LEGISLATIVE COUNCIL

Tuesday 27 February 1979

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

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

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

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

That the Council do not further insist on its amendments.

At the outset of the conference, the Attorney-General, as conference Chairman and the Minister who introduced the Bill in another place, seemed to have a most conciliatory attitude. He indicated that there was room for negotiation on amendments Nos. 1, 3 to 7, 9, 13 and 14, which, he said, involved peripheral matters. The main bone of contention was that this Bill was to involve a public disclosure of interests of members of Parliament.

During the conference, the Attorney-General indicated that amendment No. 12 was the main bone of contention. The other matters were therefore put aside until amendment No. 12 was considered. It was indeed a most interesting conference: at one stage Opposition Council managers indicated that they believed that the register should not be open to the public, but they then started to draw red herrings across the trail, stating that, if it was to be open to the public, other people such as public servants and judges should also have to disclose their interests.

Of course, the Bill refers to members of Parliament only, the Government having told the public that it would introduce a Bill relating to members only. The Council's Government managers were horrified to find such a wide difference of opinion: they could not understand why, if some members were opposed to public disclosure, they should try to include persons other than members under the legislation. The Attorney told the conference that the Victorian Liberal Government had already introduced a Bill similar to the Government's Bill.

The question was canvassed during the debate in this Council as to whether we believed that it was in the public interest that there should be a disclosure of interests Bill in connection with members of Parliament. Already members of Parliament are under the spotlight in relation to members' activities, members' salaries, and members' superannuation. Disclosures in other States have brought discredit on Parliament generally and on a number of members of Parliament individually. Certain things happened in Victoria, and certain people did not do the right thing there. The Government therefore decided that, if we had a Bill here, it might prevent similar things happening in this State. It was pointed out by some members from this Council that such things have not happened in South Australia. The Attorney-General and others replied, "All right. Perhaps they have not happened in South Australia. Or, perhaps the members have not been found out." That is the difference. The viewpoint was put forward that a joint committee should be set up for this very purpose, but I do not think that the member who put forward that suggestion meant the disclosures to form a public document. It does not matter whether that member wanted the disclosures to be public or not; the Government believes that the people want to know, and that they want a Bill for the disclosure of members' interests. The Council managers could not agree to such a proposition.

While the line of reasoning was hard to follow, I strenuously fought on behalf of the Council, as was my duty. At the conference it was pointed out to the Assembly managers that, while this Council was opposed to the disclosure of interests, if there was to be a disclosure of interests, it should involve a wide range of people. I could not follow the order of reasoning: first, we were against disclosure; and, secondly, if we were not against it, we wanted it to include all people in public life. I believe that the people of South Australia expect us to carry out our promise in this regard. I do not think members of Parliament have anything to hide; if any members have something to hide, we can understand why they want to vote against the Bill. When it was found that the Council managers could not agree to the public disclosure of interests, the Attorney-General said that in those circumstances he thought no good purpose could be served by continuing with the other amendments which were agreed to by this Council and about which the Attorney-General had indicated there was room for compromise. It is for those reasons that I have moved my motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): The summary given by the Minister is a bit like the curate's egg—some of it good, some of it bad. The only point on which the House of Assembly managers were adamant was whether or not the register should be a public document, and on this point no resolution could be reached. The Council managers offered the compromise of appointing a joint committee of both Houses to investigate and report to Parliament on all matters pertaining to the issue. The Bill deals with public disclosure of interests, and we must first define what is meant by "interests".

The Bill deals only with pecuniary interests, but perhaps other interests should be publicly declared which are not of a pecuniary nature. Several were mentioned at the conference, but the House of Assembly did not accept that those matters which were not of a pecuniary nature should be part of a public register. So, even on the definition of "interests", there was opposition to some interests being publicly disclosed. The reason given by the Council managers was that the Bill had been amended to fit in with the existing Standing Orders of the Council and the existing position in regard to the Constitution Act, and that these questions should be thoroughly examined and a report made to Parliament before any further action is taken.

The compromise of a joint committee of both Houses to investigate and report was not accepted by the House of Assembly managers. As far as I am aware, every other Parliament, with the exception of Victoria, has used the joint committee approach before adopting any changes to the existing position in Standing Orders. Secondly, if it is necessary for public declarations to be made by members of Parliament, it is a logical extension that a much wider ranging group, such as public servants, should also make such declarations and that, if the register has to be a public document, this wide-ranging group should also be included. No agreement could be reached on that point either.

Whilst we do not object to the present position of Standing Orders or the provisions in the Constitution Act, we believe that, before any fundamental change is made, these questions should be thoroughly examined and a

report made to Parliament because, when the matter is restricted to Parliament only, it is a question for Parliament to decide. I am sorry that the conference did not adopt the joint committee approach, which could have led to what the Government wanted (it might not have but it could have) and which could have allowed the Bill to pass without my opposing the motion. I shall be giving notice of motion today that a joint committee be set up to make such an inquiry as I believe it is necessary before Parliament takes any further steps in this matter. I oppose the motion.

The Hon. F. T. BLEVINS: I support the motion. I was very disappointed but not surprised at the outcome of the conference. I have never believed that there was any value in these conferences, and I am opposed to the secrecy that surrounds them. Legislation should be debated fully in public, and conferences should not be held. If members of this Council have a contrary view to that of the House of Assembly, they should be prepared to debate the differences openly and in public.

I disagree with the conference system, and the sooner it, and the hypocrisy surrounding it, are done away with the better off we will be.

The Hon. R. C. DeGaris: What about Cabinet discussions?

The Hon. F. T. BLEVINS: That does not involve a conflicting situation between two political Parties. It was obvious, as soon as we walked into the conference, that there was no way that the Liberal Party members from this Chamber were going to allow the public to know of their pecuniary interests, or to see if there were any areas of conflict. It was made clear from the moment we entered the conference that everything would be done in secret, that members' financial affairs would be kept secret and that the public had no right, nor would it be allowed, to know. That was clearly the attitude of members opposite throughout the conference.

The Hon. Mr. DeGaris has floated the idea of a joint committee, but I think the Council should have the correct sequence of events. He suggested that the Bill should be passed as amended by this Council, which would mean that members' financial affairs were kept secret, and then we would appoint the joint committee. The suggestion was to keep members' financial affairs secret and then members of Parliament, in secret, would look at the whole issue. That situation is totally unacceptable to the Government, as it should be. An interesting aspect of the conference was the attitude of the Liberals—

The PRESIDENT: I interpose in the honourable member's speech to point out that I do not think I have ever heard a summing up of a conference in these terms. Previously, managers from this Chamber have not talked about the Government, and the Liberals or taken sides. The debate has centred around the direction given by this Chamber.

The Hon. F. T. BLEVINS: I am cutting out the hypocrisy surrounding these conferences. I disagree with my Leader when he said he supported this Chamber wholeheartedly and at the conference was fighting for its views. I was not doing that—I was fighting for the Labor Government. I did not support the Bill that this Council passed—I opposed the amendments at every division. There was no way that I was going to attend the conference and do anything other than support the Labor Government's view. The sooner that conferences and the hypocrisy surrounding them are done away with the better off we will all be. I am reporting the conference as I saw it. Under Standing Orders, Mr. President, I am within my rights in doing that.

During the conference the Hon. Mr. DeGaris and other Liberal Party members floated the idea of including the public servants, judges and other people in positions of power, who may have conflicts of interest, and not just pecuniary interests. Apparently, the Hon. Mr. DeGaris wants to establish a committee something like the McCarthy committee of the 1950's in the United States. Perhaps he sees himself as a McCarthy, investigating not only people's financial affairs but also any other possible conflicts of interests, and anything else that they may say, do, or think. McCarthyism finished about 20 years ago, but such a suggestion did not seem incongruous coming from the Leader.

However, I will have no part of any witch hunt in the Public Service and the Judiciary, and neither will the Government. That is strictly a Liberal Party idea. The Hon. Mr. Hill stated that the issue was purely one dreamed up by the Labor Party for base political purposes—cheap politicking. Interestingly, in Victoria, Mr. Hamer introduced a similar Bill and the very day that the Liberals in this Council are tossing out this Bill is the last day of secrecy in Victoria concerning the financial interests of members of Parliament.

Tomorrow that Bill will come into effect as an Act. Therefore, if we are to be accused of base political motivation in introducing this legislation, what about Hamer? He is a Liberal. Is he doing the same thing? It is absolute nonsense.

Mr. Hill was also very strong about the public being entitled to see only any conflict of interest that related to a vote of the House or to the business of the House. Of course, that is nonsense, because members of Parliament do things other than vote on Bills and pass them. For example, it would be interesting for the public to know (and it would be in their interest to know) that a certain number of Liberals or Labor people had shares in, say, an oil company or mineral company that was doing some prospecting, or something of that kind.

