LEGISLATIVE COUNCIL

Tuesday 20 February 1979

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

WHYALLA HOSPITAL

The PRESIDENT laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Whyalla Hospital Redevelopment Phase II (Revised Proposal).

PREMIER'S APPOINTMENT

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek the indulgence of the Council, on behalf of the Liberal Party in this Chamber, to ask the Minister of Health to convey to the Premier, Mr. Corcoran, our congratulations upon his elevation to the office of Premier of this State. I think it is well known that Mr. Corcoran and I fought the battle of Millicent back in 1962, and he was the victor on that occasion. Mr. Corcoran has now risen to become Premier of this State, while I am still stuck here as a rather lowly Leader of the Liberal Party in this Chamber. However, I ask the Minister to convey our congratulations to the Premier. My success pales into insignificance when compared to the lofty heights of Mr. Corcoran's office in the State Administration Centre in Victoria Square.

QUESTIONS

FRANCES PRIMARY SCHOOL

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to the question I asked recently about Frances Primary School?

The Hon. B. A. CHATTERTON: The honourable member has based his questions upon two staffing documents—one issued towards the end of 1977 which it is claimed provided a school of enrolment 50-70 with a staff target of three plus one part-time teacher. The other document is a circular "Staffing 1979" which indicated a new staffing figure of two plus a part-time teacher. Staffing information was provided to schools towards the end of 1977 and 1978 but the information given in 1977 for the 1978 school year is quite different to that suggested by the honourable member.

The staffing document issued on 22 September 1977 headed "Staffing 1978" provides details of the new staffing procedure, and on page 3 refers specifically to small schools. It states that small schools, that is, those whose enrolments are 78 or less, may be obtained from the graph contained in the circular accompanying this reply. The circular goes on to say that flexibility is possible depending upon the particular circumstances. No mention is made in this circular that schools whose enrolment is 50-70 would have a target of three plus one part-time teacher; indeed, the graph indicates that a staff ranging between 2·4 and 3·5 would be possible depending on circumstances. It is the circular issued in 1978 headed "R-7 Staffing 1979" which first mentions enrolments 50-70 but then indicates a total basic staff of 2·4 + 1 for each additional 20 pupils. Again, mention was made of flexibility.

The information provided by the honourable member concerning these documents is clearly incorrect. There has been no reduction in the staffing targets in 1979. In reference to Frances Primary School, enrolments at that school are decreasing. In 1976 the opening enrolment was 70, whereas in 1979 it has dropped to 54. In 1978, Frances had an enrolment of 59, and a staff allocation of 3·4 was provided. This was over basic target and represented a very liberal allocation. Staff entitlement for 1979 is 2·4, but due to flexibility referred to above three teachers have been appointed. This represents a very generous pupil teacher ratio of 18.

TERRITORIAL ZONE

The Hon. R. A. GEDDES: I seek leave to make a brief statement before asking the Minister of Agriculture a question about the 200-mile exclusive economic zone.

Leave granted.

The Hon. R. A. GEDDES: It has been drawn to my attention that lawyers have uncovered potential difficulties in implementing the agreement between the States and the Commonwealth to transfer the control of the old three-mile territorial waters agreement from Commonwealth to State Government. Apparently, it is necessary to either hold a referendum, with its attendant high costs and expensive disruption, or request the British Parliament to legislate on our behalf to effect the transfer. Can the Minister tell the Council about the accuracy of that statement and say what action he knows that the Commonwealth Government may be taking to implement the 200-mile limit?

The Hon. B. A. CHATTERTON: While the two issues are different in law, the honourable member is correct in saying that they are related in terms of the Federal Government's policy. My information about any transfer of Federal powers to State fisheries is not great: all I have heard is that the Western Australian Government is querying the ability of the Commonwealth to make that transfer.

The Fisheries Council meeting held in, I think, November last year was unanimous in its agreement that the Commonwealth should transfer much of its power in coastal fisheries to the States, and this would make for more logical, rational and efficient administration of fisheries. The 200-mile economic zone at present being considered by the Commonwealth Parliament will be administered either jointly by the States and the Commonwealth or by the Commonwealth exclusively. It is, in a sense, a separate issue, but I understand that the Commonwealth is delaying its decision on the 200-mile zone until this other matter of fisheries administration is cleared up.

I sincerely hope that Western Australia's legal doubts about this move are completely unfounded, because we realise that there has been a considerable achievement when we think that, in 1976, the Fisheries Council meeting broke up in complete disarray about what should be done regarding fisheries administration in coastal waters, while in 1978 the council was unanimous in agreeing to a new approach to that administration. That approach by the States is wonderful, and it is a shame that some legal obstacle should interfere with what has been agreed to by the States and the Commonwealth Government. I do not know whether the position will result in delaying the next Fisheries Council meeting, scheduled for the middle of this year, at which time we were to look at the Commonwealth legislation that would implement the agreement reached in 1978.

NEAPTR

The Hon. R. A. GEDDES: My question is directed to the Minister representing the Minister in charge of the Electricity Trust, and I ask leave to make a short statement regarding NEAPTR.

Leave granted.

The Hon. R. A. GEDDES: I ask whether the trust will be able to supply sufficient electric power for the electric trams proposed for the Tea Tree Gully area from the existing power generation equipment available to the trust when it is experiencing its peak electrical energy load times.

The Hon. B. A. CHATTERTON: I will refer the question to the Minister of Mines and Energy and bring back a reply.

FESTIVAL CENTRE TRUST

The Hon. C. M. HILL (on notice):

1. What has been the income and expenditure of the Adelaide Festival Centre Trust for each of the last three financial years to 30 June 1978 for "Entrepreneurial and Other Activities"?

2. Who makes the decisions as to entrepreneurial ventures and what qualifications, experience, or record of success have such persons, or person, in the entrepreneurial field?

3. Does the Government intend to permit the trust to proceed in the entrepreneurial field if losses continue and, if so, why?

4. In regard to the expenditure item of $959 316 on Administration and Publicity shown in the Income and Expenditure Statement of the trust for the year ended 30 June 1978, how many staff are employed in this section, and what work and responsibility is undertaken by such staff?

5. In regard to the expenditure item "Theatre Operating" in the same statement ($2 086 118, against an income item of $820 126) has the Government any plans to endeavour to reduce the annual loss on the actual Festival Theatre operation?

6. Is the Government satisfied with the operating deficit of the overall Adelaide Festival Theatre Trust activities for the 1977-78 year of $3 513 475 and, if not, what action does it propose to take, or has it taken, to reduce or contain this deficit?

7. How many people were employed by the trust at the end of each month of the last thee financial years to 30 June 1978, and what was the number of employees as at 31 January 1979?

The Hon. T. M. CASEY: The honourable member would readily get this information from the annual reports of the trust. However, I will give him the information.

The Hon. C. M. Hill: That's rubbish, to start with.

The PRESIDENT: Order!

The Hon. C. M. Hill: I want the reply, not a lot of rubbish.

The Hon. T. M. CASEY: The honourable member will not get rubbish: he will get the facts. The information is as follows:

1. Income and Expenditure for entrepreneurial and other activities were:

Years ended	30/6/76	30/6/77	30/6/78
	$	$	$
Income	167 201	806 269	1 008 310
*Expenditure	272 656	995 090	1 432 691
Operating deficit	105 455	188 821	424 381
*Expenditure includes payment to the trust itself for theatre rental and box office charges of	94 000	259 000	181 000

The figures for year ended 30 June 1978 include the income and expenditure for the trust-produced musical *Ned Kelly*, which resulted in a deficit of $328 243 (see Auditor-General's Report at page 295).

2. The decisions are made by the Entrepreneurial Committee comprising the Programming Manager, the Operations Manager, the trust's artistic consultant (Director of the Adelaide Festival of Arts) when available, and the General Manager, all of whom are well qualified, experienced and highly regarded professionals.

3. Yes. The trust undertakes entrepreneurial activity in order to make efficient use of the Adelaide Festival Centre's facilities. The trust intends that, taken over four years including the current year, the entrepreneurial deficit will be less than the direct earnings from entrepreneurial activity.

4. The expenditure item of $959 316 on administration and publicity included the salaries, wages and associated costs for the staff in Administration, Finance, Gallery, Community Arts, Theatre Hiring and Programming Departments. The actual expenditure on administration and publicity for the same period was $217 622 and 15 staff were employed in the Administration Section and six employed in the Publicity Section. Within the Administration Section, the following were employed: General Manager, Secretary to the General Manager, Programming Manager, Secretary to the Programming Manager, Operations Manager, Administration Manager, Secretary to the Administration Manager, office manager, receptionist, telephonist, filing clerk, stenographer, and three junior clerk typists.

5. For comparison purposes, the amount of $261 762 for sundry income must be added to the theatre revenue income of $820 126. Together with the careful control of expenditure, the trust has increased theatre rentals from 1 January 1979 by an average of 12·5 per cent in an effort to reduce the annual deficit of operating the centre.

6. The Government is confident that the trust is making every effort to maximise its revenue and contain its costs.

7.

	Permanent	Casual	Total
30 June 1976	163	168	331
30 June 1977	179	199	378
30 June 1978	190	168	358
31 January 1979	186	164	350

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

The Hon. T. M. CASEY (Minister of Lands) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

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

That the Children's Protection and Young Offenders Bill be not reprinted as amended by the Select Committee and that the Bill and the Community Welfare Act Amendment Bill be recommitted to a Committee of the whole Council tomorrow.

Motion carried.

APPROPRIATION BILL (No. 1), 1979

Adjourned debate on second reading.
(Continued from 15 February. Page 2678.)

The Hon. C. M. HILL: The Government brings forward this Bill and seeks the approval of this Council for the allocation of expenditure within this current financial year ending 30 June 1979 of a further $24 800 000. In his second reading explanation the Minister indicated that he believed that the Treasurer would balance his Budget for this current financial year. The Government takes some heart and, I think, seeks a pat on the back for such an achievement, because this is what was forecast when the principal Appropriation Bill was introduced earlier this financial year. However, the suggested balancing of the Budget is being achieved only as a result of a revenue item and repayments from the Pipelines Authority of $17 500 000 and also an extra $5 000 000 that has been granted from Canberra under income tax-sharing arrangements. So, these two extra credits totalling $22 500 000 are the means by which the Government can claim that the operating Budget for this year will be balanced whereas, in fact, without those two special items, we can readily see what a deficit the Government would have achieved this year.

This situation follows the financial result for the 1977-78 financial year, in which the Government finished with a $25 000 000 operating deficit, whilst every other mainland State balanced its own Budget. Last year the Government called upon certain reserves and reduced that deficit to $6 500 000, which carries over into this year. So, in these last two years the budgetary situation and the situation of the Revenue Account and Expenditure Account of this State are by no means good. Also, the Minister has informed us that one of the unfortunate aspects of this year's accounts is that the pay-roll tax estimate will be down by $3 000 000. That, of course, reflects the sad unemployment picture here.

The Hon. F. T. Blevins: It also reflects a reduction in pay-roll tax.

The Hon. C. M. HILL: There was a slight reduction in the exempted amounts for pay-roll tax.

The Hon. F. T. Blevins: I thought you wouldn't mention it.

The Hon. C. M. HILL: Perhaps I was going to mention it, but it was not a very large adjustment. No matter how long we might argue that point, it cannot be argued that the unemployment position in this State is terribly bad.

The Hon. F. T. Blevins: Improving, though.

Members interjecting:

The Hon. C. M. HILL: The Hon. Mr. Cornwall says that it is terribly bad throughout the Commonwealth, but, of course, the position in this State is worse than the Commonwealth average.

The Hon. N. K. Foster: No it is not.

The PRESIDENT: I remind the honourable member that, if he wants protection from the Chair, he should address the Chair and not argue with other honourable members.

The Hon. C. M. HILL: I find it difficult, Sir, when they are interjecting all the time. I quote from the most recently published figures on unemployment to justify my point. In South Australia, at the end of January, the Commonwealth employment figures gave our unemployment at 8·4 per cent, against an Australian average of 7·6 per cent. For the same period, the Australian Bureau of Statistics figure was 7·8 per cent for South Australia, against an Australian average of 7 per cent. That justifies the point I made that unemployment is very bad in this State, and the South Australian public are wanting to know what the present Government is doing about it. They are sick and tired of the blame that is cast upon Canberra whenever this State gets into some economic mess. For years and years they have been hearing nothing else from the Ministers in this Cabinet: when things go wrong, those who sit in the Commonwealth Parliament are the first to be blamed.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: What Government members do not say is that, with the increasing amount of money that is being granted to this State under the tax-sharing entitlements of South Australia under the new Federalism policy, this State is given the right to spend it as it wishes, fixing its own priorities, whether they be for education, hospitals or health generally. If the State Government believes that certain priorities require an allocation from this fund, then money can be spent in those areas. These amounts of tax-sharing entitlements have been increasing year by year since the present Federal Government came into office.

The amount of tax-sharing entitlement granted by the Commonwealth Government to South Australia in 1975-76 was $365 600 000. In the following year, 1976-77, the amount increased to over 19 per cent of that sum to $433 200 000. In 1977-78 the figure increased by another 17 per cent on the previous year to $507 700 000. This year the estimated amount coming into the State Treasury from Canberra is $557 400 000, which is nearly 10 per cent more than the figure for the previous year. With that generous allocation from the Commonwealth, I think it is entirely unjust for this State Government to be blaming the Commonwealth Government whenever problems arise here and criticism is made of the economic situation. It is not only in that total general field that we get an inaccurate picture of this aid from Canberra: we get it in singular areas, too, and one of these areas is health.

The Minister of Health does nothing but jump up and down in this Chamber and condemn the Federal Government because that Government has reduced its allocation to this State for health and hospitals, but he has never gone to the trouble to give this Chamber the total overall picture of money which is coming from Canberra for health projects. I want to tell the Council, and particularly the Minister of Health, what the true picture is. We had him on this line of criticism only last week.

The Hon. D. H. L. Banfield: We are putting into operation Federal Government projects on which it has cut us back and left us holding the baby.

The Hon. C. M. HILL: The Minister is trying to tell me that hospitals in this State are Federal projects.

The Hon. D. H. L. Banfield: You were talking about health cutbacks, and I said they were specific Federal projects which we undertook to put into operation but for which they have changed the percentage of funding. What about the school dental project and community health?

The Hon. C. M. HILL: The Minister can talk as long as he likes about separate items: I will give him the overall picture and quote the figures concerning the community health and school dental health schemes in this State. Let me remind the Minister that the estimated total expenditure on health by the Commonwealth Government across the whole nation has increased by $217 000 000, or 9 per cent, this year (1978-79), namely, from $2 379 000 000 in 1977-78 to an estimated $2 614 000 000 estimated in this current financial year. However, in South Australia the major programmes under which payments are made by the Commonwealth for health expenditure

fall into five headings. The first heading is the item which the honourable Minister just mentioned and which he cannot but help mention whenever he talks about this subject.

The Hon. D. H. L. Banfield: Because it's true.

The Hon. C. M. HILL: Of course it is true, and so is the overall picture true. In 1977-78, the Federal Government gave $5 300 000 to South Australia for the school dental scheme, and in 1978-79 it has allocated $3 400 000. That is admittedly a reduction. Regarding the community health programme, the amount given last financial year was $4 300 000, and the estimated amount coming this year is $3 700 000, which is a slight reduction. Regarding the hospitals development programme, last year the Federal Government gave $5 100 000 and this year the programme has ceased, and so there is no money for that.

The Hon. D. H. L. Banfield: That makes $10 000 000 that we're down at the moment. Keep going!

The PRESIDENT: Order!

The Hon. C. M. HILL: I know the Minister is upset.

The Hon. D. H. L. BANFIELD: Mr. President, I ask the honourable member whether he would be upset if he was cut back by $13 000 000.

The PRESIDENT: Order! The honourable Minister is out of order rising in his place when another honourable member has the floor.

The Hon. C. M. HILL: Of the five items I have mentioned, I now come to the two major ones, on which we hear nothing from the Minister. Under the hospitals cost-sharing agreement, last year this State received $101 700 000, and this year we will receive $110 900 000. The next item is nursing home benefits and assistance, under which heading last year the State received $29 000 000 from the Commonwealth, and this year we shall receive $31 600 000.

By adding those figures we find that last year the Commonwealth granted South Australia $145 400 000 and this year we are getting $149 600 000, an overall increase of $4 200 000. Yet we have heard so much rubbish from the Minister seeking to prove to this Council that in the area of health and hospitals he is being cut back by the Commonwealth: in fact, he is not, because the Commonwealth has increased its grant this year by $4 200 000. I am sick of the Minister's slamming the Federal Minister of Health and the Commonwealth Government claiming that it is not giving him or his department enough for health and hospitals. The total amount coming to his department is $4 200 000 more than the amount received in the year before.

Further, I refer to the $557 400 000 coming to South Australia in untied grants. Why is the Minister not getting some of that funding for these areas that he believes are subject to short-falls in his plans? What is the Government doing with such funds if it is not allocating some of those funds to health? The sum of $557 400 000 was nearly 10 per cent more than the sum provided in the previous year. I hope that we will not hear so much from the Minister in future in his criticism of the Commonwealth Government's health grants to South Australia.

The Hon. D. H. L. Banfield: You don't like the truth being told to you.

The Hon. C. M. HILL: We should have more truth. I refer to the South Australian Health Commission, and some home truths. In this Bill Parliament is being asked to allocate another $2 600 000 to the commission. On 30 June 1977 there was much publicity in the Adelaide press because the commission was about to have its first meeting, and a report in the *News* of that date states:

> Plans for a major overhaul of South Australia's health and hospital services were announced today. Spearheading the changes will be a new "task force" called the South Australian Health Commission under the Director-General of Medical Services, Dr. Brian Shea. Its job: to rationalise and co-ordinate present services, to promote research, and to encourage community involvement. Today Dr. Shea said the first job would be to set down guidelines for health care generally. He went on: "Our intention is to involve the community as hard as we can in the operation of Government hospitals and institutions."

Under the heading "Freedom", the report continues:

> We are trying to get Government hospitals to operate with the same relative freedom as non-Government hospitals which are directed by boards. Existing Government departments, particularly the Hospitals Department, have grown tremendously in recent years. "It has just got too big and there is need now to decentralise the authority of the departments to individual hospitals and health centres. We hope to avoid duplication and hopefully plan more adequately for the future." Details of the new commission were announced by the Health Minister, Mr. Banfield, who said: "It will be responsible to me for improving existing services and for the development of new services to promote the health and well-being of the people of South Australia. Health services need to be related closely and realistically to the health problems, needs and wishes of the people. This cannot happen effectively without participation by the community in the running and development of these self-services." The commission, which meets for the first time next month, will comprise three full-time and five part-time members.

The Minister then reiterated the aims of the commission and he later announced plans, which included the target date of 1 July (12 months after that) when the commission would be on its feet, when hospital boards would be incorporated, and the policy of decentralisation and giving autonomy to various hospital boards would be set down and operating. That was about seven or eight months ago. The Minister gleefully announced in December (six months after the target date) that the first two boards had been incorporated. Recently, he told me that a third Government hospital board had been incorporated.

There are nine or 10 Government hospitals and, to the best of my knowledge, there are about 65 Government-subsidised hospitals: none of those has been incorporated, and the commission is becoming a laughing stock amongst health administrators and people in the total area of health and hospitals in South Australia. The Minister's promises, made when the health legislation was before this Council in 1977, have not been kept, because hospitals have not been given autonomy.

True, it is not all the Minister's fault: much of the fault lies with his Government, because the Minister and his Government have set down that the boards could not be incorporated. The names of people comprising boards would not be accepted unless worker participation, as a principle, was embodied in the boards. It was a form of compulsory worker participation, entirely against what the Government claims to be its policy, and with that hindrance, all that nit-picking, that scrapping between the Minister and his department, including people who have been members of existing boards, this in-fighting waged month after month, almost for years, still the Minister is far from his target as there are three boards only, in all those hospitals, that have been incorporated.

