DISCONTINUANCE) BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 2105.)

The Hon. M. B. DAWKINS: The Bill refers to the closure of the Glanville to Semaphore railway about a month ago. The service has been replaced by a feeder service, and it is necessary to remove the rails so that the road can be completely resealed to provide a much better thoroughfare.

I remember a case some years ago in which the rails were allowed to remain when the railway in a town was closed and, after the closure of the line, the whole area was sealed, which meant the rails could not be removed. As I recall, the rails that were used for the Glanville to Semaphore railway are set into the road on a separate track in the middle of the road. It is desirable that these rails be removed so that the road may be reconstructed to a better standard.

I understand that there has been no opposition to the closure of the line, although some people had sentimental reasons for regretting its closure. In the present day and age, the obvious thing to do is to remove the rails and reconstruct the road. I support the Bill.

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

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

(Second reading debate adjourned on 21 November. Page 2111.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"The Board of Governors."

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

Page 2—

Lines 2 to 9—Leave out paragraph *(a)* and insert paragraph as follows:

"*(a)* by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) Subject to this section, the Board shall consist of seven governors of whom—

(a) three shall be persons appointed by the Governor;

(b) one shall be the artistic director;

(c) two shall be subscribers elected, in accordance with this Act, by the subscribers; and

(d) one shall be an employee of the Company elected, in accordance with this Act, by the employees of the Company."

Lines 10 to 19—Leave out all words in paragraph *(b)* after "subsections (4) and (5)" in line 10.

I explained the situation during the second reading debate. At present, a group known as the Company of Players has a nominee on the six-man board of the South Australian Theatre Company. That Company of Players comprises performers who have employment for a period exceeding six months and those connected with the production and direction of performances.

The Government wanted to increase the electorate that nominated that person on the board by saying that all players should have the right to vote together with members of the permanent staff, but not those classified by regulation as executive officers. My point was that, when we get involved with worker participation to that extent, it should involve two employees, one of whom should be the Chief Executive Officer.

My amendments try to introduce that system, by increasing from six to seven the number of persons on the board and providing that the Chief Executive Officer, who is the Artistic Director and who is specified in the amendment, shall in future be a board member, and all employees (including all performers, those who direct and produce, and both senior and junior members of the permanent staff) shall elect one board member as their representative.

That is a system of worker participation that, in principle, as I recall, was agreed to by the Premier when, about 12 months ago, we had a conference on worker participation as it applies to statutory bodies. The Premier indicated then (and the Hon. Mr. Laidlaw confirmed this yesterday by way of interjection) that he had no objection to the chief executive officers on statutory boards being one of the two persons elected thereto.

So, if the Government intends to widen the worker participation concept as it applies to this theatre company, that principle must be written into the Bill, and that is what I have tried to do.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I oppose the amendments, and point out that this proposal was mooted previously and was fully debated and rejected by the Board of Governors of the South Australian Theatre Company. Also, the honourable member has misunderstood, in a sense, the role of the Artistic Director of the company. I do not think that that role can be equated with that of the Chief Executive Officer in other institutions.

At present, the Artistic Director as well as the General Manager and the Director of the Theatre in Education attend board meetings by invitation. However, it is a completely different thing to appoint the Artistic Director to the board. Also, the position is not as permanent as are positions in other institutions. It is considered that the role of the Artistic Director does not span a great period of time. Indeed, he joins the theatre company for only a limited number of years. As it is important that the Artistic Director should be dynamic to the organisation, it is not appropriate in those circumstances that he should be entrenched in the board structure. For those reasons, I oppose the amendment.

The Hon. C. M. HILL: I thank the Minister for his explanation. I take it from his explanation that the Minister does not deny that the concept of having the Chief Executive Officer as well as a member of the staff on the board is the best possible approach to worker participation. It is important that that principle be made clear, and I should like to know whether it is accepted by the Government.

Leaving that matter to one side, the Minister raised the point that the Artistic Director may not be classified as the truly senior executive officer of this operation. He referred to the other two senior officers as well. I am therefore willing to alter my amendment to read "Chief Executive Officer as prescribed by the Government" and to give the Government the right to select the person, who might be the General Manager or the Artistic Director. I was in doubt as to who should fill this role, and I received advice to the effect that it should be the Artistic Director. If the Government wants to vary that choice, I have no objection.

My other point is that the invidious position to which I referred yesterday can arise if this amendment is defeated. A player who has been in the company for only one month and who might have a junior position, or even an usherette

on the door, could be elected as the worker participation representative. On the Minister's own admission, the other three senior officers attend board meetings but have no power to vote. However, the usherette or junior player would have that power and, when confidential matters or, say, discussions on the salaries of the of the senior officers arose on the agenda, that junior would say to the three senior people, "Would you please leave the room? The matter of your salaries, or a confidential matter, is to be discussed. I, as a board member, will take my part in that decision."

That is the situation that Parliament should not tolerate, and I am trying to seek co-operation from the Government to alter it. In view of the points that I have raised, will the Government consider its attitude to my proposal?

The Hon. ANNE LEVY: I support what the Minister said regarding this amendment, and reiterate that the Hon. Mr. Hill misunderstands the role of the Artistic Director in the company.

Furthermore, the Artistic Director in no other theatre company in Australia with one exception is a board member. A theatre company is not the same as a business company. Obviously, it has a business side, but its nature is very different from a business, and in this country artistic directors have never been members of boards of their companies. It seems to me to be a complete misunderstanding of the Artistic Director's role to put such a person on the board in South Australia.

I understand also that the present Artistic Director and Director of Theatre in Education believe that such an amendment is quite inappropriate. They do not see their role as being full board members. Whilst welcoming the chance to attend board meetings and take part in discussions with the board, they do not consider that either of them should be a full board member with full voting rights. So, I urge honourable members not to support the amendment.

The Hon. C. M. HILL: I thank the Hon. Anne Levy for her contribution about the present Artistic Director and the information she gave to the Committee.

The Hon. Anne Levy: I have not spoken to them: I have been told this.

The Hon. C. M. HILL: I accept that, but my point still stands about the Chief Executive Officer. If that is in dispute or questioned I am quite prepared to leave it to the Government to make the choice. The Government might choose the General Manager, and that would possibly confirm what the Hon. Anne Levy is thinking. That point should be considered further. I realise that the Minister in another place is responsible for the Bill, and I urge the Council to carry this amendment and, in the machinery processes that follow, the matter can be further considered.

The Committee divided on the amendments:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

The CHAIRMAN: There are 9 Ayes and 9 Noes. In order to allow this amendment to be further considered, I give my casting vote for the Ayes.

Amendments thus carried; clause as amended passed.

Remaining clauses (7 to 11) and title passed.

Bill read a third time and passed.

Later:

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

[Sitting suspended from 6.3 to 7.45 p.m.]

HARBORS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2, 3, 8, 9, 11, and 12, and had disagreed to amendments Nos. 1, 4, 5, 6, 7, and 10.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments Nos. 1, 4, 5, 6, 7, and 10, to which the House of Assembly had disagreed.

The House of Assembly has agreed to six of the Legislative Council's amendments but, after further consideration, cannot agree to Nos. 1, 4, 5, 6, 7, and 10.

The Hon. M. B. DAWKINS: I ask the Minister to report progress, as honourable members have not had a chance to consider the matter.

Progress reported; Committee to sit again.

STATE LOTTERIES ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment and had made the following alternative amendment:

Clause 2, page 1, lines 14 to 16—Leave out 'or words "Lotto", "Cross Lotto" or "X Lotto" (whether with or without the addition of any other words, symbols or characters)' and insert ' "Lotto" with the addition of the word "Cross" or the letter, symbol or character "X" or any other words, letters, symbols or characters'.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment and agree to the House of Assembly's alternative amendment.

The State Lotteries Commission does not want to prohibit the use of the word "lotto". The commission wants to be able to control the use of that word; otherwise some people wanting to conduct lotto games may cash in on the good name of "X-Lotto" conducted by the commission. The Assembly's alternative amendment is very good and overcomes the problem that honourable members saw earlier.

The Hon. C. M. HILL: I do not oppose the motion, which represents a reasonable compromise. In future the commission will be able to control the use of the word "Lotto", provided it is accompanied by a letter, character or symbol. Therefore, the commission will not have a monopoly over a single word.

Motion carried.

ART GALLERY ACT AMENDMENT BILL (No. 2)

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

There is little point in debating this question again, as we have already debated it at length previously.

The Hon. C. M. HILL: Our amendment changed the Bill in such a way that subscribers to the Art Gallery would be given the right to representation on the Art Gallery Board. Subscribers were to be defined by regulation, and associations such as the Friends of the Gallery and other even older associations would all become subscribers and would have the right to representation on the board.

I am amazed that this Government, which holds itself out as the great champion of the arts, has not accepted this proposal. The reason given for not agreeing is that the amendments are not consistent with the purpose of the Bill, and that is a weak excuse. They were not related directly to the original Bill, but I do not know what bearing that has on the Government's consideration of these changes.

The State Opera Company and the State Theatre Company have representatives of subscribers on their boards, and the Government initiated those proposals, so it is illogical not to allow representatives of subscribers to be on the board of the Art Gallery. We must accept that the reason for not agreeing to the amendments is that anything put forward by the Opposition is bad. That is the vision of the Premier. I assure the Government that thousands of people and members of their families are subscribers, and the Chairman of Friends of the Gallery has estimated that about 3 000 people are deeply interested in the arts and in the Art Gallery. They will be highly critical when they hear that the Government is not prepared to give them representation on the board.

I did not suggest that existing board members would have to be displaced and their places taken, nor did I suggest that the Government had to act immediately. All that the amendments did was give the Government the right to regulate in due course, but it could not even accept that. Possibly, the new Minister of Community Development is the architect of the Government's refusal. If he is, that is not a good start for him. I hope that the Government will soon change its mind so that subscribers can be on the board of the Art Gallery. If it does that, it will issue publicity to the effect that that is another of its initiatives and it will claim credit.

The Hon. J. E. Dunford: What about workers on boards? They subscribe to industry, but you have never agreed that they should be on the boards.

The Hon. C. M. HILL: Only today, in this place, I wanted to put two workers, not one, on a board. When the Government put the Director on the board of the Art Gallery, that was worker participation, and I did not criticise that.

The Hon. B. A. CHATTERTON: I wish to reply to two points made by the Hon. Mr. Hill. Regarding his claim that the Government purported to be a champion of the arts, no-one can deny that the Government has a track record second to no other Government in Australia in championing the arts. The honourable member also said that the Government rejected the amendment because it had been moved by the Opposition. In that, he is out of step with his Leader, because at the end of every session the Hon. Mr. DeGaris is proud of the number of Opposition amendments that are accepted by the Government.

Motion carried.

STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL (No. 2)

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

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

That this Bill be now read a second time.

It is designed to provide for an increase in the remuneration of members of Parliamentary committees by approximately 45 per cent. Although this is a substantial increase, it is now some considerable time since the last increase in remuneration for members of Parliamentary committees, and the increase is justified having regard to increases in general levels of remuneration that have occurred throughout the community since the date of the last adjustment. In a Bill passed earlier this year it was proposed that the remuneration of committee members should be fixed by the Parliamentary Salaries Tribunal. The amending Act has not as yet been brought into operation. As the levels of remuneration will, if the present Bill is passed, be in line with current levels of remuneration in the community, it is intended to repeal the former amending Act. Instead, provisions are inserted by the Bill in the relevant Acts providing that the remuneration of committee members will vary in proportion to the basic salary from time to time payable to members.