If we were pushing for a particular line, although no Bill was before us, surely the people should know that, when we were speaking and advocating a particular proposition, maybe we were biased or had a financial interest. It is not only a question of voting on Bills: the matter goes further than that. The public has a right to know these things. They should not be held as secret. I think it is clear that there are in the Liberal Party people who agree with members on this side that the whole thing should be open. It is unfortunate that the forces aligned with the Hon. Mr. DeGaris—the most reactionary forces in the Liberal Party—seem to have held sway after all that has gone on over the years and have forced the more sensible, progressive and free thinking members of the Liberal Party to vote to throw this Bill out. I consider that astonishing.

Finally, the Liberal members of this Council are treating the public with contempt. They are saying that members of Parliament will do as they like, without any public scrutiny of their financial affairs or of any possible areas of conflict. This is totally unacceptable to the public, and rightly so. I should like the people of South Australia to know (and I hope that the press will report meticulously what has gone on) that only the Liberals in this Council, not the Council as a whole, have defeated this legislation. I will be cross tomorrow if I read in the newspaper that the Legislative Council has thrown this Bill out. It is the Liberal majority in the Council that is throwing it out. The Labor Government will press for legislation of this kind and possibly will be seeking other ways to bring about the desired objective.

The Hon. M. B. Cameron: Is that a threat?

The Hon. F. T. BLEVINS: If you listen to what I am saying, you will see. It is possible that the Standing Orders of the other place can be looked at and altered to force members of the House of Assembly to disclose their interests. It is also possible that members on this side voluntarily will disclose their pecuniary interests, and that will leave the Liberal majority in this Council completely isolated as the only people in the South Australian Parliament who will not disclose their pecuniary interests and will not be forced to do so. That is a possibility.

The Government and the Parliament want this legislation. Indeed, Liberals elsewhere in Australia want it and have introduced such legislation where they hold sway. For Liberal members in this Council to disregard the wishes of all those people shows how out of touch those members are with the real world. The public will condemn them for their actions. Unfortunately, the public will probably lump us all together as a bunch of shady creatures who have something to hide. The only unfortunate thing about the whole matter is that Government members could be seen in the same light as Opposition members, as people have this feeling about members of Parliament anyway, and the action of Liberal members in this regard will merely confirm that feeling.

I do not want to be associated with this action now being taken by Liberal members, and I appeal, even at this late stage, for those Liberal members who do not agree with what is now happening to stand up and be counted on the matter. At least, even at this late stage, let us re-examine the whole matter.

The Hon. C. M. HILL: I believe that the Council should insist on its amendments. I was amused during the latter part of the Hon. Mr. Blevins speech, when he referred to some scheme under which, he said, Government members might make a special gesture and make public their pecuniary interests. I remind the honourable member that the Liberal members in the shadow Cabinet whom he criticised so vehemently disclosed their interests.

The Hon. N. K. Foster: To whom?

The Hon. C. M. HILL: The press—the A.B.C.

The Hon. N. K. FOSTER: I rise on a point of order. I seek an explanation from the honourable member; otherwise I will have to enter the debate. Can the Hon. Mr. Hill provide us with a copy of his real interests in this regard?

The PRESIDENT: That is a matter that the honourable member will have to take up with the Hon. Mr. Hill.

The Hon. N. K. Foster: That's right; that supports my argument. Thank you for your direction, Sir.

The Hon. C. M. HILL: Representatives of the A.B.C. came to Parliament House and asked members of the shadow Cabinet whether they would disclose their pecuniary interests so that they could be announced that evening, to which all shadow Cabinet members said, "Yes", most willingly. Those members then gave that information voluntarily.

It is of some interest to note, however, that when these people went to Labor Ministers of the Crown some refused to give the information. So much, therefore, for the Hon. Mr. Blevins and his claims about members rupturing the whole plan and coming forward voluntarily. I have said previously (and I repeat it again now) that I am pleased to give this information, as far as it concerns me, to the press or to anyone else.

The Hon. F. T. Blevins: Well, you should agree with this then.

The Hon. C. M. HILL: That is not so. What I am suggesting involves not the law but my voluntary effort. The real crux of why agreement could not be reached at the conference comes down to the one general point, namely, that the House of Assembly insisted that this information must, under the law, be made public to all and sundry (to members of Parliament or anyone else), whereas this Council, by its vote in the debate, insisted that that information should go to a Registrar and be used for the real purpose for which it was intended: if any member had a conflict of interest and did not disclose it on the floor of this Chamber before he voted, any of that member's political opponents could question whether a conflict of interest existed and the means of questioning would be to refer the matter to you, Mr. President.

If under the legislation such information existed, you, Sir, would be empowered to look at the register and to form your opinion, as Presiding Officer in the Council, on whether the person who did not disclose that conflict of interest should have done so.

The Hon. D. H. L. Banfield: It does not say that in the Bill.

The Hon. C. M. HILL: But that is the total intention of this kind of legislation.

The Hon. F. T. Blevins: No, it's not.

The Hon. C. M. HILL: It is.

The Hon. F. T. Blevins: It's to restore public confidence.

The Hon. C. M. HILL: Members on this side were willing to provide that information on pecuniary interests for this purpose. As a result of what Government members have said throughout the debate (and I hope that the people interested in the debate will look back through *Hansard* to read all the speeches that have been made on it), it will be clear that the Labor Party wants to use this information for political purposes only.

The Hon. F. T. Blevins: Absolute nonsense!

The Hon. C. M. HILL: It is not nonsense. This is the real reason why the Bill has been introduced.

The Hon. F. T. Blevins: You know that that is absolute nonsense.

The Hon. C. M. HILL: It is wrong to use the Bill for that purpose.

The Hon. F. T. Blevins: What about Hamer?

The PRESIDENT: Order!

The Hon. C. M. HILL: The legislation should be used for its proper purpose, so that you, Sir, as President of the Council, and the Speaker in another place can ascertain whether a conflict of interest exists when a member has not disclosed it. That is the proper purpose of the Bill, which could have proceeded along those lines.

However, as the Hon. Mr. DeGaris said, the matter does not end there. I make the point again that Liberal members were of the view that the Government, in any case, went about the whole machinery process in the wrong way, by preparing the matter as a Government Bill, by wanting the information to go to a public servant, and by wanting it printed here and made public, and so on. The Government dealt with a matter that concerned Parliament in a way that was wrong and not in keeping with the situation obtaining in any other State or country, except for Victoria, whose legislation in this respect was passed only last December.

As was suggested then, as was said at the conference, and as the Hon. Mr. DeGaris has said today, if this Bill fails, we should start all over again and do the job properly. Let us appoint a joint committee to examine the whole matter and to make recommendations regarding how the situation can be tackled legislatively and in relation to the Standing Orders of both Houses. Those Standing Orders are involved in this matter, and even the State's Constitution may have to be amended to encompass the whole matter in a thoroughly researched and proper way.

That is what we should be doing, and I hope that Parliament institutes such an inquiry as soon as possible and that ultimately we will have legislation that is acceptable to Parliamentarians and, I am sure, to most of the public. If we tackle the matter in that way we will have on the Statute Book the best possible legislation relating to pecuniary interests.

The Hon. N. K. FOSTER: I support the motion and reject the suggestion that the Council should insist on its amendments. I have sat in many places during my long life time and have heard some spurious arguments advanced. However, none has been as spurious as the arguments that have been advanced in the Council this afternoon.

This Council has opposed for over 100 years any form of progress. Indeed, it was conceived and built on the basis that the false god of free enterprise was to be its master and overlord. In this regard one thinks of such people as Rymill, Elder, Hawker, Mortlock, and goodness knows how many more people who are now dead and departed but who still live in this place today.

The Hon. C. M. Hill: But you were keen to come here.

The Hon. N. K. FOSTER: I thank the honourable member for that interjection, because I was keen to come here. Having contested a Federal seat that I did not expect to win, I worked in industry.

I worked in an industry and, because I was elected to Federal Parliament for three years, under the rules laid down by the Federal Government I was unable to return to that industry.

The PRESIDENT: Order! The honourable member is digressing.

The Hon. N. K. FOSTER: The piece of paper that I have just thrown on the floor highlights the thinking of people long since departed. What has been put forward by the Hon. Mr. DeGaris and the Hon. Mr. Hill conforms to that line of thought. The Hamer Bill, to which the Hon. Mr. Hill referred, comes into law in Victoria tomorrow. Is any member on the other side willing to say that the real reason for that Bill is to protect the public from scallywags? I refer to people involved in the Victorian land deals who blatantly ripped off small purchasers of building lots over a long period. The public has a definite right to be protected. Mr. Lynch was suspended from the Federal Ministry at the height of an election campaign on suspicion of being involved in land deals. I must say that he was exonerated, but I will not go as far as to say that he was exonerated by the public at large. The results of his own utterances were coldly and with calculation placed in the Estimates during the year in which he was Federal Treasurer. The public has a definite right to be protected from such shady deals, and the public has to be assured that such deals will not recur. Parliament must not give false protection to such people.