Another basic problem other than that one, in which the Government and the Minister have insisted on the principle of worker participation, was that the promise was not kept that boards were to have autonomy. Boards found that they were still to be tied to the bureaucratic giant here in central Adelaide—and that the Health

Commission was to retain control of the reins of the administration of those boards. By no means is that problem yet solved. Therefore, I condemn the Minister for not putting this commission into effect. Where will the Minister stop? Advertisements have appeared calling for applicants for positions in the commission. The Minister's answer to my question of 24 October 1978 gives some idea of what a giant empire is being built under the name of the commission. The extent of the salaries publicised in calling for applications is almost a scandal, and some people close to the health scene in South Australia have been saying openly that, before this problem is solved, a Royal Commission inquiry into the initial stages of the commission will be necessary.

The Hon. D. H. L. Banfield: You're being carried away with yourself.

The Hon. C. M. HILL: That has been pointed out to me. It has been suggested that it will result in a Royal Commission's inquiring into the commission's operations from June 1977 until today. Certainly, I can tell the Minister that, when a Liberal Government comes into office, the commission will be placed on the operating table, and administrative surgery will take place, and the central—

The Hon. D. H. L. Banfield: We will revert to the situation as it was under the Liberals.

The Hon. C. M. HILL: —empire that this socialist Government is building will be reduced to a workable close-knit group. The power will be given to the responsible hospital boards, to the community health centres, to the people at large, to the welfare organisations, and to local government. Then, preventive and community medicine will at last take its proper place in a modern up-to-date approach in this whole area.

One cannot leave discussion of this Bill without commenting on the overall economic situation in the State, the problems that the State faces, and the blame that must be sheeted home to the Government for the predicament in which the people of South Australia find themselves. It was a great disappointment to read in the press over the weekend and today that the annual State conference of the Australian Labor Party in Adelaide did not give any rein to the Government. The left wing of the movement held power, got its own way, got all the principal resolutions through, and did not give an inch on the uranium question. I have noticed a press report today stating that the United Trades and Labor Council has again fallen under the influence of the power of left wing unions, so the Government is in a severe predicament. One must be fair and serious in regard to that.

The Hon. J. R. Cornwall: The A.B.C. referred to that as the progressive element.

The Hon. C. M. HILL: The honourable member did not come out of it too well at the weekend: he ran for cover. He looked around the room and saw the left wing delegates with tickets in their pockets and their votes in the palms of their hands, and he did not oppose them with much strength on the uranium question.

The Hon. M. B. Cameron: He mellowed.

The Hon. C. M. HILL: I do not think the honourable member mellowed.

The PRESIDENT: Order! I think there have been enough comments on that.

The Hon. N. K. Foster: What about Mallee?

The Hon. C. M. Hill: There is nothing wrong with Mallee.

The Hon. D. H. L. Banfield: The Liberals couldn't get their favourite up.

The Hon. C. M. HILL: I hear comments from the people at large regarding the blame that must be sheeted home to this Government, and I hear these comments not only in this State but also interstate. When one talks to people interstate who can influence further employment in South Australia and influence the establishment and expansion of commerce and industry here, these people turn their back on any proposal to consider South Australia as a place of future development. They ask who would come here, with the worker participation plans here.

The present Government can argue until kingdom come that its worker participation plans in detail may not affect the situation severely, but the general impression gained on this question is that it is proving ruinous to South Australia, and the Labor Government must accept the blame for this. People talk of failure because they say that the Redcliff petro-chemical works is all but gone. They mention Roxby Downs and how the Government opposes uranium development. That has now been confirmed by the Government's masters during the weekend.

The threat of class action legislation turns everyone against this State. It causes local commerce and industry to consider expanding interstate, not here. The high death duties that the Hon. Mr. DeGaris referred to last week in this debate are causing people to leave the State. In the past, the only answer that Government members have been able to give to that claim has been a call to name the people and to give some examples. However, Government members know as well as we do that, when accountants and businessmen tell members on this side of this movement of people and capital from the State to places such as Queensland, those people do not want their names mentioned. If members opposite think the movement is not happening, they are burying their heads in the sand. The latest ruinous action by the Government is the residential tenancies legislation.

The Hon. F. T. Blevins: It was passed by this Council.

The Hon. C. M. HILL: Perhaps the Council was over co-operative. It has been co-operating in the extreme in many of these measures, and we are getting sick of it. The residential tenancies legislation was a Government proposal and a Government Bill. It has brought the building of flats in this State to nothing and it is causing many people who own flats to strata title them and try to sell them. Therefore, it is causing a reduction in the amount of this accommodation available and, as a result, rents will increase.

Indeed, since this legislation came into operation only a few weeks ago, rents have increased and the reason for that increase in that short time has been that letting agents find that the time involved in filling out all the forms and getting answers to questions is such that they must make an appreciable charge on the owner for that service. One letting agent told me that he had to ask a tenant 180 questions to correctly comply with these bureaucratic forms. These charges incurred under that law must be paid by the owner, and honourable members opposite know as well as I do that the owner will pass them on to the consumer, the tenant. That is why rents have increased. This increase has been caused by a Labor Government that purports to stand up for the people who are tenants of the flats.

The Hon. R. C. DeGaris: We certainly improved the legislation. It would have meant disaster as it was.

The Hon. C. M. HILL: Exactly. The Attorney-General's law reforms are like nails in our commercial and industrial coffin. We are seeing socialism run wild. In recent years, we have had the clothing industry dealt with by a socialistic Bill, and the timber industry is now being socialised. The recent Hotels Commission Bill was going to introduce socialism in that area, but I am pleased that

the Government ran for cover when hoteliers and other private persons in that area made their voices heard. The meat industry is being socialised by legislative amendments introduced in another place, and what a mess this and other moves by this Government have caused! There have been the Penang and Monarto failures and, with the Government in the grip of the left wing and radical unions, there is not a bright future for South Australia.

The Hon. N. K. Foster: Who are the left wingers?

The Hon. C. M. HILL: The honourable member knows them as well as I do: he is one of their champions. There is little wonder that the employment situation is so bad and that pay-roll tax revenue has decreased in this State by $3 000 000. There is little wonder that private enterprise has lost so much confidence, because of this gloom. I do not want to over-emphasise the question of gloom, because members on this side know that the Government will change and that the day will come when private enterprise will be given incentives.

Individuals will be adequately rewarded for their ventures and initiative, and South Australia will come to see commercial and industrial expansion diversified though it may be from traditional employment. In future, under a Liberal Government, employment will be available, particularly for South Australia's young people. Confidence will return to the market place and the work place, and South Australia will once again make progress.

I support the Bill. I am sorry to see that the sums required by the various departments are as large as they are. The Bill seems to involve a large sum (nearly $25 000 000) that the Government failed to estimate would be required when it had the major Appropriation Bill before Parliament late last year. However, I hope that the sum sought in this Bill will be sufficient to carry the Government through the remainder of this financial year.

Because of the results achieved this year and last year, our next Budget will indeed be a crucial one. I hope that the Government will apply to that Budget principles and practices that will indicate somewhat of a changed policy on its part and that the next Budget will begin to instil more confidence into Opposition members and, indeed, the South Australian populace generally.

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

TRADE STANDARDS BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2678.)

The Hon. J. C. BURDETT: I support the second reading of this Bill, which gives wide powers to the Government to impose almost any standard by regulation. It provides a vehicle with sanctions for the imposition of standards by regulation. Obviously, much will depend on the administration of the Act.

This Government has introduced a great mass of bureaucratic legislation which, while most of it has secured a real or illusory benefit for consumers, has also imposed clear burdens on industry and increased costs to consumers. This Bill might be all very well if it was well administered, but the Government's record has not given me any confidence that the Bill will be genuinely and reasonably administered.

Part II of the Bill provides for the administration of the legislation and seeks to set up a body entitled the Trade Standards Advisory Council. In clause 8 we find (and this has been a pattern of this Government's legislation for some years when it sets up a body of this kind) that a member of the council shall hold office for a term not exceeding three years.

As Opposition members have often pointed out, we object to a term of office not exceeding a certain period, as the term of office may be very much less than the period fixed. If it was a much shorter period (it could be only a month or six months), obviously the member involved would be greatly under the Government's influence because his term of office would depend so much on the Government's approval, almost from day to day and month to month. As has been the Council's practice, I intend to seek to amend the Bill in Committee to provide for a term of three years.

Clause 8 (2), which also involves something that seems to be becoming a pattern, provides that the Minister may appoint an appropriate person to be the deputy of a member of the Council. This is not quite as objectionable as some other similar examples, one of which was in the Legal Services Commission Bill as originally introduced in another place and which provided that the Government could appoint an appropriate person, on the nomination of a member, to be a deputy. That really meant, in effect, that the member could appointment his own deputy. This seems to me to be dangerous, because for certain reasons a member could appoint a deputy whom he knew would follow a certain line.

This provision is not quite as bad, because the Minister may appoint an appropriate person. There is no reference to the member himself, and I do not intend to object to that provision. However, this seems to be becoming a pattern, and I express the hope that, where at all possible, legislation will involve the persons who are members of organisations such as the Trade Standards Advisory Council sitting and deliberating on councils.

I hope that we do not get into a pattern where we frequently have a lack of continuity, and with deputies sitting in for members. There may be occasions when this is necessary, but it seems to me that a body such as this ought to be able to function with the persons who are normally members of it, and that we do not have someone else standing in for them.

I now refer to Division II of Part II and particularly to the powers of standards officers. Once again, this has been a pattern with most of the legislation that has been introduced recently by the Government. I refer to the sweeping powers that are being placed in the hands of inspectors or, in this case, standards officers, who are very much the same sort of thing.

Under clause 14 (1) a standards officer may enter into or upon any premises or place or stop and enter into or upon any vehicle, inspect the premises, place or vehicle and any goods in the premises, place or vehicle and open any container, package or other thing for the purpose of determining whether or not any provision of this Act is being or has been complied with. That is a wide power indeed, and is beyond the general powers of the police, as are so many of the powers that are inserted in special legislation of this kind.

The power to enter upon premises is fairly wide and severe. However, the power that possibly concerns me most is that given to a standards officer to stop and enter into or upon any vehicle. Generally speaking, this has been regarded as a fairly serious matter, namely, enabling any law enforcement officer to stop a vehicle in transit, and it is generally considered that such power should be given only for specific and necessary purposes. In relation to this Bill, this seems to me to be a wide and, I should have thought, unnecessary power.

Clause 14 (1) *(e)* enables a standards officer to require

any person to answer a question put to him, whether that question is put to him directly or through an interpreter, for the purpose of determining whether or not any provision of this Act is being or has been complied with, and, for failure to answer under subclause (4), the penalty is $500. Again, this is a power that the police, for general purposes, do not have, and, indeed, it is a wider power than that possessed by the police except in some specific instances.

True, under subclause (5) a person shall not be guilty of an offence against subclause (4) if he refuses to answer a question the answer to which would tend to incriminate him. This is some protection and, indeed, is a better provision than is to be found in some other Bills. Nevertheless, the powers of standards officers are very wide.

I turn now to that part of the Bill which causes me the greatest concern. I refer to Part IV thereof, which relates to quality standards and in which one finds two short clauses that give a unique and very wide power indeed. It governs standards of any goods by way of regulation. Clause 27 provides:

> No person shall in the course of a trade or business manufacture or supply any goods that do not comply with any applicable quality standard. Penalty $2 000.

Clause 28 provides:

> (1) The Governor may make regulations designed to ensure that goods are of such quality as to be reasonably fit for the purpose for which goods of the kind are ordinarily used.

Subclause (2), the alarming part of the clause, provides:

> Without limiting the generality of subsection (1) of this section, those regulations may prescribe or regulate the design, construction, composition, materials, contents, finish, performance or other characteristics of any goods.

Here we have two short and concise clauses that are very sweeping indeed. They really provide a vehicle to enable the Government to regulate anything in regard to quality of goods in any way for any purpose that the Government wishes. It may be for legitimate purposes, or it may have the effect of providing quality standards so high that many people cannot afford to buy the products. So, it could be used to protect particular trades. Perhaps there are times when South Australian businesses ought to be protected, but this is not the way to go about it.

Part IV is unique. There is no other legislation in Australia substantially the same. In the Commonwealth Trade Practices Act there are provisions covering the same areas, but they are by no means identical. It has been said that the Trade Practices Act in this regard applies only to corporations and that it is necessary to close that loophole, so that all persons, whether corporations or not, will be caught. That may be so but, as far as I am aware (and no-one has made a statement to me to the contrary), all major manufacturers and distributors of the kinds of goods that the Government has in mind are, in fact, corporations. There is no suggestion that anyone is using the loophole. So, it is not a function of any State to close the loophole in the Commonwealth legislation. Further, there is no likelihood that the loophole would be used. The Commonwealth legislation is not identical in any way, and it is by no means as expressly sweeping as is this legislation.

In South Australia there are some specific powers in regard to quality standards that are contained in some Acts which will be repealed by this Bill, but in other States there is no sweeping legislation such as this legislation which could cover any goods at all. Other States have legislation covering particular areas which may be wider in some cases than in South Australia, but there is certainly no blanket legislation in other States. Therefore, I will not vote for these clauses in their present form. The last two words of clause 28 are "any goods". If those two words were amended and if the provision was limited to specific goods that the Government has in mind, I would consider voting for the clauses. I understand that the Government has reasons for concern about particular areas. If, instead of "any goods" in clause 28, the Government specifies the areas that it is concerned about (largely those in the repealed Acts) I would favourably consider the matter. Clause 37 provides:

> (1) A certificate issued by the Minister, or any prescribed officer in relation to any matters of a prescribed kind shall, in any proceedings under this Act, be accepted as proof of those matters in the absence of proof to the contrary.

This clause would enable any matters to be prescribed, and it would enable a certificate relating to any prescribed matters alleged by the prescribed officer to be accepted as *prima facie* proof. Powers of this kind have usually not been considered to be necessary. This clause provides for a wide evidentiary power requiring the defendant, in effect, to prove himself innocent. Clause 41 provides:

> Proceedings for an offence against this Act—
> *(a)* shall be disposed of summarily.

That is fair enough. It makes it short and neat. I contrast clause 41 *(a)* with the procedure associated with an indictment, under which a case has to be referred to a higher court. I remind honourable members that under clause 23, for example, there is a maximum penalty of $10 000. In State legislation I cannot think of an instance, although there may be some instances, where an offence in respect of which there is a penalty of $10 000 is made punishable summarily. It might be a better procedure if offences brought before a court of summary jurisdiction carried a maximum penalty of $5 000, while proceedings brought on indictment carried a penalty of $10 000. To have a maximum penalty of $10 000 where the offence is disposed of summarily is unusual. Many instrumentalities operate in this field of manufacturing and supply, and I can see no reason why this legislation should not bind the Crown, and I will support an amendment providing that the Bill shall bind the Crown. I support the second reading of the Bill.

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

DANGEROUS SUBSTANCES BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2598.)

The Hon. C. M. HILL: I support the second reading of this Bill, but some features of it will need careful consideration in the Committee stage, because I believe that the Bill should be improved. It deals with the conveyance and storage of dangerous substances, no matter whether they are in solid, liquid, or gaseous form. There is a need for adequate legislation to control corrosive, toxic, and flammable items, because such items are being increasingly used in our industrialised society. Therefore, proper and adequate protection must be given. If that is not done, individuals could be seriously injured as a result of these substances being conveyed or stored. This Bill repeals existing Acts and up-dates the whole area. I am concerned about the powers given to inspectors.

Inspectors are given the power to enter premises at any time, and they are also given power to stop vehicles at any time and anywhere. They are given the power to require

any person to answer questions, and that person, as a member of the community who is approached in these circumstances by an inspector, cannot (as the Bill reads) refuse to give an answer even if he feels that the answer may incriminate him. That is contrary to my view of justice, and I do not think I have read a similar clause to that in any Bill. Usually one always sees that a person can refuse to answer questions that may incriminate him.

Inspectors can issue any directions at all to anybody in regard to the matter, and they can take any number of other people, at will, on to premises when they search or ask a person questions about possible offences under the Bill. I am not being critical of those involved in this inspectorial work at present and, indeed, I am not critical of the department or the Minister in this respect. However, once a Bill like this passes through Parliament and is on the Statute Book, Governments and officers change, and at some stage in the future that power could be used very unfairly and unjustly against a citizen of this State. It is Parliament's duty to try to achieve a proper balance in these circumstances between the rights of the individual and the powers that are necessary for an inspector to have so that the activity in regard to the control of dangerous substances can be carried out quite properly.

I support those honourable members who have spoken before me on this Bill and who have indicated that they will move amendments to try to improve that particular area. I do not like bringing my own experiences into the question of reviewing legislation, but I must admit that some years ago when I built a swimming pool—

The Hon. B. A. Chatterton: How big?

The Hon. C. M. HILL: It was a very small pool, because I am one of those people who believe that small pools are the best pools. I used to go down to a particular shop to buy my chlorine, which I conveyed in the boot of my car to my home and stored in a laundry close to the pool. Under this Bill I would have to have a licence to transport and keep chlorine.

The Hon. B. A. Chatterton: You wouldn't have any trouble getting one.

The Hon. C. M. HILL: That is typical of the Government's attitude: "You won't have to worry because you won't have any trouble getting a licence". More forms, more regulations, more controls and more money! The socialists are happy, because they have everyone in the network of their power. I want to see the individual given the right to use his own initiative and common sense and to convey that chlorine carefully and store it sensibly.

The third requirement is that I would have to have a special place in which to store the chlorine. It is quite possible that the laundry in which I stored my chlorine might not satisfy the inspector, who could come in at will with any number of people at any time and ask me any number of questions, and I might have to build a special shed and line it with a specific material. Is all this necessary? The provisions dealing with the licensing requirements must be looked at closely before this Bill is finally passed.

Clause 27, which deals with the liability of companies and those associated with companies and the body corporate, provides:

> Where a body corporate is guilty of an offence against this Act, every member of the governing body and every manager of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for that offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of that offence.

I acknowledge that this form of clause is creeping into our legislation on many occasions, but I do not believe that a member of a governing body who has no executive role within that body corporate ought to be placed in a situation like this. I do not oppose the principle that those in executive offices, such as managing directors, general managers, and people in offices of that kind, should be guilty if there is an offence by a company. I am referring to Bills of this nature and not to the Companies Act, which is under review in Parliament at present and which I think fits into a particular category and is entirely different from Bills of this kind. However, in Bills of this kind I believe that all those people involved in the clause, as it reads, should not be so involved, and I would like to see the Bill changed in that respect before it finally passes this Council.

The last point I make deals with the long and complex regulatory powers that the Government seeks in the Bill. They are contained in clause 31, and I do not think I have seen a regulation clause anywhere as long as this one. I am especially interested in all the detail and points covered in the clause, under which the Governor may make regulations. Subclause (3) provides:

> Any regulations made under this section may—
>
> *(b)* confer discretionary powers upon an officer or class of officers to grant approvals, give directions or impose requirements;

If that is applied and regulations are brought down conferring discretionary powers upon an officer to impose requirements under the Bill, I wonder why there is a need for so many clauses in the Bill, because that regulation would cover almost all the clauses that we are reviewing. I believe that that regulatory power is too wide and that regulations ought to be restricted to all the various headings in clause 31. They are the reservations I have about the Bill. I support the second reading and hope that the Bill can be improved in Committee.

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

MINORS CONTRACTS (MISCELLANEOUS PROVISIONS) BILL

(Second reading debate adjourned on 14 February. Page 2606.)

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Guarantees."