Clauses 1, 2 and 3 are formal. Part II removes the present power of the Parliamentary Salaries Tribunal to recommend variations in committee salaries. Part III provides that the Chairman of the Joint Committee on Subordinate Legislation shall receive a salary of $2 800 a year and the members a salary of $2 000 a year.

Part IV provides that the salary of the Chairman of the Public Accounts Committee shall be $3 600 a year and the salary of a member $2 500 a year. In this case, the proportionate increase is greater than for the other committees. However, the Government believes that in view of the increasing work load of the Public Accounts Committee in recent years, the remuneration for the Chairman and members of this committee should be the same as for the Public Works Standing Committee.

Part V provides that the salary of the Chairman of the Public Works Standing Committee shall be $3 600 a year and the salary of a member $2 500 a year. In the case of some committees, remuneration of members is fixed by the Governor. It is intended that, if this Bill passes, comparable alterations will be made in the remuneration of the members of those committees by an appropriate Executive act.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

(Second reading debate adjourned on 21 November. Page 2106.)

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

PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 2129.)

The Hon. R. A. GEDDES: I rise to voice my concern about this Bill, which will increase the price of natural gas to industry by about 10 per cent to 12 per cent and to the housewife by, perhaps, 9 per cent or 10 per cent. These increases have been brought about by the literal breaking of a trust between the Treasury and the Pipelines Authority. It was stated clearly in the explanation of the 1977-78 Budget that the authority was given a grant, not a

loan, of $5 000 000 by the Treasury, which grant has been recognised in Treasury circles as one that does not have to be repaid.

However, because the Treasury has got itself into financial difficulties, it has told the Pipelines Authority that it must pay back the $5 000 000 as well as the $12 000 000 that the Treasury provided to facilitate the purchase of the Commonwealth Government's share of the Cooper Basin gas field.

The Hon. J. R. Cornwall: Do you believe in a cheap fuel policy?

The Hon. R. A. GEDDES: There are two conflicting arguments in that respect. First, I do not believe in a cheap fuel policy although, secondly, I do believe in a policy of honesty in Government so that, when a grant is made, it is honoured. Because the Pipelines Authority has to make up the difference, it will result in dearer fuel.

The Hon. C. M. Hill: Some electricity consumers are not getting cheaper fuel after the recent increase.

The Hon. R. A. GEDDES: We will be dealing later with what it will cost the Electricity Trust, which is the principal user of natural gas, as a result of the price increase. What would the Hon. Mr. Cornwall say if it was found that, because of this price increase or subsequent increases, ETSA returned to the use of fuel oil instead of natural gas?

The Hon. J. R. Cornwall: Do you agree with your Federal colleagues?

The Hon. R. A. GEDDES: My Federal colleagues and I concur when it comes to criticising this Government and the way in which it delights in criticising the Federal Government at every turn. It is interesting that the Minister's second reading explanation makes no reference to the Commonwealth's putting the screws on the finances of this State in relation to the Pipelines Authority.

But, first, my concern is that the increased price of gas and electricity to consumers in both the domestic and manufacturing sectors will have an effect on the cost of living in South Australia. It will create yet another percentage rise in this State which we can ill afford. These increases could well put us in the top league for gas prices in the Commonwealth. Whilst South Australia, with its minimum population, is being loaded with this new charge, our counterparts in New South Wales who receive natural gas from the very same source do not have to pay this type of levy. This is another example of this Government's extremely bad management over a number of years regarding Cooper Basin gas. It means that every organisation that uses natural gas in this State (ETSA is the largest consumer and Adelaide-Brighton Cement is the second largest consumer) will be subsidising exploration costs in the Cooper Basin. Sydney and country towns in New South Wales, with an overall population far larger than ours, about which I do not have to remind anyone in this State, will get off scotfree.

Does the Hon. Mr. Cornwall believe in a fair, equitable price for natural gas in South Australia, when one side is getting it so much more cheaply than the other, and when those who have the population that can afford to pay are let off scotfree?

The Hon. J. R. Cornwall: I would be more interested in knowing what is your attitude as the shadow Minister.

The Hon. R. A. GEDDES: It is that we should get a fair deal in South Australia.

The Hon. J. R. Cornwall: You didn't answer the question.

The Hon. R. A. GEDDES: In relation to this Bill, my attitude as shadow Minister is that the Pipelines Authority should be sold to private enterprise.

The Hon. J. E. Dunford: And put a couple of workers on the board?

The Hon. R. A. GEDDES: Yes. The discovery, development and all the work done in the Cooper Basin and the other gasfields in the north-east of South Australia has been achieved by private enterprise over a number of years. It has provided the sources, and its finances have come through the private sector.

The Hon. J. E. Dunford: Would you sell it to a multi-national company from America or England?

The Hon. R. A. GEDDES: That is not something I am prepared to answer. I would offer it to private enterprise for $12 000 000, which is this State's share in the Pipelines Authority, and let them get on with the job. Remember that 50 per cent of the consortium in the Cooper Basin has overseas money in it.

The Hon. J. E. Dunford: Would you sell the whole authority to an overseas buyer?

The Hon. R. A. GEDDES: I would prefer not to, but we cannot afford in this State—

The Hon. J. E. Dunford: Would you sell it to the Japanese?

The Hon. R. A. GEDDES: I would sell to the highest bidder. We cannot afford in this State to subsidise the cost of gas to New South Wales because this Treasury renegued on a grant made to the authority in 1977-78. Furthermore, the Cooper Basin producers are committed to sell natural gas to the Australian Gas Light Corporation in New South Wales until the year 2005. South Australia has resources only until 1986-87, because of the shonky deal that was made by this Government to give New South Wales natural gas beyond the year 2 000. All these new costs will not apply to the New South Wales consumers.

The Hon. J. E. Dunford: If we get Redcliff going we will want to sell the natural gas—

The Hon. R. A. GEDDES: If we get Redcliff going, the Pipelines Authority will want another $29 000 000. It could get a percentage of it from New South Wales.

The Hon. J. E. Dunford: Look at the long term.

The PRESIDENT: Order!

The Hon. R. A. GEDDES: This authority should be able to borrow money through the recognised private enterprise borrowing sources. It should not be saddled with this burden now, when it is obvious that the Treasury can no longer borrow to provide maintenance grants. There is no need for the Government to be involved now that we are in financial straits.

Another interesting thing is that it is clear that the Pipelines Authority is more concerned with looking for oil than natural gas. Admittedly, the oil in the Pedirka well that was discovered earlier last month shows some promise, although the yield is not sufficient economically to justify selling oil from that well. That is what the Pipelines Authority appears to be putting its money into at this stage, rather than searching for natural gas, to guarantee reserves for South Australia until 1985-86.

This Bill is a great disappointment, and the second reading explanation illustrates this. The quicker the authority is offered to the public and the public is given the opportunity to contribute, the better. In reply to the Hon. Mr. Dunford, I would like to see a South Australian financed group able to buy it. But these days finance of that magnitude for South Australians is becoming difficult to get. So, I would dare not say whether or not it should be sold to an overseas buyer, but I would much rather see the organisation financed from South Australian sources, as Santos was at the end of the Second World War.

I support the second reading of this Bill, because of the explanations I have made and because of the escalation in the price of natural gas to the South Australian Gas Company and ETSA in years to come.

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

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

(Second reading debate adjourned on 21 November. Page 2131.)

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

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

MURRAY PARK COLLEGE OF ADVANCED EDUCATION BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 2119.)

The Hon. JESSIE COOPER: This very important Bill purports to bring about the amalgamation of Kingston College of Advanced Education and Murray Park College of Advanced Education, but the Bill has far greater importance than that. If it becomes law, this Bill will affect the future of thousands of South Australian children now and in the future. It is such an important Bill that it is amazing that the Government should have introduced it so late in the session and with such haste. Moreover, when it was introduced last week, the *Advertiser* added to the speed of the legislation by publishing a report that was utterly incorrect and therefore grossly misleading. Under the heading "Bills to combine 4 CAEs passed", the report at page 11 of the *Advertiser* of 16 November states:

> Two Bills to ratify the amalgamation of four colleges of advanced education were introduced and passed in State Parliament yesterday.
>
> Introducing the Bills, the Minister of Education, Dr. Hopgood, said they were the first step in implementing the amalgamation recommendations made in March by the Anderson Committee of Enquiry into Post-Secondary Education in SA.

The report then goes on with a description of the Bills. In point of fact, the Bills had merely been introduced, the second reading explanation of the Minister of Education had been given in the House of Assembly, and the debate had been adjourned. For sheer inaccuracy, this *Advertiser* report would take some beating. Honourable members have been accustomed to inaccurate reporting of Parliament for some time. Opinions, rumours, and innuendo we get, but accurate reporting of the facts—no!

The Hon. J. R. Cornwall: Is this an attack on the press?

The Hon. JESSIE COOPER: It is an attack on a report in the *Advertiser* of 16 November. This is a pathetic example of Parliamentary reporting, displaying a complete ignorance of Parliamentary procedures. The result of such reporting is that the public is misled into believing that the legislation has been passed and, consequently, the public believes that further representations to members of Parliament would be useless. This is irresponsible journalism. Having listened to the Minister's second reading explanation last evening, I believe that the Bill provides less for an amalgamation of the two colleges than for a complete takeover by one college of another. In fact, the Bill signals the end of the era of pre-school teacher training as South Australians have known and enjoyed it since 1907, when the Kindergarten Training College was first opened, becoming the second teachers college in South Australia.

I will give a background to this situation. The South Australian Government indicated that there would be a need to rationalise the colleges of advanced education first in February 1977, and commissioned by Dr. D. Anderson to make recommendations in a report on post-secondary education that he was undertaking.

He recommended that Kingston C.A.E. be amalgamated with Murray Park C.A.E. in that section of the report released in March 1978 and that the de Lissa Institute of Early Childhood Studies be incorporated in the college. There were several reasons for this: the decline in the birth rate; the reaching of saturation in the number of teachers required, including pre-school teachers: and to maintain Murray Park, which should not have been rebuilt from Wattle Park (having done so, something had to be found to put there as the number of teachers required declines). Also, Kingston C.A.E. was efficiently and economically run, having the lowest cost per head of students. It was centrally located, an advantage for its core function of providing teacher training in the field of early childhood; it had operated since 1907 as a result of community involvement; it was an independent college in more ways than one; its buildings were of high quality situated in valuable locations provided through Commonwealth funds, and, with a change in direction, the time for amalgamation was opportune.

In comparing it with colleges overseas, amalgamations and closures had taken place in the U.K. Some church and independent colleges had been affected, and concern had been expressed that the quality of early childhood education was suffering as a consequence. In his second reading explanation the Minister states:

> This merger . . . is the result of policy adopted by the Government following the report of the Committee of Inquiry into Post-Secondary Education in South Australia.

That report, the Anderson Report, came out in March 1978. If the Government had followed the recommendations made about the amalgamation of the two colleges there would not have been this groundswell of dismay and fear from the various bodies associated with Kingston C.A.E.

Honourable members will recall that the Kindergarten Training College first changed its name to Adelaide Kindergarten Teachers College in 1967. In 1974 the South Australian Government proclaimed an Act constituting the college as an autonomous college of advanced education, and it became Kingston College of Advanced Education.