We have had the spectacle of Minister after Minister in the present Federal Government being accused of direct political election bribery. Mr. Garland was removed from the Ministry by the Prime Minister in connection with such bribery. Was there any way in which Standing Orders of the House of Representatives could have dealt with that matter? If there is any skerrick of honesty among Opposition members, let someone over there refute what I am saying; otherwise, let them be condemned by their silence. If Mr. Hamer's Bill is accepted by the Liberals and if it is to protect the public, what difference is there between his Bill and the Bill now before this Council? We had the spectacle of a Federal Minister running out of the Federal Cabinet last Thursday and galloping back into the Federal Cabinet last Sunday. That same Minister was subject to intensive questioning by the Prime Minister in connection with the rigging of electoral boundaries.

The Hon. J. A. Carnie: He was cleared.

The Hon. N. K. FOSTER: If he was, Senator Withers was not cleared.

The PRESIDENT: Order! If the honourable member cannot indicate that this matter has anything to do with the motion, he should not continue.

The Hon. N. K. FOSTER: Sir, I respectfully and sharply draw your attention to a relevant point. Was it not said by some previous speakers that the Liberal Party had decided on a course of action? The Hon. Mr. Hill said, "We in the shadow Cabinet determined a decision on the matter."

The PRESIDENT: Order! I ask the honourable member to show the relevance of Federal Standing Orders to the Standing Orders under discussion here.

The Hon. N. K. FOSTER: I am not much concerned about the relationship between Federal Standing Orders and our Standing Orders. However, I believe that the Standing Orders of the two Houses of this Parliament should be discussed and amended. I point out that the question of Standing Orders is one thing, but drawing similarities between the Victorian legislation and this Bill is another thing. Mr. Sinclair, the Deputy Leader of the Country Party in the Federal Parliament, is under investigation.

The Hon. C. M. HILL: I rise on a point of order, Mr. President. Standing Order 193 provides:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof, nor upon any of the judges or courts of law, unless it be upon a specific charge on a substantive motion after notice.

Time and time again the Hon. Mr. Foster has been injuriously reflecting on members of the Commonwealth Parliament. That is contrary to Standing Orders.

The PRESIDENT: I previously tried to indicate to the Hon. Mr. Foster that I thought he was stretching things too far. I uphold the point of order.

The Hon. N. K. FOSTER: Perhaps I should mention Mr. Theodore of the late 1920's and the 1930's. I said nothing injurious about Mr. Sinclair. He is on public record as having said—

The Hon. C. M. Hill: What about what you said about Mr. Lynch and Mr. Garland?

The Hon. N. K. FOSTER: Mr. Garland was accused by his own Prime Minister; so was Senator Withers, who was removed from the Federal Ministry in connection with bribery.

The Hon. R. A. Geddes: So what?

The Hon. N. K. FOSTER: I would like that interjection to be recorded in *Hansard*. The Leader of the Opposition, who purports to hold a responsible position—

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

The Hon. N. K. FOSTER: You did. Don't be a liar!

The PRESIDENT: Order! I ask the honourable member to withdraw that remark.

The Hon. N. K. FOSTER: I withdraw it. The Leader raced across to tell me that he did not say it.

The Hon. D. H. L. Banfield: With all due respect to the Leader, Mr. President, the interjection came from the Hon. Mr. Geddes.

The PRESIDENT: Regardless of which member made the interjection, the Hon. Mr. Foster's retort was unparliamentary.

The Hon. N. K. FOSTER: I have enough guts to say I am wrong. Anyway, a member of the shadow Cabinet is now admitting that he used the phrase that typifies the Opposition's attitude to the measure.

I could stand here for six months and still not convince a bunch of loggerheads. Unless they are able to convince the public that they were right or that they were adopting the right point of view, they should not be satisfied. What protection has the public (and I know Opposition members care little for the public) that Standing Orders, within the procedures of Parliament, would replace, in any way, shape or form, the clauses of this Bill? Surely, members opposite are not saying that a member of the public is protected by the fact that Standing Orders in this place provide that anyone can stand before the President and before this Council and say they do not want to take part in any debate in this Council because they have a pecuniary interest?

The Hon. R. C. DeGaris: It has always been done.

The Hon. N. K. FOSTER: It has not. Not one person in 10 000 outside of this building would know that such a Standing Order exists. If one comes down on the side of public interest and the public's right to be protected from that type of activity, one must say that Standing Orders give scant protection in that regard, because once a member of Parliament has failed to stand on the matter and the debate continues, Opposition members will close ranks to protect that person if he should be accused later. I raise this in regard to the can legislation, as it could be said that one person in this Chamber did have a pecuniary interest in that matter but did not disclose it.

The Hon. R. C. DeGaris: Complete nonsense.

The Hon. N. K. FOSTER: If members opposite are honest about Standing Orders protecting the public, any member that came that close to having a pecuniary interest in the can legislation should have erred on the side of honesty and brought the appropriate Standing Order to the attention of the President.

The Hon. R. C. DeGaris: Did you vote on the Superannuation Bill?

The Hon. N. K. FOSTER: No, I did not, but I would have if I had been in the Chamber, but I was paired. I would have voted for it, because it accorded me a benefit that I was denied by the restrictions placed on that scheme.

The Hon. M. B. CAMERON: After that rather extraordinary performance one would not have to speak very sensibly to be better than the Hon. Mr. Foster. The Hon. Mr. Foster joined in the debate at the last minute without thinking, and it seems that he did not listen to anything that was said in the second reading debate or in any other stage of the proceedings. This is the end of what must surely be the political farce of the year. If the Attorney-General and the Labor Party had really wanted this Bill to be successful, they would have taken the proper course of action from the beginning. I do not mind the Attorney-General raising this matter before an election, as we are all fair game in pre-election periods; it was obvious that it was to boost their flagging popularity before the 1977 Federal election.

However, when it is reintroduced without seeking the views of the Opposition, it becomes worse, because the Attorney-General wanted this matter to be a continuing running sore. He did not want success in this matter, although there was sufficient sensible people in the Labor Party (if we had not had a by-election coming up in this State) to still have been successful. Unfortunately, for the sake of Parliament and the sake of this Bill, it is just one of the things that happens to be caught up at this time. We have lost this Bill because the Government is desparately short of issues and wants to use this as an attempt to raise its flagging support. The Hon. Mr. Blevins spoke at length about this Bill, and I presume that he was serious in what he said. However, when I said that I found it objectionable concerning my wife and family, who was the member of the Government who said "Hear, hear!"?

The Hon. F. T. BLEVINS: I rise on a point of order. I have never said that. I said, "I find this offensive, too: however, it is necessary."

The Hon. M. B. CAMERON: I am sorry the Hon. Mr. Blevins has said that because I have always believed him.

The Hon. F. T. Blevins: It is in my second reading speech.

The Hon. M. B. CAMERON: The Hon. Mr. Blevins said "Hear, hear!" when I spoke. In an interjection the Hon. Mr. Blevins said that we have to pass this Bill to restore public confidence in politicians. If the Hon. Mr. Blevins wants to restore public confidence, he should do what I suggested in my second reading speech; that is, to tell the public what he wants to extract from them for Parliamentary salary rises. Why is he hiding that? Members opposite are saying that we must disclose everything and that the public should know everything, but they are not prepared to tell the public what they are trying to get out of the public purse in the form of salary rises. Has any Government member done that? Not one: they want to hide from the public their real views, because they are not prepared to accept the criticism that would subsequently flow. I refer to the superannuation legislation being passed at one o'clock in the morning. The Minister refused to delay it, because he did not want public debate.

The Hon. F. T. BLEVINS: I rise on a point of order. Sir, you should draw the honourable member's attention to Standing Order 251.

The PRESIDENT: Perhaps I should have drawn attention to that Standing Order earlier in the debate, but I intend to handle the matter this way.

The Hon. M. B. CAMERON: If interests are to be disclosed, there should be public debate on everything including attitudes towards salaries and superannuation. By the standard of debate and other arguments it has used, the Government is showing total hypocrisy in this matter. It is hiding other matters, but is trying to say that we are hiding them. No-one on this side of the Chamber is against some form of disclosure of interests: it is a question of what level. If members opposite were serious about this matter, they would have had a joint Party discussion, as did their colleagues in Federal Parliament. I do not believe that every Government member is unanimous in his support, but he has signed a pledge that states he will support the Government, whether it is right or wrong.

The Hon. R. C. DeGaris: Is it a conflict of interest?

The Hon. M. B. CAMERON: I would have thought that it was a conflict of interest. Some Government members have said that they will support it, but who do not support it. The Hon. Mr. Dunford, a Government member, on 14 February stated:

> I concur with Mr. Burdett's comment that, if there is a register, there should not be any disclosure unless there is a good reason. I do not believe that people's private lives ought to be made public. In fact, the proposals put forward by the Federal Parliament appear to be quite reasonable.

The Federal Government's proposals are similar to what we put forward. The Hon. Mr. Dunford said that he wanted it to be kept private, yet the Hon. Mr. Blevins and others say that we are the people hiding from the truth.

The Hon. J. E. DUNFORD: On a point of order, Mr. President. I can remember this clearly. I said that I did not oppose one of the recommendations contained in the report of the joint committee. I said that some of the views had merit, but I supported the Bill in its entirety.

The PRESIDENT: Order! The honourable member has made an explanation: it is not a point of order.

