LEGISLATIVE COUNCIL

Thursday 15 February 1979

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

MINISTERIAL STATEMENT: RESIGNATION OF HON. D. A. DUNSTAN

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

Leave granted.

The Hon. D. H. L. BANFIELD: I have to inform the Council that the Hon. D. A. Dunstan today tendered his resignation as Premier and that His Excellency the Governor has sworn in the Hon. J. D. Corcoran as Premier of South Australia. In addition to tendering his resignation as Premier, the Hon. Mr. Dunstan resigned as member for Norwood in the House of Assembly. I move:

> That the Council express its deep regret at the resignation as Premier of South Australia of the Hon. D. A. Dunstan due to ill health and that the Council place on record its appreciation of his public service to the State and to this Parliament.

It was indeed with deep regret that we heard this morning that the Premier had taken this step: that, because of ill health, he felt it desirable that he should step down from the office of Premier. Irrespective of politics I think it can be said that Don Dunstan, if he believes in something, fights for it. He has proved to be a great statesman and, although sometimes the things he has done have been criticised and opposed, nobody can dispute the fact that Don Dunstan has done many great things for South Australia. He is appreciated by people in all walks of life. He has great stamina and has shown that he is prepared to stand up and fight for the things in which he believes.

It is most unfortunate that Don has seen fit, at this stage, to tender his resignation from the Party of which he was Leader. It has come as a great blow to us. I know he will be remembered by many South Australians for his achievements and the things for which he has stood. Lest it be said that I am politically biased, I do not want to go into too many details, but I have known Don Dunstan for many years and can vouch for the fact that there is no man more loyal to the causes for which he has fought than Don Dunstan. As the Leader of the Cabinet, he has been of great assistance to every member of Cabinet and, of course, loyalty under his leadership has been without question.

Members of Cabinet were stunned to learn this morning of the decision that Don Dunstan would resign as Premier, although I believe that in his own interests it was the right and only decision he could make at this stage. Don Dunstan does not want to continue in office if he is going to have to be absent on sick leave: he wants the State to go forward and the Government to continue its work. He must have come to this decision only after giving it much thought.

It is with deep personal regret that I have had to make this announcement today, but I think that, whatever are our personal and political views, we must agree that over his many years of service to the Parliament, first of all as member for Norwood and then also as Leader of the Government of this State, the courage Don Dunstan has shown and the actions he has taken can only be admired. He has been an inspiration to every member of his Cabinet, to every member of his Party, and to many people who support our policies. In addition, he has been admired by people politically opposed to some of the measures he has implemented.

We regret that the Hon. Don Dunstan has tendered his resignation, especially in these circumstances, and I am sure that everyone in this Council wishes him a speedy recovery.

Honourable members: Hear, hear!

The Hon. R. C. DeGARIS (Leader of the Opposition): Members of the Liberal Party in the Legislative Council join with the Minister of Health in expressing their extreme sorrow at the illness of the Hon. Donald Dunstan. Parliamentary life is of its very nature a life of a continuing conflict of ideals and ideas and, while at the same time we may strongly disagree with a member's or a Premier's view, nevertheless there is in most cases a genuine regard for the viewpoint of the other person and a genuine regard for his well-being.

Although the announcement today came as a surprise, I point out that yesterday there were rumours in this Council as to the Premier's future. The Hon. Donald Dunstan has pursued his political purposes with sustained vigor and has been successful in taking this State on a course fitting his own philosophy. As a previous Minister and as a person who has served as Acting Premier for some time, I appreciate the amount of strain and stress that attaches to such public office. A point that is not always appreciated by not only members of Parliament but also the public at large is the strain and stress that all Ministers and all members are under, the strain on a Premier being much greater still. For a person to stand that strain he must possess strong mental and physical capacities. Although we do not know the nature of the Hon. Mr. Dunstan's illness, my colleagues join with me in expressing our regret that illness is the cause of his decision to relinquish Parliamentary life. With my colleagues, I join with the Minister of Health in hoping that the Hon. Donald Dunstan recovers quickly from his illness and in the near future is able to play a continuing role in the life of South Australia.

The PRESIDENT: I would like to take the opportunity to support both Leaders in their remarks about the unfortunate premature retirement of Don Dunstan. He is probably the best known politician in Australia in recent times, a man who, as both Leaders have said, has been dedicated to his political cause.

In my time in politics, he has, in his role as Premier, been one of the most courteous Ministers with whom I have dealt. I wish him every happiness in his well earned retirement and regret that such unfortunate circumstances have brought about his relinquishing the office of Premier prematurely.

Motion carried.

PERSONAL EXPLANATION: MEMBER'S STATEMENT

The Hon. J. C. BURDETT: I seek leave to make a personal explanation.

Leave granted.

The Hon. J. C. BURDETT: Yesterday, in the House of Assembly, the member for Mitcham made certain remarks about me, and I should like to explain the position. The member for Eyre, commenting upon the fact that the member for Mitcham frequently was out of the House during sitting time, while appearing in court in the course of his legal practice, stated:

> The outside interests that we have do not interfere and take us away from this place when it is in session, and they do not interfere with our representing our constituents. I am not sitting on my farm when this House is debating legislation, nor are other members. If the member for Mitcham is sincere, he will tell the House and the people of this State how many hours he spends at the court each month and how many briefs he takes during the time Parliament is in session. I am sure that the House and the people of South Australia would be interested in this information.

The member for Mitcham stated:

> It is curious to hear the member for Eyre talking in the disparaging way he did about me. It is not curious to hear him being disparaging about me, because that often happens. However, it is curious to hear what he said because it is a funny thing that only about a week ago I spent two days in court and guess who my opponent happened to be? It was the Hon. John Burdett, the Liberal so-called shadow Attorney-General.

The Hon. Anne Levy: Who won?

The Hon. J. C. BURDETT: We do not know. The member for Mitcham continued:

> The member for Eyre criticises me for accepting a brief whenever I can get one, but he says nothing about their sole lawyer in this Parliament, the Hon. John Burdett, also taking briefs in the same way as the Right Hon. Sir Billy Snedden takes briefs. I make no apology for that, and I suggest that the member for Eyre should discuss the matter with members of his own Party and see whether he is not criticising them at the same time as he criticises me.

The first thing I should like to say is that the member for Mitcham does not seem to have even enough time to read *Hansard* or to know who are the members of this Parliament. Otherwise, he would know that the Liberal Party had another lawyer in the Parliament, and a most distinguished one, as he proved last evening; that is, the Hon. Trevor Griffin. The main thing that I wish to say is that it is true that a fortnight ago I appeared, for two days, against the member for Mitcham, but that was done out of sitting time. Whilst it does seem to be the fact that the member for Mitcham absents himself from Parliament in attending to his legal practice and appearing in court, since I have been a member of this place I have never been absent from the Council to appear in court or to otherwise conduct my legal practice.

QUESTIONS

NOARLUNGA DISTRICT HOSPITAL

The Hon. C. M. HILL: I seek leave to make a short statement before directing a question to the Minister of Health concerning the proposed Noarlunga District Hospital.

Leave granted.

The Hon. C. M. HILL: A constituent in the Noarlunga area who has shown much interest in the proposed Noarlunga District Hospital over recent years has contacted me, explaining that construction of the building has not been started yet and that he and many other constituents in the region are perturbed that there may be some other reason for the delay in providing this facility, which has been sought for many years by constituents in that part of metropolitan Adelaide. In view of the inquiry that has been made of me, does the Minister know of any new reason for the delay in that development?

The Hon. D. H. L. BANFIELD: The honourable member is well aware that this is a private enterprise venture.

The Hon. C. M. Hill: With Government help.

The Hon. D. H. L. BANFIELD: That is so. The Government is not opposed to private enterprise, although members opposite may be opposed to it. The Government is co-operating with private enterprise on this occasion, and it makes no secret about that; nor is the Government ashamed that private enterprise is able to work with it. However, previous Governments obviously considered that they were not able to work hand in hand with private enterprise. Although the promoters of this hospital have not informed me of the building commencement date, I understand that things are proceeding very well, and I know that Mr. Wreford—

The Hon. C. M. Hill: Who mentioned that name?

The Hon. D. H. L. BANFIELD: I did not say that the honourable member mentioned it. However, if that gentleman and other people in the Christies Beach area are concerned about this matter, I suggest that they take it up with the hospital promoters.

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Health a question about the possibility of yet another hospital in the southern region.

Leave granted.

The Hon. N. K. FOSTER: I ask this question because the Hon. Mr. Hill's question was obviously orchestrated (if I can use that term) by the gentleman to whom the Minister referred. One could be excused for making such an assumption, because one would need a heavy folder to file all the correspondence that that gentleman has aimed at all the media regarding this matter. In a more serious vein, one would note that that gentleman has lost sight of the explanation given in this Council regarding the type of hospital that is to be built in the region in question. One of the great disappointments regarding the attitude of the gentleman to whom the Minister referred is that he has failed to grasp the significance of this great and indeed valuable emergency centre, which has no parallel anywhere in Australia: I refer, of course, to Flinders Medical Centre.

The Hon. C. M. Hill: A long way from Noarlunga!

The Hon. N. K. FOSTER: I thank the honourable member for that interjection.

The PRESIDENT: Order! The Hon. Mr. Foster should return to his question.