In thinking of all the changes and regroupings perpetrated by the Government regarding training places for teachers, one might be forgiven for thinking that it is a sort of game or dance: the *Quadrilles*, perhaps from *Alice in Wonderland*. First came the large colleges, which were then split up. Of course they were all autonomous with separate councils, curricula, etc. Then the colleges were joined to old independent bodies such as the Kindergarten Training College and the South Australian School of Art and regrouped, but they were still autonomous and separate. Now we see them all being joined up again. No wonder there is uncertainty about the next move.

How does this Bill compare to the Anderson Report? In his second reading explanation the Minister states:

> One of the major recommendations of the Anderson Committee was that the two institutions should merge and

that an Institute of Early Childhood Studies should be created within the so-formed college. The Government accepted the recommendation and established a Joint Interim Committee comprising council, staff, and student members to produce detailed plans.

I refer to paragraphs 47 to 49 of the Anderson Report, which state:

47. In the 50 years since 1907, when it was founded as the Kindergarten Training College, Kingston College has trained teachers for the Kindergarten Union. From the outset it has encouraged its students to understand the complete development of the child rather than merely teaching students to appreciate cognitive aspects of growth, an approach which has become marked in other areas of teacher education only in more recent years. The small size of the college (467 students and 37 staff) has allowed the community of staff and students to develop a collegiality which is rarely achieved in larger institutions: the number of specialist staff, however, is limited.

48. A Diploma of Teaching (Early Childhood Education) course was established at Murray Park College of Advanced Education in 1975 as an extension of the existing teacher education courses. It has an enrolment of 121 students and four full-time staff. While its staff is necessarily limited in its range of specialist skills, it has access to the excellent facilities of a larger institution, including staff who are skilled in a variety of disciplines relevant to the training of pre-school teachers.

49. The futures of Kingston and the early childhood course at Murray Park are closely related to the demand for pre-school teachers. This, in turn, is dependent on Government policies about the provision of kindergartens and pre-school education, as well as on the extent to which graduates in pre-school education have opportunities to be employed in primary schools. Federal Government initiatives during the years 1972 to 1975 increased the demand for pre-school teachers, but information available to the committee, based on present provisions of pre-school education and likely developments, indicates that there will be a large surplus of qualified teachers should recent student recruitment levels be continued. We believe that in order to bring the number of graduates more nearly into balance with demand there should be a reduction in the numbers of students of early childhood education of at least the same proportion as for primary and secondary education. A reduction of this magnitude, in addition to that already put into effect, would seriously prejudice the early childhood education programme at both the Kingston and the Murray Park colleges if these were to stand alone.

Those were the reasons advanced by the Anderson Report in support of amalgamation. The report goes on to clearly and fairly suggest a way in which the two colleges could be amalgamated with the best results for each college and the ultimate benefit for the State. The report states:

The committee believes that early childhood education in South Australia can be best served by combining both courses and that this should be effected by subsuming the Murray Park early childhood education courses into those of Kingston College. The Murray Park staff should be absorbed into suitable positions in Kingston or into other courses at Murray Park. This should allow the combined course to continue at about the present level of enrolment at Kingston, at least for the time being. Further adjustments may be necessary as the effects of demographic changes and Government policies for pre-school education become clear.

Then the committee gives a straight-forward recommendation, as follows:

No other courses for the professional preparation of early-childhood-education teachers, such as those mentioned in the Torrens College of Advanced Education or in the Sturt-Flinders Working Party report, should be started.

The last paragraph that I wish to quote, paragraph 51, is particularly important, as it is from the submission by the South Australian Board of Advanced Education. The part of the submission referred to is as follows:

That Kingston College of Adult Education be absorbed by Murray Park College of Advanced Education. That, in the first instance, absorption occur with both colleges remaining on their present sites, but plans should be formulated for the eventual moving of all Kingston College of Advanced Education activities to the Murray Park site.

Finally, that paragraph states:

That a Kingston or de Lissa School of Early Childhood Education should be formed within the Murray Park College of Advanced Education.

The report then comments:

The proposal has educational merit. Students and staff of the Murray Park early-childhood-education courses enjoy at present the advantage of the substantial resources of a larger college; these include a good library and recreational facilities, a wide range of course options, availability of specialist staff and ready transfer between courses. A merger of the two colleges would extend these advantages to the students of Kingston college.

How does the Bill follow this recommendation? The measure commences with a complete disregard of the recommendation about a new name and, by retaining the name of one college, it shows the Government's real intention, namely, not an amalgamation but a complete take-over. Paragraph 55 of the Anderson Report spells the matter out loudly and clearly. The recommendation there is:

As the combination of Kingston and Murray Park will result in a new college that will be different from either of its component colleges we believe that there would be merit in having a new name for the combined college. We recommend that consideration should be given to renaming the college.

Therefore, one can well understand the disappointment and frustration of the staff and students at Kingston C.A.E. who have expressed their views to each member by a letter dated 15 November. I do not intend to read the whole letter, but I will read the queries that the General Students Association of Kingston College of Advanced Education has raised so that the Government may answer them. The association asks:

1. Was it the Government's intention for Murray Park to take over Kingston?
2. Why was so much money spent on setting up a Joint Interim Committee and its working parties when there was no intention of implementing their recommendations?
3. We were again misled into believing that three names, that is, Magill, Spence, and Hartley, were presented to the Joint Interim Committee. Had we known that lobbying was the correct tactic we would have also engaged in this activity. We were under the misapprehension that we were working in conjunction with our counterparts at Murray Park—only to be completely sold out.
4. Has any consideration been given to the case of the first year Kingston student who is doing the course on a part-time basis and is now unable to complete the required units?
5. We have also been led to believe that a new diploma will be introduced in two years. What guarantee, in the light of the above do we have that it will ever be introduced? It is significant that the Murray Park course is to be the interim course.
6. What consideration has been given to the Kingston

> students, past and present, who have been disadvantaged in relation to the degree course?

Then the Minister lifts a sentence straight from the report, when, speaking of Kingston C.A.E., he says:

> From the outset, it has encouraged its students to understand the complete development of the child rather than merely teaching students to appreciate common aspects of growth.

I have already read that from the Anderson Report. If it suits the Minister he will follow the report. The next quote shows how that attitude has developed. In his explanation, the Minister states:

> As a merger of the two colleges will results not so much in a new college as a college significantly extended in one of its functions, there is merit in retaining the name of the major component—the Murray Park College of Advanced Education.

It seems that those people who fear that the amalgamation is merely a take-over has justification for their fears. I am sure that most members have seen the letter in this morning's *Advertiser* written by Miss Mellor, in which she states:

> In the "Legislative rush hour" (18/11/78) what is happening to our young children, young parents and subsequently the future of this State?
>
> The Bill for the amalgamation of the Kingston and Murray Park colleges of advanced education appears rushed and shoddy. Only a small enlightened minority such as some early childhood educators would see the implications of what is referred to as an amalgamation and what is in fact the beginning of a takeover which could be extremely detrimental to young children and parents.
>
> The future appears open to the whim of the council which can be heavily weighted to the more generally understood higher levels of education.
>
> If young parents understood the implications there could be a great reaction now. Unfortunately, many will find out too late as time passes and the inevitable occurs.
>
> It is significant that this controversial Bill has been left until this rush-hour, peak period of Parliament when great issued and their implications get by unnoticed.
>
> Who is mature enough in their own development as adults to show that they really care about the young children and their parents in this State?
>
> A major concern in the so-called amalgamation is to assure that due emphasis is given to child development and that the de Lissa Institute of Early Childhood Studies, referred to almost in passing in the Bill and undefined, is allowed the degree of prestige and autonomy necessary to widen its impact to provide quality courses for all people in the fields of health, education, welfare including parents and the encompassing media.
>
> The new institute, with Parliamentary support, can play a very significant part in this State now and in the future, provided it is promoted as such and valued. Without this support the institute will have to rely on an enlightened council. Will it be?
>
> The alternative is that the field of early childhood studies will slowly be downgraded, a further move against young children which has already begun.

I believe that if Parliament, in considering the Bill, could amend the clause setting out the powers of the council in such a way as to give the de Lissa Institute of Early Childhood Education a degree of autonomy these underlying fears demonstrated in objection to the change of name to Murray Park would in fact be assuaged, and I foreshadow such an amendment. However, the Government has followed the recommendation of the Anderson Report concerning the establishment of the de Lissa Institute of Early Childhood Education. This appears in clause 15. Miss Lillian de Lissa was the first principal of the Kindergarten Training College in 1907. I believe that the solution of the difficulties arising from the proposed merger could be found in the establishment of this institute.

The reasons for such an institute are irrefutable. First, there is need for a strong permanent unit in South Australia that specialises in the nil to eight years area of child education, growth and development, in their widest sense. Secondly, a separate institute can concentrate on the different areas of childhood more satisfactorily than can a department in a large institution.

Thirdly, young children have different needs that require different expertise. Fourthly, it would involve a childhood development approach based on the philosophies of educators rather than a curriculum approach. Fifthly, it would be autonomous in the organisation of courses offered at Associate Diploma, Diploma, Graduate Diploma and degree levels.

Sixthly, it would provide qualified personnel who would have expertise in early childhood education and the arts, so that liaison, help or advice could be obtained by the public, media, or interested groups on children's programmes, and so on. Finally, as an institute, it would serve the needs of the children and be more effective in service to the community.

I wish to mention only a couple of other points, one of which relates to clause 8, which refers to the size of the council, which, to me, seems inordinately large. If one counts up the various categories one sees that it will comprise 30 members, who will be responsible for a total student enrolment of about 1 500 persons. This compares to a council of 35 for the University of Adelaide, which has 9 000 students, and to a council of 27 members at Flinders University, which has about 4 000 students. I therefore believe that the council will be top-heavy. I should like honourable members to examine carefully clause 14 (2), which provides as follows:

> In formulating any statutes or policies affecting the admission of students who desire to be trained for profession of teaching, or the right of students to continue in any such course of training, the council shall collaborate with the Minister, or any committee established for the purpose by the Minister, with a view to ensuring that the public interest, as assessed and determined by the Minister—

that is the phrase that I refer to honourable members—

> in the education and training of teachers is adequately safeguarded.

Finally, I draw honourable members' attention to clause 29, which provides as follows:

> The powers conferred on the college by this Act are subject to the provisions of the Tertiary Education Authority of South Australia Act, 1979.

This is like buying a pig in a poke, and I would not support it. However, on the whole I support the Bill.

The Hon. ANNE LEVY: I support the Bill. I do not wish to engage in a lengthy discussion on it at this stage, although I hope to participate in the Committee debate when the Hon. Mrs. Cooper moves her foreshadowed amendments. The one comment I make following her speech is that I think it is unfair to suggest that the amalgamation of Kingston College of Advanced Education and Murray Park College of Advanced Education is the beginning of a slide in standards of early childhood education. Indeed, I refute that most strongly. The Anderson Committee has given adequate reasons why the two colleges should be amalgamated. It is precisely to prevent a fall in standards because of decreasing numbers of students that the amalgamation has been recommended

by the Anderson Committee, which recommendation has been accepted by the Government.

As detailed by the Hon. Mrs. Cooper, the numbers of teachers required in the early childhood area are diminishing and, unless such an amalgamation occurs, the viability of two courses that are currently offered will fall and education for early childhood teaching will suffer. So, the amalgamation that has been recommended by the Anderson Committee and accepted by the Government is intended precisely to prevent this slide in standards that the Hon. Mrs. Cooper fears so much. I support the Bill.

Bill read a second time.

In Committee.

Clause 1—"Short title."