The Hon. J. E. DUNFORD: Although the Hon. Mr. Cameron is not exactly telling lies, he is trying to quote me out of context, which is unfair.

The PRESIDENT: There is no point of order.

The Hon. M. B. CAMERON: If the honourable member does not believe that he said that, he had better correct his *Hansard* proofs in future. I suggest that he reads his speech and apologises for reflecting on me. Those were his words, and he was having a bob each way. He was expressing his true feelings.—

The Hon. J. E. Dunford: I supported the Bill.

The PRESIDENT: Order! There are 15 amendments that could be discussed, but so far honourable members who have spoken have touched on only one or two of them. I appeal to honourable members not to stray from the debate.

The Hon. M. B. CAMERON: Although I accept what you say, Mr. President, I was not at the conference: I am merely discussing this matter as a member of this Council. Managers have said that one point at issue only was raised at the beginning of the conference. That is the point I raised regarding the Hon. Mr. Dunford, who said that he does not believe that such information should be made public.

That is the point at issue. I believe that I am in order in discussing this issue, because Government spokesmen have insinuated that we are the only ones requiring information to be kept on a register under your control, Mr. President, yet the Hon. Mr. Dunford has said exactly the same thing. There are several Government members who believe that, and the Bill does not have unanimous support. The only reason this matter has been taken this far is because of the Attorney-General's and the Government's desire to embarrass this side of the Council.

I suggest to the Government that, if it is serious about this Bill, it should meet with the Opposition to work out a scheme that is reasonable and fair to all the Parties. One manager said that the Attorney-General was in a mood for compromise. If that is the case, compromise should not be undertaken at the conference—it should have been reached before the Bill was introduced. That was the proper time for discussion. There should not be any necessity for compromise. The Bill should be fair, reasonable and just, and I ask the Government to take that view in future so that, when this matter again comes forward, it will ensure that it has the concensus of the Parliament before it introduces the Bill.

The Hon. J. C. BURDETT: I ask the Council to insist on its amendment. I understood the Hon. Mr. Blevins to say that there were some Liberals who agreed with the Bill. Although that may be so, I have not met them or, if I have, they have not expressed that view to me. However, there are probably many Labor Party members who disagree with the Bill, and members of Parliament, too.

I see no point in requiring by law, that members of Parliament disclose their pecuniary interests just for the sake of doing so. One must be able to point to some good reason. Surely the reason for any disclosure is that there will be a disclosure of an interest that may interfere with a member's Parliamentary duties.

As has been pointed out by other speakers, there already are provisions in that regard in the Constitution Act and in Standing Orders. Standing Orders have been referred to by the Hon. Mr. Foster, and the most relevant Standing Order, that is, Standing Order No. 225, provides:

> No member shall be entitled to vote upon any question in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council; but this order shall not apply to motions or public Bills which involve questions of State policy.

That is straightforward and provides real protection. The purpose of this Council's amendments is to strengthen that. If a member did not comply with that Standing Order, had a pecuniary interest and did not disclose it, until these amendments were moved, there may have been a weakness—

The Hon. N. K. Foster: The weakness is still there.

The Hon. J. C. BURDETT: Not in the light of the amendments, which provide for a disclosure to be made in a register held by a responsible person, in this Chamber it is you, Mr. President, and in another place it is the Speaker. In regard to any question raised concerning whether or not a member had a pecuniary interest you, Mr. President, or the Speaker in another place, would know and would have the means to point out to the member and ensure that he made the disclosure.

The Hon. N. K. FOSTER: On a point of order, Mr. President. I refer to Standing Order No. 225. Is it the opinion of the Chair that this Standing Order, in referring to the same denial of a vote within the prescribed meaning of that Standing Order, means that a member cannot enter a debate?

The PRESIDENT: It is not the debate but the member's vote that is dealt with.

The Hon. N. K. FOSTER: In other words, Mr. President, I am correct. From your ruling, that person can influence the Chamber by way of debating a matter, without voting.

The PRESIDENT: It is probably the desire of any member when he speaks to influence this Council.

The Hon. N. K. FOSTER: I refer to Standing Order No. 225.

The PRESIDENT: That is not a point of order.

The Hon. N. K. FOSTER: No, Mr. President, I seek clarification. Is a member denied the right of voicing an opinion to influence a vote in this Council, or does the Standing Order merely deny a member's right to vote on a matter?

The PRESIDENT: This is a question directed to me; it is not a point of order. It has little to do with the debate. If the honourable member wants a considered reply, I shall be pleased to provide it.

The Hon. N. K. Foster: The answer is obviously "Yes".

The PRESIDENT: It is not obviously "Yes". It is not a point of order. That is the point that I wish to make at this time.

The Hon. J. C. BURDETT: The Victorian Act is substantially similar to the South Australian legislation, but there are many points of difference. It involves what is eventually a public disclosure, but it is not an open register. In fact, penalties are imposed on the keepers of the register who make public certain matters. Eventually a Parliamentary paper is tabled and that paper may be published, so long as the publication is fair and contemporaneous. Certainly, there is an element of publicity, but it is not entirely the same. I suggest that the motives of both the South Australian and the Victorian Governments in introducing disclosure legislation were political, but for different reasons.

The Hon. N. K. FOSTER: On a point of order, Mr. President, I seek clarification of Standing Order No. 225, which on page 53 directs readers to Standing Order No. 362 and Standing Order No. 379 which have a direct bearing on Standing Order 225.

In further seeking clarification regarding Standing Order 225, I point out that Standing Order 379 debars a person with a pecuniary interest not only from voting on the committee but also from sitting on it.

The PRESIDENT: You wanted to make an explanation, I presume? You were not asking a question of me? It is not a point of order.

The Hon. N. K. FOSTER: I am saying that, having in mind the proposal before the Council on this matter, there is a clear difference between the provisions of Standing Order 225—

The PRESIDENT: Order! Standing Orders are available and are quite clear to any member. There is no need for an explanation of what they do.

The Hon. J. C. BURDETT: I must say that I object to having my speech interrupted by the Hon. Mr. Foster's raising matters which he says are points of order but which are not, and seeking clarification. If the Hon. Mr. Foster wants to raise with you any point of clarification, there are other opportunities for him to do so.

The Hon. N. K. FOSTER: I raise a further point of order, because I think it important to do so. It ill behoves any member of this place, including me, to imply to the Chair that a member of this Council has no right to interrupt the debate with a point of order. That is rubbish.

The PRESIDENT: Order! Standing Orders make quite clear what is a point of order. You have not been raising points of order, and I think that you have had an extremely lenient run.

The Hon. J. C. BURDETT: I was referring to the fact that both the South Australian and Victorian Governments have introduced different, not identical, disclosure Bills, and I suggest that both were introduced for political motives, although the reasons for the introduction were quite different. In Victoria, there had been an inquiry and there was a suggestion that members were abusing their positions, having regard to their pecuniary interests. The Victorian Government naturally was very sensitive about this and bent over backwards to do something about it. Therefore, it introduced the Bill.

In South Australia, the matter is very different. Here there has been no suggestion (and this has been admitted) of any abuse by any member and there has been no suggestion that any member has acted contrary to his duty as a member because of some pecuniary interest. I suggest that the Government has introduced the Bill merely so that it can have a list of the pecuniary interests of Liberal members and raise that at every possible opportunity and in every possible context, without any necessary reference to how members vote or act as members.

Apart from Victoria, in every State in which there has been any legislation on or examination of this matter, there has been no public disclosure. No reason has been demonstrated or suggested about why there should be public disclosure. As long as the Presiding Officer in each Chamber knows, or can find out, whether a member has a pecuniary interest, he can ensure that proper disclosure is made, and I suggest that the Council should insist on its amendments.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank members for the points they have brought forward in this debate. The debate has been most interesting. The Hon. Mr. Hill has said that shadow Ministers willingly disclosed their interests when they were asked to do so previously, so I just want to know what he has to hide. What is there to hide on behalf of the other members of the Liberal Party who are not prepared to disclose their interests, and how do we know whether, when he disclosed his interests, he disclosed all of them or only the sorts of interest he thought he could get away with? He did not say why he was against the Bill. He said it was a good idea that he should disclose his interests, so I cannot understand why he does not want to support a Bill for disclosure of interests.

It was most interesting that he gave no indication of why, if he was against the Bill, he was prepared to disclose his own interests. The pressure is on him from the back-bench behind, and members there do not want to disclose their interests.

The Hon. J. E. Dunford: Like Mr. Dawkins.

The Hon. D. H. L. BANFIELD: I do not know about that. The Hon. Mr. Hill did not say who they were.

The Hon. M. B. Dawkins: I'll tell you mine.

The Hon. D. H. L. BANFIELD: And I will tell you mine. I could sum mine up more easily than could the Hon. Mr. Dawkins. The Hon. Mr. Hill has claimed that he has nothing to hide. However, he is not prepared to put disclosure in the legislation. Why is he not prepared to put it in the legislation if he has nothing to hide unless it is because of the boys at the back? You will have to show me leniency, Mr. President, because you allowed the Hon. Mr. Cameron leniency when he spoke about pecuniary interests and the superannuation Bill that went through in the normal course of Government business.