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

Page 1—

Lines 13 and 14—Leave out "A contract of guarantee under which a person other than a minor undertakes to guarantee" and insert "When a person (other than a minor) guarantees".

Line 15—After "contract" insert ", the guarantee".

Line 15—Leave out "that person" and insert "the guarantor".

After line 17—Insert subclause as follows:

> (2) This section does not operate to render a guarantee enforceable if it would, apart from this section, be unenforceable otherwise than by reason of the minority of the person whose obligations are guaranteed.

Two difficulties arise regarding this clause. The first difficulty has been drawn to my attention by the Law Society concerning a contract of guarantee. There is the suggestion that not all guarantees are established by way of contract, that some may be given by way of deed that may not necessarily be supported by consideration, which

is an essential requirement for any legally binding contract. The amendments to lines 13 to 15 deal with that difficulty.

I referred to the provision of subclause (2) in my second reading speech. If the contract or other guarantee, but for a minor's infancy, would be unenforceable, does the clause as drafted thereby make it enforceable? This subclause clarifies the point so that, if there is some other defect in the guarantee, other than that of the minority of the person whose obligations are guaranteed, this clause does not render it enforceable.

The Hon. B. A. CHATTERTON (Minister of Agriculture): As I have not had an opportunity to study the amendments, I ask that progress be reported.

Progress reported; Committee to sit again.

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2685.)

The Hon. D. H. LAIDLAW: This voluminous amending Bill has 272 clauses and in printed form extends to 145 pages. The Minister said in his second reading explanation that New South Wales, Victoria, Queensland and Western Australia, which are parties to the Interstate Corporate Affairs Agreement, have recently made their Acts uniform for the purposes of the agreement and he added that it is desirable to make the South Australian Companies Act uniform with that of the parties to the Interstate Corporate Affairs Agreement.

I support uniformity, because the Australian commercial community is too small to cope with substantial diversity in the Companies Acts in the six States and Federal Territory.

The Hon. Mr. Griffin has dealt with the provisions of this amending Bill in meticulous detail. He has pointed out that, despite the Minister's call for uniformity, there is in fact diversity in the proposed amendments in this Bill from what applies in the comparable sections of the Act in other States and they, too, are by no means identical.

The Hon. Mr. Griffin has foreshadowed amendments to this Bill. He has pointed out, in particular, that the Corporate Affairs Commissioner in this Bill will have powers wider than is given to the Corporate Affairs Commissioner or officer in the other States. The Commissioner in this Bill shall observe and carry out any directions given by the Minister on a matter of policy. This spreads the Commissioner's powers beyond being responsible for administering the Act. If the Bill is passed in its present form it could deter interstate and overseas companies that may consider setting up or expanding their business in South Australia.

Because the Hon. Mr. Griffin has dealt with this amending Bill in breadth, I will confine my comments to two clauses, namely, clause 92, which deals with the retiring age of directors, and clause 129, which deals with disclosure of political and charitable donations by public companies.

Clause 92 imposes an age limit of 72 for persons serving as directors of public companies, with the proviso that a person can continue so long as he stands for re-election each year, states his age and is elected by at least three-quarters of the shareholders entitled to vote at each annual meeting. When the States previously introduced uniform company legislation in 1961 and 1962, New South Wales, Victoria and other States included a section imposing an age limit upon directors of public companies, but this was omitted from the South Australian Act. Since that time many South Australian based public companies have included a retiring age for directors in the articles of association. As I recollect, these ages are set at 70, 72 and 75.

Clause 92 does not make it obligatory for directors to retire at 72. They can continue but they must come up for re-election each year. There are directors who are over 72 and who are still active and mentally alert and, in such circumstances, the shareholders should be prepared to let them continue. I am told that this provision has operated effectively in the other States and I shall support the amending clause.

Clause 129 provides that, if any company other than a subsidiary gives more than $100 for any political or charitable purpose in any financial year, details of such donations must be recorded in the directors' annual report.

The Minister stated at the beginning of his second reading explanation that the object of this Bill was to achieve uniformity. He then proceeded to insert clause 129, and admitted that it was novel. The Hon. Trevor Griffin objected strongly to this amendment. He said that it seemed unusual that this particular expense should be singled out for specific reference in the accounts of a company. In his view, it has been inserted for a mischievous purpose rather than for the proper administration of the company law of this State and for the proper running of corporate bodies.

If the object of these amendments is to achieve uniformity as the Minister claims, the time to insist upon disclosure by public companies of political and charitable donations is when the other States do likewise. I object to this clause for other reasons also.

Consider the case of a construction or contract engineering public company that is based in South Australia and depends for its success upon obtaining contracts from Government departments and statutory authorities in the other States. This company chooses to donate over $100 each year to the Liberal Party, the Labor Party, the Don Dunstan campaign fund, or the Des Corcoran promotion foundation or whatever name he gives to it.

Subsequently, this company tenders for work interstate against competitors from outside South Australia. If this Bill passes, the local company would have to disclose its political donations, whilst its competitors from elsewhere could keep their contributions confidential. Any alert company would make sure to investigate the activities of its competitors, and so could learn of these political donations.

I suggest that, when contracts are being awarded in other States, it will not help the South Australians if the Minister or senior public servants involved know that the South Australian supports a political Party opposed to that in power in the State awarding the contract. I could put this proposition in stronger terms but I shall refrain from doing so.

Under clause 129, it is also necessary for public companies to disclose charitable donations of over $100. Many charitable bodies in this State depend for their survival largely upon the generosity of local public companies, some of whom are extremely generous. They donate for reasons of compassion or personal interest, or to enhance or maintain their public image.

If these public companies had to publish all their charitable donations of over $100, the directors would be besieged by shareholders at each annual meeting with queries as to why such and such a charity had been overlooked or had received less than some other. I suspect that the directors soon would give up donating. For the

three reasons mentioned, I oppose clause 129.

Mr. President, I shall support the second reading of this Bill so that it can move to the Committee stage, when I shall either move or support amendments to achieve a degree of uniformity with the Acts in other mainland States which are signatories to the Interstate Corporate Affairs Agreement.

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

DOG CONTROL BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2679.)

The Hon. J. A. CARNIE: I support the Bill, which provides for greater control of dogs in South Australia. When the report of the working party was first made public and the Bill introduced in the House of Assembly, there was an outcry about some provisions. One of the main objections seemed to be about the recommended fee, which many people considered excessive. However, the Bill was referred to a Select Committee of the House of Assembly and, as a result of that committee's deliberations, we have the Bill, and the bogy of the high fee does not now apply.

Doubtless, the control of dogs is necessary. Far too many dog owners allow their dogs to stray and be nuisances or menaces to other people. On the other hand, some people actively dislike dogs and they have the right to the protection and recognition that this Bill gives. I am sure that all people want control of dogs. The dog lover wants it because he does not want dogs to be neglected, while the dog hater wants it so that he can go about his life without fear of harassment by dogs.

The Bill provides for increased registration fees, for increased penalties for existing offences, and for some new offences. The matter of registering dogs is still in the hands of local government, which has dealt with this matter satisfactorily for many years. However, it could involve some councils in increased costs. For example, clause 7 provides that each council shall appoint a person to be a dog control warden, and such person must be appointed on a full-time basis, although there is provision that the person can be engaged on other duties if the council so desires.

This could cause difficulties in some cases, particularly for smaller country councils. They may not have on their staff a person fitted to be a dog control warden and they may have to hire someone else. The Hon. Mr. Dawkins has said that one council satisfactorily deals with this problem by having a dog catcher engaged for two days a month. That means that that person is engaged on other work on the other days.

Another provision requires the keeping of a public pound, again involving a council in increased costs. Clause 12 causes me concern: it requires that each council keep an account of the money received under the Act and the amount paid in enforcement. That is reasonable, in that a council would keep this information in the course of its normal bookkeeping, but the clause then provides that each council will pay to the Central Dog Committee the prescribed percentage of the money paid to the council and the surplus, if any, in any financial year of receipts over payments.

It is all very well for the Government to require a council to pay over any surplus, but, if there is a deficit, the ratepayers will have to make that good. I cannot see in the Bill provision about what the Central Dog Committee will do, as opposed to anything that local government can or will do. However, I accept that this matter has been investigated by a working party and by a Select Committee.

The Hon. M. B. Dawkins: Do you think local government should be able to look after this?

The Hon. J. A. CARNIE: It has been managing for a long time. However, as I have said, the matter has been examined.

The Hon. J. R. Cornwall: Have you looked at the personnel of the dog committee?

The Hon. J. A. CARNIE: I will deal with that soon. If we have a committee, obviously it must be funded, so clause 12 (2) *(a)* is in order. However, I am thinking seriously of trying to amend the clause by deleting clause 12 (2) *(b)*. It is likely that there will probably never by any surplus or that, if there is a surplus, it will be only a small one. I am not yet convinced that that surplus should be paid by local government to the central committee.

Clause 4 (3) repeals section 5 of the Alsatian Dogs Act. I should like to say a word or two in defence of that much maligned creature, the Alsatian dog. If any amendments are moved in this respect, they should relate to the name of this dog. "German shepherd", its real name, was changed only because of the emotionalism of the First World War. The name "Alsatian" is hardly used in the community now, although it is still referred to in the Act. I should prefer to see the whole Act, not just one clause of it, repealed.

There are many misconceptions about the German shepherd. Certainly, they have killed sheep, but so have other dogs. Indeed, I have known of collie dogs and cocker spaniels that have done this. So, why should we pick on the German shepherd? The idea that the German shepherd mates with dingoes is only a myth. The mere fact that there is on the Statute Book a separate Act that makes Alsatians different from other dogs would put into people's minds the thought that the Alsatian was more dangerous than other dogs. However, I do not believe that it is.

I am concerned about clause 5 (2) *(c)*, which provides that a dog shall be regarded as being under the effective control of a person if it is in the close proximity of that person and is responsive to his commands. With the best will in the world, not all dogs obey commands from their owners or masters. I wonder whether this provision places undue responsibility on dog control wardens, because it will be difficult for them to tell whether, simply because it is beside its owner, a dog is under the owner's control.

I refer now to the constitution of the committee, which shall consist of eight members. Obviously, when referring to this aspect, the Hon. Mr. Cornwall was referring to representation on the committee. I agree that it is a good representation from the South Australian Canine Association, local government, the Royal Society for the Prevention of Cruelty to Animals, and so on. Clause 14 provides that three members of the committee shall be nominated by the Minister, one of whom shall be Chairman. The other five members shall be chosen from panels of three persons nominated by the five organisations to which I have referred. Why cannot those organisations be given the right to appoint a person as their representative? This is providing the Minister with a further choice, so that he is really appointing all eight members of the committee.

The Hon. M. B. Dawkins: This has become a long-standing practice in relation to other committees.

The Hon. J. A. CARNIE: I accept that this has happened previously, and I certainly do not intend to do

anything about it. However, it seems to me that if the South Australian Canine Association, for instance, is to have representation, it should be capable of appointing one person who it considers will represent its interests.

I am concerned that one can register a dog only if one is over the age of 18 years. Why is the Government limiting this to persons of that age? Some teenagers could want their own dog, but they would not be permitted to register it in their name. I cannot see any practical reason for not letting these people do so.

I refer finally to tattooing as a means of identifying dogs. I agree with the Hon. Mr. Dawkins that animal tattoos are not always legible. However, on the whole, I consider it to be the best means of permanent identification, because discs can be lost. Generally, a tattoo will always remain on a dog.

Members interjecting:

The Hon. J. A. CARNIE: I do not know whether this will benefit veterinary surgeons.

The Hon. N. K. Foster: You didn't think that in relation to stock.

The Hon. J. A. CARNIE: No, but many people who are fond of their dogs would prefer to take them to the veterinary surgeon. They might think that the local dog warden could not do the job satisfactorily. However, with training and practice a dog warden or any person should be able satisfactorily to use a tattooing machine. With those few comments, and bearing in mind the reservations I have expressed regarding handing surplus money to the Central Dog Committee, I support the second reading.

The Hon. C. M. HILL: I admire those people who have become interested in this subject and who have made representations to their members of Parliament, some of whom have made submissions in this debate, in support of the people whom they represent. It is a part of the democratic process that persons who are vitally interested in any Bill that is before Parliament can contact their member of Parliament and put to him their views.

Regarding this Bill, it is understandable that some of the views expressed by such people are diverse. However, out of the general mix of submissions that have been made, together with the considerable inquiry that has already taken place in the form of the Select Committee in another place, legislation that will improve the present situation should result.

It seems to me that control over dogs needs to be improved in three areas. First, many dogs that should be registered are not registered; we all know that this is common knowledge in the city and country areas. Secondly, stray dogs create a mess and, at times, frighten people, and are generally a nuisance. If any controls can be applied to improve that position, they will be desirable.

Thirdly, some people are disturbed by neighbours' dogs that bark excessively. Some tightening in this area of the law is warranted. Having said that, one finds, as the Government's contribution to this issue, a 66-clause Bill providing for a Central Dog Committee comprising eight members and providing also for new officers to be known as dog control wardens. One can assume that in some councils these officers will have permanent full-time positions, and someone must pay for these officers.

As the Hon. Mr. Carnie said, there is to be funding going back through the councils to the Central Dog Committee. Further, we have a new system of tattooing on the ears or inner flanks of dogs, and we have penalties up to $100. The Government shows very little faith in local government. I could not help thinking that the problems dealt with in this Bill could have been solved by a small Bill amending the Local Government Act and by some encouragement to local government from the State Government. I commend the Town Clerk who wrote to honourable members and referred to the bureaucratic gold-plated sledge hammer that the Government is using to crack a peanut.

The Hon. M. B. Dawkins: I referred to that matter.

The Hon. C. M. HILL: Yes. The Town Clerk was Mr. Lindsay Chambers. We have this typical approach that we see so often under the Labor Government—more restrictions and more controls. South Australians are fed up with them. One representative group put it to me that the problem of stray dogs would be overcome if breeders were forced under the law to register pups before selling them. Some people may doubt the practicability of that proposal, but one must agree that that would be a means of reducing the stray dog problem.

There would certainly have to be a change in the system of registration as it applies to the first purchaser of those pups, in that it would be rather unfair for the breeder to have to register a dog and then for the first purchaser to have to reregister it and pay another fee immediately. If a transfer of registration system at the time of the first sale of the animal could be introduced, one of the practical problems would be solved. I ask honourable members to consider that proposal conscientiously, because one of the real problems is the stray dog problem.

The second point that I make deals with tattooing. I am opposed to compulsory tattooing of all dogs registered for the first time after the passing of this Bill. Tattooing will not be compulsory for dogs that have already been registered. Compulsory tattooing is quite objectionable to many dog lovers and dog owners. I would not object to an owner of a dog being registered for the first time having the option of using tattooing as a means of identification or using the traditional means.

In the latter case, the owner would have to abide by the provisions in regard to having the owner's name and address on the disc at all times. A problem arises in regard to tattooing if a dog's ears are black. I am told by experts that the tattooing would then take place on the inner flank.

The Hon. T. M. Casey: What is your real objection to tattooing?

The Hon. C. M. HILL: I object to my animal being tattooed.

The Hon. T. M. Casey: But your animal is already registered, and you said that you objected to your dog being tattooed.

The Hon. C. M. HILL: My dog will not live for ever, and the day will come when I will register a dog for the first time. When that day comes, I will object to the process of tattooing.

The Hon. T. M. Casey: In the first place, you said—

The PRESIDENT: Order! The Hon. Mr. Hill will tell the Minister if he will listen.

The Hon. T. M. CASEY: I rise on a point of order, Mr. President. The Hon. Mr. Hill said that he objected to his dog being tattooed. That is the first point, but he also said that his dog had already been registered. Under the Bill, any dog already registered does not have to be tattooed.

The PRESIDENT: That is not a point of order.

The Hon. C. M. HILL: When I register a dog for the first time I will object to its being tattooed. I have a King Charles Spaniel and a Shih-tzu. One of my dogs has black ears, and I cannot get to his flank with a brush, let alone a tattooing instrument. For some dogs who are kept in suburban homes and for families who love pets, the process of tattooing is objectionable.

The Hon. T. M. Casey: Why is it objectionable?

The Hon. C. M. HILL: It is objectionable because in

suburban homes people have never been accustomed to the process of tattooing. The Minister is accustomed to tattooing the ears of his animals on his farm, and I respect him for that. He can continue tattooing the ears and flanks of his animals and that is his business, but for a King Charles spaniel, having to be subjected to the process of tattooing, it is quite foreign to the animal and to the dog lover who owns that animal.

The Hon. T. M. Casey: We have got some sheep and cattle lovers among members opposite.

The Hon. C. M. HILL: Honourable members on my side might be satisfied with the process, but I am not and I object to it. My last point deals with the question of Alsatian dogs, and I support the sentiments that were expressed by the Hon. Mr. Carnie. I also believe that the whole Alsatian Dogs Act could be repealed, and not just part of it as is repealed by this Bill, because the power elsewhere in this Bill in clause 66 *(e)* deals with the making of regulations to prohibit the keeping of dogs of a prescribed class in a prescribed place or area. The whole Alsatian Dogs Act could be repealed, as it is a duplication of what clause 66 covers, and I believe that those restrictions should be removed.

They can be reintroduced if the Government believes they are necessary but I believe that the time has come when people have to accept that Alsatian dogs (or German Shepherds) are no more aggressive than are any other breeds of dog in South Australia that have grown substantially in numbers in the past 10 or 20 years. I support that change. With those reservations, I support the second reading and trust that the Bill will be amended and that a better measure than this Bill will ultimately go on the Statute Book.

The Hon. N. K. FOSTER: I support the objectives of the Bill, because I believe the community is faced with a great problem, namely, the ownership of dogs generally. Another reason for the Bill is that some organisations, such as local government, do not see fit to impose regulations regarding responsibility for dogs or to protect those people in the community who have made representations to town clerks and councillors about something that they regard as a great nuisance.

The Hon. R. C. DeGaris: Do you think that the increased cost of registration has had an effect?

The Hon. N. K. FOSTER: I am not prepared to accept it at this stage. I will accept it if it is confirmed, and it can only be confirmed after the Bill has been operating for one or two years. In the past 10 years there has been an explosion of dog-breeding kennels on the outer ring of the metropolitan area in every direction, with the exception of the west, and it has become uncontrolled. The number of dogs that have been bred and pushed on to the market has increased considerably. That has meant that a real problem has been caused, as there is a difference between breeding dogs for the purposes of sport (for example, greyhounds for racing) and merely breeding dogs as pets. If one drives out beyond Gawler north of Adelaide, or through the hills, one finds that dog kennels and breeding of dogs is indeed prolific and should, therefore, be brought under some form of control.

We have reached a stage in society where some control is absolutely necessary. If one reads about what is happening in Brussels, Holland, and in some parts of the United Kingdom, one finds that people have gone overboard about dogs, and they no longer greet one another but greet the dogs and ignore the person on the end of the leash. I make that point strongly, because I believe that people are becoming quite obsessed with dogs; in fact, there seem to be more quarrels about dogs than there are about children. I was in Darwin just after cyclone Tracy, and found people there who refused evacuation because they owned a dog. Some people are dog lovers; in fact, I am one myself, and I hope that I will not offend against the provisions of this Bill.

The Hon. M. B. Cameron: What about farmers?

The Hon. N. K. FOSTER: I am not talking about farmers. I am referring to urban areas and the Bill deals with urban areas. However, some cockies go overboard about dogs, too; they use them and abuse them. There are people in urban areas whose privacy and way of life is interfered with and whose social pursuits are denied them because of their fear of uncontrolled dogs. I emphasise "uncontrolled dogs", or dogs that people think they can control but cannot.