The Hon. N. K. FOSTER: I wish that I could, Sir. If the Hon. Mr. Hill wants to come with me, I am willing to share his great long American car and work out the time that it takes, in an emergency situation and in dense traffic, to get from the populated and industrial areas south of Adelaide to Flinders Medical Centre. If he compares the time that such a trip takes with the time taken by people living near the gasworks or I.C.I. at Osborne to get to Grand Junction Road, he will get a great shock. Although the distances involved in the two trips are comparable, the former trip can be made much more quickly. In fact, I have travelled from Victor Harbor as fast as that road enables me to travel, and have found that I can get to Flinders Medical Centre more quickly than I can travel the distance from Gawler, which is much closer. If the honourable member wants to conduct a study in comparable traffic conditions, and to try to get to Flinders Medical Centre in an emergency, he will see that the

region is extremely well served.

Will the Minister instruct his department to arrange for publicity that will enable people who live south of Flinders Medical Centre to be properly informed of the facilities available there? I point out that people in that region have an advantage over people in other parts of the metropolitan area, particularly in regard to the fine emergency services at the hospital which will not be available in any new structure.

The Hon. D. H. L. BANFIELD: From time to time I have pointed out to this Council the value of Flinders Medical Centre to people in the southern districts. The establishment of that hospital was the Labor Government's policy for many years. Indeed, the Hon. Frank Walsh, when Premier, played a big part in establishing a hospital south of Adelaide. The facilities at Flinders Medical Centre cannot be bettered anywhere in Australia. This has been brought about by the actions of a Labor Government, and by no Government other than a Labor Government. In 1965, we announced our policy of putting a hospital south of Adelaide if we were elected to Government. We kept our promise: we built the Flinders Medical Centre.

The Hon. C. M. Hill: Do you give the Federal people any credit?

The Hon. D. H. L. BANFIELD: I am not giving the Federal Government any credit for its denying the State Government any further money for capital expenditure on hospital buildings.

The PRESIDENT: Order! The question was asked by the Hon. Mr. Foster. I ask the Minister to address either the Hon. Mr. Foster or me.

The Hon. D. H. L. BANFIELD: I will address you, Sir, and I give no credit to the Federal Government for reneguing on an undertaking to this State that we would receive $89 000 000 for hospital buildings from the Federal Government over five years. In the first year we got $13 000 000; in the second year we got $5 000 000; and from now on we will get what Paddy shot at. And the Hon. Mr. Hill wants to know whether I will give credit to the Federal Government! I will give credit to the Federal Government for delaying the provision of necessary hospital facilities in South Australia. Yes, I am prepared to give that credit to the Fraser Government, which has not had the slightest influence on health or welfare.

The PRESIDENT: Order! I ask the Minister to revert to answering the question.

The Hon. D. H. L. BANFIELD: The facilities at Flinders Medical Centre, along with the support we have given to the private promoters of the hospital planned for Christies Beach, give better services than we have in some other parts of the metropolitan area.

The Hon. C. M. HILL: I wish to ask a supplementary question, and I refer to the Government's promise that an emergency helicopter service will be implemented, so that emergency accident cases can be transported from the southern beaches, such as Christies Beach and Port Noarlunga, to Flinders Medical Centre with a minimum of delay. I believe that at the time it was stated that the helicopter services would be used in conjunction with other emergency services provided by the Police Department. If the Minister contends that lack of funds is a problem, can he say what the present Government has done and is doing with $600 000 000 in untied grants which is being given to this State by the Federal Government and which the Federal Government expects this State to spend according to this State's chosen priorities?

The Hon. D. H. L. BANFIELD: The sum referred to by the honourable member may or may not be $600 000 000 in untied grants. Is the Hon. Mr. Hill suggesting that we should not go ahead with other services in this State? Is he suggesting that we should devote all our resources to health services, when the previous Liberal Government made all services in this State a shambles, which this Government has attempted to rectify? Is the honourable member suggesting that we should do nothing about harbors, roads and education? Does he agree with me that the percentage spent by this Government on health is about three times the budgeted amount ever spent by the Liberal Government? Has the Liberal Party no conscience in this regard? Opposition members were not interested in health when they were in power. They spent only about 8 per cent of their Budget on health and welfare services, whereas this Government is spending about 24 per cent for these purposes. Does that not indicate that this Government believes in the importance of health and welfare? The Hon. Mr. Hill referred to the alleged lack of facilities in the southern districts. He and the Hon. Mr. Dawkins have criticised the Government for building Modbury Hospital, but their policy was to build only a 100-bed community hospital at Modbury. Of course, the Labor Government has provided a larger public hospital there, and even that is not meeting requirements.

LABOR PARTY COMMUNICATIONS

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister of Health about communications in the A.L.P.

Leave granted.

The Hon. R. C. DeGARIS: Yesterday the Hon. Mr. Dunford indicated to the Council his total support for the South Australian Hotels Commission Bill, but within a matter of a few minutes the Government announced that it had no intention of proceeding with the Bill. Will the Minister have a look at communications within the A.L.P., so that Government members know what is going on in their own Party?

The Hon. D. H. L. BANFIELD: Labor Party conventions are open to the press.

The Hon. C. M. Hill: So are ours.

The Hon. D. H. L. BANFIELD: Yes—for five minutes, so that the press can get a photograph of the President of the L.C.L. entering the room. Hand-outs are given to the press when and how the President wants to do so. Of course the Hon. Mr. Dunford gave full support to the proposed Bill. The Government still believes that a Bill is desirable but, because further representations have been made to the Government by the industry, the Government is prepared to have another look at the Bill. So, there is no lack of communication. We talk to the industry, and the industry talks to us. The Hon. Mr. DeGaris laughs about this, but the Government has received support from the executive of the Australian Hotels Association in relation to this Bill. However, it appears that the membership of the A.H.A. did not support its executive, which supported the Government's going ahead with the Bill.

If there is a lack of communication anywhere in relation to this Bill, it is between the executive of the Hotels Association and its membership. We had the support of the A.H.A. when this Bill was proposed, and it was not until the membership of the A.H.A. insisted on the general meeting being called to discuss this matter that it withdrew its support, which had been given to us by the executive of the A.H.A.

The Hon. R. C. DeGaris: It is still Government policy.

The Hon. D. H. L. BANFIELD: You asked about communication, and you have got your answer to that question.

SAMCOR

The Hon. F. T. BLEVINS: I seek leave to make a brief statement before asking a question of the Minister of Agriculture about Samcor.

Leave granted.

The Hon. F. T. BLEVINS: In today's *Stock Journal* a headline states that the Government is seeking an extension of the Samcor trading area. As this is completely contrary to the previous statements made by the Minister of Agriculture, can the Minister explain whether there has been a change of policy?

The Hon. B. A. CHATTERTON: There has not been any change in policy. The headline to which the honourable member is referring in the *Stock Journal* states, "Government seeks extension of Samcor trading area". The report by Jon Lamb states:

> Samcor's semi-protected trading area will be extended to cover the proposed new metropolitan abattoirs area.

The article claims that that was announced by me on Tuesday in Adelaide. I can say categorically that I made no such statement. It is quite contrary to all the statements I have been making, and I am surprised that the reporter concerned has not read any of the press statements that I have released during a period of 2½ months, nor has he read the legislation. I am disturbed that the *Stock Journal* should not bother to check the stories put forward by its reporters in order to ensure that they correspond with the facts.

It is obvious that the reporter concerned is not aware of what the legislation actually provides, and is not aware of the many statements that I have made. I have said many times that the whole intention of this legislation is to divorce meat hygiene from trade restrictions for Samcor, and they are being treated as separate issues. I have made that plain several times to Mr. Jon Lamb and to other reporters. The question of meat hygiene is the topic of the legislation now before the House of Assembly, and the question of the Samcor trading area is something that has been investigated by a committee chaired by John Potter. The two issues are unrelated. It is mischievous to try to misreport me in this way by putting forward the view that I am claiming that the Samcor trading area will be extended. That has not been my intention during the last three months, and it is certainly not my intention now. I hope that the *Stock Journal* corrects the misrepresentation that it has made and informs the rural community of the correct situation.

APPROPRIATION BILL (No. 1), 1979

Adjourned debate on second reading.

(Continued from 14 February. Page 2595.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Supplementary Estimates are usually placed before the House in the autumn session, but I think that this is the shortest period between the passing of a Budget and the tabling and the passing of Supplementary Estimates. In a previous debate in this House I have said that one of the revenue items not running as well as expected in the Budget is collections from pay-roll tax. I believe that this information indicates the problem that this State is facing in its employment position. From my information, I believe that in all other States, with the possible exception of Tasmania, pay-roll tax collections are running on stream with Budget predictions.

It can be said that the admission in the second reading explanation of this Bill, that pay-roll tax collections are anticipated to be down by about $3 000 000, is an indicator of the economic down-turn that is occurring in South Australia. Alongside the down-turn in pay-roll tax collections is the fact that South Australia's unemployment rate is higher than it is in any other mainland State. We have been, on this side of the House, drawing the Government's attention to the certainty of this situation developing, and I predict that there is no chance of any comparative improvement while this State pursues its continuing headlong rush towards a legislative programme that scares private investors.

The overseas and interstate investor, as well as the investor in this State, is frightened by several factors. The examples I intend giving are not necessarily in order of any priority, but I refer to them as factors in this case. First, industrial democracy: in most industries varying degrees of worker participation exists at present, and it is reasonable that Governments should encourage and advise in this policy area. What has happened is that many statements have been made, a variety from the ex-Premier himself, while trade union and other leaders have stated their opposition to industrial democracy but favouring worker control. It is this total uncertainty as to what the Government proposes and as to what the Government's policy is that has frightened investment capital from South Australia.

My second point refers to emotional legislation, and in this area consumer protection leads the field. This House has always voted for reasonable measures related to consumer protection, but continuing pressure for more and more legislation that is further away from a practical approach does not create confidence in private investors. The third point is death duties. We will soon be the only State levying this type of robbery. How can we expect private investors to remain and continue to have confidence in South Australia while it is fairly certain that this State will be the only State levying this type of duty?