The Hon. M. B. Cameron: Come on!

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron is well known for the fact that he has ants in his pants. He is not in this Chamber for more than half a day, anyway.

Members interjecting:

The PRESIDENT: Order! When I call for order, I would prefer even you, Mr. Minister, to resume your seat and stop talking, otherwise I cannot control the debate. You have spoken about leniency. I think I have been tolerant with everyone, having given them every opportunity to express their points of view. I ask you to stay within the confines of the debate.

The Hon. D. H. L. BANFIELD: I will stay within the confines in which you have allowed the debate to continue. I believe that, as the mover of the motion, I am entitled to reply to the things that you have allowed to be said.

The PRESIDENT: I will see that you get that right.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron, on that memorable night when the superannuation Bill was being discussed, did not at any stage (*Hansard* does not record it) move that the debate be adjourned. It was his right to so move but he walked out of this Chamber, as he does from time to time, without drawing the attention of anyone to the fact that he was going. He goes straight to the press office and says, "I have just stalked out of the Council: I am against this Bill."

He did not stay in the Council to vote against the Bill. He neither moved the adjournment nor voted against the Bill. He was not prepared to vote to show whether he was in favour of the Bill. Therefore, how can we place any reliance on his attitude to the superannuation Bill, when he was not prepared to exercise his vote here? Further, it is open to him to at any time move for the adjournment of the debate, and he knows it is. Further, we on this side make no apology for signing a pledge to the Labor Party.

The Hon. M. B. Cameron: You had no choice.

The Hon. D. H. L. BANFIELD: We are elected on Labor Party policy. We tell the people what we are prepared to do and we are not like people in this place who claim that they are individuals.

Those people rushed to North Terrace to seek the Liberal Party's support and to get endorsement. I know that the Liberal Party has shifted out of town because things were too hot for it on North Terrace. It has shifted across the park lands, where the breeze will be able to keep things cool. Also, the Hon. Mr. Burdett was most interested in being elected to another place.

The PRESIDENT: Order! I think the honourable

Minister is straying a little from the debate.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron raised the matter of Government members having signed a pledge. Of course, we did so because we have disclosed our interests. Government members have told the public that they will follow the Labor Party platform, one of the planks of which is that the Government will introduce a Bill providing for the disclosure of Parliamentarians' interests. We make no apology for that. However, members opposite are not willing to disclose their interests.

The Hon. Mr. Cameron said that a compromise should have been reached long before this Bill was introduced, but how would the Government have known what sort of skulduggery Opposition members would get up to and what sort of amendments they would want to move? Government members believed that the Liberal Party branches throughout Australia were united and that, because the Victorian branch had introduced such a Bill, the members of the South Australian branch of that Party would not be afraid to disclose their interests. The Government therefore considered that it would not be necessary for any compromise to be reached. However, that has turned out to be completely wrong.

I was concerned about the Hon. Mr. DeGaris's suggestion that there should be no public disclosure at all. He asked why, if any disclosure was to occur, it should not apply also to the Secretary of the Liberal Party, Secretary of the Labor Party, judges, and so on. Someone said that this Bill was merely an election gimmick. However, if one looks at the records, one finds that the Bill was introduced in the Council (having passed another place) on 16 November, long before any by-election was in the offing. So, it is ridiculous for the Hon. Mr. Cameron to drag a red herring across the trail in relation to this matter. This merely shows that that honourable member cannot be trusted in what he says.

I ask Opposition members to face up to this matter and to do what their counterparts have done in Victoria. As the Hon. Mr. Hill has said, he has nothing to hide. Let that honourable member show, therefore, that he is not under pressure from people at the back.

A division on the motion was called for.

While the division bells were ringing:

The Hon. M. B. Cameron: What about the $56 000 you got from the A.W.U. when you left it?

The Hon. J. E. DUNFORD: On a point of order, the Hon. Mr. Cameron has said I got $56 000 superannuation from the A.W.U.

The PRESIDENT: Order! The honourable member is out of order.

The Hon. J. E. Dunford: He's telling lies. Are you going to let him do that?

The PRESIDENT: Order! The honourable member and the Hon. Mr. Cameron can fix up their private affairs outside the Chamber.

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

The PRESIDENT: There are 10 Ayes and 10 Noes. Before giving my casting vote, I should like to explain that, if I voted for the motion, I would be supporting the Bill and making legislation for the State. As both Houses of Parliament have been unable to reach any conclusion or to resolve their differences regarding the Bill, I should not be placed in a position in which I would be making legislation for the State. I therefore give my casting vote for the Noes, thereby allowing the Bill perhaps to be redrafted later so that it may be suitable to both sides.

Motion thus negatived.

Bill laid aside.

QUESTIONS

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

> That Standing Orders be so far suspended as to enable Question Time and the giving of Notices of Motion to be proceeded with until 3.50 p.m.

Some honourable members have indicated that, because they know that replies to questions are available, they would like time to be available in which they can receive those replies.

Motion carried.

FESTIVAL OF ARTS

The Hon. C. M. HILL: I seek leave to make an explanation before asking a question of the Minister representing the Minister of Community Development about arrangements for the forthcoming Adelaide Festival of Arts.

Leave granted.

The Hon. C. M. HILL: I am concerned about reports circulating among those involved with the arts in Adelaide that the arrangements for the 1980 Festival of Arts are not as far advanced as they should be to ensure a successful 1980 festival. Whilst acknowledging the problems associated with the relatively short time the Artistic Director, Mr. Christopher Hunt, has been given to complete his plans, and the possible financial strictures involved, the public remains concerned that the standard in 1980 may be far lower than that of previous festivals. Some involvement by, and encouragement and assistance from, the Government at this stage may assist with prospective sponsors, especially those who were approached last December and given a list of the principal elements of the proposed programme. I have been informed that there are grave doubts as to whether many of those performances and artists in that proposed programme are now available. In an endeavour to clear the air and to guarantee that a first-rate programme will be available for the South Australian public in 1980, I ask the following questions.

Is the Government satisfied with the arrangements completed so far by the Adelaide Festival of Arts Board and its Artistic Director, Mr. Christopher Hunt, for the 1980 Festival of Arts? Are contractual arrangements for overseas and Australian performances and artists in keeping with the time tables achieved in previous years? Are sponsorships being satisfactorily arranged as anticipated in December last, when the official approach was made to prospective sponsors, with the publication *Advance News on Planning for the 1980 Adelaide Festival of Arts*? If the Government has any doubts concerning the successful completion of plans for the next festival, will the Government give an assurance that immediate action will be taken to assist the board, so that the high standard of previous festivals can be maintained?

The Hon. T. M. CASEY: I can assure the honourable member that the Government is satisfied with the arrangements so far completed for the 1980 festival, and that the Government is satisfied that the contracts for

Festival performers are up to the time table achieved in earlier years. I can also assure the honourable member that sponsorships for performances are proceeding satisfactorily and that the Government has no worries about the way planning is presently proceeding for the Festival.

SALT DAMP

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Minister of Health, representing the Attorney-General, about salt damp.

Leave granted.

The Hon. N. K. FOSTER: Legislation provides that, during the course of pouring foundations at building sites, there shall be present on the site a person representing the principal lending agent, the person in whose name the dwelling is being built, and a person representing the local council. Those people are there to ensure that the legislative requirements are met in connection with foundation rods, etc. A number of publications are available in regard to salt damp; one, entitled *How to Avoid Salt Damp,* has been issued by the Salt Damp Research Committee, that publication being widely distributed in South Australia. About 90 per cent of buildings built in the past will be subject to salt damp.

A further publication has been issued by Community Aid. Also, there are the first and second reports of the Salt Damp Research Committee, which has undertaken considerable research. It has not been indicated that legislation is likely in this connection. Widespread attention is being given to the problem of salt damp. Some consultants in this State are expert in this and other fields, but they are deprived of the right to advertise.

It is cruel that ordinary people should be preyed upon night and day through the electronic media by people who set themselves up as consultants in the building industry but who have never been engaged directly or indirectly in the industry. These people have no qualifications, whereas the other type of consultant is denied the right to advertise and is thereby gravely disadvantaged. The areas in which the professionals are engaged include salt damp alterations, additions, plans and specifications, designs, quantity surveying, building, contracting, and disputes, yet these people are not allowed to advertise that they are expert in this field. On the other hand, others set themselves up as building consultants, but they know nothing about it.

Will the Minister consult with his colleague on the desirability of setting up a register of licensed building consultants with qualifications at least equivalent to those set out in the Building Act regulations?

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

That Question Time be further extended to enable only such replies to questions as indicated to be given.

Motion carried.

PAROLE

The Hon. M. B. DAWKINS: On behalf of the Hon. Mr. Hill, I ask the Minister of Health whether he has an answer to my colleague's recent question about parole.

The Hon. D. H. L. BANFIELD: The honourable member's attention is drawn to the Ministerial statement by the Chief Secretary in another place on Wednesday 7 February 1979. The Government is satisfied with the parole system in this State and the way in which the present Parole Board carries out its duties. The Government has no plans to change the Parole Board's independence, procedures, or terms of reference.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to my recent question about the Industrial and Provident Societies Act?