When members door-knock and a vicious dog comes bounding out, the householder will often come out and say, "Don't worry, he won't hurt you." That is the classic. That applies whether it be a Dobermann or any other sort of dog. True, that situation arises on private property, but some people in suburban areas are not allowed to construct a front fence, and they find that their front porch or other areas are despoiled by dogs. No-one ever wants to claim what a dog leaves behind.

The Bill is worthy of support. By his introduction of it, the Minister has aroused to action some people in the community, and their views have been examined by the committee. Even if amendments are accepted by this Council, a conference between the Chambers is the likely result. A major question at issue is whether or not a dog is under control when it is not on a leash. I do not believe that a dog is under control when it is not on a leash, whether it be with a professional handler or not. Are dogs at a dog show under control?

Even at the park lands dog obedience classes, although animals are at various levels of training, some dogs are not under control. I know the Hon. Mr. Cameron relates to animals better than he does to humans because of his limited knowledge of human affairs, but he has undoubtedly been confronted by a dog whose owner had no hope of controlling it. On private property it is one thing, but in public areas it is another matter altogether.

Once the Bill is passed I hope that after 12 or 18 months the matter will be re-examined and reviewed constantly in order to determine whether or not it is a success. The Non-Dog-Owners' Association came into being as a result of this Bill. The association's submission to the committee was good, and I hope that it continues to make its voice heard where appropriate. Its suggestions are not unreasonable, but it might be expecting a bit much for its suggestions to be incorporated in this Bill.

The Hon. R. C. DeGaris: Do you think it is reasonable to have the leashing of dogs as a State-wide law?

The Hon. N. K. FOSTER: Not in a State-wide situation. I refer to Mount Gambier—

The Hon. R. C. DeGaris: Should it apply to the metropolitan area, and towns outside that area could apply it through the council?

The Hon. N. K. FOSTER: I leave that matter for those who are best fitted to judge it. I come down on the side of reason. Mount Gambier or Whyalla are far different from towns such as Two Wells, where country people have a different attitude because they are more likely to get to know a dog better. In an urban area three or four dogs may be locked up in a house completely enclosed. Large dogs such as Dobermanns or Alsatians can frighten hell out of a person. I do not trust animals kept in these circumstances, compared to a free-roaming animal in the country. Some people in high rise flats have three or four dogs.

The Hon. J. A. Carnie: One, not three or four.

The Hon. N. K. FOSTER: The honourable member does not do much door-knocking. Many people in the community know how to handle, treat, and look after dogs that are suitable for their properties. In America one can seek the advice of a veterinarian as to the most suitable dog. A Dobermann should not be kept in the suburbs. It is the wrong type of dog in an urban area. I support the Bill, because this matter is a problem. Tourists tell us of the problems in France, where it is almost impossible to walk city streets because of the muck.

The Hon. R. A. Geddes: They have cleaned them up.

The Hon. N. K. FOSTER: They must have been bad if they have been cleaned up. After the Bill has been passed I hope that much of the concern expressed in the community will be considered by the Government and that any subsequent problems will be rectified.

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

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 15 February. Page 2681.)

The Hon. K. T. GRIFFIN: It is interesting to note that clause 4 provides for the office of Registrar-General to be under the Public Service Act. One should make a comparison between that status and the status of the Commissioner for Corporate Affairs, which is being established by the Companies Act Amendment Bill. No special privilege is given to the Registrar-General under this legislation, notwithstanding that he performs a most important function in the administration of real property law.

It is appropriate for a person such as the Registrar-General, notwithstanding his status, to be subject to the provisions of the Public Service Act. However, I have an objection to the Registrar-General being liable to be directed by the Minister, as provided in clause 4. The Registrar-General has specific functions under the Act and has performed them for nearly 100 years without there being any criticism of how he has done so. As the Hon. Mr. Burdett has said, the Registrar-General has generally been a person who has had considerable experience in the administration of real property law, a person who has operated above politics, and a person who has attended to his functions faithfully.

The Act has not been amended significantly on very many occasions, and that has contributed to the stability of the administration of the Lands Title Office and the other offices generally associated with that office. From the point of view of those who practise in this area of the law, that stability has facilitated their work and has enabled the smooth passage of most transactions, if not all of them. I foresee that, by virtue of some amendments made by the Bill, there could be interruption of the smooth flow of transactions. Uncertainty could be the result and the stability of practice could be upset, particularly because of the change in emphasis in the forms used in dealing with real property transactions.

Previously, the forms to be used for any dealings to be registered at the Lands Title Office have been referred to in the schedules to the Act. Whilst minor variations have been appropriate on occasions, the general form has been followed for the life of the Act. However, now the forms to be used will no longer be specified in the schedules, nor will they be prescribed by regulation: they will be approved by the Registrar-General. That is likely to introduce much uncertainty and the difficulties to which some honourable members have referred, particularly if a party to an instrument of other document believed it to be in a form approved by the Registrar-General, lodged it for registration, but found that it no longer was in registrable form. There will be inconvenience to the party because a form has been changed, possibly without it being known to the public.

I would support any amendment that provided for the forms to be prescribed by regulation. That would ensure stability and consistency but should not unduly prejudice the smooth flow of the procedures in the Lands Title Office. It also would have the advantage from the point of view of the Registrar-General that, whilst the forms were reasonably certain, fine tuning could be made by regulation at reasonably short notice.

The other points that I want to raise refer to specific clauses. I would want to ensure that new section 16, inserted by clause 4, did not allow the Registrar-General to delegate a power to appoint or otherwise delegate beyond a Deputy Registrar-General or some high official in the office. As the provision is drafted now, it is conceivable that any specific powers to appoint or to direct required to be performed by the Registrar-General may be delegated beyond the Registrar-General or Deputy Registrar-General.

Regarding clause 6, I see difficulty with the change from "registered post" to "registered ordinary post". Whilst the Minister has said that this change will save expense and streamline procedures, section 35 of the Act deals with applications to bring land under the Real Property Act. There is still much land in the State to be brought under the Act, and it is important that the best possible method of service be given in a notice to bring land under the Act, so that persons who may have an interest in the land will not be prejudiced. In my view, ordinary post is not sufficient to ensure that a person is not prejudiced in that way. Similar comments apply to clause 7, which also seeks to delete the reference to "registered letter".

Clause 16, dealing with the surrender of leases, requires that surrenders be by way of separate instrument. That is a sensible practice. I have always had doubts about the practice of endorsing surrenders on duplicate documents or, in the case of mortgages or leases, of endorsing extensions or renewals on duplicates. I have always thought it preferable to have this done by separate instrument, stating the terms and conditions on which the surrender is made or the extension or renewal is granted.

I see some problems that are likely to arise under clause 23, for example, when a lease on which there is a right of renewal is not registered on or before the date on which it expires and the details slip off the computer sheet and, thereby, off the register book. I can foresee the difficulties that persons would have if they searched the title and found that a lease had expired, and that a renewal had not been registered but subsequently was registered. Notwithstanding that, I can also foresee the difficulties that will arise if a party has a right of renewal of a lease and exercises it on the date of its expiry but does not register it until a few days later. The person with the right of renewal would thereby be prejudiced.

The Hon. Mr. Hill has already referred to the problem that in some cases options for purchase have been granted in a lease and those options might well have been exercised before the date of the expiry of the lease but were not noted on the title. I want to consider this difficulty further in Committee.

I now draw attention to clause 29, which seeks to enact new section 220 (3b). If a document has been put out for

correction by the Lands Title Office, the correction has not been attended to, and the document has not been relodged within a specific time, the Registrar must give notice to the lodging agent and the parties named in the document that, if they do not attend to the correction within one month, the document will be rejected. This amendment does not provide for such notice.

Only yesterday, I had experience of the need for this clause. I am told by the staff of the Lands Title Office that it is rarely used but, notwithstanding that, it is necessary occasionally at least to give notice to a defaulting party that a document should be returned, otherwise it will be rejected.

There is also provision in the specific subsection that a party may lodge a caveat to protect the priority given by the document in question. There is no specific provision here enabling such a caveat to be lodged. It seems to me that, if the Registrar intends to reject an instrument, he ought to be required to give notice of the fact and there ought to be some right in a party to the document whose lodging agent may not have attended to the necessary corrections to preserve his or her priority under the document.

The other difficulty with this clause is that the Registrar's powers to reject have been widened considerably. The Registrar may now reject an instrument where, in his opinion, it cannot be registered under the Act or should not for any reason be registered under the Act. I emphasise "for any reason" because, as I have indicated, the provision is wider than the present provisions. The amendment does not protect the parties to a document in question as it ought to. I should therefore like to see that matter attended to at the appropriate time.

I should like now to refer to another general principle. If, as the Minister has indicated, computer facilities were being installed in the Lands Title Office so that only current encumbrances, leases, mortgages and so on were noted on the computer print-out of a title, I would be concerned about it. I want the computer to have the necessary facility to punch out and produce all the information about a title, whether or not a particular document has long since been discharged or has otherwise been removed from the title. It is often important for people searching a title to ascertain the history of dealings with it and, if they are not able to do that under the new system, ordinary people as well as practitioners could well be prejudiced by not having this information available to them.

It is important also for parties to have access to all information on a title from time to time. It is relevant, for example, in a winding up, to know whether a mortgage has been discharged, the date on which it was discharged, and the parties to the mortgage. If that information was to slip off the computer, I would view the matter with concern. So, I want the Minister at the appropriate time to clarify that point and the others that I have made regarding the Bill, the second reading of which I support.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2683.)

The Hon. M. B. CAMERON: This Bill was first conceived by the Attorney-General immediately before the recent Federal election.

The Hon. J. C. Burdett: That was before he mellowed.

The Hon. M. B. CAMERON: I wonder how long South Australia must suffer before we get to the mellow Mr. Duncan. However, that aside, this Bill was clearly introduced for political purposes only. It is just a political stunt. Had the Attorney wanted Parliament to reach a consensus on this matter, he would have done what almost every other Parliament that had dealt with it has done, namely, get the Parties together, because honourable members would have been willing to speak about it and reach a consensus on how best to perform this function.

I do not believe that many Labor members of Parliament support the Bill in this form. Indeed, most Labor members would not support it. However, they are, of course, stuck with this political stunt, and that is the situation in which we now find ourselves. I guarantee that, no matter what happens, the Attorney will try to insinuate that Opposition members of Parliament are frightened to disclose their interests.

It is worth noting what happened when members of the Labor Party, particularly the Attorney-General, first had the opportunity of disclosing their interests. I took some part in this matter, because I was contacted by a person from *This Day Tonight*, who asked whether members of the Liberal Party were willing to disclose their pecuniary interests. I indicated to that person over the telephone that I did not know of any person who would not be willing to do so, provided no personal details were sought. So, I went around to the various Liberal Party members, all of whom indicated their willingness to do so.

Later in the afternoon, I was contacted again and told that all Liberal members had agreed to disclose their interests but that surprisingly few Labor members had done so. In fact, the message that came from the Attorney (and I recall exactly what was said) was that he would disclose his interests when the legislation was put on the Statute Book.

What an incredible situation. The Labor Party is constantly telling us that it is quite proper that we should all disclose our interests, but each and every member of the Labor Party in Parliament has had an opportunity during the debate on this Bill here and in the other place to disclose his interests without the threat of a fine hanging over his head, and not one member of the Labor Party has done it. Why not? Labor Party members will not do it, in the hope that we will change the Bill, so that they will not have to disclose their interests. When the Attorney-General was challenged during a television interview, what did he do? He disclosed some interests, but he had to be reminded by the interviewer about his shares in radio station 5AA. The Attorney-General had a convenient lapse of memory. This Bill was introduced as a political ploy. It has been justified on the ground of what happened in other States, but that is no basis for changing the situation in South Australia. At any rate, many of the allegations to which reference has been made have not been proved.

The Hon. C. J. Sumner: Have you declared your interests?

The Hon. M. B. CAMERON: I have not been asked to do so.

The Hon. C. J. Sumner: I am asking you to do it.

The Hon. M. B. CAMERON: I have a farm, a house, and a wife. I have absolutely no shares. Is the honourable member satisfied? I have not a share to my name. I have no hidden shares in radio stations, as the Attorney-General has. No wonder the Premier said last night on television that the Attorney-General was mellowing. Unfortunately, from what the Premier said, it seems that

we will still have to put up with the Attorney-General. The Premier changed his words after he realised what he had said and said the Attorney-General had already mellowed, but I believe that the truth came out in the first place. In her contribution to the debate, the Hon. Miss Levy said:

> This passion for secrecy seems incredible to me. The income we earn as members of Parliament is public knowledge: it is published in the press, debated in the community, and is no secret to anyone.

I do not know whether or not I am correct but, as I understand it, the Labor Party made a secret submission to the Parliamentary Salaries Tribunal which it is not willing to disclose to the public. How can the people of South Australia debate what the salaries are when the people do not know what one of the major Parties wants? If the Hon. Miss Levy believes that, let her disclose the Labor Party's submission to the Parliamentary Salaries Tribunal, and then let the public debate it. She should not get up here and say that the income we earn is public knowledge. Actually, our income cannot be public knowledge while the Labor Party veils in secrecy what it wants.

I sat here until 1 a.m. during a sitting last year to listen to the debate on the Parliamentary Superannuation Act Amendment Bill. The Government refused to delay the debate on that Bill to allow public discussion. The Government got it through as quickly as possible so that it could hide it from the public. So, again, the Government veiled in secrecy what it was doing. That matter was a real pecuniary interest, but the Government refused the public the right to debate it. It is claimed that members of Parliament will not irresponsibly use the knowledge that may be gained from this Bill, and it is claimed that the Bill is being introduced only so that the people can reassure themselves about members' pecuniary interests before members debate Bills. When the Hon. Mr. Carnie frankly disclosed what shares he had in Western Mining Corporation, immediately a Government member claimed that the Hon. Mr. Carnie was being influenced on the uranium issue. It would be funny if it was not so serious.

The Hon. R. C. DeGaris: There were 140 shares at $2 each.

The Hon. M. B. CAMERON: The total shareholding of Western Mining Corporation is somewhere between $40 000 000 and $100 000 000, and the Hon. Mr. Carnie, according to the Hon. Mr. Dunford, is being seriously influenced on the uranium issue by the Hon. Mr. Carnie's 140 shares in that company.

The Hon. J. E. Dunford: What did I say exactly?

The Hon. M. B. CAMERON: The honourable member said:

> The verb "disclose" means "to remove the veil." In that respect, the Hon. Mr. Carnie is a shareholder in Western Mining Corporation and he is going at break-neck speed to influence his colleagues regarding uranium mining.

That clearly indicates that the Hon. Mr. Carnie is attempting to influence us on uranium mining, so that he can gain the benefit from his 140 shares in Western Mining Corporation!

The Hon. J. E. Dunford: You are reading it out of context.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: It was a fair indication of why the Government wants these disclosures: so that Government members can stand up and say, "Ah! The honourable member has some shares in this company, and he can be influenced." Only 140 shares were involved, yet the Hon. Mr. Dunford immediately makes a stupid accusation against the Hon. Mr. Carnie that he is trying to influence members. That is nonsense, and it indicates the background of this Bill, which is that the Attorney-General introduced it purely for political purposes before an election. Now, he is waiting for us to amend the Bill to what the Government wants. Everyone in this Council knows that. The Government expects us to amend it. The Government wants us to say that we want a certain amount of privacy. I believe that the Hon. Miss Levy should resign from the Council for Civil Liberties, because she wanted everyone in the State to disclose his or her income tax return.

The Hon. C. M. Hill: And all debts and hire-purchase agreements.

The Hon. M. B. CAMERON: Yes, and the Hon. Mr. Dunford's superannuation agreement with his union.

The Hon. J. E. Dunford: I said I would disclose everything.

The Hon. M. B. CAMERON: This Bill has been brought in for one purpose and one purpose only—political gain. It should therefore be condemned in its present form. The Attorney-General, if he had approached members in a reasonable way, would have received total co-operation, unlike his attitude when approached by the interviewer on *This Day Tonight*. This Bill has to be amended to give some privacy to members of Parliament. I agree that members of Parliament should make a disclosure when they have relevant interests, but what on earth do the interests of my wife and family have to do with the interests of the State? There is no mention of public servants in the Bill—no mention of the people who make the real decisions. I can recall an incident with a public servant at Monarto whose name I forget. That incident would indicate what could occur in relation to decision-making in Government. The Attorney-General showed that his argument was false by not including public servants in the Bill.

When a similar measure was introduced and hastily taken back previously because the Attorney-General had insufficient support from his own Party, I said that I had deliberately kept my wife and family aside from my political life. I believe they should be kept aside and should not be forced into the public eye. If Parliament wants to know what their assets are, that is all right, but let it not be on the basis of public disclosure with, for instance, details of my eight-year-old son's assets, if he has any, spread across the front page of the *Advertiser*. Imagine what he would face at school the next day if such details were publicly disclosed. If he has any assets, my son would not know at this stage as I would not disclose them to him, but the Attorney-General wants to do so. It is a wrong and a false Bill and one that has to be amended before it is acceptable not only to members of the Liberal Party but also to members of the Labor Party. I suggest to members of the Labor Party that they curtail this Attorney-General until such time as, to put it in the words of the new Premier, he mellows and gains a little common sense and common courtesy towards his fellow members of Parliament.

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

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2613.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. The present attitude of the Government and

the commission in regard to practitioners in private practice gives me cause for grave concern, and I believe this Council should carefully scrutinise any amendment to the Legal Services Commission Act. There is every reason to be suspicious that the Government will use the commission to intrude into the area of services traditionally provided by the private profession. The Government has said at times that it does not intend to do this but recent happenings rather give that the lie. Legal assistance has been provided by the profession in South Australia to disadvantaged persons since the 1930's and, indeed, the profession in South Australia has led the Commonwealth in doing this, having always been prepared to subsidise the provision of these services.

Until the emergence of the commission, legal aid has been provided through the Law Society itself and also, more recently, through the Australian Legal Aid Office. Practitioners in private practice who have accepted assignments on behalf of assisted persons have variously been paid 90 cents in the dollar or 80 cents in the dollar. In the past, the measure of subsidy of legal aid by the practitioners has been much greater, but at 80 cents in the dollar the degree of subsidy is substantial; it is foregoing one-fifth of the fee. The profession does not complain about this and expects to subsidise legal aid to some extent. It has always done this and in fact initiated legal aid in the first place. However, recently the Law Society was asked to accept 75c in the dollar and, at a meeting last week, rejected the proposal. The profession, in common with other professions and businesses, is faced with rising costs, and why should members of the profession accept only three-quarters of what has been properly determined as a proper fee?

Clause 4 of the Bill sets out to introduce in the membership of the commission what the Government calls industrial democracy. The Legal Services Commission is the body which itself is charged with providing legal services to applicants for those services. Under the parent Act, section 6 (4), the present composition of the commission is set out as follows:

> The commission shall consist of the following members:
>
> *(a)* one (the Chairman) shall be—
>
> (i) a person holding judicial office;
>
> or
>
> (ii) a legal practitioner of not less than five years standing,
>
> appointed by the Governor on the nomination of the Attorney-General for the State;
>
> *(b)* one shall be a person appointed by the Governor on the nomination of the Attorney-General for the Commonwealth;
>
> *(c)* one shall be a person who is, in the opinion of the Attorney-General for the State, an appropriate person to represent the interests of assisted persons, appointed by the Governor on the nomination of the Attorney-General after consultation with the South Australian Council of Social Service Incorporated;
>
> *(d)* three shall be persons appointed by the Governor on the nomination of the Attorney-General for the State;
>
> *(e)* three shall be persons appointed by the Governor on the nomination of the Law Society;
>
> and
>
> *(f)* one shall be the Director.