The Hon. JESSIE COOPER: I move:

Page 1, line 3—Leave out "Murray Park" and insert "Magill".

Although this is a simple amendment it will, if it is passed, involve many changes. I have already given my reasons for the amendment: to make the Bill conform to the recommendation of the Anderson Report, which to my mind is a fair document. With the establishment of the new college, I believe that the Anderson Report recommended a new name, so that there would be complete fairness. Paragraph 55 of the Anderson Committee's report is as follows:

> As the combination of Kingston and Murray Park will result in a new college that will be different from either of its component colleges, we believe that there would be merit in having a new name for the combined college. We recommend that consideration should be given to renaming the college.

This is what is at the basis of the dismay that is felt by the staff, students and graduates of Kingston College of Advanced Education.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I oppose the amendment, although I can understand the honourable member's interpretation of the Anderson Report. She feels that this should be an appropriate name for the college. Unfortunately, there does not seem to be adequate consensus on the name. This is why I oppose the amendment. I give an assurance that the Minister of Education agrees that, if the new college can agree on a name, he will accept this change. But, at this stage there is considerable conflict. The Minister of Education has certain views on it. The Hon. Mrs. Cooper has advanced another name, but there does not seem to be a consensus within the college itself. I think it is much more appropriate that we continue with the Bill as printed here and allow the college, after it has merged, to determine its own name, if it wishes. The Minister has given the assurance that if that can be achieved the name can be changed in future.

The Hon. JESSIE COOPER: On the contrary, there has been a great deal of talk and consideration, and agreement reached. In a letter from the Academic Staff Association of the Kingston College of Advanced Education, paragraph 4 reads:

> We point out that, at no stage, was the name "Murray Park College of Advanced Education" included in the recommendations of the working party established for the purpose of considering a name for the new college, nor was it recommended by the Joint Interim Committee advising the Minister. The Minister had directed that one of the functions of the Joint Interim Committee was to advise him on the naming of the new college.
>
> The Kingston C.A.E. Staff Association:
>
> (i) maintains its position that the name of the new college should not be derived from the name of either of the two existing colleges.
>
> (ii) asks the Government to choose a new name from among those put forward by the working party to the Joint Interim Committee, namely:
>
> Hartley C.A.E.
>
> or
>
> Magill C.A.E.
>
> Playford C.A.E.
>
> Spence C.A.E.

They have been considering it for a long time and the name with the greatest following is "Magill," which I have moved.

The Hon. ANNE LEVY: I oppose the amendment. I think that the Minister detailed very clearly some of the reasons why "Murray Park" appeared as the name for the combined college in Magill. I agree that there has been a great deal of discussion and a conflict of views regarding the name. I completely support the Minister's suggestion that a change in name will certainly be possible if a consensus can be arrived at, but at the moment it would seem premature to pick one of the possible alternative names suggested. The arguments over the name have extended not only to the college but also to the Institute of Early Childhood Studies, which is being set up as a separate division or school within the new college.

There has been considerable argument as to whether or not it should be called de Lissa Institute of Early Childhood Studies, and the argument has raged over both campuses of the foreshadowed institution. I think it is only fair to point out that it was the staff at Kingston who strongly supported the name de Lissa for the Institute of Early Childhood Studies, and this was opposed by many people at the Murray Park campus.

I, along with other members of Parliament, received a fair amount of correspondence in this regard. So, it would seem that, if Kingston has had its way over the naming of the Institute of Early Childhood Studies, it is perhaps fair at this time that the majority view of Murray Park should take precedence for the college name, Kingston having won one round. To call the college "Murray Park" at this stage is perhaps a reasonable *quid pro quo* which should be accepted in that spirit by all the people concerned. I oppose the amendment.

The Hon. C. M. HILL: I support the amendment. I listened with interest to the Minister's explanation in defending the Bill and to the Hon. Anne Levy's comments, but it seems to me that the fundamental thrust in this debate hinges on the fact that the inquiry that recommended the amalgamation made a recommendation that a new name should be chosen. It seems that the Minister's response is that he requires the name of the larger of the two colleges at this stage, but later he is prepared to find some consensus views from the amalgamated new college, and if that opinion is that there should be a change he is prepared to go along with it. How, in the name of goodness, is he going to get a fair and reasonable consensus of opinion?

If he talks of a referendum of students and he knows that there are about 1 000 students who were formerly in Murray Park college and about 400 formerly in Kingston, he need not wait until the future to know its result. We must be practical; the only way to do it is for the Minister or the Government to show some leadership and fix a name that will remain, based upon the Anderson Committee's recommendation.

I submit that the Minister would find it hard to refute that argument. If there is one place in Parliament that minority groups should be given every consideration, it is the Legislative Council. The students at Kingston, who should receive special consideration in this Chamber, are

perturbed, and they are not putting forward a name that they believe the new college should take. All they are saying is "We want the recommendations of the Anderson Committee fulfilled and we want a new name for the college." If the Minister wants to choose another name as an alternative to "Magill", that is a matter for Parliament to consider. But, at least "Magill" is the name representative of the general region in which Murray Park college is situated, and it seems to be non-controversial. Therefore, I believe that there is a very strong argument to support the change. I am somewhat bewildered by the Government's steadfastly sticking to its first concept of retaining the name of the one college.

It is interesting that the Bill that is about to follow also deals with the amalgamation of two colleges. It shows that the Government has accepted a name very similar to the smaller of the two colleges in that amalgamation. But, I believe that the people at Murray Park would not object to the word "Magill". Certainly, the minority in the new college from Kingston will agree to it. Public opinion amongst those vitally interested in this Bill would be that the recommendation should be adhered to, and that a separate name should be chosen. The Government should yield at this point and agree to the name "Magill".

The Committee divided on the amendment:

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

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

Pairs—Ayes—The Hons. R. C. DeGaris and K. T. Griffin. Noes—The Hons. T. M. Casey and N. K. Foster.

The CHAIRMAN: There are 8 Ayes and 8 Noes. Because I have had more requests for the name "Magill" to be used than for any other name to be used, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 2 passed.

Clause 3—"Interpretation."

The Hon. JESSIE COOPER: I move:

Page 1, line 12—Leave out "Murray Park" and insert "Magill".

This is a consequential amendment.

The Hon. C. M. HILL: The term "the authority" is defined as follows:

"The Authority" means the Tertiary Education Authority of South Australia.

Clause 29 indicates that there is to be a Tertiary Education Authority of South Australia Act, 1979. In clause 6, the authority is referred to again. So, honourable members are being asked to pass a Bill which refers, first, to an authority that does not at present exist and, secondly, to an Act setting up that authority which has not been passed by Parliament.

The Hon. C. J. Sumner: It is on the way.

The Hon. C. M. HILL: What sort of Rafferty's rules is the Government following?

The Hon. Anne Levy: Do you oppose the setting up of TEASA?

The Hon. C. M. HILL: No, but I do not intend to vote for a Bill that defines an authority that at present has no legal standing, nor am I happy to vote in 1978 for a clause that refers to a 1979 Act. What is the reason for this? What sort of precedent is Parliament setting? It is slipshod legislation.

The Hon. B. A. CHATTERTON: This situation is not unprecedented. The Country Fires Bill, which this Council passed, could not be fully implemented until the Fire Brigades Act was amended; no-one objected to that, and the situation now before honourable members is parallel to that.

I do not agree that this is a unique or unprecedented situation. This Bill has great urgency in relation to the establishment of the authority. That is why it is being considered now before the other Bills.

The Hon. J. C. BURDETT: It is extraordinary to refer to an Act that has not been passed.

The Hon. C. M. HILL: In expressing my opinion that this is extremely unsatisfactory legislation, the best way to vote against it is to oppose clause 29 when we reach it.

Amendment carried; clause as amended passed.

Clause 4—"Establishment of College."

The Hon. JESSIE COOPER: I move:

Page 2, line 27—Leave out "Murray Park" and insert "Magill".

This amendment is, again, consequential.

Amendment carried; clause as amended passed.

Clauses 5 to 12 passed.

Clause 13—"Powers of the Council."

The Hon. JESSIE COOPER: I move:

Page 7, after line 17—Insert subclause as follows:

(4) The council shall not implement any policy, or make any statute, relating specifically to the de Lissa Institute of Early Childhood Studies, unless the Head of that institute concurs in the proposed policy or statute.

The de Lissa Institute of Early Childhood Studies is being established in the framework of the new college. If it is to be successful, it should have some degree of autonomy guaranteed to it. In saying that it was in favour of the merger of the two colleges, the Anderson Report states:

> We recognise, however, that the close community of staff and students at Kingston and their common ethos are of great value and should be protected when the two institutions are joined. We are proposing, therefore, that the Kingston college should amalgamate with Murray Park college in such a way that the educational philosophy and corporate identity of the former staff and students of Kingston may be maintained.

That situation will not be possible unless some autonomy is given to the institute. The report continues:

> At the same time that Kingston subsumes the Murray Park course, it should itself become the School of Early Childhood Education of the new college.

The only way in which such autonomy can be managed is to amend this clause, which deals with the powers of the council.

The Hon. B. A. CHATTERTON: I oppose the amendment. I understand the honourable member's intention, but the amendment will hamstring the new college by providing the right of veto.

The Hon. Jessie Cooper: In what way?

The Hon. B. A. CHATTERTON: It will keep the colleges separated, and hamper a situation where there can be a genuine merger of the two institutions. I do not believe that a take-over situation is involved: it is a genuine merger. As a former pupil of the Montessori school, I would not agree to early childhood studies being downgraded in any way. I oppose the amendment.

The Hon. ANNE LEVY: I oppose the amendment, which is vague. It is hard to know to what it refers. It deals with statutes and policies relating specifically to the institute. What does that mean? Statutes usually refer to the running of colleges, the establishment of courses and the rules and regulations by which a whole college will operate. As such, the college will obviously encompass the institute.

The amendment refers to policy. Will staffing policy be different for the institute from that for the remainder of the college? The Head of the institute may not wish to change policy when the staff-student ratio is different, and the position on that may vary as between parts of the college. The amendment is unworkable and would give rise to wrangles, making administration more difficult.

To interfere in this way with the powers of the council is to interfere with the proper community interest in post-secondary education. Further, the suggested power of veto is purely for the Head of the institute. It takes no account of the wishes of the staff or students of the de Lissa Institute. After the speech by the Hon. Mr. Hill on the importance of worker participation schemes, it seems odd that this complete veto is suggested for the head, without there being any reference to other staff members or students.

I have been told that the present Director of Murray Park C.A.E. and the present Director of Kingston C.A.E. object to the amendment. The Director of Murray Park stated this afternoon that one person should not have power of veto, that all the Heads of schools should have equality of power in the college, and that the de Lissa Institute may well be one of the other institutes or schools within the college as specified. The Director of Kingston C.A.E., who would be the person referred to in this amendment, stated this afternoon that she was happy to be quoted as saying that she regarded such an amendment as bad legislation, and she did not wish to be associated with it in any way.

The Hon. J. C. BURDETT: I support the amendment, and cannot see any difficulty in the words used in it. "Statute" is defined in clause 3 as meaning the statutes made under the Act, and the statutes in the amendment are the statutes relating specifically to the de Lissa Institute. The only policies referred to in the amendment relate specifically to the de Lissa Institute.

The Committee divided on the amendment:

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

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

Pairs—Ayes—The Hons. M. B. Dawkins and R. C. DeGaris. Noes—The Hons. T. M. Casey and N. K. Foster.