Whilst we rely on the lottery of death to collect about $20 000 000 for the State Treasury, and whilst other States do not have this type of legislation, or are phasing it out, the investor will move interstate.

The next point concerns the Government's entry into private enterprise. Yesterday, the Government announced the withdrawal of a Bill that would have been a charter for the Government to take over control, buy shares in, and operate enterprises in the tourist industry in South Australia. The Bill was paraded under the publicity of an international hotel to be constructed in Adelaide, but it had much wider powers than those claimed by the Government.

People in the tourist industry rebelled, and held meetings to oppose such legislation. The Government immediately ran scared and announced that it would temporarily withdraw the Bill from Parliament, but today it became obvious that the Government still believes firmly in its policy and in the Bill that has been withdrawn. Apart from nationalising powers of the tourist industry, who would consider investing millions of dollars in an international hotel if the investor fears eventual Government takeover or Government opposition?

Also regarding timber, mining, insurance, and land development, the Government's entry into these fields has done nothing to assist the confidence of the private sector in this State. I could continue to give further illustrations of my point, that there are any number of areas in which

the Government has intruded and has continued to press with all its advantages to compete on terms and conditions that are more favourable to it than are those applying to the private sector.

South Australia is losing people and capital that it cannot afford to lose. It is losing these people and capital because of the philosophy that is becoming clear to most people: and that is the philosophy that is being followed by this State Government. Yesterday, the Hon. Mr. Dunford was proud that we had hunted out people from South Australia to Queensland. He said that we had got rid of them and were pleased about it.

The Hon. D. H. L. Banfield: He also welcomed to South Australia people from Queensland.

The Hon. R. C. DeGARIS: Not only have we lost people, but the honourable member seemed pleased.

The Hon. N. K. Foster: What big industries have left South Australia for Queensland?

The Hon. R. C. DeGARIS: I do not know. I am merely quoting the Hon. Mr. Dunford's statement. Yesterday, he was proud that we in South Australia had forced people to Queensland because of the Government's policy.

The Hon. J. R. CORNWALL: On a point of order, Mr. President. The honourable member is misrepresenting the Hon. Mr. Dunford. He did not say that; he said that we had hunted out some of the crooks from South Australia.

The Hon. R. C. DeGARIS: The Hon. Mr. Dunford's definition of crooks is wide. Irrespective of what he said, he was pleased that, because of this Government's policy, certain people had left South Australia for Queensland. Not only have we lost people: we have lost the capital that they had invested in South Australia. Not only have we lost the capital: we have also lost the employment that attaches to the investment of capital.

The Hon. D. H. L. Banfield: What are the figures showing the loss from South Australia?

The Hon. R. C. DeGARIS: I am quoting the Hon. Mr. Dunford's statement.

The Hon. D. H. L. Banfield: In claiming that we have lost people and capital, you have not said how many people we have lost or whether it is $1 000 000 or $1.

The Hon. R. C. DeGARIS: When I started this argument I pointed out that the Government has admitted that its estimates for pay-roll tax collection are down by $3 000 000. That is an admission that there has been a movement from this State of investment capital and employment. I believe that that is caused by the policies of this Government, and by nothing else.

The Hon. D. H. L. Banfield: What about refunds and exemptions?

The Hon. R. C. DeGARIS: No other State has budgeted for a pay-roll tax collection and then introduced Supplementary Estimates claiming that collections were less than expected. By going through Budget speeches over the years members will find that each year the Budget estimates for pay-roll tax have been less than the collection, yet this year—

The Hon. N. K. Foster: Admit that it was forced on the States by McMahon.

The Hon. R. C. DeGARIS: That has nothing to do with it. The point is that in the estimates for the Budget a certain sum was expected to come from pay-roll tax, yet four months after the Budget was presented the Government is saying that it over-estimated the amount of pay-roll tax to be collected. From that fact one can conclude that there has been a down-turn in activity in this State in the four-month period that the Government did not expect.

I am saying that the reason for the down-turn in pay-roll tax collections is directly attributable to the fact that we are not attracting capital to South Australia: we are hunting capital out, and employment in relation to the investment of capital is lost and, therefore, there is a down-turn in pay-roll tax collections.

The Hon. D. H. L. Banfield: Does this also apply to the Federal Government's estimate for income tax collections and the subsequent down-turn?

The Hon. R. C. DeGARIS: If the Minister will be patient, I will deal with that question next, because it is relevant to what I am saying about pay-roll tax collections in South Australia. The fall in the Supplementary Estimates predicted in pay-roll tax collections is a reflection of the matters to which I have referred. This is not an isolated attack by me on the Government's policies. I refer to my former Budget, Supplementary Estimates, and Address-in-Reply speeches over the past five years in which I predicted that this position would eventuate in South Australia. I am sorry that it has arisen, but it has, and it has been predictable.

Also, while the Government continues making a headlong rush into more socialist-inspired legislation, fathered in the main by the Attorney-General, then the decline in the economic health of South Australia will continue. I have made that statement before, and I do so again. Capital is crucial to economic recovery and capital, in the main, is in the hands of private investors. Capital investors are shy birds that can be encouraged only by gaining their confidence.

If the Government adopts policies in its legislation that frightens private investors, there is no hope of an economic recovery. That is clear, and the constant irrational biased attacks that have been levelled against people who invest in South Australia by certain members of this Council from time to time is no way to encourage people to invest. If one listens to what honourable members say in this Chamber, one would think that it is a crime to invest in South Australia's future.

It is not. I should like to point out something about which we have spoken in debates on several Bills before the Council. That is the completely irresponsible criticism of those people who have been prepared to save and to invest in South Australia. In this Council, the annual payment to 21 people probably is about $500 000, and I wonder how much of that money is channelled back into investment in South Australia. I believe that that is an important point, because there has been a constant and bitter attack on people who have been prepared to save and invest in South Australia.

The Hon. J. E. Dunford: Give us an example.

The Hon. R. C. DeGARIS: Yesterday, the Hon. Mr. Dunford implied several times that people who had shares in companies were virtually criminals.

The Hon. J. E. DUNFORD: I rise on a point of order, Mr. President. I did not say that. I have read the *Hansard* proofs, and I said that I had many friends in South Australia who had built up wealth and had made the money honestly and well. I said that the people I would like to see go to Queensland and Victoria were the rip-off merchants like Kevin Dennis Motors. What the honourable member has said is an attack on me that is untrue.

The Hon. R. C. DeGARIS: I think I am correct in saying that members on this side would reasonably infer that, over the time that the Hon. Mr. Dunford has been speaking on these matters, he has said that every person who has been prepared to save money and invest is a rip-off merchant.

The Hon. J. E. DUNFORD: I rise on a point of order. I ask the honourable member to withdraw that. I never have implied that people who deal in shares are necessarily

crooks or that they are wrong. I have many friends who invest in shares.

The PRESIDENT: I cannot take that as a point of order. You have made the matter clear. Are you asking the Hon. Mr. DeGaris to withdraw certain words?

The Hon. J. E. DUNFORD: Yes, the statement that I have implied that people dealing in shares are crooks.

The Hon. R. C. DeGaris: I did not say that.

The Hon. J. E. DUNFORD: He said that I had said that people who invested in shares were wrong. He says, "Mr. Dunford implies", and he says that I do it repeatedly.

The PRESIDENT: I cannot uphold your point of order. I can see the point you are making, but you would have to put it in different words.

The Hon. J. E. DUNFORD: I accept that. This is the Hon. Mr. DeGaris's old political ploy, and I cannot stand it.

The PRESIDENT: He may give you satisfaction.

The Hon. J. E. Dunford: No, he would not do that. He would not know how to do it.

The Hon. R. C. DeGARIS: Any member of this Council who will not invest risk capital in South Australia is a person who cannot claim total loyalty to South Australia.

The Hon. J. E. Dunford: The workers cannot afford to invest. Your rich colleagues can invest. How much do you think a G.M.H. worker has at the end of the week for investment?

The Hon. R. C. DeGARIS: The people who deserve abuse are not those who are prepared to invest risk capital: they are those who are not prepared to do so. As I pointed out, the Hon. Mr. Dunford said yesterday that members of this Council were well paid.

The PRESIDENT: This time, do you know what he said?

The Hon. R. C. DeGARIS: He said that members of this House were well paid.

The Hon. J. E. Dunford: I said it.

The Hon. R. C. DeGARIS: The people who have not taken the opportunity to risk capital in South Australia are the ones who should take abuse, not the ones who have done so. The people who are prepared to invest risk capital will assist South Australia and bring the State out of the economic malaise that it is in. The attitude of this Government is not creating a climate that encourages people to risk capital in the development of South Australia.

In the Supplementary Estimates before us, I see that the predictions that we on this side of the Council have made are coming to the point of reality. A second reality is that, if this Government proceeds with its present style of legislation, there can be no improvement.

The next matter to which I want to draw attention was raised by the Minister by interjection. It is that, although there is a loss of $3 000 000 in pay-roll tax alone because of a wrong prediction, which was created by a down-turn in economic activity during that four months in South Australia, personal income tax sharing arrangements with the Commonwealth could exceed Budget estimates by $5 000 000. This figure seems to confirm the general figures coming from the Commonwealth. This can mean only that other States are doing somewhat better than is South Australia. It would be unusual, if all States were showing the down-turn that we in South Australia are showing, that there could be any increase in reimbursements from the Commonwealth tax-sharing pool. I think that is obvious. If in South Australia we have a down-turn of $3 000 000 in pay-roll tax collections and if the Commonwealth is able to disburse to South Australia $5 000 000 more than was expected, it must mean that the other States are doing better economically than is South Australia.