The Hon. D. H. L. BANFIELD: Cabinet appointed a committee to inquire into the Industrial and Provident Societies Act. The questionnaire is the work of the committee. The members of the committee are: Mr. K. Bellchamber (Chairman, Department of Economic Development); Mr. J. Leydon (Department for Corporate Affairs); Ms. M. Doyle (Law Department); Ms. A. Bunning (Agriculture and Fisheries Department); Mr. S. Anthonisz (Premier's Department); and Mr. P. Borros (Department of Economic Development).

The Government will decide whether any changes to the Act are required after it has received and examined the committee's report.

INTERSECTIONS

The Hon. N. K. FOSTER: Has the Minister of Tourism, Recreation and Sport a reply to my recent questions about intersections?

The Hon. T. M. CASEY: The traffic signal installations which have been installed on arterial roads such as Payneham Road and Main South Road are essential to reduce the number and severity of the accidents which have occurred on such roads and to provide an opportunity for traffic to enter into the arterial roads from side roads. They do have the effect of increasing delays to traffic using the arterial roads and it is proposed within the next few years to co-ordinate the operation of the traffic signals along the arterial roads to reduce these delays. The installation of traffic signals is a relatively low-cost treatment in comparison with the alternative of grade separation. Each set of traffic signals costs in the order of $30 000 whereas a single grade separation could involve an expenditure of $3 000 000. In view of the reduced funds available for roadworks and the increasing cost of such works, it is necessary to utilise relatively low-cost traffic management measures in preference to high-cost capital works at the present time. Even though the topography at locations such as the intersection of Chandler Hill Road from Clarendon with the Main South Road and the intersection of Montague Road with Bridge Road appears to lend itself to grade separation, the high cost of such works precludes their construction at a time when scarce road funds are urgently needed for projects which show a greater benefit to cost ratio in terms of reduction in traffic delays and accidents.

The elevation of the centre of the Portrush Road, Lower Portrush Road-Payneham Road intersection is 54·9 metres. The present intersection design is considered to be the most efficient layout for this location, short of very costly grade separation which cannot be justified. The elevation of the centre of the South Road and Sturt Road intersection is 59 m. The elevation of South Road 500ft. north of Sturt Road is 61 m, and the elevation of South Road 500ft. South of Sturt Road is 55 m. Elevations quoted are based on Australian height datum. The Highways Department's plans for the Gorge Road and Manresa Avenue (formerly Addison Road) intersection are as follows: complete the construction of the section of

the Gorge Road deviation from Stradbroke Road west to join the existing alignment adjacent to the Thorndon Park Reservoir; open the already constructed section of the Gorge Road Deviation from Stradbroke Road to Manresa Avenue; and close the existing Gorge Road west of the intersection with Manresa Avenue. It is anticipated that the above works will be completed in approximately 18 months time.

The elevation of the centre of the Montague Road and Bridge Road intersection is 26m. The elevation of Montague Road 380ft. east of Bridge Road is 36m. The elevation of the centre of the Darley Road and Gorge Road intersection is 72·9m. The elevation of Gorge Road 400ft. east of Darley Road is 74·3m. The elevation of Newton Road 600ft. south of Gorge Road is 73·8m. Elevations quoted are based on Australian height datum. It is anticipated that work on the traffic signals at the Darley Road/Lower North East Road intersection will be completed this financial year.

PORNOGRAPHY

The Hon. N. K. FOSTER: Has the Minister of Health a reply to my recent question about pornography?

The Hon. D. H. L. BANFIELD: The reply to the honourable member's question is "Yes".

LEVI PARK ACT AMENDMENT BILL

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 12 noon on 28 February, at which it would be represented by the Hons. M. B. Cameron, T. M. Casey, C. W. Creedon, R. A. Geddes, and C. M. Hill.

APPEAL COSTS FUND BILL

Second reading.

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

That this Bill be now read a second time.

It is based upon recommendations made by the Law Reform Committee in its thirty-first report. The report recommends the establishment of a fund to indemnify parties to appeals, or proceedings in the nature of an appeal, who have suffered loss by reason of an error of law on the part of a court or tribunal. The general law provides a more or less adequate indemnity to the successful party to an appeal by providing that the unsuccessful party is to pay his costs. Thus, the unsuccessful party in the ultimate court of appeal usually finds that he must not only pay his own legal costs but those of his opponent as well. This cannot be regarded as satisfactory or just where the appellate proceedings have arisen from an error of law made by a subordinate court or tribunal. The present Bill will remedy or at least alleviate this injustice. It will also provide an indemnity against legal costs in certain other cases where legal proceedings are rendered abortive through no fault of the litigants; for example, where the judge dies or falls ill in the course of hearing the proceedings. The fund will be financed by the annual allocation from the Treasury of an amount equal to a prescribed percentage of the moneys received as court costs and fines over a 12-month period. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the new Act. Clause 4 establishes the fund. If the fund ever exceeds the amount required for the purposes of the Act, the excess may be applied towards legal assistance, legal research, or any other purpose approved by the Attorney-General with the concurrence of the Treasurer.

Clause 5 requires proper accounts to be kept in relation to the fund and provides for audit of those accounts. Clause 6 provides for the financing of the fund in the manner which I have just explained. This clause also empowers the Attorney-General to exempt any specified class of revenue derived from court fees and fines from the operation of the proposed scheme. Clause 7 provides for the granting of indemnity certificates where an appeal on a question of law succeeds or where a question of law is reserved for the determination of a superior court. The total amount that may be certified in respect of any one appellate action, or series of appellate actions, is not to exceed $5 000.

Clause 8 provides for the granting of indemnity certificates in respect of proceedings rendered abortive by the death or illness of the judge, or any other reason that does not reflect on the parties or their legal advisers. A certificate may also be granted where a court refuses to sanction the compromise of an action brought on behalf of an infant plaintiff and, on trial of the action, the amount recovered by the plaintiff does not exceed the amount offered by way of compromise. Clause 9 provides that no appeal lies against a decision to grant or refuse an indemnity certificate. Clause 10 provides that the new Act is not to apply in respect of appellate proceedings arising from actions commenced before the commencement of the new Act. No indemnity certificate is to be granted in favour of the Crown. Clause 11 requires the Attorney-General to make payments out of the fund in respect of indemnity certificates twice in each year. Clause 12 empowers the Governor to make necessary regulations under the proposed Act.

The Hon. J. C. BURDETT: I support the second reading. I am pleased to find that this is one of the rare occasions on which the Government has seen fit to implement recommendations of the Law Reform Committee. In the past, South Australia had the worst record in the Commonwealth of implementing recommendations of the Law Reform Committee or commissions. In this session this is the third recommendation of a Law Reform Committee that the Government has implemented. It is high time that this recommendation was implemented, because it was made five years ago.

The report was short, and there was no major difficulty in getting it drafted. The Tasmanian Act of 1968 has been the basis of the report which included comments on the various sections of the Tasmanian Act. A pattern was ready to follow and, in fact, judgments on the Tasmanian Act were included and printed in the report. For the reasons given by the Minister in his second reading explanation, I support the second reading. I am only sorry that the Government was so belated in introducing the Bill and implementing the recommendations contained in the report.

The Hon. K. T. GRIFFIN: I, too, support the Bill, which as the Hon. Mr. Burdett has said is long overdue. It

is based upon a recommendation of the Law Reform Committee made in January 1974. I am surprised that action has not already been taken to implement the recommendations. In general, the Bill enacts those recommendations, referring to the Tasmanian legislation. In some respects the Bill is drafted differently from the Tasmanian legislation, but generally it follows the principles laid down in it.

I draw attention to several technical matters in the hope that the Minister will obtain information before we go into Committee. Clause 3 defines "appellate court", and refers to it as being the High Court of Australia, the Supreme Court of South Australia, or the Industrial Court of South Australia. The scheme of the Bill generally is to cover those appeals from not only courts of law but also tribunals that may be exercising partly a judicial function and partly an administrative function. Why is not a local court of full jurisdiction included in the definition? There is some legislation under which there is an appeal from a tribunal to a local court of full jurisdiction.

Whilst that appeal will principally be related to factual situations, it may also relate to matters of law, which come within the ambit of this Bill. I hope the Minister will indicate why a local court of full jurisdiction is not included in the definition.

Clause 7 deals only with the situation where an appeal upon a question of law succeeds, and that is consistent with the Tasmanian legislation. However, it would have been appropriate in drafting the Bill to refer to any appeal upon a question of law, whether it succeeds or fails, because there are times when there may be an appeal on a question of law taken to clarify that law where the appeal has not succeeded. In those circumstances it would equally be appropriate for a party to make an application for a certificate under this Bill as though the appeal had succeeded.

In clauses 7, 8, 9 and 10 there is reference to an indemnity certificate. I think I know what is intended, but I suggest to the Minister that there is no definition of "indemnity certificate". That description of "indemnity certificate" seems to be lifted directly from the Tasmanian legislation in which there is such a definition. That matter should be corrected during Committee.