The CHAIRMAN: There are 8 Ayes and 8 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 14—"Council to collaborate with certain bodies."

The Hon. C. M. HILL: I am concerned about subclause (2). First, the Minister is to determine the public interest, but my main concern is about the words "or the right of students to continue in any such course of training". I believe that that right should rest with the council of the institution and not have anything to do with the Minister. The reason why a student does not continue may be that the students' standards do not meet the requirements, or it may relate to a misdemeanour. We are saying that the Minister can be involved in a decision that students who have been accepted are not able to complete the period of study that they expected to complete when they were accepted.

It seems to me that, if those words remain in the clause, the Minister could well tell this institution that next year he wanted a 10 per cent reduction not only in the intake of new students but also in the number of existing students. If the Minister believed that that was necessary because of a financial or some other reason and that it was in the public interest, he could give an instruction along those lines. That is absolutely wrong.

I ask the Minister to give his views regarding this provision and to say whether he agrees that it is essential that, once he is involved in making decisions regarding college intakes, the students entering a college under that arrangement ought to have the right to complete their period of study without any interference from the Minister.

The Hon. B. A. CHATTERTON: I point out to the honourable member that this is not a new provision. Indeed, section 14 (2) of the Kingston College of Advanced Education legislation is identical to this clause. Therefore, the honourable member should not try to imply that this is a new power being put into this Act.

The honourable member's interpretation of this clause is incorrect, because the clause refers to "formulating any statute or policies". Therefore, it relates to the general framework of the college, and not to the rights of individual students to continue with their courses. That matter is the prerogative of the college. There is no implication in this clause that the Minister will in any way affect the rights of students to continue with their studies as long as they continue to fulfil the requirements of the statutes and policies of the college that they are attending.

Also, the clause does not give the Minister power in this respect. It merely provides that the college shall collaborate with the Minister. It does not state that the college shall carry out the Minister's direction. So, the fears expressed by the honourable member are quite unfounded.

The Hon. C. M. HILL: I cannot accept the explanation. I will paraphrase the subclause, which states that, in formulating policies affecting the right of students to continue training, the council shall collaborate with the Minister. In other words, it must make some reference to the Minister, and consult with him or the committee that the Minister may establish for the purpose, and the result of that meeting must be based on public interest. The assessment of "public interest" is laid down in this clause to be determined by the Minister.

If at such a meeting the Minister says, "In my view it is in the public interest that there should be a 10 per cent reduction in the existing student numbers," and the Minister stresses that that is his assessment, which he is making in the public interest, the council would have no alternative than to lay down a policy that 10 per cent of students would not be taken back the following year. I believe strongly that that could be interpreted from this clause.

That a similar provision is in the Kingston legislation and in legislation affecting other colleges surprises me. However, it does not necessarily mean it is right if, by precedent and the acceptance of legislation affecting similar institutions, these mistakes continue until they are noticed and debated. The words "or the right of students to continue in any such course of training" ought not to be in the provision.

Admittedly, the Minister must have the right to affect the number of students admitted in any one year, especially when funding is considered. That is, I think, the object of the clause: its main purpose is to make clear that the Minister really has the final say on whether the policies of a college must be altered to increase or decrease intakes. However, I do not think it is right to have in the same clause words that give the Minister the right to make changes once students have been admitted.

Once the Minister of Education has influenced a

decision on intakes, he must live with that decision during the whole period for which students remain at the college. I know that this means that change will be gradual but, looking at the matter from the students' point of view, it is grossly unfair if there is a possibility of students who have been accepted for a three-year or four-year course being told after 12 months of commitment to their courses that they cannot continue because a reduction in the number of existing students is to occur. Not only is that wrong in principle but also the Minister should not seek that right in legislation. Does the Minister agree that that principle is correct?

The Hon. B. A. CHATTERTON: I do not accept the principle enunciated by the Hon. Mr. Hill, because I believe he has put a completely false interpretation on this clause. The honourable member is implying that the Minister will say one day that there must be a reduction in the number of students and that the people who draw the short straws will be expelled instantaneously for no other reason.

That is an incredibly arbitrary interpretation to put on it. The Hon. Mr. Hill implied that the Minister of Education could say, "You have to have a 10 per cent reduction and people who draw the short straws are expelled from the college." That is a dictatorial interpretation. The only way that the right of students to continue in any such training course could affect the statutes and policies is if the Minister or any committee said that there should be higher academic standards, or something of that nature. That seems quite reasonable.

As the Minister is involved in employing graduates from such a college in the Education Department or the Department of Further Education, that he or a committee established by the Minister should seek from the college a change in some way in academic standards or in policies reflecting students' assessments that would have an effect on students' rights to continue, seems the way in which this clause should be interpreted. It seems extreme to suggest that the Minister should say, "You have to reduce your students by 10 per cent or 20 per cent and draw lots from the students who will leave the college and they will be expelled instantaneously."

The Hon. C. M. HILL: I am not talking about drawing lots or having lotteries, but the Minister has the right to enforce a reduction in, say, 10 per cent of existing students and instantaneously that policy would be carried out in such a way that those whose results were at the lower end of the scale would be the 10 per cent so named. It would not be a question of a lottery or drawing straws, but based on performance. We need not argue how it would be done. I do not want to see the Minister having the right to do it. If the Minister does not want that right, those words should not be in the Bill. I do not suppose that he does want it; it is probably a clause that is carried on whenever legislation affecting a college of advanced education comes through Parliament.

The Hon. B. A. Chatterton: Why didn't you object to the requirement about policy?

The Hon. C. M. HILL: I did not object to the requirement about the policy on admission being affected by the Minister because, if he has not got the funds, he could be in a position where he had to say that there should be a reduction in intake for that reason. If all his research is such that the numbers cannot be sustained in the profession on leaving the college, he might well lay down a policy that fewer people might be needed. A quota system might be introduced at some stage. I do not object to the Minister having a say in that at all, but I object to his having fixed a quota and altering it after these people entered the college on that quota basis.

The Hon. Anne Levy: Did you not suggest that, once a student starts, he or she therefore has the right to continue whatever standard is achieved?

The Hon. C. M. HILL: No, it is the college's right to make changes regarding students.

The Hon. Anne Levy: That is done by statutes.

The Hon. B. A. Chatterton: The Minister has not got the power; he only collaborates.

The Hon. C. M. HILL: He has. Going back to the point raised by the Hon. Anne Levy about students being asked to leave because their performance is not up to standard, that is entirely up to the college.

The Hon. Anne Levy: Under its statutes.

The Hon. C. M. HILL: Yes, and it should have the right. But, under clause 14 (2), the Minister has the right to influence a council to affect the right of students to continue in a course of training.

The Hon. B. A. Chatterton: Not an individual student.

The Hon. C. M. HILL: Not necessarily Bill Jones or Tom Smith, no, but under this subclause he has the power to decree that a certain number of existing students might have to be reduced.

The Hon. Anne Levy: It can be done by statute.

The Hon. C. M. HILL: Why can it not be done by policy?

The Hon. B. A. Chatterton: Where is the decree?

The Hon. C. M. HILL: I paraphrase the clause: in formulating policies affecting the right of students to continue in training, the council shall collaborate with the Minister; in other words, that means "must". It does not say "may" but, "they shall" collaborate with the Minister or any committee established by him for this purpose with a view to ensuring that the public interest is assessed, and determined by the Minister. In other words, whatever the Minister says, the education and training of teachers are adequately safeguarded. I believe that that clause means that the Minister can assess public opinion. He can influence the council to change its policies so that the rights of students to continue in any training is adversely affected.

The Hon. J. E. Dunford: It is not public opinion, it is the public interest.

The Hon. C. M. HILL: I meant public interest. The public interest in this case is assessable in one way only—by the Minister. That is my interpretation. I do not believe that the Minister ought to have that right. Whilst I do not have an amendment on file, I will consider seeking a recommittal so that such an amendment can be formulated.

Clause passed.

Clauses 15 to 28 passed.

Clause 29—"Powers conferred by this Act subordinated to provisions of the Tertiary Education Authority of South Australia Act."

The Hon. J. C. BURDETT: I oppose this clause. It seems to me to be quite extraordinary to provide that the powers conferred on the college by this Act are subject to the provisions of the Tertiary Education Authority of South Australia Act, 1979, an Act which has not been passed, nor may it ever be passed. As that seems to be quite ridiculous, I oppose the clause.

The Hon. B. A. CHATTERTON: I have already explained that it is not unprecedented and that the Council will have an opportunity to examine this Act. If it does not pass, obviously this clause will not apply.

The Hon. J. C. BURDETT: It certainly is unprecedented for a clause to refer to an Act that does not exist. I have not been able to check on the Country Fires Act, but that Act certainly did not refer to an Act that did not exist. This is sloppy legislation the like of which I have not seen

before, and I am not prepared to vote for a clause such as this.

The Committee divided on the clause:

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

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

Pairs—Ayes—The Hons. T. M. Casey and N. K. Foster. Noes—The Hons. R. C. DeGaris and R. A. Geddes.

The CHAIRMAN: There are 8 Ayes and 8 Noes. To allow this matter to be further considered, I give my casting vote for the Noes.

Clause thus negatived.

Title.

The Hon. JESSIE COOPER moved:

To strike out "Murray Park" first occurring and insert "Magill".

Amendment carried; title as amended passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

There is no point in canvassing the arguments again. All I should like to say is that, if the Committee insists on the amendments, that will cause much disruption regarding the proposed new college, because it could not be established by the beginning of next year.

The Hon. JESSIE COOPER: I ask members to insist on our amendments. The Minister has said that our insisting could disrupt plans that the Government has in this matter, but any disruption need not be done through the Parliamentary process.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. R. C. DeGaris.

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

Motion thus negatived.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 21 November. Page 2130.)

Clause 2 passed.

Clause 3—"Interpretation."

The Hon. C. M. HILL: On behalf of the Hon. Mr. DeGaris, I move:

Page 1, lines 14 and 15—Leave out paragraph *(b)* and insert paragraph as follows:

(b) a separately defined piece of land that is delineated on a public map, or a plan accepted for filing in the Lands Titles Registration Office by the Registrar-General, and separately identified by number or letter;

I voted against the second reading because I opposed the whole Bill, but I am willing to support amendments now because I believe they improve the Bill. This amendment expands the wording of the existing Act. Representations were made by people involved in lodging these plans; that is, people in the surveying profession. They seemed to be extremely responsible and sought to improve the legislation. They indicated that the delineation on a public map did not go far enough, because plans were accepted for filing by the Registrar-General that were not included in the Bill and should have been. The other difficulty was land which was not only identified by numbers in plans but also in some cases was identified by letters. There may be allotments A, B, C, or D and not allotments 1, 2, 3, or 4 as the Bill envisages. The amendment makes the issue clearer.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I cannot accept the amendment. It does not make the matter clearer: it makes it more confused. I do not understand the reason for the addition of the words, and I have not been able to get a clear explanation from the Hon. Mr. Hill. My understanding is that the addition of "or letter" would cause confusion, because it would give automatic status to many parcels of land, such as closed roads, that otherwise would not at present be considered to be allotments.

The Hon. C. M. HILL: There are pieces of land that are delineated on public maps in the Lands Titles Office, but there are also pieces of land shown on maps that are not public maps but merely plans. Those plans are accepted for filing by the Registrar-General. In other words, they receive his official acknowledgment and become part of the documents in the Lands Titles Office, but at no stage are they public maps. It is necessary to include those plans as well as public maps that are in the office.