The Hon. D. H. L. Banfield: I do not think that that follows automatically.

The Hon. R. C. DeGARIS: It must follow. There can be no other reason. As I have said, there is no down-turn in pay-roll tax collections in any other mainland State, yet we will collect from the common tax pool $5 000 000 more than was expected.

The Hon. D. H. L. Banfield: The other States didn't agree with what Fraser said about the down-turn in the economy. We thought that for once he might be telling the truth, so we budgeted on that prospect. It did not turn out that way, because the Federal Government's policies brought about much unemployment. The other States did not accept Fraser: we were too trusting.

The Hon. R. C. DeGARIS: The Minister is asking us to believe that Federal policies have caused this State to have the highest unemployment in Australia. He asks us to believe that Federal policies have affected South Australia in such a way that we have an unemployment rate that is 1·2 per cent or 1·3 per cent higher than the average figure for Australia. The plain facts obtained from the Supplementary Estimates are that there has been this down-turn in pay-roll tax collection, and it is a reflection on the economic activity and on employment in the State, whilst there is an increase in tax reimbursements of $5 000 000. If that is not a sad commentary on the economy of this State, I do not know what is. As I have said, it would be totally unusual, if all States were showing the same decline in activity as there is in South Australia, that there could be any increase in Commonwealth reimbursements. That statement is perfectly logical. The Government always objects when the truth is placed before it.

The Hon. D. H. L. Banfield: We are not objecting. All we want is the truth.

The Hon. R. C. DeGARIS: I am stating the truth. It is that this State is no longer attractive to the private investor, because of the policies being followed by this Government. There can be no disagreement with that statement.

The Hon. D. H. L. Banfield: Max Harris said he was leaving South Australia and, when someone challenged him, he said it was psychological, but his business here was fairly good.

The Hon. R. C. DeGARIS: The statements made by Max Harris deserve to be incorporated in *Hansard* for the Minister's perusal, because they were further evidence that what I am trying to say is correct.

The Supplementary Estimates appropriate a sum of $24 900 000, although that figure does not comprise new requirements, as many items included in it cover transfers of funds from one department to another. The Government expects to maintain an overall deficit of $6 500 000. Without being despondent, I do not think that the Government will be successful in that respect, because in the remaining five months of this financial year the down-turn in this State will continue.

I cannot foresee any recovery while such things as the Government's timber corporation, the Hotels Commission Bill, and a whole range of other Government Bills intrude into the private sector and continue to cause concern amongst private investors. We must also realise that $5 000 000 in the Revenue Budget has been transferred from Loan funds and that considerable money has already been received from the recall of funds from the Pipelines Authority. This must make next year's Budget session a difficult one for the Government. Indeed, the 1979-80 Budget session will be a telling point in this Government's history.

The Supplementary Estimates show clearly the economic problems that this State faces. I do not share the view held by some people who tell the Government that all this State's economic problems will be solved by Christmas. True, there will be an economic recovery in Australia, but it will depend on many factors, including the trouble now being experienced in Iran. Although that country is a long way from Australia, it could well affect our recovery.

Compared to other States, South Australia will have a much harder road to economic recovery than will any other State. Comparatively, there will be a recovery, but this State's recovery will be hardly a splash compared to that which occurs in the Eastern States.

The Hon. J. E. Dunford: Unemployment will increase to 500 000 this year. Don't you read the papers?

The Hon. R. C. DeGARIS: Although unemployment in Australia may reach 500 000 in the next couple of months, South Australia will still maintain its position at the head of the unemployment ladder. Most of our difficulties have been created by this State Government, which has destroyed in every way the confidence of the private sector.

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

TRADE STANDARDS BILL

Adjourned debate on second reading.
(Continued from 14 February. Page 2596.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Yesterday, when I spoke on the Bill, I sought leave to continue my remarks. However, I wish to add nothing more to what I said then except perhaps that much more work needs to be done on researching this Bill, which embraces a wide field.

I pursue once again the attitude that I adopted previously, namely, that the private sector needs this sort of legislation like it needs a hole in the head. Unless the Government realises that the private sector will lead an economic recover, that it must not become imbued by socialist designs and philosophies, and that it must look at things much more practically, it will be difficult for this State to make an economic recovery. I am willing to support the second reading, although I will examine closely amendments that may be required to lessen its unnecessary impact on the private sector.

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

DOG CONTROL BILL

Adjourned debate on second reading.
(Continued from 14 February. Page 2597.)

The Hon. M. B. DAWKINS: When I sought leave to continue my remarks yesterday, I had some further comments to make about the clauses of the Bill and about information with which I had been provided by country councils. I should like to read the following letter, which was handed to me and which came from the Central Yorke Peninsula District Council:

> In reference to proposed legislation concerning control of dogs and the licensing of abattoirs, I submit the following for your consideration:
>
> Dog Control Act: Council is opposed to the following sections of the proposed legislation and seeks your support for the views expressed:
>
> Dog Control Warden: Council strongly opposes the proposal for the full-time appointment of a dog control warden by a council or group of councils. Council has been able adequately to control dogs with a part-time officer working an average of two days per month, and therefore the employment of an officer for a greater length of time would be an extravagant use of council funds.
>
> The suggestion that the dog control warden could do other duties would be a difficult application. It requires a special type of person to carry out the duties of "dog catcher", and from experience employees handling other council duties will not accept this position because of the verbal abuse that a dog catcher received in the carrying out of his duties. It has taken this council approximately three years to find a person who was willing to take on this position.
>
> Central Dog Committee: Council can see no advantage to country councils in the proposal for a central dog committee and is opposed to this and the requirement for council to pay a percentage of fees and surplus funds to the central dog committee.
>
> Tattooing of Dogs: This provision is totally unacceptable. The previous arrangement of issuing discs has proved to be very satisfactory over a long period of time and should not be altered.
>
> For your information, council is of the opinion that it is performing its duties in a satisfactory manner under the present legislation and, although some minor problems are experienced, considers that the present legislation is adequate if councils take a responsible attitude toward the administration thereof.

That letter is signed by Town Clerk of the Central Yorke Peninsula District Council. I have also received certain comments from the Clare District Council, which objects to some provisions in the Bill. That council complains that, as a country council, it asked for powers to control dogs; licences and/or other fees from its electors to control dogs in its area; and power to use expiation fees to keep administration costs low. The council stated that what it asked for it believed it needed but it is getting the formation of a central body, which is yet another growth for it to feed.

I referred to this matter yesterday. We will have a central body, which is regarded by some councils as yet another example of Big Brother. This will involve further administration costs, costs to administer the committee, and payments that councils will have to make. The Clare council's letter states:

> The Bill envisages full-time dog officers—another expert to gain high-flown qualification—building a job where none existed before!

Later, the letter states that the council believes:

> That there may be a case for metropolitan councils to have some body to assist them with dog control on a group basis—the Local Government Act probably contains this or special provision could be made in this.
>
> That as this district, and no doubt many others, have no such need and have no need for dogs homes, etc. That it should simply be given the necessary powers to control dogs and left to use these powers as it sees fit without the bureaucratic growth envisaged.

I received a telephone call from the Gumeracha District Council complaining in like manner to the two letters that I have quoted, particulary in relation to clause 12, which provides:

> (1) Each council shall keep separate accounts of the moneys received by the council pursuant to this Act and the

moneys paid by the council in the administration and enforcement of this Act.

(2) Each council shall pay to the committee—

(a) the prescribed percentage of the moneys paid to the council by way of dog registration fees;

and

(b) the surplus, if any, in respect of any financial year of the receipts over the payments referred to in subsection (1) of this section.

As the Clare District Council has suggested, this may be a sensible provision for metropolitan councils, but it could be an imposition on country councils. The Clerk of the Gumeracha District Council told me that councils have to pay any surplus to the Central Dog Committee, and he then asked, "What about any deficit?" Yesterday, I said I could not see how councils could make much money out of this activity. Councils are expected to pay any surplus to the committee, but there may well be a deficit. The Clerk of the Gumeracha District Council said that presumably councils would have to pay a deficit out of ratepayers' funds. The Government should consider improving this clause. I have doubts about the cost of running the Central Dog Committee and about the cost to each council of providing the necessary information and finance. Of course, the operations of the committee itself will involve expense. Clause 26 is somewhat similar to the provisions that we have at present, in that a person has to register a dog with the local registrar; also, the provision does not apply to a dog under the age of three months. The procedure under clause 27 (2) is somewhat similar to the present procedure.

One of the letters that I quoted expressed complete opposition to the tattooing of dogs, which I discussed yesterday. Whilst tattooing may be a step in the right direction, it is certainly not a "cure all", as some people seem to think it is. Many people will not use the right tattooing procedure. With regard to tattooing stock, I find that for every person who does it well there are several people who do it illegibly. I doubt whether tattooing will be as advantageous as the Government thinks it will be.

The Hon. T. M. Casey: What do you suggest?

The Hon. M. B. DAWKINS: I said it might be a step in the right direction. A letter that I quoted said that the disc system had been satisfactory, but I could not really agree with that because, as I said yesterday, discs are frequently lost. I will be honest with the Minister: I do not know of any completely satisfactory method of identifying dogs. I agree with the provisions dealing with the proper care and maintenance of dogs. The Minister and I have talked about instances where dogs are not properly cared for. In those circumstances, the dogs become a nuisance if they are in the metropolitan area, and dogs can become completely destructive if they are in the country. Clauses 34 to 36 and 40 to 45 provide for some measure of control. Clause 41 provides:

If a dog rushes at or chases any vehicle the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding one hundred and fifty dollars.