Clause 8 (1) *(b)* refers to a situation where a party may apply for a certificate for payment of costs from the funds where a court, before which civil or criminal proceedings have been commenced, discontinues the hearing of those proceedings for a reason that is not attributable to the act or default of any party to the proceedings or of the counsel or the solicitor of any party to the proceedings.

In criminal proceedings it is possible that there may be some fault upon the Crown. In the Tasmanian legislation that is excluded, so that, if a trial is discontinued as a result of some act, negligence or default of Crown counsel, that does not disqualify the other party from seeking a certificate for payment of costs from the Appeal Costs Fund. I raise this point because it is an important one that should be clarified at the appropriate time.

Clause 10 provides that no indemnity certificate shall be granted in favour of the Crown. I accept that principle, but I draw attention to the fact that earlier there is provision for a certificate to be granted for the payment of a party's costs, which costs could include the costs of the other party, and those costs may include costs awarded to the Crown. Indirectly, it could be that the Crown's costs could be payable by a party awarded a certificate under the legislation as it is presently drafted. I do not think that the Crown's costs should be payable from the fund, whether directly or indirectly. Notwithstanding those comments, to which I hope I will receive a reply at the appropriate time, I think that the principle of the Bill is admirable, and I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. K. T. GRIFFIN: In view of my comments in the second reading debate, is the Minister prepared to ask that progress be reported so as to clarify the questions I have raised?

The Hon. D. H. L. BANFIELD (Minister of Health): I am pleased to do that.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

Adjourned debate on second reading.

(Continued from February 22. Page 2881.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Last Thursday, I spoke immediately after the Minister had given his second reading explanation and before I had had an opportunity to check the amendments moved in the House of Assembly. Then, I dealt broadly with two points. One was the importance to the whole timber industry in South Australia and Victoria of finding a market for forest thinnings as an important link in the economic management of radiata forests. I think every member accepts that the economic management of those forests depends on finding a market for the forest thinnings.

The second point that I touched on was a brief comment on the proposal to enter into a joint agreement with an overseas purchaser to build storage and loading facilities at Portland. Before I sought leave to conclude my remarks at a later date, I asked a series of questions of the Minister. First, I asked whether any contact had been made with the Victorian Government to find out whether that State was interested in wood chip export or in joining in a joint venture with an overseas purchaser to build facilities at Portland. Several softwood forests controlled by the Victorian Forests Commission are located near Portland.

Another question I asked was whether any contact had been made with the Portland Harbor Trust, SAPFOR, and Softwood Holdings. The harbor trust may be prepared to establish its own loading facilities for the wood chip industry, although I understand facilities of this sort are not working satisfactorily in other parts of the world. I referred to contact with SAPFOR and Softwoods because those organisations might be willing to join with a consortium or joint venture in the export of thinnings. The capital required may be obtainable from the private sector, and that would obviate the need for the corporation to raise any large amounts to provide these facilities at Portland. I do not know what the cost would be, but I have been told that it may be $5 000 000 and could be $10 000 000. The Minister may tell us about that.

I think it rather sad that we must establish, with South Australian capital, facilities in another State. However, the only logical point of export for the chip industry is Portland: I accept that. I had ideas about the need for the establishment of a Timber Corporation, for the reasons I gave on Thursday. However, I concede that there is a need for one authority to handle the flow of wood chip timber to the pulp plants at Snuggery, and there would be a need to manage the flow for export as well.

I also understand that certain financial benefits would

flow to the State from the Woods and Forests Department or the Government operating through a Timber Corporation, because substantial export incentives are given by the Commonwealth Government which are not payable to a Government department but which are payable to a corporation of this kind. Therefore, whilst I had asked questions about the idea of forming a Timber Corporation, I accept that, with the export industry expected, probably the only realistic way to have the matter dealt with is by a corporation of this kind.

I believe that the establishment of a Timber Corporation to export wood chip has merit. However, I would like the corporation to be based more widely and, at the same time, I would like the Woods and Forests Department to remain as, shall I say, the control of flow to the export industry. I pointed out that it was most important in the management of forests in that area that the Woods and Forests Department should act as a flow control to that industry. In that role, the department has performed its function efficiently, and I have no reason to doubt its efficiency in future.

As I have said many times previously, I would raise no objection if any of the milling operations of the Woods and Forests Department were taken over and performed by a corporation such as this. I have always considered that a statutory authority in the secondary industry of the Woods and Forests Department may be an idea worth pursuing. Perhaps the Government may be thinking of having another corporation such as a milling corporation to handle the milling of timber in South Australia, with box-making facilities, and so on, and with borrowing capacity outside the Loan Council.

Rather than query the Minister, I wish to criticise the provisions in the Bill. There have been discussions with the Minister and interested people, and I thank the Minister for that. However, I am still dealing with the Bill as it came to this Council. In terms of the definition clauses, "timber products" means wood pulp, wood chips, or any other products obtained wholly or partially from the processing of timber and commodities made from wood, or any prescribed products or commodities. Therefore, "timber products" can mean almost anything.

The term "related commodities" is also defined, and that includes any products or commodities that may be conveniently traded in association with timber or timber products. This definition is wide enough to catch everything from building houses to selling books, or from hardware stores to toilet rolls.

The Council has before it another Bill relating to documents and State emblems. As someone said today, it will not be long before toilet paper, which could well be made by Apcel, will bear the State's crest on it.

The proposed corporation will consist of three members, one of whom will be the Director of the department. Having looked at the definition clause, one must consider the powers and functions of the corporation. They are to trade in timber, timber products and related commodities. One must remember the definitions of "timber products" and "related commodities".

Other of the corporation's powers and functions are to acquire undertakings and interests of any kind in undertakings involving trade in timber, timber products and related commodities, and otherwise to promote trade in timber, timber products and related commodities.

The corporation may export, import, buy, sell or otherwise deal with timber, timber products or related commodities, and it may process timber, or manufacture or process timber products or related commodities, with a view to sale. The corporation can also acquire any interest in land, premises, plant, or equipment. It may purchase or otherwise acquire shares or other interests in bodies corporate, trading, or intending to trade, in timber, timber products or related commodities.

With the corporation's borrowing powers, the legislative functions are an open invitation, as the Bill is drafted, for a Government take-over of wide-ranging cross-sections of the private sector involved in or related to the timber industry.

The powers and functions may not necessarily be used for this purpose, although it gives the Government a tremendously powerful weapon, if it is not going to take over, to bluff sections of the private sector that may be only remotely associated with the timber industry.

The Minister said in his second reading explanation that the provisions relating to trading in timber and timber products would enable the corporation to trade in other States. The Government also intends to transfer to the corporation its shares in Shepherdson and Mewett Proprietary Limited and Zeds Proprietary Limited. I am not full conversant with the trading position of Shepherdson and Mewett, although I think it may involve only a timber mill and box-making plant; I am not sure about that. However, I am aware of the activities of Zeds Proprietary Limited in Mount Gambier.

I am deeply concerned about the political motives behind this Bill, motives that go beyond what the Government says it wants to do regarding this corporation. This legislation falls into the same category as has so much other Government legislation that the Council has seen lately. It seems to most Council members to involve a mad rush to impose dominance of Government enterprise at the expense of the private sector. If the tourist industry can achieve a Government retreat on the Hotels Commission Bill, there is no reason why the Government should not retreat in the same manner in relation to this Bill. A clear statement should be made on the Government's motives regarding the Bill.

The Government has already shown its hand clearly in many areas. I refer to the take-over of bus operations, a matter that I do not intend to debate or analyse now. However, there is no question that the Government has gone further into that industry and is competing with a part of that industry on a basis which no-one thought it would and which the public did not expect. This has also happened in the insurance industry and the hotel industry, the Bill relating to which has been dropped by the Government. It also happened in relation to the abattoirs and pet food legislation, which I believe is also not being proceeded with.

We must be careful regarding these matters. If the Government has a legitimate case and can make a legitimate claim to do certain things that are in the interests of the industry, the Council should not in any way object to such moves. However, I object to a Bill's being drafted with a broad brush, enabling the Government to go into virtually any section of the private sector that it likes.

The Government has satisfied me in discussions that there is a need to establish corporations of some sort primarily to export wood chips to overseas buyers, and, if possible, to enter into agreements with joint ventures, other Governments, corporations or private operators in the forestry field.

I should like to see in relation to this corporation a much wider representation of the private forestry organisations on a shareholding basis. However, the Government has a hard task ahead of it to convince the Council that it needs such wide-ranging powers in relation to other areas of related trade. As it stands, the Bill is an open invitation for Government strangulation of any industry that it considers

may be related to timber or timber products.

Honourable members know that the Forestry Act and the legislation relating to the Industries Development Corporation contain powers that allow the Government to move into the private sector. I am not sure what powers are contained in the Forestry Act, although I realise that they are extensive. It is necessary in this case to recognise that the Woods and Forests Department is probably the most up-to-date and skilled operator in the forestry field, and that its expertise is called on not only by people and organisations in the State but also by organisations overseas. We should not in any way inhibit the right of these people to offer their services, on a consultancy basis, to interstate or overseas people.