Regarding the second matter, all who have had any experience in real property work know that many allotments are on titles that are identified by letter. They would be excluded if the clause remained as it originally was and referred only to land separately identified by number. I understand that the delegation from the Institute of Surveyors included the President and members of the controlling body.

The ACTING CHAIRMAN (Hon. R. A. Geddes): Would the parcels of land delineated by letter be a substantial size, such as 30 hectares or more?

The Hon. C. M. HILL: My experience involved ordinary building allotments that had been subdivided many years ago, and that was the means of identification in those days.

The Hon. B. A. CHATTERTON: The honourable member has explained the amendment further, but I still cannot accept it. It widens the whole position well beyond the normally accepted practice.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. N. K. Foster.

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

Amendment thus carried; clause as amended passed.

Clauses 4 and 5 passed.

New clause 6—"Subdivision of land in certain cases."

The Hon. C. M. HILL: On behalf of the Hon. Mr. DeGaris, I move to insert the following new clause:

6. The following section is enacted and inserted in the principal Act after section 62:

6a. Notwithstanding the foregoing provisions of this Part, where—

(a) a plan of subdivision, or resubdivision does not provide for the creation of an allotment of less than thirty hectares in area;

(a) the plan has been approved by the Council of the area within which the land to which the plan relates is situated,

the Registrar-General shall accept the plan for deposit in the Lands Titles Registration Office.

The object of the new clause is to allow a landowner who wishes to subdivide his land into areas of 30 hectares or more to seek consent for that subdivision from his local council. If the council approves the subdivision, the Registrar-General must also approve the plan, after which it becomes a formal division of land.

The purpose of the new clause is to allow a council to make an assessment on the matter. True, there have been one or two instances in which large subdivisions have taken place, and one could imagine that a council would have objected to such an arrangement. This new clause will give councils an opportunity to say whether or not land in their areas should be subdivided.

The Hon. B. A. CHATTERTON: I oppose the new clause, which gives councils an exclusive power in relation to new subdivisions. This is contrary to the existing situation, where the Director of Planning and the local council are required to approve each subdivision. It seems to me that the new clause ignores completely the duties of the Director of Planning, who must, under the Act, consult with various departments that are vitally concerned with subdivisions. The Engineering and Water Supply Department and the Highways Department are two of the most obvious departments concerned. Apparently, if this new clause is inserted, the interests of these departments are no longer to be taken into account in any process of consultation on subdivisions. It seems to me that the current process involving the Director of Planning and the local council is the correct one, and I therefore oppose the new clause, which excludes the Director of Planning from this decision-making process.

I point out to the Hon. Mr. Hill that last evening he suggested that this approach was incorporated in Mr. Stuart Hart's report on the control of private development. I suggest that that is not true and that the extracts quoted by the honourable member were taken out of context. They did not apply to this situation and could not be used in support of the Hon. Mr. Hill's new clause.

The Hon. C. M. HILL: It seems to me that there is much good common sense in the amendment. First, I point out that under the amendment consent to subdivide farms into 30-hectare allotments or allotments of a greater size will be necessary. If the new clause is inserted, a farmer living 500 miles from Adelaide who wants to cut off from his property 30 hectares, 50 hectares or 100 hectares of land will not have to go to the State Planning Authority in the capital city and encounter all the red tape that is necessary for formal consent to be obtained. That farmer would be able to operate at the local level by going to his council. After all, councils are elected by the district's ratepayers, and councillors are, generally speaking, wise, sensible and solid citizens, who should be able to sit in judgment on whether or not it is right and proper for such a man to be given the consent that he seeks. That is all that the new clause seeks to do, and it therefore surprises me that the Government is not willing to accept it.

Regarding the Minister's statement that I was wrong in what I said about Mr. Stuart Hart's report, I must apologise. I have only skimmed through the report quickly, although I have read press reports about it. I sincerely had the impression to which I referred, and I do not in any way defend my misapprehension. I ask the Committee to accept the new clause.

The Committee divided on the new clause:

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

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

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered, I give my casting vote for the Ayes.

New clause thus inserted.

Title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

I have already explained why the House of Assembly has disagreed to the amendments, and it is no use going over that question again.

The Hon. C. M. HILL: I oppose the motion. The Committee should insist on its amendments. The reasons were explained a short while ago, and I am convinced that the Bill is improved by these amendments.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. R. C. DeGaris.

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 9 a.m. on Thursday 23 November, at which it would be represented by the Hons. J. A. Carnie, B. A. Chatterton, K. T. Griffin, C. M. Hill, and C. J. Sumner.

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PRICES ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments and had made the following amendments:

Legislative Council's amendment No. 1:

After clause 3 insert new clause 3a as follows:

3a. *Amendment of principal Act, s.18a—Functions of the Commissioner.*—Section 18a of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) The Commissioner shall not institute, defend or assume the conduct of any proceedings relating to any dealing with an interest in land.

House of Assembly's amendment thereto:

Strike out "relating to any dealing with an interest in land" and insert "in which the consumer is a party or a prospective party in his capacity as a purchaser or prospective purchaser of land".

Legislative Council's amendment No. 2:

After clause 4 insert new clause 4a as follows:

4a. *Amendment of principal Act, s.49a—Commissioner not liable for certain acts.*—Section 49a of the Principal Act is amended:

(a) by striking out the passage "The Commissioner" and inserting in lieu thereof the passage "Subject to subsection (2) of this section, the Commissioner"; and

(b) by inserting after the present contents thereof as amended by this section (which is hereby designated subsection (1) thereof) the following subsection:

(2) This section does not apply in relation to:

(a) any advice given by, or with the authority of, the Commissioner; or

(b) the exercise of any function under section 18a of this Act.

House of Assembly's amendment thereto:

Strike out paragraphs *(a)* and *(b)* of the proposed subsection (2) and insert the following paragraphs:

(a) the giving of advice to consumers on the provisions of this Act or any other law relating to or affecting the interests of consumers; or

(b) the exercise of any power conferred by subsection (2) of section 18a of this Act.

Consideration in Committee.

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

That the amendment made by the House of Assembly to amendment No. 1 be agreed to.

The Hon. K. T. GRIFFIN: I support the motion. My initial intention in moving the amendment was not to reduce the powers of the Commissioner of Consumer Affairs, which he presently holds, but to limit the powers which he would have in relation to dealings where a purchaser or prospective purchaser of land came to him with a complaint. Concern was expressed by some members that by my amendment there would be a reduction in the present powers of the Commissioner. The amendment will overcome that difficulty.

Motion carried.

The Hon. D. H. L. BANFIELD moved:

That the amendment made by the House of Assembly to amendment No. 2 be agreed to.

The Hon. J. C. BURDETT: I support the motion. The amendment proposed by the House of Assembly narrows somewhat the amendment that I originally moved. It confines the liability of the Commissioner to the matter of giving advice relating to the law, and to the matter of conducting legal proceedings. They were the main things with which I was concerned. When I originally moved a private member's Bill earlier in the session, and when I moved the amendment to the present Bill, I intended that the liability of the Commissioner should be general in regard to all his acts. But when he or his officers gave advice on the law, and particularly when he conducted legal proceedings, I was most perturbed that, whereas other people who do these things are liable for negligence, he was not. The way that the clause will finish up after accepting the amendments proposed by the House of Assembly certainly removes what I considered to be the main evils in the existing Act. I therefore support the motion.

Motion carried.

HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

DOG FENCE ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

The Legislative Council's amendments provide that the time for payment of fees under the principal Act should be increased from 28 days to 90 days. However, I point out that the whole idea is to bring this period into conformity with the period of 28 days provided for in the Vertebrate Pests Act. We want to send out both accounts in the same envelope, so that people who have to pay fees under both Acts can make the one payment. I undertake to give due consideration (and I have done this on many occasions administratively) to situations where infrequent mail services make it difficult for landholders to meet their commitments on the due date. It is administratively sensible for both accounts to go out together.

The Hon. M. B. DAWKINS: The Legislative Council's amendment was moved because of the fears of outback people that the period of 28 days was too short. I have had a private assurance from the Minister (and he has just given it publicly) that some latitude will be given if mail services are infrequent or if there is some other difficulty of that nature. I therefore support the motion.

Motion carried.

POLICE OFFENCES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading (resumed on motion).

(Continued from page 2200.)

The Hon. K. T. GRIFFIN: In his second reading explanation the Minister said that the purpose of the Bill was to enable the Government, by regulation, to ban dangerous articles. He gave the following three illustrations: imitation firearms that are exact copies of genuine firearms; self-protecting aerosol sprays; and hand-held catapults. I recognise the difficulty that one may have in

defining for the purposes of the Act all the dangerous articles to be covered. I therefore appreciate that a regulation prescribing dangerous articles specifically or by class is the next best procedure. Of course, using regulations gives Parliament some measure of oversight of the Government in defining for these purposes what may be dangerous articles. I agree with the principle of banning truly dangerous articles of the kind referred to in the Minister's second reading explanation. However, I find difficulty in seeing how, in itself, a replica of a firearm can be a dangerous article, unless it is used as club. I can see that, when it is used in a hold-up, it facilitates the commission of a crime. In those circumstances, I can understand the concern of the Australian Bank Officials Association that these replicas are readily available and facilitate the commission of crimes. I therefore accept somewhat reluctantly the method by which the use of these replicas and their manufacture and sale can be banned.

Concern was expressed in another place as to the scope of the provision before us, particularly the way in which a dangerous article may be prescribed. The definition of dangerous article can allow such things as toy cap guns and a child's bow and arrow set to be prescribed. Moreover, it can allow beer bottles and other articles to be prescribed which, when used in their familiar context, are useful and acceptable articles in society but, when used in other contexts, could be described as dangerous articles.

I share the concern expressed in another place to some extent, but I content myself with the knowledge that Parliament still has some power to disallow the regulations. I recognise that any Government that sought to prescribe these sorts of articles would not only be acting ridiculously but also appear to be ridiculous. Hopefully, a Government of whatever political persuasion would, by virtue of the consequences, be persuaded not to so regulate in connection with those articles. In the United Kingdom in 1973 a consultative document was prepared on the control of firearms in that country. It is Command Paper No. 5297

It deals only with firearms. In the context of one particular problem of imitation firearms, the report states:

> The Government recognise the widely held view that, despite the difficulties outlined in paragraph 119, something ought to be done about imitation firearms. This is a problem on which they would particularly welcome the views of all concerned, including parents and other members of the general public. They accordingly put forward for comment the proposition that there should be a ban on the manufacture, import and sale of realistic imitations (including toys) which, whether or not they are exact replicas, are reasonably likely to be mistaken for genuine firearms. Imitations subject to this ban should be specified in orders made by the Secretary of State on the recommendation of a vetting committee.

To the extent that this Bill deals with imitation firearms, it follows the recommendation set out in that report.

I am also concerned, and this is linked to the broad definition of dangerous articles, about the penalty which, for an offence, is $2 000 or two years imprisonment or both.

In considering the penalty one must consider that the subsection extends to manufacture, sale, distribution, supply or other dealing in dangerous articles or the possession or use of the same without lawful excuse. In that context, the penalty is high. Whilst the new subsection follows closely the existing provisions, it is in a slightly different context from them, because the nature of the offence is different and the ability to define a dangerous article is more difficult and provision for definition is much wider.

Section 15 (1) of the Police Offences Act deals with such things as offensive weapons, and subsection (2) deals with prescribed drugs which are more clearly capable of definition than are dangerous articles.