The purpose of clause 4 of this Bill is to add the following provision:

> *(f)* one shall be an employee of the commission appointed by the Governor on the nomination of the employees of the commission;

How will that person contribute towards the proper running of the commission? Why is it appropriate for him to be a member of the commission? Because the commission comprises so many people, I suppose I do not really object to an employee of the commission being a member of it, but it certainly is an example of what this Government has been trying to do in this field. Clause 4 *(b)* provides that the Governor may, on the nomination of the Attorney-General, appoint a deputy for the nominee of the Attorney-General for the Commonwealth on the commission. When this Bill was first introduced in another place it was provided that the Governor could appoint a deputy for any member on the nomination of that member, and it appeared that this was an improper power, that the member himself or any member could nominate a deputy who could be appointed by the Governor.

It appeared that this provision could be quite improperly used and that at meetings of the commission there could be on special occasions someone who had some special knowledge or an axe to grind and who could be appointed as a deputy. We were told that the reason for this was that the Commonwealth Attorney had requested it in respect of his nominee. In the other place, the Bill was amended into its present form, so that the only power to appoint a deputy is in regard to the nominee of the Commonwealth Attorney, and I suppose there is no objection to that.

Clause 5 deals with the term of office of members of the commission. For many years now Government Bills appointing persons on commissions, statutory bodies and other similar organisations have consistently contained provisions appointing a member for a term not exceeding X years, and equally consistently members on this side of the Council have pointed out that this could put such a member unduly in the pocket of the Government. He could be appointed for only six months; theoretically he could be appointed for only one month, and he could be very much dependent on the Government for his tenure of office. We have consistently amended such Bills to provide for a fixed term of office. When the Bill for the parent Act (the Legal Services Commission Act, 1977) was introduced, it contained such a provision, namely, that the term of office was a term not exceeding three years. I discussed this matter with the Attorney and acquainted him with my intention to move what has become a standard amendment to make the term of office three years. He said he had some objection to that because he wanted a staggered term of office and did not want them all to be appointed at the one time and all to retire in three years time. However, it was agreed (and this Council agreed to what is now provided in section 7) that the provision should state:

> (1) Subject to this Act, an appointed member of the commission shall hold office for a term of three years, except in the case of a member of the commission appointed on the commencement of this Act who shall be appointed for a term not exceeding three years specified in the instrument of his appointment, and in either case a member shall be eligible for reappointment.

That was agreed to by the Government, and I think it was a Government amendment. The purpose of our agreeing to that was to enable the appointments for the first commission. Commission members have now been appointed, I understand, for a staggered term, and that argument of the Government no longer applies. Under clause 5, the Government wants to go back to the old pattern by striking out subsection (1) of section 7 and providing the following new subsection:

> (1) Subject to this Act, an appointed member of the commission shall hold office for a term (not exceeding three

years) specified in the instrument of his appointment and at the expiration of his term of office shall be eligible for reappointment.

Whether or not the Attorney has mellowed, he should be congratulated upon his persistence: he is still trying to do what we said in 1977 that we would not agree to. Therefore, in Committee I intend to amend the Bill to provide that the term of office shall be for three years.

Clause 6 provides for co-operation with the Commonwealth Legal Aid Commission and similar organisations in other States. Clause 7 amends section 11, and it is a desirable amendment. Section 11, in part, provides:

(d) have regard to the following factors:

(iv) the desirability of enabling legal practitioners employed by the commission to engage in the practice of the law as comprehensively as reasonably practicable.

That could be interpreted as meaning that it is desirable for as much legal work as possible to be undertaken by the commission's practitioners. The following new subparagraph (iv) provides:

The desirability of enabling legal practitioners employed by the commission to utilise and develop their expertise and maintain their professional standards by conducting litigation and doing other kinds of professional legal work.

The desirability relates to legal practitioners employed by the commission itself, rather than allowing any suggestion that it is desirable that they should engage in the practice of the law as comprehensively as practicable.

Clause 7 deals mainly with practitioners employed by the Australian Legal Aid Office becoming employees of the Legal Services Commission, and provides for their transfer. Clause 16 repeals section 29, which gave legal practitioners employed by the commission the right to appear on behalf of an assisted person before any court or tribunal. Clause 16 provides the following new section 29:

(1) Subject to any other Act, a legal practitioner employed by the commission shall be entitled to appear on behalf of an assisted person before any court or tribunal.

(2) A legal practitioner employed by the commission and authorised by the commission to act as a solicitor for assisted persons—

(a) may act as solicitor for assisted persons in relation to the institution and conduct on proceedings in any court or tribunal;

and

(b) has the same rights, powers and privileges as a legal practitioner in private practice as a principal has in relation to his clients.

I think that provision is preferable to the existing sections. The clause spells out in greater detail what are the rights and obligations if he so appears. Clause 17 is most desirable. It provides the following new section 31a:

(1) This section applies—

(a) to every person who is or has been—

(i) a member of the commission;

(ii) an employee of the commission;

or

(iii) a member of any committee established by the commission;

or

(b) a person who has been engaged in duties relating to the audit of the accounts of the commission.

(2) A person to whom this Act applies shall not, either directly or indirectly, except for the purposes of this Act—

(a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by him or by reason of his office or employment under or for the purposes of this Act or in the performance of a function under this Act;

or

(b) produce to any person a document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: One thousand dollars or imprisonment for six months.

It imposes the duty of confidence regarding an assisted person on anyone who is or has been a member of the commission, or an employee of the commission. I support the second reading.

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

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2687.)

The Hon. R. C. DeGARIS (Leader of the Opposition): My first comment on this Bill is that I do not believe that this sort of legislation should be in the Unauthorised Documents Act. Surely, if we are going to take the rather odd action in giving total protection to any of the State's emblems it would be better to do what Queensland has done and introduce specific legislation for that purpose. Who would look for any protection for a State emblem in this Act, even if there was need for such legislation in the first place? Only Queensland has taken action in this matter. The South Australian Government would not like it to be suggested that it was following Queensland, but that is the case. Queensland has the Badge, Arms, Floral and other Emblems of Queensland Act, 1959-1971, which prohibits the unauthorised use of the badge or arms of the State; it does not prohibit the use of the floral or fauna emblems.

Victoria and Western Australia have passed Unauthorised Documents Acts which prohibit the unauthorised use of the Royal arms or arms of any part of the Queen's dominions, or arms so nearly resembling those arms as to be likely to deceive. In New South Wales, similar legislation protects the arms of the State. In every case the penalty is a fine not exceeding $40. Tasmania in 1978 introduced a Bill to prohibit the unauthorised use of the State's arms, the proposed penalty being $1 000. As at 12 December 1978, the Bill was awaiting its second reading. Victoria, Western Australia and Tasmania have proclaimed official emblems, but not under any specific legislation.

The interesting thing so far as the Royal arms are concerned is that they should not be likely to deceive. This Bill is all-embracing. We are giving the Minister more and more discretion. This Bill provides:

3a. (1) Any person who, without the permission of the Minister—

(a) prints, publishes or manufactures; or

(b) causes to be printed, published or manufactured,

any document, material or object incorporating, depicting or in the form of, a prescribed emblem—

(c) for any commercial purpose; or

(d) in such a manner as to suggest that the document, material or object has official significance,

shall be guilty of an offence.

"Prescribed emblem" is a State badge or an official emblem of the State and includes any other emblem that is so similar to an emblem so declared that it could readily be mistaken for such an emblem.

The Hon. R. A. Geddes: Should the Minister have authority to prescribe an emblem, or should it be done under the Letters Patent in the United Kingdom?

The Hon. R. C. DeGARIS: The honourable member is dealing there with Royal arms, which involves a slightly different question. I think it is a State function to adopt a State emblem. We have three such emblems in South Australia, namely, the piping shrike, the Sturt pea, and the hairy-nose wombat. Unless one goes to the Minister and asks permission, one cannot use those emblems if they are prescribed in the legislation. Many companies manufacture souvenirs, and I understand that one company in South Australia has sales amounting to between $1 000 000 and $2 000 000 a year for this sort of material, particularly for the tourist trade. It would be sad if that trade were lost or if the Minister prevented the company from continuing its operations. It has been operating in the State since about 1951 and has about 31 employees.

Whilst the Minister may not be so shortsighted as to tell these people that they cannot use that particular emblem, if he wants to give protection for every badge or souvenir that the company makes, it would be impossible for the company to operate under that arrangement. Therefore, I have certain doubts about the legislation. I agree that, if the State emblem was being used to deceive in regard to the purpose for which it was used, some protection should be placed in the Statutes. However, to give total discretion to the Minister to decide that a business operating in the State can be wiped out is taking the matter too far. The power is too wide and sweeping and leaves the matter completely for the Minister's decision. If the Bill is left as it is, without amendment, I will oppose it.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 February. Page 2684.)

The Hon. M. B. DAWKINS: The Bill amends the Road Maintenance (Contribution) Act, which was introduced in 1963. In that year, South Australia was more or less forced into a position of introducing the parent Act because of the enactment of similar legislation in other States as a result of the high cost of maintaining roads, and because of the possiblity or even probability that the then unsealed Broken Hill to Peterborough road would be used indiscriminately by heavy interstate vehicles that otherwise would have had to pay no contribution, rather than rail transport being used.

The neighbouring States had similar legislation. However, in the other States it affected all vehicles of over 4 tonnes capacity, whereas our legislation was designed to encompass the heavy vehicles over 8 tonnes capacity. There was also doubt about whether the State would receive completely equitable road funds from Federal sources if it did not put the same type of tax upon every heavy vehicle as had the other States.

It was not then, and never since has been, regarded as a satisfactory means of taxation. The costs of collecting it have been high and the opportunities for avoidance have been many. Had it been possible, with general Federal and State agreement, to institute a general fuel tax, it could well have been a much more practical and far more equitable means of raising the necessary revenue for roads. Unfortunately, wide agreement between all mainland States and the Commonwealth has not been reached in this matter.

Therefore, we are faced with this Bill, which seeks to plug a few loopholes in the existing legislation, and to that extent, and until we can obtain a more satisfactory means such as I have mentioned, the measure must have my qualified support. I say "qualified" because, whilst I must approve in the interim and in principle the general purpose of the Bill, which is to overcome the questionable practices of tax avoiders, I cannot necessarily approve of all the clauses as they stand and I will seek to support some amendment of the legislation in the Committee stage. I am concerned about clause 3, which provides:

> Section 10 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsection:
>
> (3) Where a body corporate is guilty, or has been convicted, of an offence against this Act, each director of the body corporate shall also be guilty of an offence against this Act and liable to a penalty not exceeding five hundred dollars unless he proves that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

On the face of it, the clause may provide retrospectivity. However, I understand that advice has been received by both the Government and the Opposition in another place that an amendment to make this possibility completely void is not necessary. I trust that that advice is correct. I have sought further advice on the matter, and I understand that that opinion has been supported, so I will support the clause as it stands.

However, I am much more concerned about clause 5. I am concerned about the implications of this clause and its apparent retrospectivity. Whilst this rather complicated clause is designed largely to deal with what may be described as straw companies (and I should indicate that I have no brief for what we may call smart alec tactics of straw companies), it seems out of place with the normal principles of fair play and British justice that a director can, by virtue of registration in the Adelaide Magistrates Court only, become responsible for the payment of fines imposed on the company and also for outstanding charges, without necessarily being given any prior notice of such liability.

The Bill provides that, where an order made in the court of a reciprocating State is filed in the Magistrates Court in this city, that order, when registered, will be deemed to be an order of the Adelaide Magistrates Court. I am told by my legal colleagues that the consequence of that is that not only the company concerned but also its directors become liable for the fine and road maintenance charges that may have been avoided.

I understand that it is not obligatory for a notice to be given to a director. As I understand the Bill, there is no right of audience for him, and no provision for appeal. The director in this situation seems to have no rights at all. He can even be imprisoned. I do not believe that this is by any stretch of the imagination a correct procedure, and I will oppose such a situation being provided in the law of this State.

I will support amendments that are designed to overcome this position but, for the present, in order to allow the Bill to proceed into Committee, I support the second reading.

The Hon. C. M. HILL: I do not intend to speak at length on this Bill. However, I had some dealings with this matter when I was Minister some years ago. The Act has always brought problems to Governments and the road haulage

industry. There have always been continual pressures from departmental officers to tighten up the legislation, and active representations by the industry to Government, pointing out the problems that face the industry as a result of the measure.

This has not been a satisfactory tax, in that there has been a high degree of avoidance and, on that point, it is grossly unfair on those constituents who pay this tax that others avoid payment of it. Like other honourable members, I hope that we will soon see the time when an alternative source of revenue can be provided, so that this measure can be struck off the Statute Book.

However, the Bill is another endeavour to solve a problem that has now become evident and, as happens so often when one tries to plug a hole in a leaky bucket (if I can use that expression), no sooner is one able to plug the hole than another leak is found. So, the whole process of trying to stop these problems occurring is never ending.

It will be possible, if this Bill passes in its present form, for a South Australian citizen, who could be a director of a transport company, to have no right of audience before a magistrates court that imposes a sentence on him. That, of course, is simply not justice. Also, it seems that a warrant of commitment can be issued against that person without his knowledge, and that is an untenable position from the point of view of justice as we know it.

I note also that directors of a company can automatically become liable for penalty without their knowledge and, despite all the Government's endeavours to make a reciprocal arrangement with the other States of Western Australia, Victoria, New South Wales and Queensland, that seems to be unjust. I hope that the Government will consider fully amendments that I understand will be moved to try to correct the situations to which I have referred.

Whether or not the Government looks kindly on those changes, I hope that this Council will, before the Bill finally passes, carry amendments that will correct the situations to which I have referred. So that the Bill can go into Committee, I support the second reading.

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

[Sitting suspended from 5.46 to 7.45 p.m.]

TRADE STANDARDS BILL

(Second reading debate adjourned on motion.)
(Continued from page 2717).
Bill read a second time.
In Committee.
Clauses 1 to 5 passed.
New clause 5a—"Act binds Crown."

The Hon. D. H. LAIDLAW: I move:

Page 4, after line 27—Insert:

5a. This Act binds the Crown.

It seems extraordinary that, in a Bill which professes to give the Minister the power to lay down standards with regard to safety, product quality, misleading information, and packaging, the Crown should not be bound. One thinks immediately of the State clothing factory, the proposed State overseas trading corporation, and the timber trading corporation. Why should these State authorities not have to conform to the same standards as do people operating in the private sector? For those reasons I commend the new clause to honourable members.

The Hon. D. H. L. BANFIELD (Minister of Health): The State does not want to act in the same way as do some private corporations: we want to lead the way. Because these are minimum requirements, we are happy to accept the new clause.

New clause inserted.
Clauses 6 and 7 passed.
Clause 8—"Terms and conditions of office."

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

Page 5, line 29—Leave out "not exceeding" and insert "of".

As it stands, the Bill provides for a term not exceeding three years for a member of the Trade Standards Advisory Council: that could mean a short term. The purpose of the amendment is to provide for a fixed term of three years.

The Hon. D. H. L. BANFIELD: The Government accepts the amendment. It puts one on the spot sometimes if a member of a committee or council is not totally suited to the duties involved. It is not normally intended to have a shorter period. Nevertheless, I am prepared to accept the amendment.

Amendment carried; clause as amended passed.
Clauses 9 to 26 passed.
New clause 26a—" 'Goods' for the purposes of this Part."

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

Page 11, after line 25—Insert:

26a. In this Part "goods" means textile products, footwear, furniture, leather goods or goods made of gold or silver.

We were reasonably happy with Part IV as it stood, but—

The Hon. R. C. DeGaris: You are happier now.

The Hon. D. H. L. BANFIELD: I did not say that. There is a spirit of happiness in the air because we are going on to victory. I want to please the people who made representations to me.

The Hon. J. C. BURDETT: If the amendment means what I hope it means, I certainly support it.

The Hon. D. H. L. Banfield: It does.

The Hon. J. C. BURDETT: I raise a drafting question. I take it that this was the matter to which I was referring in relation to clauses 27 and 28. I said I objected to those sweeping provisions and I suggested that, if those provisions were confined to specified areas, I would have no objection. I hope that that is what is intended. Clause 26 is in Part III, and if new clause 26a is in Part III, I will oppose clauses 27 and 28.

The Hon. D. H. L. Banfield: It is in Part IV.

The PRESIDENT: It is significant that the new clause is included after line 25: it is in Part IV.

The Hon. D. H. LAIDLAW: In the second reading debate I objected strongly to the broad provision in Part IV with regard to quality standards, so I will accept the Government's amendment to confine the power of the Minister to regulate in regard to quality the items mentioned in the amendment.

The Hon. C. M. HILL: Will the Government adversely affect the craft industry in this State as a result of these two clauses dealing with quality standards? When I noticed that the Government had introduced this amendment that deals with leather goods and goods made of gold and silver, I could not help but think of those people with whom I have been closely associated in recent years. In regard to the gold and silver goods members of the Goldsmiths Guild of South Australia make gold and silver ware of the highest possible world standard. Can the Minister say whether craftsmen who make leather goods in the Jam Factory, for example—

The Hon. J. E. Dunford: That is good stuff out there, too.

The Hon. C. M. HILL: I agree with the honourable

member that much of their work is of a high standard. However, will Government interference in this area be wise and, in fact, is it needed? If craft activity in this State is going to suffer by Government interference, I do not intend to support the particular clauses. Can the Minister assure me that the crafts people in this State have nothing to fear?

The Hon. D. H. L. BANFIELD: I can give the assurance which the honourable member asks for in relation to leather products, as they are covered under the Goods (Trades Description) Act, the Footwear Act and the Footwear Regulations Act, and this will continue. This clause is necessary in relation to gold and silver standards, because the regulations will be part of a uniform scheme to be developed by the Commonwealth in consultation with the States relating to hallmarking. I give the honourable member the assurance that crafts will not be interfered with in any way.

New clause inserted.

Clauses 27 to 38 passed.

Clause 39—"Offences by bodies corporate."

The Hon. D. H. LAIDLAW: I move:

Page 16—

Line 35—Leave out "and manager" and insert "and other officer and the manager".

Lines 37 and 38—Leave out all words in these lines and insert: "That he did not know and could not be reasonably expected to have known of the commission of the offence or that he exercised all due diligence to prevent the commission of the offence."

As the clause is worded, it is too harsh on managers of companies. In many companies people have the title of manager of specific divisions, and they could not be expected to have an idea of what is going on in regard to the sale of a product in a separate particular department. My amendments are reasonable and less harsh on managers and executives of companies.

The Hon. K. T. GRIFFIN: In supporting the amendments I point out that the words "be reasonably" should be transposed.

The Hon. D. H. L. BANFIELD: Although I noticed that, I did not wish to question the Hon. Mr. Laidlaw. We are happy to accept that explanation, as well as the amendments.

The Hon. D. H. LAIDLAW: I would be pleased to alter my amendment accordingly.

Amendments as amended carried; clause as amended passed.

Remaining clauses (40 to 43) and title passed.

Bill read a third time and passed.

APPROPRIATION BILL (No. 1), 1979

Adjourned debate on second reading (resumed on motion).

(Continued from page 2714.)

The Hon. N. K. FOSTER: I have often been accused in this Chamber of making speeches that have not been as serious as they could be. However, tonight I will be as serious as I can be, especially in reply to the Hon. Mr. Hill, who made one of the worst speeches that I have heard in any Parliament, and I have visited Parliaments in the United Kingdom and elsewhere. The Hon. Mr. Hill should be condemned for his defeatist attitude. At the back of my mind I see him as a successful business man, and I regard him as that despite the rather dubious realm of business in which he operates. He is a successful man and should know better.

Although he knows better, he made a political speech today that was a disgrace coming from a citizen of this State. It was all the more disgraceful because the Hon. Mr. Hill has been elected to this Chamber under an electoral system introduced by what he considers is a socialist Government. Certainly, he must have embarrassed one of his colleagues today, and in support of that claim I refer to the report in today's *Advertiser* concerning the Adelaide and Wallaroo Fertilizer Limited. The report states:

> There will be a $2 200 000 issue of shares at par.