I do not know how one can pinpoint that situation. Some other clauses cause some concern, but for the most part they are probably constructed in the right manner, because they underline the owner's obligations to look after his dog. I do not know, for example, how one can always stop a dog from chasing a vehicle, because a dog often has a will of his own. Therefore, the practical application of some of these clauses may create problems, especially when a penalty of $150 is provided. I agree by and large with clauses 34 to 36 and 40 to 45, because they provide for a responsible attitude on the part of the owner. I will give the Bill further consideration in Committee. At this stage I support the second reading.

The Hon. J. A. CARNIE secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 14 February. Page 2607.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. We all know that the Torrens title system originated in South Australia and has been copied elsewhere in Australia and, indeed, elsewhere in the world. It operates extremely efficiently. It is as close to perfection as man is able to come. The main purpose of the Bill is to change the system to a computer system. I have some hesitation in agreeing to changing perfection. That is not always wise, particularly when we are told that it will involve more, and not less, labour. The main thing that the Bill does is change the system to computerisation, but a few other nasty things seem to have been slipped in as well. Clause 4 repeals sections 13, 14, 15, 16, 17 and 18 of the principal Act and inserts a new section 13, which provides:

(1) There shall be a Registrar-General.

(2) Subject to subsection (3) of this section the Registrar-General shall be responsible for the administration of this Act.

(3) The Registrar-General shall administer this Act in accordance with any direction of the Minister.

We must remember that the heart of the Torrens title system is indefeasibility, the mirror system. The certificate of title is a mirror of title; it reflects the title. If anyone searches the title or wants to know what a person's title is, he only has to have regard to what is on the certificate of title. This principle of indefeasibility must be maintained at any cost, because otherwise the system fails completely. To me it is completely wrong and completely contrary to this system and the whole spirit of the Real Property Act that the Registrar-General should be required to administer the Act in accordance with any direction of the Minister. He should not be subject to any political direction at all from either political Party, the Government of the day (whatever Government ought to be in power) responsible for the administration of this Act. The Act sets out what he has to do; he should be solely responsible for it, and no sort of political direction of any kind ought to be tolerated. Clause 6 provides:

Section 35 of the principal Act is amended by striking out the passage "by registered letter marked outside 'Lands Title Office', through the post office" and inserting in lieu thereof the passage "by registered or ordinary post".

We know there are difficulties with registered or certified mail but it is worth noting section 35 of the principal Act and seeing what we are referring to. This is the notice of application to bring land under the Act, and that is a very essential matter. There is still some land which has not been brought under the Act and, where one has a title that is indefeasible which nobody can take away, it is quite essential to make certain that the land is properly brought under the Act in the first place and that nobody who may be in occupation, or who may have some other interest, is disadvantaged. It is quite clear that, in order to achieve justice, if one does have this indefeasible system one must make quite sure that justice is done at the point of bringing land under the Act. Section 35 provides:

The Registrar-General shall cause notice to be published in such manner as aforesaid, or in such other manner as may be

prescribed by any order of the court, that application has been made for bringing the land therein referred to under the provisions of this Act, and shall also cause a copy of such notice to be posted in a conspicuous place in his office, and in such other places as he may deem necessary, and shall forward, by registered letter marked outside "Lands Titles Office", through the post office, a copy of such notice addressed to each of the persons, if any, stated in the application to be in occupation of the land, or to be occupiers or proprietors of land contiguous thereto, so far as his knowledge of the addresses of such persons shall enable him, and to such other persons as he may think fit . . .

It is very necessary to ensure, before one gives this indefeasible title, that those who may be affected really have been notified, and I have considerable hesitation about clause 6, which enables notice to be given by registered or ordinary post. I next refer to clause 8, which amends section 54 of the principal Act by striking out subsection (1) and provides that "any instrument purporting to transfer or otherwise deal with or affect any estate or interest in land under the provisions of this Act" must be in the form approved by the Registrar-General. This matter was referred to by the Hon. Mr. Hill and other speakers. At present, the forms are set out in a schedule to the Act but the departure is made here that the instruments are to be in a form approved by the Registrar-General which may be changed very quickly and mean that the conveyancer can never be certain of the form approved by the Registrar-General, and, therefore, of what the appropriate form is.

Because the basis of the Real Property Act system, the Torrens title system, is indefeasibility, it is essential that one should have certainty and indefeasibility on settlement. By settlement, when the money changes hands, one should know that the purchasers or other persons who have acquired title on settlement do in fact have the title, and one must know also with certainty what the appropriate form is. I have no doubt that by changing to computerisation it may be necessary to change the forms perhaps more rapidly than is feasible through amendment to an Act and, therefore, changes to the schedules in the Act.

The Hon. R. A. Geddes: The other difficulty is that often when people buy land they borrow money on the mortgage.

The Hon. J. C. BURDETT: Certainly, and it is essential first that the person who buys land and pays his money does have title and can be assured on settlement before it is registered that he does have title; and, secondly, as the Hon. Mr. Geddes has said, very often the purchaser has to borrow money, and it is essential that the lender must know that he has proper security and that his mortgage or other security is in order and in the appropriate form. While I can understand that computerisation may mean that the forms have to be changed more often than can conveniently be done by amendment to the schedules in the Act, I would have thought that at least they should be changed by regulation: with the system of regulation, one knows with certainly what the forms are, because they are set out in that way by regulation. I next refer to clause 23, which repeals sections 153 and 154 of the principal Act and provides the following new section:

153. (1) A mortgage, encumbrance or lease may be renewed or extended by registration of an instrument in a form approved by the Registrar-General.

(2) An instrument renewing or extending a lease must be lodged with the Registrar-General before the day on which the lease would, but for the renewal or extension, expire.

This was commented on by the Hon. Mr. Hill. It is necessary because of the process of computerisation. Where an instrument expires on a particular date and is apparently going to slip off the register on that day, it is provided that an instrument renewing or extending a lease must be lodged before the day on which the lease would, but for the renewal or extension, expire or slip off on that day.

As the Hon. Mr. Hill indicated, it will often be impracticable to register the extension or the renewal before that day. Sometimes even the rental will not have been determined by then. Clause 29 amends section 220 by striking out subsection (3b) and inserting a new subsection. Existing subsections (3a) and (3b) provide:

(3a) If in respect of any instrument or other matter arising under this Act the Registrar-General is of opinion that—

(a) the production of any other instrument or document;

(b) the giving or any information evidence or notice; or

(c) the doing of any act.

is necessary or desirable, the Registrar-General may—

I. require the person lodging the instrument or some other person concerned in the matter to produce the other instrument or document, give the information evidence or notice or do the act; and

II. until the requirement is complied with, refuse to proceed with the registration of the first-mentioned instrument or with the other matter or to do any act or make any entry in connexion therewith.

(3b) If any such requirement is not complied with within two months after the making of a requisition under paragraph (3a) of this section—

(a) the Registrar-General shall give notice in writing of his intention to reject the firstmentioned instrument and any other instrument or instruments lodged subsequently thereto and dependent thereon to the person or persons lodging and to each of the parties to such instrument or instruments;

(b) if any such requirement is not complied with within one month after the giving of the notice under subparagraph *(a)* of this paragraph, the Registrar-General may reject the firstmentioned instrument and any other instrument or instruments lodged subsequently thereto and dependent thereon and return any instruments or other documents lodged in connection therewith in such manner as he thinks fit; and

(c) any fees paid in respect of any instrument so rejected shall be forfeited:

Provided that the rejection of any instrument in pursuance of the provisions of this paragraph shall not prevent the relodgement of that instrument for registration after compliance with the requisition referred to in paragraph (3a) of this section.

Any instrument rejected or returned in pursuance of this paragraph shall, if the party or parties deriving an estate or interest thereunder lodged a caveat to protect such estate or interest before the expiration of the period mentioned in subparagraph *(b)* of this paragraph, retain the priority to registration which it would have had if it had not been rejected or returned.

First, if any matters have not been carried out that should have been carried out, the Registrar may request that these matters be complied with. If that request is not complied with, he shall give notice and, after the notice is given and two months has expired, the instrument can be rejected, so that the person concerned has full notice of the consequences. New subjection (3b) provides:

He (the Registrar-General) may reject any instrument that, in his opinion—

(a) cannot be registered under this Act; or

(b) should not, for any reason, be registered under this Act, and any fees paid in respect of any rejected instrument shall be forfeited.

That provision is much more pre-emptory than the previous subsection. Subsection (3b) (a) provides that he cannot be registered under the Act. One can go a long way with that, but the Registrar can reject an instrument if for any reason he believes it should be rejected under the Act. There is no restraining of the power. No reasons are given; there are no reasons for guidelines, and it is a wide and arbitrary power. If for any reason the Registrar-General believes that the instrument should not be registered, he may reject it. This again goes into the question of indefeasibility and the need that there is to know that, on settlement, everything is all right.

Under the present system a settlement can be carried out, and commonly is carried out, in the Lands Title Office. Searches may be made immediately before settlement. The forms are known and, if the conveyancers have carried out their duty properly (which they usually do), one can be certain that the purchaser, for example, has got title, that the mortgagee has title, and so on.

Now this will not be possible because, when everything has been properly done and settlement has been properly carried out, with the money having changed hands, the purchaser has paid for a title that he thinks he has acquired, but the Registrar-General can for any reason reject the instrument. That wide power should not exist. A less important matter is that in such cases the fees paid shall be forfeited. There should at least be some discretion to refund in some cases at least part of the fees.