Of the two other amendments in the Bill, one deals with the seizure or forfeiture of weapons or dangerous articles, etc., when there has been a conviction under section 15, and the other deals with some easier way of defining a prescribed drug. I support these two amendments without reservation.

Notwithstanding my other reservations, I see the need for some control. I am willing to support the proposals before us which, if they had not required such hasty consideration, might have been subject to amendment to make the definition more express. I support the second reading.

The Hon. C. M. HILL: I commend the Hon. Mr. Griffin on the review he has given to this measure at short notice. The Bill was introduced to this Council today, and the Government requested that we should deal with it in a short time. On the Opposition's agreeing with that request, the Hon. Mr. Griffin, despite all his work today, has conducted much research and investigation into this measure, and I congratulate him for it. I, too, support the Bill. As the Hon. Mr. Griffin said, there is a check in the Bill in that regulations will have to be brought into Parliament, and we will then have another opportunity to examine them.

In the public arena there is growing opinion that some control is necessary over some imitation firearms and other replicas of weapons that have been used in crimes. Reference has been made to other dangerous articles, especially in the hands of minors. I believe the situation has reached the stage where, in the public interest, some action should be taken. This Bill represents the Government's approach, which the Government believes is necessary in this area. Emphasising that the regulations will be available for our perusal later, I support the second reading.

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

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 21 November. Page 2129.)

The Hon. M. B. CAMERON: This Bill causes me some concern, because the Minister is now replacing what has been an excellent body, that is, the National Parks and Wildlife Advisory Council, with a smaller body. The membership has been reduced from 17 to five and, obviously, in the process, there will be changes of individuals concerned. I have believed for a long time that we need whatever expertise we can gather in the community to assist in the management of our national parks.

There is, in country areas where most national parks are located, much potential or direct misunderstanding about why national parks are there and what are the objectives of having them there. Certainly, in some areas there is almost a feeling of resentment at their presence. Much of this stems from the lack of people feeling a part of the national park system as members of the local community.

There is a lack of identity with the parks and I do not think a reduction in the representation on the body will assist to get more community support. There is a large

potential of people who are willing to assist the Government in both the management and the direction of national parks. However, it seems that much of this potential in the way of voluntary assistance and information is not sought as a result, people feel alienated from the parks.

I should have thought that, rather than reduce the membership so that the committee will be what has been described as a more scientific body, the number of people prepared to assist in proper management, not on a scientific basis but in the area of weeds, vertebrate pests, fire prevention, and fire protection, would be increased. That is the most urgent part of what is required. I am concerned that the national parks system seems to be gradually being absorbed into the Environment Department as though the system may cease to be a separate entity. I trust that this move will not go too far, because, whilst I think that the Environment Department is the proper authority to administer national parks, it is important that the controlling authority remains a separate entity.

Wherever possible, communities should be involved in national parks and they should feel that the parks are a valuable part of the community. I hope that the Minister will extend the system so that local people are assisting both his rangers and the new committee. I intend to move an admendment to indicate to the Government what categories of people should be involved on the new committee and to ensure that people of experience in land management and the management of reserves are included. The practical part of parks will best be served by having people of that kind on the committee. I do not object to the Bill. The Government has the right to introduce it and make whatever changes it sees fit. I hope that it is a move in the right direction, not a retrograde step.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Establishment of Committee."

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

Page 2, line 10—After "the Governor" insert—

"of whom—

(a) at least one must be a person with wide knowledge of, and experience in, biology;

(b) at least one must be a person with wide knowledge of, and experience in, land management, and

(c) at least one must be a person with wide knowledge of, and experience in, the management of reserves."

The amendment indicates to the Government that at least two members should have practical experience, and the lack of that experience is the biggest problem facing the national parks system.

The Hon. B. A. CHATTERTON (Minister Of Agriculture): I cannot accept the amendment, as it is too restrictive of the Minister's powers. He must appoint a committee that has the widest possible expertise, and I am sure he will do that. The appointing of a committee such as this is a difficult task, and one needs to balance the knowledge and skills of a person in one area against those of a person in another area. In terms of the amendment, the criteria are such that each member must be slotted in to them immediately.

The Hon. M. B. CAMERON: I do not accept that the amendment is restrictive. The Minister would have wide discretion in the appointment of two members. If members of the new committee are not to have the qualifications set out in the amendment, I am concerned about the change from 17 members to five. With 17 members on the committee, there is opportunity to get the benefit of wide experience, and the categories in the amendment are important in the management and planning of national parks. I should have thought that the Minister would be looking for people in those categories.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 7 and title passed.

Bill read a third time and passed.

DANGEROUS SUBSTANCES BILL

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

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

(Second reading debate adjourned on 21 November. Page 2110.)

Bill read a second time.

The Hon. M. B. CAMERON moved:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

The Hon. M. B. CAMERON moved:

That it be an instruction to the Committee of the Whole Council on the Bill that it have power to consider a new clause relating to the constitution of the board.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New Clause 2a—"Constitution of board".

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

Page 1, after line 9—Insert new clause as follows:

2a. Section 4 of the principal Act is amended—

(a) by striking out from subsection (2) the passage commencing "Until the appointed day" and ending "appointed as follows:" and inserting in lieu thereof the passage "The Board shall consist of nine members who shall be elected or appointed as follows:—";

(b) by inserting after paragraph (I) of subsection (2) the following paragraph:

(IA) One member elected in the prescribed manner by the registered owners of taxi-cabs:

(c) by inserting in paragraph *(a)* of subsection (4) after the passage "paragraph I" the passage "and paragraph IA"; and

(d) by striking out subsection (6)."

I have moved the amendment because considerable concern has been expressed to me by taxi owners who believe that they are no longer represented on the Metropolitan Taxi-Cab Board. This is something that has

grown up over the years and, the last time that there was an alteration to the board's composition, two people were put on the board by the Taxi-Cab Owners Association, which at that stage represented many companies.

They included St. James, Varneys, Black and White, St. Georges, Christies Radio Cabs, Enfield, and Suburban. Since then, amalgamations in the taxi industry have taken place, for economic reasons, no doubt. However, now the Taxi-Cab Owners Association has two companies with members of that association—United-Yellow and Suburban. The two representatives are Mr. Michan from United-Yellow and Mr. Lyn from Suburban. Although Glenelg still exists, it still does not have membership on the Taxi-Cab Owners Association, and several independent taxi-cabs operators do not have membership, either.

Some owner-drivers, even in the companies represented in the Taxi-Cab Owners Association, are supposedly members of that association, because the companies pay their dues, in many cases without the people's authority. No doubt the companies do this in good faith because it is a practice followed for some years. Nevertheless, several people, even in the two companies, do not desire to be in that association, and they set up a separate organisation known as the Taxi-Cab Owners and Drivers Association. Members of this association approached me, along with others, saying that they believed that it is now not proper for one association to have the power to nominate both people on the Metropolitan Taxi-Cab Board while leaving them without representation on it. It is a proper approach, because clearly, when the board was set up, it was representative of the whole industry, and was to be representative of people concerned in the industry. I read from the 1972 amended Act the section referring to people to be appointed:

1. Two members shall, in the manner prescribed by regulation, be elected by the councillors holding office in the Adelaide City Council:
2. Two members shall be appointed by the Governor—
   (A) One on the nomination of the Local Government Association of South Australia Incorporated and
   (b) One on the nomination of the Minister as being a person who in the opinion of the Minister has knowledge of and experience in matters relating to and affecting local government:
3. Two members shall be appointed by the Governor on the nomination of the section of the South Australian Employers Federation known as the Taxi-Cab Operators Association:
4. One member shall be appointed by the Governor on the nomination of the taxi owners-drivers section of the Transport Workers' Union:
5. One member shall be appointed by the Governor who shall be the Commissioner of Police or an officer of the Police Force.;

In effect, the three people who represent the industry are the two members who are nominated by the Taxi-Cab Operators Association which, as I explained, does not represent the whole industry and one member appointed by the taxi owner-drivers section of the T.W.U., whom I understand is a man no longer in the industry, having sold his cab about four years ago. The industry considers that a large section does not have representation. That is the reason for moving that this additional person be nominated by all taxi-cab owners in South Australia to be elected to the Metropolitan Taxi-Cab Board, in order to give them a representative on the board, and who shall be subject to election in future. This is a move that would make the industry believe that it is represented. I urge the Committee to support the amendment.

The Hon. C. M. HILL: I also support the amendment. It is true that representations have been made by taxi proprietors claiming the right to have a greater say at the Metropolitan Taxi-Cab Board level. It is true also that in the past few years changes have been made to the structure of large organisations controlling taxis in the city. Irrespective of the Hon. Mr. Cameron's proposal, structural changes in the Metropolitan Taxi-Cab Board will have to be made soon.

The Hon. Mr. Cameron's approach of simplifying the problem and increasing the board membership by one, thereby not affecting any existing representation or membership, but by increasing the board to nine members by taking a representative from taxi owners, is a means by which the present disquiet within the industry could be relatively easily satisfied. Arranging for a representative from all taxi owners means that associations or groups within those owners will not be vying one group against the other for representation. The amendment provides that the Government may prescribe machinery by which a poll can be held among all taxi owners, and representatives can be elected and nominated to sit on the board. It would be the elected representative's obligation and duty to keep taxi owners informed as to matters before the board, and generally to communicate with those who nominated that person. It does not adversely affect existing structural arrangements regarding nominations to the board, nor does it affect those who now sit on the board, or the number of board members. It is a satisfactory answer to a problem that has been brought to the notice of members of this Council. Accordingly, I support the amendment.

The Hon. T. M. CASEY (Minister of Lands): I hate to disappoint honourable members who have just spoken, but for a long time representative's on the board in South Australia have been representative of the industry generally. If honourable members make alterations each time there are alterations to the structure of the taxi-cab industry in this State, they will bring in alterations each year. I understand that several organisations represent taxi-cab owners and drivers, but they could not agree amongst themselves.

The original Bill has been amended so that eight members are now on the board: two members represent the Taxi-Cab Operators Association, and one represents drivers and the owner-drivers section, but now the Opposition wants another person on the board to cover owners. The board already has members who are representative of all areas. Why have another person on the board?

The Hon. J. C. Burdett: Haven't you read the letter that you received?

The Hon. T. M. CASEY: I have not received any letter. Several organisations in the taxi-cab industry have come and gone over the years.

The Hon. M. B. Cameron: That is not the argument.

The Hon. T. M. CASEY: Yes it is. The position could change in six months. Because an organisation has approached some honourable members today, they are saying that that organisation should have representation on the board. I am saying it is not necessary, because all sections of the industry are represented on the board at present. I therefore cannot accept the amendment.

The Hon. M. B. CAMERON: I do not think the Minister really understands the new clause. At present, the Taxi-cab Operators' Association, which has the right under the present legislation to nominate two representatives to the board, does not represent the whole industry. It does not even represent all the companies any more. For example, the Glenelg taxi company is not represented. Further,

some independent taxi-cab owners are not represented. The Minister should read new paragraph (IA), which gives everyone, even those who believe they are not represented at present, the right to vote for representation. If the Minister believes there is no unrest in the industry about the situation, he should ask people in the industry. My amendment overcomes a difficult situation. The board was set up to be a representative body. As the board makes decisions affecting the livelihood of taxi-cab owners, it is important that they be represented.

The Committee divided on the new clause:

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

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

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. So that the matter can be further considered, I give my casting vote for the Ayes.

New clause thus inserted.

Title passed.

Bill read a third time and passed.