The Hon. Mr. Hill knows what that means better than I do. The report continues:

> The latest $2 200 000 fund-raising follows the announcement last year that Adelaide and Wallaroo would spend $15 000 000 expanding and redeveloping its Port Adelaide works.

Mr. Fowler is the head of that company, and another member of this Council is on that company's board. He must have been embarrassed by the stupid, wilful and wild statements of the Hon. Mr. Hill this afternoon when he denigrated South Australia and its industries.

It is not often that I support the people concerned, yet the Hon. Mr. Hill denigrated South Australian industries and their leaders, and he should be ashamed. It is bad enough when we do it—it is even worse when the honourable member does it. The Hon. Mr. Hill did it in such a hypocritical manner. He should be condemned by industry forever, and should not get any support for preselection in his Party if he continues to behave like that.

The Hon. B. A. Chatterton: Have you read Mr. Jackson's comments?

The Hon. N. K. FOSTER: I will refer to those shortly. The Hon. Mr. Hill claimed that, because of the economic downturn in South Australia, we had the highest unemployment in the Commonwealth. He based that claim on the fact that we were in a no-growth and most parlous situation.

If only the Hon. Mr. Hill had seen the A.B.C. national news this evening concerning the population and commerce explosion in Townsville (reference was made to increases of 114 per cent), he would see that the situation there is the complete opposite to his claims. Townsville has enormous growth, twice the size of the average growth in Australia; it has the highest business and commercial growth in the Commonwealth, yet it has 8 per cent unemployment, which is higher than the unemployment rate in South Australia.

Members opposite cannot bandy such philosophy about and apply one set of principles for one situation and another set of principles at the other end of the spectrum. Our position is not unique at all, in that we are at a disadvantage in a number of areas. Although I do not have details of the Townsville figures, the Hon. Mr. Hill can obtain them from the A.B.C. in the morning. I refer to today's *Financial Review*, which the Hon. Mr. Hill has undoubtedly read—

The Hon. M. B. Cameron: What page?

The Hon. N. K. FOSTER: Page 2.

The Hon. C. M. Hill: Have you the *Bulletin*?

The Hon. N. K. FOSTER: No. I intend to read to the Council a report by Mr. Gordon Jackson. I assume that Mr. Jackson's speech was not available to the member who preceded me in this debate. However, that member cannot tell me that this report would have escaped his attention, particularly as it made a mild criticism of Mr. Duncan. It states:

> The South Australian Government can fairly claim that the economic situation in its State has picked up over the past four months, and that few people have noticed it.

> The Government expects General Motors-Holden's to put some workers back on soon, and the deputy chairman of Chrysler, Mr. Ian Webber, last week predicted a much brighter year for the motor industry in South Australia.

The Hon. Mr. Hill, who once bought extra copies of the weekend newspaper because he wanted to influence a poll, must surely receive the *Advertiser* each morning and must look at it before he comes to work. He could not have missed the headline "Seminar turns up good news amid the gloom" on page 5 of that newspaper last Monday. However, that member came here today with the greatest pack of lies and rubbish one could listen to.

The Hon. C. M. Hill: State one lie that I told.

The Hon. N. K. FOSTER: You said that the unemployment position here was a result of the South Australian Government's social and left wing policies. All you could say was that Foster was a left winger. I ask you to define a left winger.

The Hon. R. C. DeGaris: Norm Foster.

The Hon. N. K. FOSTER: I'll pay that. I would rather be a left winger than a moderate, because a moderate does not want to change anything unless for his benefit. We get clowns like Hill making statements such as he made, and I ask members whether they saw Fraser on television this evening in his weak economic outburst. He said he had not lightened the rates, and so on. The future of South Australia touches closely on the Jackson report on 16 February. He makes some criticism and gives some praise, and one should be able to refer closely to the report. I have received it only in the past hour and have not had time to read it all.

The Hon. R. C. DeGaris: Does he comment on the Labor Party conference too?

The Hon. N. K. FOSTER: I think he does. He has not commented on the decision of the conference, but he has made some reference to our policy on Roxby Downs. It is for you to seek leave to put the document in if you want to do that.

The Hon. M. B. Dawkins: The *News* had an interesting leading article this afternoon.

The Hon. N. K. FOSTER: Who owns the newspaper? Murdoch! He has a direct interest in mineral deposits in Australia and his news writers will toe the line accordingly.

The PRESIDENT: Order! I would like the Hon. Mr. Foster to be heard to the maximum. If he addresses the Chair and does not reply to interjections, I will be able to afford him much more protection.

The Hon. N. K. FOSTER: The Jackson report states:

> As you would be aware, I do not live in South Australia, and that makes my task of talking about the future for investment in this State all the more challenging. However, when one looks at the investment potential of any region I believe that what one sees depends not only on how well one is informed, but also a lot on where one looks from.
>
> So given that I am from a major Australian company that has operations in all Australia States, as well as New Zealand and Indonesia, I trust that I can provide you with a point of view, perhaps largely an outsider's point of view, about investment prospects in South Australia that you may find of value.
>
> Let me begin with an attempt to put South Australia, and its present economic circumstance into perspective. South Australia now accounts for about 9·1 per cent of Australia's population, 9·1 per cent of civilian employment and 9·1 per cent of manufacturing industry employment. In 1976-77 it contributed 8·3 per cent of value added by Australian manufacturing, 10·5 per cent of the gross value of Australian primary production and 3·4 per cent of the value of minerals produced in Australia. While South Australia's exports only accounted for 5·4 per cent of the Australian total in 1977-78 according to official figures, importantly over 80 per cent of its industrial production went to markets outside the State.
>
> So because of its industrial significance in its own right, particularly as a manufacturer, and its dependence on markets outside the State, the South Australian economy cannot be considered in isolation from what is happening in the rest of Australia, and in turn in the world economy. Indeed, it would be unreasonable for any potential investor to conclude that the present economic problems of South Australia are due only to factors peculiar to this state.
>
> Obviously, what has been happening throughout the world in the 1970's has had a substantial impact on Australia's fortunes. We have witnessed the end of the long boom which followed the second World War, and rapid growth no longer seems inevitable. The major economies are in recession; demand is weak; industrial investment subdued; and unemployment at high levels. The resources crisis has fuelled inflationary pressures in many countries; it has resulted in greater imbalance and instability in the international monetary system.
>
> These external factors, plus some internal problems of our own making, resulted in business confidence in Australia dropping to a low ebb, growth in output declined, and our unemployment problem really began to emerge.

The report continues:

> Most advanced countries experienced the same problems. But, despite Australia's rich resource base, with plenty of land, water, minerals and energy for relatively few people, our overall economic performance in the 1970's has not been any better than that of most O.E.C.D. countries.

One must state that in relative terms Australia owns little of its mineral resources and that the greatest beneficiaries in relation to those resources are the multi-national companies. The report continues:

> Part of the reason lies in a fundamental weakness in the structure of our manufacturing industry which was built up after the Second World War to serve a growing domestic market, and supported by deliberate policies of import substitution, immigration, fixed exchange rates and capital inflow. Memories of unemployment in the 1930's and of Australia's isolation during the war were then vivid. They dominated national thinking and Government policies on post-war development.
>
> As you would all know, Sir Thomas Playford was an enthusiastic supporter of these post-war policies, and saw the added advantage of manufacturing industry in offsetting this State's then dependence on primary industry. He successfully sold South Australia to interstate and foreign capital as a low cost location, and in the process transformed this State from that with the lowest number of factory workers per head of population to that with the second highest. His remarkable achievements were entirely appropriate to the time.
>
> However, even through the 1960's and early 1970's Australian manufacturing unfortunately did not really adjust to the opportunities presented by sustained growth in the world economy. The emphasis remained on the development of import-competing industries behind high protective barriers. This has resulted in an industry structure not well suited to the challenges of today. Now that the domestic market is largely oversupplied and can grow only slowly, most manufacturing is stalled and without purpose. It needs to export to grow, but much of it is fragmented, lacking both the scale and the outlook to export or even compete on even terms with imports. While the devaluations of the last few years have helped some local manufacturers, for much of industry the recent recession has been associated with increasing pressure on its international competitiveness.

One does not need to explain that statement, especially if one takes note of the criticisms contained in this evening's

edition of the *News* regarding the belated attempt being made by the Fraser Government in relation to exports. The report continues:

> So employment in Australian manufacturing fell by over 200 000 between June 1974 and June 1978.

As those two dates show, this happened not at a time when the Labor Government was in office. For the Hon. Mr. Cameron's benefit, I ask him to take note of the last sentence of the report to which I have referred. During most of that time, a Liberal Party occupied the Treasury benches. The report continues:

> Manufacturing employment as a percentage of civilian employment fell from 27·7 per cent to 23·8 per cent over the same period—

I draw the Hon. Mr. Cameron's attention to those figures—

> while manufacturing's contribution to gross domestic product has declined from 25·5 per cent in 1970-71 to 21·6 per cent in 1975-76, the latest figure available. And, for the immediate future, recovery of manufacturing will have to rely, because of its domestic market bias, on the flow-on effects of a general recovery in other sectors of the economy.

In other words, we in South Australia cannot expect to pick up on the white goods sector, or expect to see the same magic wand that was waved in the late 1950's and early 1960's, when the markets in those areas picked up. The report continues:

> Then these have been the general problems of recent years to which South Australia has not been immune. But what specifically of the situation in South Australia, and how might investors view South Australia's recent economic performance? In examining South Australia's recent economic performance, it is noticeable that the down-turn in this State between 1974 and 1977 was less severe than in Australia generally. For example, through 1975 and 1976 the unemployment rate in South Australia was below the national average; motor vehicle registration levels were higher, as were new dwelling approvals, commencements and completions; and also retail sales. Contributing factors no doubt were that some of the industries most severely hit by the 1974 import surge were by comparison less crucial to total employment in South Australia than in other States, the fact that public sector employment was expanded strongly, and that relatively expansionary State Government economic policies were pursued.

Members of the Liberal Party attacked that by moving special motions in another place today. However, this learned report is available for all members to read. If members opposite cannot understand it, it involves a dereliction of duty on their part. The report continues:

> And, while the number of manufacturing establishments in South Australia in 1976-77 declined by 5·8 per cent, or twice the national average, new capital expenditure on manufacturing increased by 8·5 per cent, which was more than four times the average Australian figure.

I repeat that that is more than four times the national average. So where did the Hon. Mr. Hill get his speech today? He probably picked it up in Victoria Square in a structure to which people often hasten. The report continues:

> But fiscal 1977-78 heralded the beginning of real problems for South Australia, and the various economic indicators reversed to indicate performance worse than for the rest of the country. This was no more apparent than from the unemployment statistics which by June 1978 showed that South Australian unemployment was 6·8 per cent compared to a national figure of 6·1 per cent, while the job vacancy rate also fell to half the Australian average. Indeed, the Australian Bureau of Statistics figures show that between June 1977 and June 1978 civilian employment here fell by nearly 10 000. This fall was associated with heavy retrenchments in the car industry, the closing of the Whyalla shipyards, the effect of the drought on the rural industry, and the decline in housing and industries dependent on it in the wake of previously excessive activity. This resulted in manufacturing's share of South Australian civilian employment falling from 25 per cent to 23·6 per cent and South Australia's share of Australian manufacturing employment from 9·6 per cent to 9·1 per cent.

Can members opposite blame Government policy in South Australia for loss of employment in the car industry? Decisions to retrench workers are not made in the South Australian Cabinet room although they are, to some extent, made by the Federal Government. However, the real decisions are made in Detroit, not necessarily in this country at all. I remind the Hon. Mr. Hill that no change of policy at the South Australian Cabinet level resulted in this decision being taken. I am indeed pleased to be able to refer to a speech made by a captain of industry that puts our economic and unemployment position in its true and proper perspective. The report continues:

> The year 1977-78 also saw the number of South Australian companies forced into receivership or liquidation by the courts or creditors increase by 43 per cent; that is, from 152 in 1976-77 to 217 companies in 1977-78. I understand trading conditions here were generally difficult.

Is this evidence of a false claim by Mr. Dean Brown? Members opposite should read this report.

The Hon. R. A. Geddes: What is it?

The Hon. N. K. FOSTER: It is an address entitled *The Future for Investment in Australia* by R. G. Jackson, dated 16 February 1979. The report continues:

> And last August, the Federal Department of Industry and Commerce published the results of a survey that showed that the investment value of new manufacturing projects firmly committed to South Australia, with an individual capital cost of $5 000 000 more, was then only $94 000 000, or 5·2 per cent of the Australian total.
>
> In recent months there have been no firm signs that conditions are improving, although with inflation coming under better control nationally the situation may be stabilising. While South Australian unemployment had risen to 7·6 per cent by October, for December the figure was 7·7 per cent. However, over the country as a whole the present trend is worse than in South Australia, with between those two months unemployment increasing from 5·8 per cent to 6·8 per cent.

That explodes once more the Hon. Mr. Hill's claim made this afternoon that the situation here is getting worse. The report continues:

> But still the reaction in South Australia to these changed and difficult economic circumstances of the last 18 months has been strong, and probably stronger than elsewhere. There appears to have been some loss of confidence by people here in the future of South Australia;

There has been a campaign by the press, the *News*, the Liberal Party machine, and slogans against the Hon. Mr. Dunstan. The report continues (referring to loss of confidence):

> in its ability to provide productive and satisfying work to its growing labour force, rising real incomes and improved quality of life. Perhaps the weakening of confidence is understandable, given that the four-year slide in national economic activity may be seen here compressed into a much shorter time frame.

In other words, the report says that we are just one of the blades in the windmill, and we are being thrown into the total airstream. The report continues:

> However, there might be an over-reaction in South Australia to the present problems and undue pessimism

about future prospects. Arnold Bennet once said:

> Pessimism, when you get used to it, is just as agreeable as optimism.

He may be right. Pessimism, like optimism, is a state of mind which is highly infectious and tends to be self-fulfilling. Pessimism in South Australia will in turn colour the views of potential interstate and overseas investors, and thereby commensurately retard economic recovery in this State. Of course, there is nothing wrong with being properly aware of the facts. One just must be careful not to exaggerate them.

I notice that Mr. Hill's face is turning crimson, because that is exactly the role that he played this afternoon, when he was so pessimistic. His speech was almost one of industrial and economic treason. I have confidence in the future of South Australia. The report continues:

> For the future I do have confidence in South Australia. I do believe this State will continue to make an important contribution to Australian economic activity.
>
> I would now like to explain why by reviewing incentives and disincentives to investment in South Australia, before moving on to prospects for investment in the various industry sectors.

Incentives and Disincentives to Investment in South Australia:

(i) Incentives—

> The major incentive in South Australia to the potential investor is the labour cost advantage.

In this connection I refer to the cries from Opposition members about the alleged effect on investment of workmen's compensation in Australia. According to members opposite, industrial democracy is driving people to Queensland. However, the knowledgeable and trained person whom I am quoting gives a factual and non-political viewpoint. The report continues:

> Published information suggests that labour costs here are still some 4 per cent to 6 per cent below those of Victoria and 7 per cent to 8 per cent below those of New South Wales. The differential is probably still comparable with that evident in the mid to late 1950's when the South Australian economy was burgeoning.

Once again I refer to the false speeches made by members opposite, particularly by Mr. Dean Brown in another place, that apology for a shadow Minister of Labour and Industry who is orchestrated by people in the business world with false concepts. The gentleman whom I am quoting clearly says that the cost advantage not only was there but is still there. The report continues:

> Let me explain briefly. Taking "average weekly earnings per male unit" (which despite the name also takes account of female employees), the seasonally adjusted figures for the September quarter 1978 were $207 70 in South Australia compared to $226 in New South Wales and $222 in Victoria, giving a wage cost advantage for South Australia over those states of 8·1 per cent and 6·4 per cent respectively. But looking at the median weekly earnings of male employees, as surveyed by the statistician in August last year, the differences are reduced to 7·1 per cent and 4·2 per cent respectively.
>
> While the numbers quoted do include overtime payments, and there might have been a tendency for more overtime to be worked in the Eastern States recently, it is interesting that ordinary time hours worked in South Australia are higher than elsewhere. Furthermore, it is worth noting that the differentials referred to are no doubt reduced by a few large employers, including General Motors Holdens and Chrysler I understand, who pay wages in South Australia only marginally below those they pay in other states.
>
> So on balance, I believe that investors should find wages in South Australia about 7 per cent below those in New South Wales, and at least 4 per cent below those in Victoria.
>
> With respect to my comment that the labour cost differential might have changes little since the mid-late 1950's, if one takes average weekly earnings in South Australia as a percentage of those in New South Wales and Victoria you get some interesting results. For the September quarter 1978, South Australian average earnings were 91·9 per cent and 93·6 per cent of earnings in New South Wales and Victoria. For the period 1955-56 to 1959-60 the average comparative figures were 92·5 per cent and 92·9 per cent. While the differential was in fact at its widest in 1970-71, over the last 25 years there has been no discernible narrowing trend.

Let us hear no more hypocrisy from members opposite. The Hon. Mr. DeGaris says that there must be something wrong with the South Australian Government. I refer him to the opening remarks of this report in which the South Australian Government is not considered to be at blame. If the honourable member reads *Hansard* tomorrow, he will see that the report will be punctuated by my comments such as "How can the Government be blamed for these downturns when they are world-wide?" and "The Government has not made decisions that have had any effect on it whatsoever". The report states:

> South Australia also ranks with Victoria as having the lowest pay-roll tax rates in Australia. The sole instance where a potential investor in South Australia would save on pay-roll tax would be if he were to employ between 7 and 13 people, and locate in Queensland.

Opposition members are getting knocked down whichever way they turn. The report continues:

> South Australia also rates with Victoria as having the lowest pay-roll tax rate in Australia. The sole instance where a potential investor in South Australia would save pay-roll tax would be if he were to employ between 17 and 30 people and be located in Queensland. Nevertheless, South Australia's pay-roll tax, combined with lower average weekly earnings, mean that this State has the lowest pay-roll tax in the country.

The Hon. R. C. DeGaris: Why are our pay-roll tax collections so low?

The Hon. N. K. FOSTER: I am not going to be drawn in by the infertile attitude to this question of pay-roll tax. The honourable member appears to have picked up this particular item and is hanging on to it. Pay-roll tax should never have been introduced into any State in Australia.

The Hon. R. C. DeGaris: What has that got to do with the report?

The Hon. N. K. FOSTER: It has much to do with it. Where was it introduced, who introduced it, and why was it introduced?

The Hon. M. B. Cameron: It was introduced by Chifley.

The Hon. N. K. FOSTER: I refuse to link Mr. Chifley's name with the Hon. Mr. McMahon. I remind honourable members opposite that in post-war years, once national security regulations had ended, we saw the Labor Administration go out of office in 1949 and the beginning of the infamous Menzies mismanagement that has bedevilled Australia since the mid-1960's. The Hon. Mr. DeGaris has terrible hang-ups about pay-roll tax and says that pay-roll tax in South Australia has been such that it has disadvantaged the State compared to Victoria, and that Queensland has gained a benefit from it. The term "trade-off" is often used today in an industrial concept, in a trade concept, and in the settling of industrial disputes. It is used widely in wage settling matters today, and one could well apply that if one wanted to be scrupulously fair and more or less non-political. During the McMahon Administration, they came cap in hand to Canberra to a Premiers' Conference when Mr. McMahon was holding the purse strings and would not increase the grants.

The Hon. M. B. Cameron: They grabbed it with both

hands, and Dunstan welcomed it.