By far the more serious matter is that, even where everything has been done properly, there is no certainty that the instrument will not be rejected by the Registrar-General. I hasten to add that, with the Registrars-General we have had in the past, the administration of the Lands Title Office has been carried out in such a manner that one could have confidence that, if the system persists in the future, there will not be arbitrary rejections, but this does depend on the administration.

As the Hon. Mr. Hill said, there is every reason to fear that in future a Registrar-General may be appointed and selected for his ability and experience in the computer field rather than in his knowledge of the Lands Titles Office. The Registrar-Generals we have had in the past have always had long experience in that office, and most of them have had a legal training and law degrees. It has certainly operated most satisfactorily, but we are not sure that we will get the same type of Registrar-General in the future, yet we are being asked to accept this Bill, which will greatly extend and widen the powers of the Registrar-General. I support the second reading, but I will be certainly either moving or supporting amendments in Committee.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2612.)

The Hon. K. T. GRIFFIN: One has to remember that a principle of statutory interpretation is that in construing an Act of Parliament no reference may be made to the debates in Parliament or other extraneous matters. In the context of this Bill there have been a number of reasons given in debate for the Bill. When it is passed, if it is passed, regard may be had only to the Act, which must be construed according to its terms as printed. If this Bill is passed, and is then construed on its terms as printed, what will it disclose?

The Bill is intituled "An Act to require the disclosure by members of the Parliament of South Australia and certain other persons of information relating to certain sources of income and for purposes incidental thereto." The measure purports to require disclosure, nothing more. The next question is: what happens if disclosure is made? If disclosure is made in accordance with the Bill, that information becomes available to the public, is laid before the Parliament, and becomes a Parliamentary Paper.

What use will the public or others seek to make of that information? There are several possibilities. By direct application, but more likely by inference, those in the community with other interests may seek to compromise or influence a member's conduct on a matter by referring, perhaps in an unbalanced way, to the financial benefits that have been disclosed. It is possible that information about interests that have been declared in consequence of the provisions of the Bill will be abused, that improper use will be made of the information, that the information will be used publicly to humiliate a member by public statements, and that minority interests in the community will use it to further their own interests rather than the overall interests of the Parliament and the State.

The statements made and how the information is used may have no bearing on a matter that is before the Parliament, but it can be so used to build up the interest far beyond its importance. I think we all acknowledge that members of Parliament are in something of a goldfish bowl as far as members of the public are concerned. It is easy to make public and private criticism about them, but, because of the position of a member, it is more difficult for him to refute the assertions, allegations and innuendoes. Because of this, I submit that a member of Parliament should not be in any worse position under the Bill than he or she may already be in.

If the Bill is intended to deal with conflicts of interest, as some members who have spoken in the debate have said it is, the Bill is silent on that point. I recognise that conflict of interest should be disclosed in any walk of life. There are many instances of this, especially where there is a fiduciary relationship between a person and others. I will mention two instances where the principle of disclosing conflicts of interest has been well established for decades, if not for centuries. The first is in my own profession, the legal profession, where there is and always has been a very strong ethical rule that, if there is a conflict of interest in the matter, a practitioner should not act in that matter. In the company law there are well developed principles, both in express statutory provisions and in the general law, that directors of companies ought not to have conflict of interests. If they have, they should disclose them. If they have conflicts in other areas, such as in guarantees, to which I have referred in another debate, the dealing may be tainted with illegality, and the consequence of that is the avoidance of the contract.

Doubtless, members of Parliament, whether back-benchers or Ministers of the Crown exercising the Executive arm of Government, ought to disclose conflicts of interest, but where these conflicts are to be disclosed they ought to relate to specific issues and matters. There is no amount of information disclosed generally that will demonstrate any general conflicts of interest. Those conflicts can be assessed only on specific issues and matters as they arise. Even if there is a conflict of interest, it ought not disqualify a member or Minister from acting. It is important to disclose the conflict, and then for the

member to be able to make an objective decision on the matter before him or before her.

Already, there are two areas where specific conflicts of interest relating to members of Parliament are recognised. One is in our Standing Order 225, and the consequence of a conflict of interest, under this Standing Order, is that a member may be disqualified from voting on a particular Bill before the Parliament. In section 49 and following sections of the State Constitution Act, there are several areas in which conflicts of interest bear certain consequences. It is not necessary for me to expand on those two particular areas dealing with conflict: suffice it to say that they already are well established and that the consequences that flow from them already are specifically provided for. It is important that those two areas, our Standing Orders and the Constitution Act, be recognised as having a direct bearing on conflicts of interest.

We must also remember that, under the Constitution Act, this Parliament is sovereign in all areas other than those vested specifically in the Federal Parliament under the Federal Constitution. In the Westminster tradition of Government, there is a well-established principle that there should be separation of the powers of the Executive, the Legislature and the Judiciary. The supervision of conflicts of interest ought, therefore, to be a responsibility of the Parliament, not of the Executive. This Bill blurs the clear separation of power that is vital to our democracy by vesting in a Public Service official power to administer the Act and by providing regulation-making power to be exercised by the Executive. They are two areas in which there is a blurring of the separation of powers, and this impinging on the sovereignty of the Parliament ought not to be tolerated.

I have said already that members of Parliament are in something of a goldfish bowl publicly. They have a certain right to privacy but, when they take office, they must understand that their decisions and actions will be judged by the people at election time. Notwithstanding that, they must ensure that their actions, decisions and conduct are above reproach and that, where there are conflicts of interest, such conflicts do not prejudice or compromise the action that they may take and the vote that they may exercise.

There are in the Bill other broad areas about which I am concerned. The first is in the regulation-making power, which, as I have said, indicates an Executive control over the legislative arm of Government. In clause 3, there is a definition of "declarable financial benefit", which extends to "any financial benefit or financial benefits that exceed in amount or value, or in aggregate amount or value, the prescribed amount". If one looks at the definition of "prescribed amount" later in the clause, one sees that it means $200 or such amount as may be prescribed.

Clause 5 provides that every member shall, on or before each relevant day, furnish the Registrar with a return in the prescribed form, containing prescribed information with respect to certain specific matters, and then there is a cover-all providing "and any prescribed matter". The Executive will have very wide power, not only to prescribe information that is required in respect of the specific items set out in paragraphs *(a)* to *(d)*, but in relation to any other matter prescribed in that clause.

They are particularly wide powers, which impinge on what I would regard as the vital separation of the powers of the Legislature from the Executive arm of Government and the Judiciary. The information which members must disclose should be specified in the Bill and should not be left to the Executive arm of Government. If so left, there is the real prospect that there will be a compromise of a member and of the separation of powers.

My second point relates to the inspection and control of the register. Clause 4 provides for the control to be under the Registrar, who is to be an officer of the Public Service of the State and a person who may hold that office in conjunction with some other office in the Public Service, or otherwise in the employment of the Crown. That, too, impinges on the sovereignty of the Parliament.

If there is to be disclosure, it ought to involve an officer who is responsible to and under the control of this Parliament, so that that information is under the control of Parliament and particularly of each House.

My third concern relates to the loose drafting of several provisions. I wish not to deal with all the complaints that I have in this respect but merely to draw attention to three in particular. Clause 3 defines "financial benefit" as meaning any pecuniary sum or other financial benefit, but it excludes certain other financial benefits. If it is financial, presumably it involves a pecuniary sum. However, the definition suggests that some sort of benefit other than a pecuniary sum could be a financial benefit. It seems to me to be difficult to interpret that extension.

Clause 5 *(b)* refers to a member's disclosing any interest in any body corporate, any unincorporated body formed for the purpose of securing profit, or any trust. Presumably, that extends not only to beneficial interests but also to legal interests, so that a person who is a trustee and who has no particular beneficial interest is required to disclose the interest as trustee in each trust.

The Hon. Mr. Burdett has already referred to this matter in relation to members of the legal profession who, in the course of their professional practices, are required to act as trustees for deceased estates and for a variety of other purposes. It seems to be unnecessary that they should disclose their trusteeship and breach the ethical requirement of confidentiality in respect of their clients and, in fact, make the trust's affairs available for perusal.

The other aspect of this subclause is that it refers to any body corporate and to any other unincorporated body formed for the purpose of securing profit. In this respect, I ask whether "formed for the purpose of securing profit" refers to the body corporate and the unincorporated body. I suspect that it does, but it is certainly not clear.

Secondly, if it is formed for the purpose of securing profit, is it for the purpose of securing profit for the association or the body corporate, or is it formed for the purpose of securing profit for the members personally? A number of incorporated associations would fall within the description of a body corporate, which may incidentally have the object of securing profit for the association as a whole but not for the members themselves. In fact, this is specifically prevented by the Associations Incorporation Act.

One could instance any of the league football clubs, all of which, I understand, have the object of securing profit for the club to promote the sport. They run clubs and derive profit. However, the members themselves have no personal interest in and are not entitled to any personal benefit from that profit.

Clause 5 *(c)* also involves a difficulty, to which I have already referred in relation to 5 *(b)*, namely, that the official position of any trust ought to be disclosed where a person is a trustee of a trust but has no beneficial interest in the trust. The other aspect that causes concern is the access to this information by any member of the public. I have already referred to the way in which it is possible for such information to be used, if available to the public, sometimes unscrupulously and sometimes to abuse the responsibility that members of the public ought to demonstrate.

The use to which this information will be put if it is

accessible to the public will often be to the detriment of the Parliament as a whole and not just to a member in particular. There will be judgment of a member by the public, which will perhaps misjudge as a result of unreasonable publicity given to the interests of a certain member. The public's judgment of all members of Parliament ought to be demonstrated at election time.