[Midnight]

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

The amendments provide that there shall be an address to the Parliament in the event of a Commissioner's being suspended. At the behest of the Opposition, the Government appointed a Royal Commission, but when we did that the Opposition did not want it. We accepted the recommendations of the commission and we have given protection to a Police Commissioner who may be in a similar position to that of Mr. Salisbury.

I pointed out yesterday that, if the Council insisted on its amendment, the matter could be delayed for months while Parliament was not sitting. This matter has been thoroughly canvassed. Indeed, it was fully discussed in August, and it has been debated in both Houses of Parliament. The Opposition can do what it likes, but there will be no conference on this Bill. If Opposition members do not want to give the Police Commissioner some protection, they should insist on their amendment.

The Hon. C. M. HILL: I am not impressed one little bit by the acting of and the statement made by the Leader of the Government in this Chamber. There is no doubt in my mind that the better of the two approaches which have been argued and for which we have been trying to legislate was that which was originally contained in my Bill and in the amendments to the Government's Bill that the Council carried.

The Police Commissioner and the Deputy Commissioner would have been suspended if any matter arose, and the matter would have been brought to Parliament. In the circumstance of one House deciding that one of those officers should not be so suspended, that officer would have the right to be restored to his original office. I am surprised that the Government says that it will not consider that aspect. It seems pleased to revert to the present position, which also surprises me.

In the knowledge that my proposal is my Party's policy, I look forward to the day when, in Government, the Party of which I am a member will amend the Act so that we will have a better provision on the Statute Book in this State. Then, the Police Commissioner will take his place alongside the other senior officers of this State, namely, the Public Service Board Commissioners, the Auditor-General, the Valuer-General, and the Public Trustee, who was placed in this position only last week by the Government's legislation.

I thought that my approach to the matter was far better than that of the Government. However, I acknowledge that, if the Government legislates on this occasion in the way in which it has proposed, the Commissioner and Deputy Commissioner will certainly be in a better position than they are now. That is the factor that causes me to decide at this stage that it would be a wiser course, in the interests of those officers, to yield in this matter and to allow the Government's proposal to go on the Statute Book for what I hope will be a relatively short time.

Motion carried.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2207.)

The Hon. C. M. HILL: The Bill has been introduced by the Government, which considers that a number of defects that have been noticeable in the present arrangements need to be corrected. It is only proper that anomalies that exist should be corrected. A feature of the Bill is that some back-bench members of Parliament who have previously held offices in the Parliament and in Government the salaries for which were higher than those that they are now receiving will receive some benefit through superannuation because of that service.

The Bill also provides that a member will have no option but to contribute 11·5 per cent of his salary to the fund whereas at present he can exercise an option as to whether or not he wishes to do so. The formula is being amended so that a basic pension can operate after six years service instead of the present term of 8 years.

I notice also that there is in the Bill an arrangement whereby honourable members who have prior service in the Commonwealth Parliament can have that factor taken into account after payment of an appropriate sum to the fund. It is only right and proper that people who serve in the State Parliament after giving service in Canberra ought to have this opportunity.

I think that a just superannauation fund is a matter which all honourable members of Parliament who have served the initial period in Parliament deserve; they give a tremendous amount of time to their work. We all know the numbers of meetings and functions that are attended after normal working hours. The effect of these long working hours and the amount of work we do, resulting from representations made to us by constituents, and committee work within our respective Parties and in Parliament, means that one of the benefits of Parliamen-

tary service should be fair and reasonable superannuation. It is only proper that from time to time, as occurs in superannuation fund private business practice, these arrangements have to be upgraded in keeping with general conditions as they change.

The Hon. J. E. Dunford: G.M.H. workers haven't got any.

The Hon. C. M. HILL: I do not think that G.M.H. workers are quite as badly treated as the honourable member would claim. I agree that they do not have a superannuation fund, but I hope that in time superannuation arrangements will extend throughout a wider spectrum of the work force. I support the second reading.

The Hon. M. B. CAMERON: The last time the superannuation Bill came before this Chamber I distinctly recall incurring the wrath of my fellow members by expressing views in opposition to certain sections. I do not intend to take that course tonight, because I accept that there are variations between members.

For instance, I would have to declare my intentions outside of Parliament. If I left this place tomorrow or in 10 years time, clearly I would have another income, provided that shearers do not want too much. However, some members gave up outside interests when they came in, and they do not have that same advantage, so there are variations between members of Parliament. I accept that it would be difficult for me to say what should or should not be.

However, I am disturbed about this Bill's presentation. I feel strongly that the public has a right to participation in debate, whether it be through the press or by representation to us as members of Parliament, and I believe that they have a right to express a view. I do not support this Bill's passage tonight. I ask why the Minister cannot hold this Bill, as the Government has done with so many Bills, through to the February session, to give the public an opportunity to participate in debate on this matter.

Plenty of important Bills are before the other House and this Chamber that will not be passed this session, yet I can understand the public disquiet at finding that we can pass this Bill today. It does not do anything to our image as members of Parliament or to the Parliament to have this Bill going through in this manner.

One only has to read the front page heading of one of the daily newspapers today to see that we have each to decide whether it is justified or not—"M.P.s rush own Super Bill." Is it or is it not justified? I believe that, if one examines the facts, it is. We cannot complain about that. I guarantee that we will get the same treatment tomorrow morning from another daily paper. I do not necessarily oppose the Bill. As I indicated, I have some feeling for those people who do not have my advantage. I do not believe that it is right for us to try to avoid either public criticism or praise for whatever we do in this place. I support the second reading.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. M. B. CAMERON: Would the Minister report progress and leave this Bill until the February session, in line with what I have said?

The Hon. D. H. L. BANFIELD (Minister of Health): I have been here for 15 years, and many complaints have been made on this subject. We have a Bill before us, and at the end of February there will be Bills rushed through because of the delay caused by Opposition members discussing Bills at great length. The Opposition puts us into a position where Bills have to go through when they are introduced in this Chamber. The honourable member did not attempt to move the adjournment of the second reading debate. We are now in Committee, and I intend to continue through the remaining stages of the Bill tonight.

The Hon. C. M. HILL: I take strong objection to the Minister's claim that the Opposition is the cause of delay regarding Bills. The Opposition is not at all to blame for that. The legislative programme is entirely in the Government's hands. The Government's handling of its programme in this session has been deplorable, and most members would recognise that. I have been here for 13 years and I cannot remember a year when we have done so little work until the last week of this year. Until this last week we all must admit that we have had negligible work compared to the legislative work in previous years.

The Government is at fault regarding this Bill. If the Minister wants to make false claims, as he chose to, he knows that members on this side, and I exclude the Hon. Mr. Cameron, who took the view from the time that he saw this Bill that he wanted longer to consider it, wanted until tomorrow to consider this Bill. But the Minister insisted that it continue. The business of the Council has not been taken out of the Government's hands by the Opposition. The Government wanted to proceed with the Bill but, at this late hour, I would have preferred it to stand over.

However, the Government has called it on, and the Opposition had no alternative to agreeing with that. If we had used our numbers, we would have taken the business out of the Government's hands, but the Opposition does not do that. When the Minister replies to the Hon. Mr. Cameron, he should have blamed the Opposition for the light programme that we had before us prior to this week.

The Hon. M. B. CAMERON: I take exception to what the Minister has said. I believe that, if the public has no right to participate in debate on this matter through representations to us or to the press, I cannot continue to participate in the debate. If the Minister does not agree to hold this over, I have no intention of participating any further in the debate, because I believe that what we are doing can clearly be considered by those in the outside world to be improper. There is an attempt to avoid public discussion on this matter, and I do not believe we gain any marks for that; in fact, we lose marks. It would be far better to give the public an opportunity to know what we are doing and, if it thinks fit, to criticise what we are doing. If it was properly explained without the rush, the public would accept it. Because of the rush, we will be deservedly criticised for what we are doing this evening. I again ask the Minister to consider what I have said.

The CHAIRMAN: I wish to make a personal explanation, following what the Hon. Mr. Hill has said about using numbers to take the business out of the Government's hands. I would find it difficult to do that in the position I am now in. I want to make clear that it is a practice that I would not like to be involved in at any time, but more especially I would find it very difficult at present. I attempt to cast my vote in a manner that will keep legislation going, not stop it.

Clause passed.

Remaining clauses (2 to 12) and title passed.

Bill read a third time and passed.

PETROLEUM ACT AMENDMENT BILL

In Committee.

(Continued from 21 November. Page 2131.)

Remaining clauses (4 to 24) and title passed.

Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 21 November. Page 2107.)

The Hon. K. T. GRIFFIN: I accept the principle of the Bill, which seeks to broaden the provisions of present sections 146, 147, and 148 of the principal Act. Present section 146 provides that, where a person is absent from the State and there is no-one in the State authorised to sign a discharge of mortgage, the Treasurer can receive the money to be paid by the mortgagor. He receives it in that context on trust from the mortgagee or other person entitled to it.

Section 147 provides that the Registrar-General of Deeds may make an entry in the Register book discharging the mortgagee when the Treasurer's receipt is produced. Section 148 provides that, where a mortgagor delivers a duplicate mortgage to the Registrar-General and proves that all the moneys owing are paid and that the mortgagee is dead or absent from the State, the Registrar-General can register a discharge of a mortgage.

The present sections are somewhat limited in their operation, and the amendments do widen them considerably. I am satisfied with new section 146(1), except in one respect, because it provides that the Treasurer may execute a discharge of mortgage where, first, the money due under the mortgage has been paid and, secondly, where the mortgagee is dead, cannot be found, or is incapable of executing, or refuses to execute, a discharge of the mortgage. One of the criteria is that the mortgagee refuses to execute a discharge, and I am concerned about that.

The moneys might be paid under the mortgage, but there might be a dispute between the parties. In that context the Treasurer should not have power to override the wishes of the party in the circumstances presently indicated in section (1) *(b)* (iii). The prerequisite of refusal to execute a discharge of mortgage does not appear in new subsection (2), which provides:

> The Treasurer may receive moneys on behalf of a mortgagee, or the estate of a mortgagee, who—
>
> *(a)* is dead;
>
> *(b)* cannot be found; or
>
> *(c)* is incapable of executing a discharge of the mortgage,

Whilst old section 146 provides that the moneys received by the Treasurer are to be held in trust for the mortgagee or other person entitled to that money, there is no such provision in the amendment. The fact that it is held on trust indicates a way by which the mortgagee or his legal representative or other persons entitled to the money can get it.

Without the express provision that it is held by the Treasurer on trust, I believe that there are some doubts about how this money can be paid out or how a person entitled to it can compel the Treasurer to hand it over. I want to include expressly a provision that the money when received by the Treasurer is held in trust for the mortgagee or other person entitled to it. My other concern is in relation to new subsection (4), which provides that a discharge executed by the Treasurer in the circumstances envisaged by the section operates as a discharge but not as a discharge of a personal covenant to make payment under the mortgage.

All of the covenants of a mortgage are personal covenants. I am not sure why this discharge was not to be a discharge of only a personal covenant to make payments under the mortgage. I would have thought that the object of the provision was to provide for the discharge of a mortgage in so far as it relates to the land and that all personal covenants should not be discharged by the Treasurer.

At the appropriate time I will be seeking to ensure that the land only is discharged from the mortgage and that all the personal covenants of the mortgage are left intact. I support the second reading.

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

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

ADJOURNMENT

At 1.6 a.m. the Council adjourned until Thursday 23 November at 2.15 p.m.