The Hon. N. K. FOSTER: If the Hon. Mr. Cameron would wait and listen, I was going to say that. I would be prepared to accept that statement in part, but not in whole. The only thing they were offered by the Hon. Mr. McMahon was that they could go back and introduce a payroll tax. I ask the Hon. Mr. Cameron how one State Government, be it Labor, Liberal, or Country Party, could say that it would not impose a pay-roll tax in South Australia. It could not do it, because that State would be at an economic disadvantage at least twice: it would not receive any pay-roll tax, and it would have that amount deducted from existing grants or moneys likely to be paid to the State.

A Premier cannot afford the luxury of big-noting and saying that once a decision has been made and accepted by most States, he will be a one-out merchant. Steele Hall and Don Dunstan could not do it, and Des Corcoran will not be able to do it, either. One cannot have such luxuries in the concept of Commonwealth/State economic relations and the way in which the economic system works. Although I do not have great knowledge on this subject, I refer the Hon. Mr. DeGaris to tomorrow's *Hansard* proofs, so he can see exactly what has been said. The report continues:

> In talking about labour costs, I should also mention worker compensation insurance.

That is an interesting matter for members opposite. There is not one day that members opposite can rest from their hang-ups on this matter. The report continues:

> While comparisons in this field are difficult, Australian Bureau of Statistics' figures show that the average premium paid per worker in South Australia in 1976-77, the latest year for which figures are available, was $182—

The Hon. M. B. CAMERON: Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. N. K. FOSTER: The report continues:

> . . . compared to Victoria at $252 and New South Wales at $191. But compared to the other States, the South Australian figure is higher. Taking account of this, and of differences in occupational distribution between the States, it would appear that workmen's compensation costs in South Australia are about the average for the country as a whole. Another major plus for South Australia is its excellent industrial record, in both relative and absolute terms. Working days lost per 1 000 employees have consistently been less than half the national average.

The Hon. Mrs. Cooper, who is engaged in industry and who knows something about the beverage industry, must realise that that is a comfort to members in this Chamber engaged in industry. We have less than half the national average: we are the envy of the Commonwealth and the Western World, especially American organised labour. The report continues:

> For 1977 South Australia was 20 per cent of the national average, and for the first nine months of 1978, 41 per cent. I think these figures exemplify the South Australian tradition of co-operation, rather than confrontation, between employers and employees.
>
> Industrial land in South Australia is also relatively cheaper than in New South Wales and Victoria. I also understand that power costs in Adelaide are cheaper than in other major cities, at least for small to medium size factories operating on a one-shift basis. And the average revenue per kilowatt hour of electricity sold to industrial and commercial users in South Australia for 1976-77 was 91 per cent of the New South Wales figure and 87 per cent of the Victorian figure.

Most South Australian industries fall into that category. The report continues:

> Then there are, in addition, those incentives to industry offered by the South Australian Government. They include the Establishment Payments Scheme, the Factory Construction Scheme, and the possibility of Loan funds from the South Australian Development Corporation or State Government guarantees for commercial borrowings. While these incentives are probably not critical to most investment decisions, for if they were the projects concerned would be marginal, they can still provide an attractive sweetener to potential investors. Other States, of course, have competing schemes.

The Hon. M. B. Cameron: What about the timber industry?

The Hon. N. K. FOSTER: In relation to that paragraph, all those matters are regarded by members opposite as being socialistic. The Hon. Mr. Cameron refers to the timber industry because of the likely introduction of a Bill dealing with that industry, yet there has never been any criticism from members opposite when private enterprise has derived high profits from State forests. The Hon. Mr. Geddes has a tradition of family interest in that industry. That undertaking receives much of its raw material from Government forests, as do other private milling industries in South Australia. They have received much attention from the State Government. Therefore, if one criticises socialism, one has to consider that any form of taxpayers' funds flowing to an industrial undertaking is socialist in that context.

The Hon. R. C. DeGaris: Nonsense!

The Hon. N. K. FOSTER: I qualify that: I do not say it in a general context. If I told Opposition members what socialism is, I would, first, be wasting my time and, secondly, I could not convince them, anyway, because they just would not be convinced. The use of State finances creates worthwhile employment for citizens within the State. The State works to that end.

It is not a completely private business venture. The private business ventures that flow from that depend for existence on the socialist policy. I used the words "in that context". I am not saying that in the broad sense, and I am not saying that it is on a par with an absolute socialist belief.

The Hon. R. C. DeGaris: You will be telling me that the A.M.P. is a socialist concept.

The Hon. N. K. FOSTER: You must have the most twisted mind that there is. I put it to the honourable member that he could not be serious about that warped comparison.

The Hon. R. C. DeGaris: You're defining socialism.

The Hon. N. K. FOSTER: I am not. I said "in the context of providing State money for a particular project" and then from that initiative flows some private area of industry. I refer now to disincentives, and the report continues:

> The disincentive that comes first to mind is remoteness from the major eastern markets. Manufacturers here have to pay more to distribute around Australia. The least impact is on those producing high-value low-volume products. Nevertheless, I was encouraged to hear from one manufacturer of white goods that their net cost disadvantage attributable to transport costs would be about 0·5 per cent on sales, an amount more than compensated for by labour cost advantages. Isolation from the Eastern markets can also result in greater costs for some manufacturers in keeping abreast of developing trends. Lack of adequate overseas shipping facilities is a major problem.

Has any member of this Chamber a passing understanding of how the containerisation of cargo and the location of principal terminal areas in Australia came about? I am referring to where the decisions were made. We had a

fellow called Black Jack McEwen, Leader of the Country Party, who in 1963 brought the National Line into overseas shipping on behalf of Australia, but the big disappointment was that it existed only along with the Conference Line concept of shipping and it did not become competitive with the rip-off merchants in the major shipping companies of the United Kingdom and other overseas countries who have been ripping off primary producers for years.

The decision to locate principally in Sydney and Melbourne was made by a huge consortia comprising the eight giants of the British shipping world. They met in London and decided that they would have the container terminals in Sydney and Melbourne, and all the other States would operate feeder services to those cities. The State Government made great efforts to overcome such a tremendous advantage in capital outlay by the consortia, and did all that it could to make available for South Australia, particularly at Outer Harbor, berthing facilities that would meet the requirements of the State. The terminal is not operating to capacity, only because the overseas cartels refused to include South Australia in their ports of call. A high percentage of the total manufacturing and primary products goes to Victoria on the Australian National Railway.

The Hon. C. M. Hill: Are the costs any higher?

The Hon. N. K. FOSTER: Let me finish. I wish you could restrain him, Mr. President.

The PRESIDENT: I will allow the honourable member to reply to the interjection.

The Hon. N. K. FOSTER: The private business or commercial interests in this area, especially the consortia, tied up with interstate transport, and have been able to make much profit from the cheap rail cost for transport from Adelaide to Melbourne. That has been done to the disadvantage of the Australian taxpayer and, before the line was taken over by the Australian National Railways Commission, to the disadvantage of this State. The disadvantage to South Australia is considerable when measured in those terms.

When the interstate road hauliers woke up that it was costing them much money to take vehicles between Brisbane and Sydney and Adelaide and Melbourne, they realised that, if they could use those same vehicles to marshall cargo between centres in Sydney, Melbourne and Adelaide, they would not be driving the vehicles as they were between those cities and, by using the railways, they would make more money.

Thomas Nationwide Transport started by getting one truck on the railway and then it got a whole train and started making much money. Regarding general shipping, a costly area, that was discovered by Gough Whitlam and action was taken by Don Dunstan regarding trade expansion to Asian areas. This afternoon, the Hon. Mr. Hill spoke of the Penang project and ridiculed any excursions—

The Hon. C. M. Hill: I said projects failed, and you know they did.

The Hon. N. K. FOSTER: Another document that I have, prepared by Helen Ester in Canberra, states:

> Shipbuilders, owners and unions want Government help as Fraser opposes spending increases. In 1978, the first tentative steps were taken to establish a stronger role for Australian shipping in international trade.

The Jackson report continues:

> Despite significant investment by the South Australian Government in recent years in improving port facilities, including construction of a container terminal, dredging of channels, and reclaiming of back blocks, more than three times the container cargo going to or coming from South Australia is handled through eastern ports, mainly Port Melbourne, than is handled through Port Adelaide. And South Australia still has no direct shipping link with Japan.
>
> I know the Department of Marine and Harbors, and the South Australian Chamber of Commerce and Industry, are working hard to change this situation and to generally get better shipping services to and from Adelaide. South Australia also has a very narrow employment base which can concern potential investors. In October 1978 about 34 per cent of the State's manufacturing employment was in the motor industry, domestic appliances, and associated component suppliers. This is an extraordinary level of dependence for a State with about 1 300 000 people. It has meant a great vulnerability in local employment conditions and business activity to changes in the economic policies and tariff policies of the Federal Government.

That is the area of government that has some bearing on this matter. The report continues:

> For example, changes in the level of sales tax on motor vehicles have in the past been made as an overall economic regulator, perhaps without sufficient regard to the impact on South Australian employment, and the business fortunes of those companies dependent on this State's economy.

Again, one finds that the South Australian Government is blameless in this regard because it does not impose this taxation. The report continues:

> With respect to sensitivity to tariff changes, this is well illustrated in a report issued last year by the Federal Government's impact project. The report suggests that, next to Victoria, South Australia would suffer the most from an across the board tariff cut; that is in terms of employment and production levels. The dryness of South Australia—

that is something for which members opposite cannot blame Dunstan, Corcoran or themselves—

> the dependence on the Murray River for much of Adelaide's water, and the limited catchment areas near Adelaide, and relatively low rainfall in this small water-shed area, can also be a factor inhibiting investment in certain types of industry.
>
> Other Concerns: Besides economic trends, costs, geography, transport services and the like, a potential investor in South Australia will want to take a view on what might be called the climate for investment here, and to compare it with that in other places that are of interest.
>
> While I think it unfortunate that we have so much rivalry between the States in attracting investment, such rivalry has long been and still is a fact of life. In this context, I am sure that the official Government welcome to investment is as warm in South Australia and as keenly administered as anywhere. But, against this, outsiders get a little concerned about what they see as a tendency for South Australia to get too far in front of the rest of the country in legislating for reforms in several areas. In particular, South Australian initiatives, or proposed initiatives, in the areas of class actions, industrial democracy and consumer protection, do tend to raise questions, questions that get into feasibility studies.
>
> As to class actions, much of the business world is sensitive to the experience in the United States, where class actions have been abused to such an extent that a significant backlash of opinion is developing. It may be that reasonable safeguards are to be built into the South Australian proposals; but it is, I believe, fair to say that, even with safeguards, most companies would be apprehensive about possible exposure to class actions.

In that statement is a warning regarding consultation and contact with local business interests. It is much more preferable to do things on a personal basis between the Government and people in industry, rather than to rely on the warped opinions given from time to time by persons

engaged in all sorts of seminar. I say that despite my quoting from a similar type of document now. The report continues:

> With respect to industrial democracy, there are two fairly distinct paths which can be followed to bring about greater worker participation in company decision-making processes. On the one hand, there is the representative approach, which deals with the collective interests of workers and may extend to worker representation on company boards. On the other, there is the "individual " approach to industrial democracy which deals with the individual and his or her work.
>
> In 1975, there was a good deal of official enthusiasm here for the idea of legislation to provide for company boards being made up as to one-third representatives of the investors, one-third representatives of the workers, and one-third Government officers representing the community interest. These 1975 ideas had a lot of impact outside South Australia and, notwithstanding that official policy now emphasises consensus and gradualism, the 1975 ideas have not been entirely erased from investor thinking.

However, the position is clearer now than it was at the time with which the report deals. It continues:

> Because employee participation is taken seriously in C.S.R., we keep reasonably well informed on what is happening in this area in South Australia, as well as in other States. What you are actually doing in this field in South Australia does not particularly bother us, although we have a strong preference for the "individual" over the "representative" approach. But probably not all potential investors are as well informed.

In other words, he is saying that, bearing in mind the attention that the matter received at the conference, there is nothing to fear from the South Australian approach. The report continues:

> While South Australia has been at the forefront in Australia with legislative initiatives to protect the consumer, other States are to varying degrees now following suit. And overall, I doubt that South Australian legislation in this field has been unreasonably onerous, although I know a good deal of business concern remains.

Again, the message is coming across. There is no suggestion that anything sinister is contained in either of those two approaches. Rather, the author of the document concludes that there is much misconception about it. This gentleman's company, which is a giant measured by Australian standards, is not concerned. Regarding consumer protection, this gentleman says that, although some concern exists, it is unfounded.

I have now been speaking in this debate for nearly 1½ hours, and I suppose I have been at risk reading from this document without having had the chance to glance at it previously. This must reflect on the sincerity of the gentleman who delivered the address. As it would be unfair for me to ask for the remainder of the speech to be inserted in *Hansard*, I will not do so. However, I hope that one of my colleagues who will contribute to the debate later will pay some attention to the latter part of the speech. I am certain that the views expressed thereon later will be no different from mine.

I have contributed to the debate this evening with some degree of wrath because of the speech made by the Hon. Mr. Hill this afternoon. I have accused that gentleman of being somewhat dishonest and unfair regarding the manner in which he dealt with this subject this afternoon. I should be interested to hear from the honourable member again in this debate or, if he so desires, elsewhere. I hope that, as a result of my referring to this document this evening, the myths and misconceptions advanced by the Hon. Mr. Hill have been exploded.

The Hon. Mr. Hill should change from his knocking attitude to a more constructive approach. Two members of my family are unemployed. So, the situation faces me every day, and I stress that those members of my family are not unemployed through any fault of their own. A little more compassion on the part of Mr. Hill and fewer references to dole bludgers would be most welcome.

The Hon. M. B. CAMERON: To hear the Hon. Mr. Foster smugly propound the view that South Australia's situation is not as bad as that of other States is extraordinary. The Labor Government has been in charge of South Australia's economy for more than 10 years, but to justify his argument the honourable member has to refer to industries established here during the Playford era. Further, the Hon. Mr. Foster found it necessary to refer to the whitegoods industry as our industrial base, which came from the Playford era. What has been achieved in the last 10 years? What has the Labor Government done to cure the problems that have developed in South Australia? Where have new job opportunities come from? I recall the wonderful announcements made in 1972 or 1973 about a marvellous complex at Redcliff. What has happened to that? The Government has failed miserably. The Hon. Mr. Foster quoted from Mr. Jackson's address at length. There is a summary of that address in the *Financial Review* which the Hon. Mr. Foster carefully avoided mentioning. The *Financial Review* states:

> South Australia lost Don Dunstan at a time when political leadership is more sorely needed in Adelaide than ever.
>
> There is a crisis of business confidence in South Australia today. Skilful decisions and forceful leadership will be needed to end it.

Referring to Mr. Jackson, the *Financial Review* states:

> He suggested strongly that the future rested on the Government, and on two specific areas of policy: corporate regulation and mineral development.
>
> This is where the economic outlook is worse. There is no evidence that South Australia is poorly endowed with mineral resources; indeed the weight of evidence is to the contrary. Roxby Downs adds impressive weight to this view. Numerous major companies, including my own, regard South Australia as offering attractive opportunities for exploration.
>
> Roxby Downs is more than an example of South Australia's mineral potential—it is a running sore in the Labor side of politics.
>
> It is a mineral deposit that could make great contributions to the State Treasury, if only the Labor Party could overcome its resistance to uranium mining in order to O.K. it.

Probably this State has more exploration for uranium than has any other State. In 1975, Ministers of this Government ran around telling us what a wonderful new attraction South Australia would get—a uranium enrichment plant. This was used as the basis for election propaganda. Now, Mr. Jackson has told us that we have great potential, but what will be done about it? Absolutely nothing. Let us consider the Labor Party's answer to anyone who wants to come to South Australia. Let us consider what happened at the Labor Party's convention last weekend, straight after Mr. Jackson's address. An article in the *Advertiser* of 19 February states:

> The 11-page policy calls for the State Government to establish public enterprises in sectors of economic and social importance and to carry out taxation reforms. It also calls for the Government wherever possible, to raise taxes rather than cut back public expenditure.

If ever there was an example of how not to attract industry and how not to revise Government policy, that is it. Who would consider South Australia in that situation? Let us

look again at the State Government's attitude to vehicle industry. This State relies more per capita on the vehicle industry than does any other State. We have an enormous amount of capital tied up in that industry, which contributes enormously to this State's economy. I shall quote some figures for the Holden Kingswood, but I can guarantee that almost any example would show the same kind of result. At the end of 1977, to register and insure a Holden Kingswood in South Australia it cost $200; in Victoria, $165; in New South Wales, $130; in Queensland, $65; in Tasmania, $97; and in Western Australia, $49·50. Those figures illustrate what the South Australian Government thinks of our vehicle industry. The Government is not even interested enough to realise that it is over-taxing our major manufacturers. The same kind of illustration can be given in relation to stamp duties on the transfer of a $35 000 house. In South Australia, those stamp duties amount to $730; in Victoria, $700; in New South Wales, $612; in Queensland, $600; in Tasmania, $587; and in Western Australia, $500.

The Hon. C. M. Hill: It is not surprising that the Hon. Mr. Foster has cleared out.

The Hon. D. H. L. Banfield: The Hon. Mr. Foster does not want to listen to tripe.

The Hon. M. B. CAMERON: The Hon. Mr. Foster knew that I would completely refute what he said. I am talking the truth. No wonder the Minister wants to get out: he is embarrassed by the record of his Government.

The Hon. D. H. L. Banfield: The only thing I am embarrassed about is that I have to sit in this Council with fellows like you.

The Hon. M. B. CAMERON: I will not deal with the Minister's portfolio at present, because it could embarrass him. References to the dental hospital would be very embarrassing to him.

This Government has deliberately ignored one of our major manufacturing bases; it has overtaxed the people of this State; and it should revise its attitude. On the contrary, what is it saying that it is going to do? Rather than cut back its own expenditure, it is going to increase taxation. That will be very interesting indeed to the people of Norwood, who have already had some major increases and who will be fully aware of what has happened to their water rates in the past few years. In fact, the amount of water a person can use before he is charged excess has been reduced to such an extent that he will almost be charged excess every three months if he takes a bath each night. Those are the lengths to which the Government has gone to avoid criticism of its own charges. Very little has been achieved in the 10 years of this Government. It is all very well to point to all sorts of examples in the fields of art and entertainment, etc., but the real point is what has been achieved in the areas giving people the opportunity to work. Very little has been achieved. The Hon. Mr. Foster can get up and quote all he likes from 1974 or 1975 but the real damage to the economy of Australia was done, as well he knows, in the first few years of the 1970's by the Whitlam Government, and this Government has gone straight on with those policies, ignoring the lessons that should have been learnt. It has gone on taxing the people of this State beyond the point where it will attract anybody to the State.

This Government must wake up and start to ignore people like the Attorney-General. Mr. Jackson, whom the Hon. Mr. Foster quoted at length, did not leave the Attorney-General alone, because he gave examples such as class actions, and other things that will destroy any opportunity of attracting people to the State.

The Hon. C. M. Hill: They're in the pipeline.

The Hon. M. B. CAMERON: Of course they are. The Government must put its own house in order. It has a lot to answer for. South Australia has stagnated when it need not have. The Hon. Mr. Foster was talking about industrial land being the cheapest in South Australia: of course it is, because nobody wants it. There is no demand whatsoever. Not only land but also empty factories can be bought at Elizabeth. People laughingly call it the graveyard triangle.

The Hon. R. C. DeGaris: The billboard triangle.

The Hon. M. B. CAMERON: That's right, because of the number of properties for sale. I accept that Mr. Jackson probably gave some correct figures, but the real essence of his speech lay in the fact that Government policies are the answer to the future of South Australia's growth. This Government, at its convention last weekend, clearly ignored any advice that was given and is setting out to destroy further any opportunity for South Australia to recover from its economic problems.