I should like to see the Bill amended in a number of areas to strengthen the responsibility of this Council, to maintain the sovereignty of the Parliament, and to ensure that members of Parliament, in disclosing their interests, do not find themselves in a position of abuse rather than maintaining and exercising a responsibility to the public without fear of compromise. I support the second reading.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 14 February. Page 2614.)

The Hon. J. C. BURDETT: I support the second reading of this Bill, which makes a number of disparate amendments to the Act. Clauses 2 and 3 remove obsolete references, and clause 4 deals with the proving of an Order-in-Council. The main way in which that is done is to prove the document purported to be a copy of the *Gazette*. This clause makes it possible to produce only one page or pages of the *Gazette* that contain the Order-in-Council.

I understand that this amendment has been requested by the Law Society, doubtless to avoid the bulkiness in court files caused by the production of, sometimes, thick, whole copies of the *Gazette*. Clause 5 facilitates the proof of imperial Orders-in-Council.

Clause 8 amends section 59b of the principal Act, which was enacted in 1972. If this Bill passes, computer output will be admissible in civil and criminal proceedings. It would be unrealistic at this stage, when computers are so widely used, to carp at this. I suppose we may have some reservations, because the British law has always been so careful to protect people charged with criminal offences and to ensure that they are not convicted if they have not been proved guilty beyond all reasonable doubt. We may, at first brush, have some reservations about admitting any new form of evidence that may be used against them. However, section 59b has a number of protections to ensure that the computer output is properly verified before it can be admitted. Section 59b provides that the court must be satisfied:

(a) that the computer is correctly programmed and regularly used to produce output of the same kind as that tendered in evidence pursuant to this section;

(b) that the data from which the output is produced by the computer is systematically prepared upon the basis of information that would normally be acceptable in a court of law as evidence of the statements or representations contained in or constituted by the output;

I have no doubt that members of the criminal bar will exercise their usual ingenuity to ensure that any defects are picked up. I do not think that any injustice will be done by admitting computer output in criminal as well as civil proceedings. It would seem to be unduly conservative to object to this proposal. Clause 11 empowers foreign authorities to take evidence on oath in South Australia. This kind of provision has proved useful elsewhere, particularly in worker's compensation proceedings. The term "foreign authorities" refers to courts and similar authorities outside South Australia—interstate as well as international.

Clause 12 amends section 69 of the principal Act, dealing with the power to suppress publication of evidence. The Bill enables the name of a person who is not a party or witness to be suppressed. At present this power of suppression is confined to parties and witnesses. It is easy to envisage circumstances where other people are named.

The new provision for suppression seems reasonable, and we must bear in mind that, with orders of this kind, something may crop up indicating that the order ought to be varied. There is also specific provision for appeals. This Bill was amended in the House of Assembly, and we do not have a Legislative Council Bill. I have checked the matter as carefully as possible, and I do not object to the second reading. However, to enable further consideration to be given to the Bill, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 February. Page 2614.)

The Hon. K. T. GRIFFIN: This short Bill is consequential on probable amendments to the Companies Act, under which the Commissioner for Corporate Affairs is constituted as the Corporate Affairs Commission. From now on, the Commissioner for Corporate Affairs or a legal practitioner acting on his behalf will have a right of audience before a court. I see no difficulty in this. Another amendment eliminates a drafting redundancy. I support the second reading.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 13 February. Page 2523.)

The Hon. K. T. GRIFFIN: Taxes lawfully imposed by the State ought to be paid but, if the law allows schemes to develop to get around the law, citizens have a right to take advantage of such provisions.

The law, over centuries, has developed a strong principle that taxing laws are to be construed strictly by the court and, if there is any doubt, that doubt ought to be construed in favour of the taxpayer and not in favour of the State. If loopholes are disclosed by schemes of avoidance the Government has a right to tighten the law and to close those loopholes. In this Council it is not our job to thwart that objective but, in considering legislation that seeks to close loopholes, we have a responsibility to ensure that, if there are any amendments, they do what the Government expresses and that injustices are not created.

In considering legislation, it is important that it be certain that there is no retrospective consequence. With this legislation, I would like to see that the debts sought to be recovered are debts and fines that have been incurred after the date on which the Bill comes into effect, and that directors should be liable only after that date.

The Bill seeks to tighten the provisions of the principal

Act. Apparently, there have been tax avoidance schemes developed under which a company with no real assets carries on a business of road haulage, incurs liabilities for road maintenance, and perhaps penalties have been imposed by courts as well as orders having been made for payment of back road maintenance. The company goes into liquidation because it has no assets but all liabilities. In endeavouring to close the loopholes there are several difficulties with this legislation. There can be no complaint in regard to the provisions of clause 2, which widens the definition of "director" and makes it comparable with the new definition of "director" in the Companies Act.

Clause 3 amends section 10, and seeks to broaden the provisions whereby a director of a company that has been convicted of an offence is also guilty of an offence and is liable to a penalty that would also include the outstanding road maintenance charges. He has a defence if he is able to prove that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate. That provision is consistent with provisions in other Acts, in particular the Companies Act.

Clause 5 presents several difficulties. First, how far back is this intended to go? If a fine is imposed and road maintenance charges are ordered to be paid in interstate courts but are not now recoverable, is this provision intended to make them now recoverable? As it is drafted it would suggest that a consequence of the provision is that where there is now a judgment or order made in a State that is a reciprocating State (even though there is no reciprocal legislation in this State at present), when the Bill becomes law those penalties and charges can be recovered. That is a retrospective effect which I see as undesirable, and I would want the clause amended so that only those fines and charges incurred after the date on which the Bill comes into effect are recoverable.

The other consequence of this clause is more serious. The scheme is that, where an order of the interstate court is filed in the Magistrates Court in Adelaide, the order on registration shall be deemed to be an order of the Adelaide Magistrates Court. The consequence of that is not only that the company becomes liable for the fine and road maintenance charges but also that, by virtue of that registration in the Adelaide Magistrates Court, the director or directors of the company become responsible for payment of outstanding charges and fines imposed on the company.

These provisions are designed to deal with companies that are what we would call straw companies with no assets. Nevertheless, it is unjust that a director of a company, who may not have received any notice of the fact that a complaint or order has been made in an interstate court or that a fine has been imposed, can by virtue of registration in the Adelaide Magistrates Court only thereby be liable for the penalties imposed on the company. There may have been no notice to the director that such procedures will be taken in the interstate court, and there may have been no notice to the director that a decision has been made. There has been no right of audience given to that director and no right of appeal yet, when the order is registered here, he or she becomes liable for payment. In the clause there is no right of appeal by a director who thereby attracts that liability to have the matter reviewed in the Adelaide Magistrates Court.

The director seems to have no rights, and that is an unjust situation that should not be tolerated. I recognise the difficulties in dealing with these companies under the Road Maintenance (Contribution) Act in this State and the reciprocating States of Western Australia, Victoria, New South Wales and Queensland. Notwithstanding the difficulty, this does not confer on any Government the right to impose a liability without the person on whom that liability is imposed having a right of audience before a court that has imposed it or a right of appeal or a right of review. They are the two principal difficulties which arise out of this provision, which ought to be seriously considered and which should be amended at the appropriate time. There can be serious consequences flowing from the imposition of such penalties without the right of audience.

The other consequence related to this is that, if the director is thereby liable on registration of the interstate order, a warrant of commitment may be issued against him. That warrant may be executed and, as a result, the director may end up in gaol for a period of one day in respect of each $20 remaining unpaid, but not, in any case for a period exceeding one year.

Not only is the director liable for a claim but also he is liable to be imprisoned without having had the right of audience or appeal to an interstate court or to the Adelaide Magistrates Court. That consequence is unjust and contrary to the ordinarily accepted principles of justice. Therefore, I want that provision, and other provisions, amended. For the moment, I support the second reading.

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

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2625.)

The Hon. R. C. DeGARIS (Leader of the Opposition): First, I extend my congratulations to the Hon. Mr. Griffin for the amount of research he has undertaken into this Bill. His speech last night was long; probably the longest speech delivered in this Chamber since I have been in Parliament. Although lengthy, not once did he stray from the Bill and not once did he indulge in any personal attacks on any honourable member.

According to the second reading explanation, this long Bill introduces amendments to the Companies Act that fit in with legislation already passed in other States. We all recognise that the Companies Act should be as uniform as possible throughout all the States. The reasons are obvious, and there is no need for me to elaborate on that point.

However, I draw the Council's and the Government's attention to the tremendous amount of long, hard, slogging research that was involved in this Bill. Putting it alongside the Bills passed in other States, to see if the South Australian Government had adhered to its claim that it follows those Bills already passed in those States, illustrates the need for the Opposition in this Council to have research assistants attached to the office of the Leader of the Opposition.

The Bill comprises between 200 and 300 clauses. Merely to check on the question of uniformity without debating any other questions involves many hours of work. I know that research facilities are available in the Parliamentary Library, and all members will agree that such facilities are of immense benefit. However, there is a volume of research, such as the work undertaken by the Hon. Mr. Griffin on this Bill, that the Parliamentary Library cannot and should not have to do in such a short time.

Further, in such a session in which, within a matter of two or three weeks, there is flowing into this Chamber a tremendous amount of complex legislation, it is not only a

question of dealing with the principles of the Bill but also it is necessary to do a tremendous amount of work examining the actual drafting of the Bill. I suggest that it is impossible for members of Parliament to fulfil their function correctly without some assistance in research.

Analysing and comparing legislation, as was necessary with this Bill, is a task for a researcher attached to the Opposition. I do not know how many hours of slow, grinding work the Hon. Mr. Griffin put in, but it would take an extremely long time to produce the evidence as he has done. Such work should not be undertaken by a member of Parliament. It is a waste of his time, which could be better devoted to other tasks. The Government has a tremendous advantage regarding research staff and public relations staff as well.

I do not ask for uniformity in staff between the Government and the Opposition. Nevertheless, to expect members of Parliament to deal with a range of complicated legislation without research assistance is to be deplored. Some time ago the Premier appointed a Public Service Board inquiry into providing research assistants to the Opposition in the Legislative Council. I have not been told of the outcome of that inquiry, but this Bill illustrates the great disadvantage under which the Opposition labours.

I extend my congratulations to the Hon. Mr. Griffin for his contribution, for the amount of work, and the depth of research that he has undertaken. My comments on the Bill will be brief. I thought it might pay me to follow the formula undertaken by the Hon. Mr. Griffin, but I doubt that the Council would appreciate once again such a long analysis.

There is no justification for adopting measures in the South Australian Companies Act that are not in a general sense in line with accepted legislation in other States. Therefore, the clauses referred to by the Hon. Mr. Griffin, in which the Bill departs from the concept of uniformity, should be amended. Clauses that have been added as a political gimmick by, once again, that gentleman who holds the office of Attorney-General, should be eliminated from the Bill. True, all States have agreed to the question of uniformity and, whilst I agree that in some instances a case can be made for departure from absolute uniformity, we should try as much as possible to stick to uniformity with the Companies Act.

Therefore, on those parts of the Bill that depart radically from the Acts in other States, I will vote in support of any amendment to reach the same position that exists in other States.

The other two points I want to make concern the question of the declaration of companies, which is not uniform, that has to be made regarding donations. I do not see any reason why this departure should be made. Apart from uniformity, there is little argument that can be made that the Companies Act should involve itself in this sort of invasion of privacy in any way whatever.

Secondly, I refer to the matter not included in any other States' legislation, that the Minister may direct the commission in relation to a matter of policy. We have had debates in this Chamber on other matters relating to such questions. I view with some concern that the Minister would be able to determine for the commission a question of policy regarding the replacement of the Registrar by a commission. Both those points I draw to the Chamber's attention, because neither is contained in the uniform legislation passed in other States.

I take strong objection to both those points in the Bill. I support the second reading and will be supporting amendments regarding uniformity that will be moved.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 13 February. Page 2526.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I have previously dealt with the history of drainage in the South-East when speaking on Bills of this kind. That history began with a series of drainage boards that had the task of taking water westerly through the dune structures to the sea, because the fall to the Coorong is slight and water moves into it slowly.

For most of the summer and into spring, the area was inundated, and drainage allowed the water to flow to the sea through Lake Bonney and Lake Frome. The boards that were given this task later amalgamated and became District Councils of Millicent and Tantanoola. They have maintained their virtual freehold title to the drainage system in those two areas. The Millicent council is responsible for rating its landholders and maintaining the drainage system in the area, and no subsidy is given by the Government to that council to maintain the drains.

Then there was the second scheme, under the South-Eastern Drainage Board, which was a hotch-potch of schemes and systems running from swamps. Over the years, there have been changes in the system. A Government subsidy is paid to the board, but the landholders pay a considerable amount. In the Millicent area, the total cost is paid by the landowners and retained by the council, and in the other area there is control by the board, to which Government subsidy is paid.

Thirdly, we have the Eight Mile Creek system. Originally it was under the control of the Lands Department, but now there will be a rating system totally different from that applying in the other two areas. There will be three different rating systems and three different systems of taxation.

Consideration must be given to examining the whole drainage system and the rating question before more damage is done, particularly to the area of the Coorong. Because of the falling watertables and other factors, this whole drainage area demands examination by a Royal Commission before further grave damage is done to the area. I appeal to the Government to consider this matter seriously, because it seems certain that, unless a high-powered inquiry is made, grave environmental damage will be done to the Coorong area, which is one of the great assets in South Australia. Apart from considering the serious environmental factors, the inquiry could consider the system of rating and the contribution the taxpayer is making to some areas and not to others.

The only comment I make on the Bill at this stage is that it seeks, amongst other things, to have an advisory board appointed to advise the Minister on drainage matters in the Eight Mile Creek area. This committee is not appointed under the legislation, and an unusual step is being taken. Perhaps there are other cases in which this has been done, but I cannot recall them. One may be the Wildlife Advisory Committee, but I am not sure.

The Bill gives the Minister power, by regulation, to appoint an advisory committee to assist him in the matter of drainage in the area. If the Government considers that a committee should be appointed, it should be appointed by legislation, not by regulation. We should know who will be the members that the Government will appoint, how they

will be elected, and whether they will be paid. These matters should not be dealt with by regulation.

I strongly urge the Government to appoint a high-powered committee or a Royal Commission to inquire into the whole question of drainage in the South-East, because this Government has contributed to the complete disarray of the system in the whole area. I am not blaming the Government for what I see as environmental damage to the Coorong, but the matter is important and it is time the Government appointed someone to inquire and report to Parliament.

The Hon. M. B. CAMERON: I support the second reading. There are some matters on which I would like answers from the Government. I fully support what the Hon. Mr. DeGaris has said about the need for a total review of all drainage in the South-East. I know that the Bill deals with the Eight Mile Creek area, but we cannot look at any area in isolation: the area must be looked at as a whole. In the past, drainage has been carried out without proper regard having been had to effects on the environment, not only in relation to the land drained but also in relation to adjoining land.

Regarding the Eight Mile Creek area, sufficient thought has not been given to this matter. The cleaning of drains can affect surrounding areas, and no person fully understands the ramifications of drainage in the South-East, the watertables, and the moisture content of the soil as a whole. For instance, I should like to know whether, in respect of the Eight Mile Creek area, any departmental officer understands the effect of drainage in the area on the surrounding Mount Gambier area. However, people are established as farmers, and the system must be kept working.

The purpose of the Bill is to ensure that the drains are kept open and that people with property in the area can carry out their operation without hindrance from a faulty drainage system. Those people have gone there in good faith, and—

The PRESIDENT: Order! Could honourable members please help *Hansard?* There are about five audible conversations going on in the Chamber at present.

The Hon. M. B. CAMERON: Thank you, Sir. The principal Act contains a rather odd provision, to which the Hon. Mr. DeGaris has already drawn attention today. I refer to section 17, which provides:

> The Governor may make such regulations as he considers necessary or convenient for giving effect to this Act or to the purposes of this Act and, without limiting the generality of this provision, may make regulations for all or any of the following purposes:

Certain paragraphs are then set out. Clause 2 amends section 17 of the Act, by inserting therein new paragraph *(aa)*, which allows the Minister to establish a board to advise him on the administration of the Act, to provide for the election or appointment of members of the board, and to prescribe the powers, duties, functions and procedure of the board. That means that the Governor may or may not do those things. He may have any number of people on it, or he may have only one person.

No-one knows what the composition or powers of the committee will be or, indeed, whether it will ever exist. There may be a reason for this, but I find it strange that this should be done by regulation. I should have thought that, if an advisory board was to be set up, it would be done by an amendment to the Act, and not with such a sweeping power being given to the Minister.

I ask the Minister to explain this matter, as it is appropriate that Parliament should consider a provision detailing the composition of the board. It is terribly important in matters of this kind that such boards should have the benefit of a high degree of local knowledge, and at present I see nothing in this Bill to ensure that that happens. Has the Minister a reason for including such a wide-ranging provision?

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

UNAUTHORIZED DOCUMENTS 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.

Its object is to prevent unauthorised use of the State Badge and other official emblems of the State. For many years the magpie, or piping shrike, has been a familiar emblem of this State. It is displayed prominently on the State flag and on Government letterheads. However, there seems to be some doubt regarding the emblem's legal standing. The earliest official reference to it seems to occur in a proclamation dating from 1904. However, this does not actually establish the State Badge; it simply presupposes its existence.

The Bill presently before the Council seeks to remedy this unsatisfactory situation. A new provision in the principal Act will empower the Governor to declare, by regulation, that an emblem be a State Badge, or other official emblem of the State. Not only will this ensure the standing of the piping shrike, but also it will make it possible to give official recognition to the State's flora and fauna emblems, should this ever be considered desirable.

The Government considers that it is of some considerable importance that the State Badge be protected from unauthorised display or commercial use. In recent times there have been various examples of actual or proposed misuse, including reproduction for souvenirs and other ornaments, business promotion, and representation on pamphlets printed by private organisations. This Bill will provide that it shall be an offence to reproduce the State Badge, or any other official emblem, for commerical purposes or in such a manner as to suggest official significance, without Ministerial approval.

The Bill also raises the maximum monetary penalty imposed in respect of offences against the principal Act from £50 to $500. In this regard, honourable members should note that the penalty has not been modified at all since the principal Act became law in 1916. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts a new section in the principal Act numbered 3a. This provides that any person who, without the permission of the Minister, prints, publishes, manufactures or causes to be printed, published or manufactured, any document, material or object incorporating a prescribed emblem, either for a commercial purpose, or in a manner which suggests that the document, material or object has an official significance, commits an offence. Subsection (2) of the proposed new section empowers the Governor to declare,

by regulation, that an emblem be a State Badge or other official emblem of the State. The central provisions of the new section extend to any emblem that is so similar to a declared emblem as to be readily mistaken for it. Clause 3 amends the penalty provisions of section 8 of the principal Act by raising the maximum penalty from £50 to $500.

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

ADJOURNMENT

At 5.7 p.m. the Council adjourned until Tuesday 20 February at 2.15 p.m.