The Hon. D. H. L. BANFIELD: I thank honourable members for the attention they have given to this Bill. I also thank the Hon. Mr. Hill for giving me the opportunity to reply to his remarks concerning his Party's new health policy, if and when the Liberal Party wins government. The people will go by the fact that the Liberals were in power for 30 years, and yet every hospital in this State was a disgrace when this Government took over. Every hospital in this State had to be upgraded because of the neglect of the Liberal Government over 30 years. The Modbury district will well remember that the Liberal Party was going to put a small community hospital in that area.

The Hon. Mr. Cameron is about to retire from the Chamber because he knows he is going to be attacked on the sort of thing he has been saying for the past ten years. If this Government has been such a bad Government over the past 10 years, the opposition must have been worse, because we are still well ahead on the public opinion polls in this State, and honourable members know that they have failed miserably during that period. Bearing in mind the Hon. Mr. Hill's statements about the Liberal Party's policy on upgrading health measures in this State, we should look at some of the things that have been done under the Fraser Government.

The Hon. Mr. Hill forgot to say that the Fraser Government has reduced expenditure on hospital buildings by $13 000 000 a year. Is it the Liberal policy generally to look after health when they reduce expenditure on hospital buildings alone by $13 000 000 ? Is it Liberal Party policy or only State Liberal policy, to cut back finance on the school dental health programme, which was a Federal Government initiative? Is it Liberal Party policy to cut back money on community health projects which were another item of Federal Government policy?

The Hon. Mr. Hill quoted certain figures this afternoon which may or may not have been correct: the fact remains that, for every $1 000 000 that has been cut back by the Fraser Government, the State Government, so that it would not have to, in turn, cut back on these projects, has had to find even more money. It has had to find money to compensate for the Federal Government's $13 000 000 reduction, plus its own contribution making a total of $26 000 000 in order to maintain the same building projects. When the Hon. Mr. Hill's Party was in government it spent less than 12½ per cent of the annual budget on health, and we are now spending well over 20 per cent. The Hon. Mr. Hill has got the audacity to say that this State is doing nothing about health. Let the people judge, on their experiences with the Liberal Government and those with this Labor Government.

We are quite happy to go to the people on the basis of our achievements in this State over the past 10 years. What has the Fraser Government done about Medibank? What has it done about reducing taxes as it promised it would do? It immediately increased taxes, contrary to its promises. It said it would not interfere with Medibank, yet it has come up with two or three different versions of Medibank since it has been in office.

It has ruined the scheme. Not only has it forced the average person to take out insurance policies, it has also taken away the tax deductions.

Is this Liberal policy and is the Hon. Mr. Hill fair dinkum, or is he thinking about 10 March, when the figures he has quoted today and the actions of his Party will be exposed? What did Mr. Fraser say about unemployment? There is no doubt about the writing on the wall that one sees coming into town: "1975, Fraser's coup, 1979, Fraser's queue", referring to the queue for unemployment benefits because of the actions of the Fraser Government. Members opposite try to tell us that things have improved out of sight since 1975.

The Opposition's performance in Government does not bear close scrutiny. Honourable members opposite can claim that they have changed in the past 10 years, but Fraser's attitude is still the same to health, education and welfare as it was when the Liberal Government was in power in this State. There is no indication that such thinking will change. There should be some demonstration by the Liberals generally throughout Australia before—

Members interjecting:

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett does not like it, although he has a grin on his face. There is no way that he can point to one promise made in 1975 that the Fraser Government has honoured.

The Hon. J. C. Burdett: It reduced inflation.

The Hon. D. H. L. BANFIELD: But who is paying for it? It is being paid for by nearly 1 000 000 unemployed workers. Is that better than having inflation? The Liberals claimed that they would improve the unemployment figure: they have—it has doubled. The figures show what the Liberals have achieved. What about the deficit? The Liberals have doubled the deficit and have practically doubled overseas borrowing, yet members opposite claim what great saviours they are.

When we previously said that unemployment and inflation were problems world wide, the Opposition blamed the Whitlam Government. Now that we have a Federal Liberal Government, the Liberals claim that things are crook overseas and that they can do nothing about it. Why is the Liberal Party not honest about the situation? Why do members opposite not tell us that they did not do a thing while they were in Government for 33 years? Their attitude, if it is anything like the Fraser Federal Government's attitude, will be exactly the same as it was when they left the Treasury benches in 1965.

I could continue forever. I could talk about the miserable failures in health, welfare and education by the Playford Government over many years, and the miserable failures of the Fraser Government in those same areas, but I have no intention to do so tonight.

The Hon. J. C. Burdett: Hear, hear!

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett says that because he does not want to hear any more. He knows that every word I am saying is true, contrary to the statements made by the Hon. Mr. Hill and the Hon. Mr. Cameron. The Hon. Mr. Burdett appears now to be sound asleep; he is embarrassed, and I have never seen his face so red with embarrassment. I thank honourable members for the attention they have given to the Bill, and I trust that it will be passed.

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

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

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

ROAD TRAFFIC ACT AMENDMENT BILL

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

CONTRACTS REVIEW BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

We have had enough discussion on this matter in Committee.

The Hon. J. C. BURDETT: The Committee ought to insist on its amendments. Perhaps the principal one was that regarding the definition of "contract". I suggested earlier in the Committee that there was not warrant for a Bill, right across the board, making contracts subject to review by the court if they could be said to be unjust. On the definition of "unjust" set out in the Bill, I suggested that the proper course was that, in those areas where there was a need, we should introduce legislation. This Bill ought to apply only to consumer contracts.

The Committee divided on the motion:

Ayes (7)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, and Anne Levy.

Noes (7)—The Hons. J. C. Burdett (teller), J. A. Carnie, Jessie Cooper, R. C. DeGaris, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Pairs—Ayes—The Hons. C. W. Creedon, N. K. Foster, and C. J. Sumner. Noes—The Hons. M. B. Cameron, M. B. Dawkins, and R. A. Geddes.

The CHAIRMAN: There are 7 Ayes and 7 Noes. I give my casting vote for the Noes.

Motion thus negatived.

EDUCATION ACT AMENDMENT BILL

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

COMPANIES ACT AMENDMENT BILL

(Second reading debate adjourned on motion).

(Continued from page 2720.)

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

(Second reading debate adjourned on motion.)

(Continued from page 2725.)

Bill read a second time.

In Committee.
Clauses 1 and 2 passed.
Progress reported; Committee to sit again.

DANGEROUS SUBSTANCES BILL

(Second reading debate adjourned on motion.)
(Continued from page 2718.)
Bill read a second time.
In Committee.
Clauses 1 to 3 passed.
Progress reported; Committee to sit again.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 15 February. Page 2683.)

The Hon. J. C. BURDETT: When the Council dealt with this Bill last Thursday, I sought leave to conclude my remarks, merely because we did not have a Bill. We now have a Bill, and I have no reason to add to what I said last week. I support the second reading.

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

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

(Second reading debate adjourned on motion.)
(Continued from page 2726.)
Bill read a second time.
In Committee.
Clauses 1 to 4 passed.
Progress reported; Committee to sit again.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

In Committee.
(Continued from 15 February. Page 2686.)
Clause 2—"Regulations."

The Hon. M. B. CAMERON: I thank the Minister for replying to the questions asked by the Hon. Mr. DeGaris and me. This clause gives the Minister power to appoint, by regulation, an advisory board. The Minister may or may not appoint a board: that is for him to decide. In his reply, the Minister has stated that the Bill gives the relevant Minister power, by regulation, to control private drainage works in the area and to appoint an advisory board to assist him in the determination of drainage matters in the area. This would cover advice on such matters as the extent of drain maintenance and priorities and timing for this work. The advisory board will consist of landholders elected by ratepayers in the area and Government members who are expert in drainage and agricultural aspects in the area.

I find it surprising that a board is to be appointed with the powers laid down by regulation. The proper procedure would have been for this to be done in the Bill. However, I accept the Minister's assurance implied in his reply that landholders will be appointed and that experts in the field will be used. Nevertheless, this is not a trend to which we should agree lightly in the future. It would be much more satisfactory to know on what basis such a board is to be appointed and whether it is to be appointed.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the views of the Hon. Mr. Cameron. It seems to be rather a large order to have an advisory board in a very small area like Eight Mile Creek, when most of the work could be handled without going into that type of thing. When one considers the sums being paid at present in regard to appeal boards and advisory committees, one wonders what is the net result on the State Treasury. It is absolutely necessary for an inquiry to be made into the whole south-eastern drainage area; that is the only way in which these problems will be solved. At present there is a piecemeal approach to a very important question. This board is being appointed by regulation—a strange way to do it.

Clause passed.
Title passed.
Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

(Second reading debate adjourned on motion.)
(Continued from page 2724.)
Bill read a second time.
In Committee.
Clauses 1 to 3 passed.
Progress reported; Committee to sit again.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

(Second reading debate adjourned on motion.)
(Continued from page 2729.)
Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

DOG CONTROL BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2721.)

The Hon. JESSIE COOPER: I do not approve of this Bill. It has too many bad points in it. I can only suppose that it has been put together by dog haters and certainly not in a spirit or sincere attempt to cover problem points. I do not approve of a Bill designed to eliminate dogs from the metropolitan area. I would not be happy to see any fewer dogs well housed and well controlled on suburban properties until such time as the police can revert to a system of local night patrolling of suburban areas to suppress the currently appalling figures of breaking and entering, larrikinism and vandalism. Indeed, I believe that it would be better if a Bill had been devised to encourage every householder to keep a watch dog. Today, we need more dogs, not fewer dogs, in the community for the protection of property and especially for the protection of people.

I do not approve of any law which cannot be administered. This Bill, if passed, will bring in a law that has no chance of being enforced. I ask the Minister the following questions. How will these rules be carried out? Will it be left to councils, or will it not, to decide to what extent they will administer this proposed law? The provisions that already exist for councils to control stray or running dogs should be sufficient if they were used. Secondly, why is the present encouragement to spay

bitches no longer to stand? Surely, first and foremost in any serious attempt to limit the indiscriminate breeding of dogs should be the spaying of bitches, except for those kept in proper breeding establishments.

Thirdly, what happens when dogs are let out of their own homes by careless itinerant visitors? At present, property gates in the metropolitan area are left open by milkmen, bakers, charity collectors, delivery men and, in fact, by people looking for the house next door. Not one in four ever latches a gate or shuts it. I have a good fence and goods gates, and yet everyday I finds the gates open. Am I to be prosecuted two or three days a week because I have a dog that likes to take his own exercise if he gets the chance? Fourthly, what happens to a dog picked up on a Friday? Is it to be executed on Monday morning because the owner has not been able to contact any council staff from mid-Friday afternoon? Fifthly, how many dog catchers will have to be employed if the Government hopes to enforce such a Bill as this? Sixthly, does the Government seriously believe that even a huge number of dog catchers could ever get control of all stray and running dogs.

It is obvious to me that the only one who will be the victim of this proposed legislation will be the law-abiding dog owner who controls his dog. It would have been more helpful if some encouragement could have been given to people in populated areas to be educated in the handling of their dogs, and some incentive given to them to take their dogs to obedience schools. A well-educated dog, graduate of the obedience school, is a pleasure to his owner, and less likely to be abandoned when they outgrow their playful puppy stage. Referring to clause 29, it has been suggested to me that a dog, just as any other animal, should be registered for longer periods than a year. If a dog could be registered for five or 10 years at a time, at some slight monetary gain to the owner, there would be considerable gain by way of reduction of paper work for the council. Clause 36 raises a few queries. What does subclause 5 (d) mean? Has the dog to be kept at least 72 hours regardless of who shows up to claim him? In subclause (7), should not an owner, who, through no fault of his own, does not know that the dog has been detained, have the right to regain that dog and the money paid to the council by the new owner refunded by the council? Where are these dogs to be impounded? There are hundreds of stray dogs. Does every council have to build a shelter with water and cubicles suitable for each captured animal to be kept segregated? As one member of this Chamber said to me an hour or two ago, he would not like to see the Hon. Mr. Hill's King Charles spaniel thrown in with the Hon. Mr. Carnie's Alsatian. However, other members have spoken of their dislike of the idea of tattooing as a means of identification. I personally find the idea most obnoxious as well as idiotic: obnoxious because I do not believe in inflicting needless pain on any animal and tattooing cannot be but painful and—

The Hon. T. M. Casey: How do you brand a beast?

The Hon. JESSIE COOPER: I am talking about dogs, which is a different kettle of fish. It is idiotic because the ear of a dog is very small an area to be tattooed with any seven numbers. A country member has agreed with me on these points.

The Hon. T. M. Casey: I am a country bloke.

The Hon. JESSIE COOPER: You have been away too long. Therefore, I cannot support this idea. Any owner that cares and controls his dog will see that his identification disc is always in place. The owner who is feckless and could not care less will not register his dog and will not have it tattooed: he will never be caught, and he will just deny ownership. Finally, this leads me to inform the House that, during the dinner interval tonight, a poet left a limerick on my desk and I ask the indulgence of honourable members to quote it:

Tom Casey's a tattooing Daniel,
With pliers powered and manual,
But we'll show him who's who
If he tries to tattoo
A pedigreed King Charles spaniel.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported: Committee to sit again.

DOOR TO DOOR SALES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2626.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I dare say that if I go through this Bill clause by clause with the same ferocity as the Hon. Mr. Foster analysed the Appropriation Bill, we would be here until 3 o'clock in the morning. I do not intend to do that. I intend to stick to the Bill. The original legislation enacting this consumer field was introduced by the private member's Bill in 1963. It was one of the first Bills debated in the Council when I came in as a new member of Parliament, and was called the Book Purchasers Protection Act. Under this proposed Bill that Act is to be repealed and its provisions to be included in the Door to Door Sales Act.

The original Door to Door Sales Act, which followed the Book Purchasers Protection Act in 1971, dealt with other matters in relation to door to door sales. The original Bill defined goods and services and, under that Act, the Minister had power, by proclamation, to exempt certain operations from the Door to Door Sales Act. In 1971-72, soon after the proclamation of the Act, the Government issued a further proclamation exempting the life insurance industry from the provisions of the Door to Door Sales Act. I doubt whether the Government had power to control door-to-door sales activities of the life insurance field because I do not think that life insurance can be defined as either being goods or services. It was an interest, and that matter is referred to in this new Bill.

The second reading explanation refers to certain undesirable practices in the sale of interests and mentions the sale of shares in pine and eucalyptus plantations. That explanation gives no information about those undesirable practices.

The inclusion of interests allows the cooling-off period to apply to the sale of such interests. The Bill applies the same restriction to life insurance and to the sale of any interest, including pine and eucalyptus plantations. The Bill also provides for the application of the principles of door-to-door sales that occur after the purchaser has acted in response to an advertisement.

In other words, if a person sees an advertisement or reads a brochure, writes in, and a salesman visits him, the full force of the Act will still apply. The Bill deals with the vendors of goods as well as salesmen. A person can be a vendor, and the owner of the goods, and is still caught by its provisions. I am unsure what effect this will have on the mail order business, and perhaps the Minister can examine how such business is affected and refer to it in his reply. I believe that the Bill does catch most mail order businesses, and such business is extensive in Australia. The cooling-off provision is now in two separate pieces. The Bill provides:

"cooling-off period" in relation to a contract or agreement to which this Act applies means—

(a) in relation to a contract or agreement of the prescribed class, the period of fourteen days commencing on the day on which the contract or agreement is entered into;

or

(b) in relation to a contract or agreement that is not of the prescribed class, the period of eight days commencing on the day on which the contract or agreement is entered into:

Two such separate periods are not good legislation. If there is to be a cooling off period for door-to-door sales, the one period should cover all goods, not two classes in respect of a 14-day period and an eight-day period. The definition of "goods" provides:

. . . includes—

(a) rights in respect of goods or services (including rights relating to the burial, cremation or disposal of the remains of any person);

(b) rights arising from a policy of life insurance; and

(c) any rights or interests of a prescribed kind,

In this definition of "goods" there is a specifying of what the word means. It is amplified by reference to life insurance and rights or interests that can be prescribed by regulation.

I am opposed to this Bill's applying to the life insurance industry. Secondly, I disapprove of the idea of any right or interest of a prescribed kind being included in the definition of goods. I refer to the definition of "services", as follows:

. . . does not include any services of a class excluded by regulation from the provisions of this Act:;

The first approach is the correct approach in the definition of "goods", where anything that is to be brought into the Act can be brought in by regulation. Regarding services, all services are included and the Government, by regulation, can exclude certain services from the provisions of the Act.

I suggest that "services" should be defined similarly to the word "goods" and, if any further services are to be brought in, they should be brought in by regulation and not by a dragnet clause when, at the Government's whim, certain services can be excluded from the operation of the Act. That is a more sensible approach to the question.

Two matters concern me: and one is the life insurance industry. The Government in its period of office has shown no love for that industry, which in its operations is 99 per cent of a mutual nature. Over the years we have had arguments in this Chamber concerning firm Government undertakings that it would not move into the life insurance field, but it has done so. It gave firm undertakings in relation to advertising, and that it would not gain any benefit that the private sector in competition could not gain. That, too, has not been honoured.

In this matter the one area where the Government operation cannot compete with the private sector is in relation to the service it can give to its clientele on a door-to-door basis. Honourable members must be considering whether or not there is an ulterior motive in the life insurance industry's being dragged into this Bill, although to this time, under this Act, it has been specifically excluded by the Government's issuing a proclamation.

Why has the Government suddenly decided to bring the industry under this legislation? By its own actions the Government has so far said that the industry will not be caught in the net. This question must be answered by the Government. There is no information in the second reading explanation why this is required. The only information given concerns the other question of selling shares in pine and eucalyptus forests and that certain practices are undesirable. No information is given about those undesirable practices. Therefore, I am opposed totally to the Government's interfering with the life insurance industry, which has for many years given a wonderful service to the people of South Australia.

The industry is under the control of the Federal Commissioner. There has been a recent inquiry into it by the Law Reform Committee, and also the Insurance Commissioner. No recommendation was made for change in this area. In the year ended 31 December 1977 the South Australian Commissioner for Prices and Consumer Affairs received 20 complaints of alleged unfair dealings in life insurance. There were 20 complaints from what might be thousands of policies signed each year in the State, and I can see no reason for any interference in this area.

I am also concerned about Southern Australian Perpetual Forests Limited. I received a letter from this group which has been singularly successful in South Australia; it has performed exceptionally well. One of the suggestions it makes is that the Bill should not include goods of a class excluded by regulation from the provisions of this Act, or goods in respect of which a prospectus has been registered with the Registrar of Companies in accordance with the Companies Act. In other words, it is saying that the Companies Act, not this Bill, should provide the framework under which it is operating.

It was a private Liberal Party member who first introduced this concept of some protection against door-to-door sales people. No-one will deny that at certain stages there was much concern in the community about the operations of some people. The first concern was expressed with regard to door-to-door booksellers. Since that time I think that the door-to-door direct-selling people have established themselves as a reasonable sales force within the community.

I come back to the point I have been making for some time: it is time that this Government recognised that, while there is a need for control, over-control and over-regulation are getting this State nowhere. Before we put more restrictions on the private sector we want to be certain we are having no effect on the overall economy of this State. There are other matters in the Bill that I could query, but as the hour is late I will not do that.

There are a number of legal points. I have dealt with the Bill up to the definition clause, but I have not touched on clauses 5 to 13. There are, in the remainder of the Bill, some points that need clarification. The principles of the Bill should not apply across the board to life insurance. I believe there should be some way of excluding from the Bill those companies that have a prospectus which has been registered with the Registrar of Companies in accordance with the Companies Act. They should also be excluded from the operation of the Act. I support the second reading with the reservations that I have expressed.

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

FURTHER EDUCATION ACT AMENDMENT BILL

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

ADJOURNMENT

At 10.50 p.m. the Council adjourned until Wednesday 21 February at 2.15 p.m.