However, I am concerned about the scope of this Bill and the wide net that it throws. I hope that the Minister is able to satisfy members in Committee with amendments that will produce a corporation which will satisfy his wishes as well as those of Opposition members. I support the second reading.

The Hon. C. M. HILL: I understand that the Minister intends to move amendments to the Bill. As I have not yet had an opportunity to peruse those amendments, my comments will relate to the Bill as it was first introduced. I stress that this is a most objectionable Bill.

It introduces socialism into the timber and hardware sector of this State. It is another tentacle of the socialist octopus, something like the South Australian Hotels Commission Bill, which endeavoured to socialise the hotel and tourist accommodation industry in this State. It is little wonder that all the private enterprise industry operators rose up, and the Government ran for cover. As a result, it has given notice that at this stage (mark you, at this stage) it is not going to proceed further with that Bill. Under this Bill, the Minister of Agriculture, a self-admitted socialist (I will apologise if I am wrong in using that expression, but I think the Minister takes pride in that claim), is trying to socialise the timber and hardware industry in this State. He has introduced a Bill for an Act to provide for the establishment of a corporation with power to trade in timber and timber products and to engage in joint ventures involving trade in timber and timber products; and for other purposes. The definition of "timber products" is as follows:

> "timber products" means—
>
> *(a)* wood pulp, wood chips, or any other products obtained wholly or partially from the processing of timber;
>
> *(b)* commodities made from wood; or
>
> *(c)* any prescribed products or commodities:

The definition of "related commodities" is as follows:

> "related commodities" includes any products or commodities that may conveniently be traded in association with timber or timber products.

There is no doubt that the whole hardware industry and the whole furniture industry are involved in that. I refer to the big firms that are trying to employ more people in this State and trying to expand their operations, such as Lloyds and other home improvement firms. What must they think when they see this giant of a Government trying to act as a competitor against them, putting fear into their hearts? I hate to think what they must think about the Government and their future in this State. I hate to think what those firms must tell their employees about their prospects for the future. In these times, when the Government ought to be turning to private enterprise to get this State moving, this Government is hellbent on its socialist course, and it has the audacity to bring a Bill of this kind into the Council.

I want to be quite fair about the matter. The Minister has said in his second reading speech that one of the Government's intentions is to market profitably wood chips from the South-East. I have no objection at all to the Government's selling wood chips from the South-East to the best possible purchaser on the best possible market and shipping them, if it must, through Portland. I think that is part of its plan. Whether that needs a corporation is highly questionable. Most certainly the corporation should not spread its tentacles into all the other areas that the Minister seeks to include. Part III of the Bill gives details of the powers and functions that the socialist Minister wants the new enterprise to be involved in. Clause 13 (1) provides:

> The functions of the corporation are—
>
> *(a)* to trade in timber, timber products or related commodities;
>
> *(b)* to acquire undertakings, and interests of any kind in undertakings, involving trade in timber, timber products or related commodities; and
>
> *(c)* otherwise to promote trade in timber, timber products and related commodities.
>
> (2) The corporation shall carry out its functions under this Act in a manner consistent with the aims and objectives of the Woods and Forests Department.

I have a high opinion of the Woods and Forests Department, its achievements, and its record. If I can play my part in helping that department to market part of its products which it cannot sell as well as it would like to sell at the moment, such as wood chips, I am quite happy to support that aspect.

The Hon. J. R. Cornwall: You do not see that as socialism.

The Hon. C. M. HILL: That is a departmental activity. I am happy not to do anthing to interfere with the department's operations in regard to marketing wood chips. Clause 13 (3) provides:

> For the purposes of carrying out its functions the corporation may—
>
> *(a)* import, export, buy, sell or otherwise deal with timber, timber products or related commodities;
>
> *(b)* process timber, or manufacture or process timber products or related commodities with a view to sale;
>
> *(c)* acquire any interest in land, premises, plant or equipment;
>
> *(d)* purchase or otherwise acquire shares or other interests in bodies corporate trading, or proposing to trade, in timber, timber products or related commodities;
>
> *(e)* enter into contracts and agreements;
>
> *(f)* acquire any licence, authorisation or concession either in this State or elsewhere;
>
> *(g)* provide consultancy services in relation to the production, processing, manufacture or sale of timber, timber products or related products; and
>
> *(h)* exercise any other power necessary or incidental to the carrying out of its functions.

The net could not have been flung wider. The whole ambit of the industry is caught within those provisions. The whole furniture industry, the hardware industry, take-overs of firms, and the buying of interests in hardware establishments are involved. I refer to such firms as Lloyds and Abbotts. The corporation would have power to acquire an interest in public companies. The Government is currently conducting a campaign against Mr. Brierley because of the terrible take-overs, according to the Government, that he is involved in. Yet at the same time the Government is seeking the right to do exactly the same kind of thing. How the Minister can smile when he hears

the truth, I will never know.

If the people knew the truth about this Bill, they would revolt against the principle that the Government wants to introduce. The public certainly revolted against the South Australian Hotels Commission Bill. I would like the Government to put the question to the test. Let the Government publicise the fact that it is endeavouring to establish a socialistic enterprise in the timber, hardware, and associated industries. If the people knew what the powers in the Bill really were, I am convinced that the people would revolt against this Bill.

I totally oppose the Bill but, if the Minister pursues these amendments, which I understand are in the process of being circularised, and if he is prepared to limit his powers to try to help his department market these woodchips, I am not opposed to that. In that regard I should like to hear why a corporation is necessary for that. If any department cannot sell its wares, what has gone wrong with the system of marketing and all the structures that are necessary to sell successfully products interstate or overseas? I do not know what the Minister's intentions are and I might well be prepared to vote for the second reading if he clears the air on that point. However, I strongly oppose the original Bill.

The Hon. D. H. LAIDLAW: I am disturbed by the wide powers that the Government wishes to confer on this new statutory authority, to be called the South Australian Timber Corporation.

The PRESIDENT: Order! If the Hon. Mr. Blevins wishes to speak to his colleagues, I request that he do so by entering his place in the Chamber. Audible conversation is out of order.

The Hon. D. H. LAIDLAW: Under clause 13, as further amended by the Minister, the corporation may trade in seeds, seedlings, logs, wood chips and wood pulp.

The PRESIDENT: Order! I request the Hon. Mr. Blevins to enter the Chamber and be seated by the Hon. Mr. Sumner if he wishes to discuss with him anything in a less audible manner.

The Hon. D. H. LAIDLAW: Under clause 13 it may buy shares in any companies involving trade in timber, timber products and related commodities. This would include acquiring from the Government its shares in Shepherdson and Mewett, sawmillers at Williamstown, which it owns jointly with Softwood Holdings Limited. Related commodities are defined to include any commodities that may be traded conveniently in association with timber products. That would cover the stock normally held by a builders supply business, and the Minister said that the majority interest held by the Government in A. Zed & Sons Proprietary Limited, which runs such a business at Mount Gambier, would be transferred to the corporation, presumably for ease of administration.

In addition, the corporation may acquire undertakings carrying on such activities in South Australia, acquire licences or concessions in this State or elsewhere and provide consultancy in this State or elsewhere in relation to timber, timber products or related products.

I have listened to eulogies by Mr. Dunstan in years past on the potential for the State sponsored South-East Asia Development Corporation in Malaysia. It was to enter into joint ventures with indigenous interests for the manufacture of such products as cheap prefabricated timber houses for supply to the Muslim world. The lack of comment on this subject by Government spokesmen in recent months confirms my suspicion that the enterprise has turned sour. Can we be assured that the Labor Government has learnt from its errors in Malaysia and that, if the new authority is granted wide powers, its participation in consortia and its provision of consultancy services for development of irrigated timber projects in Iraq or Libya or other foreign countries will meet with more success and that such investments will produce some profit?

I gather from the Minister's second reading explanation that the basic reason for creating this authority is to extract the thinnings from the Government forests in the South-East, process them into wood chips, and export them on long-term contract. I am informed that Softwood Holdings, SAPFOR, and the Victorian Forestry Commission, each of whom has large plantations in the South-East of this State or south-western Victoria, have been informed of the Government's plans and would be interested to supply thinnings from their own forests. The Minister said that the sale of pulpwood or wood chips is vital to the economics and silvicultural well-being of our plantations. Apparently, only by thinning young plantations and giving the surviving trees growing room will they develop into top quality timber. It is the young trees that are cut as thinnings at around six years old that would provide the feed for the proposed wood chip industry.

At present the Woods and Forests Department supplies thinnings for pulp from its own plantations as well as Softwood Holdings and SAPFOR to the paper mills of APCEL and Cellulose at Snuggery. In addition, a small quantity of wood chips is sent to paper mills in Ballarat and Melbourne, but a great surplus remains untouched.

Last year after the Minister returned from an overseas trip he advised of a potential market for timber products in India. Apparently, an Indian State development project to make pulp and paper out of locally grown short-fibre eucalyptus needs long-fibre timber, such as radiata pinus. I presume that the overseas participant to whom the Minister now refers is the same Indian statutory authority. It is proposed to create a joint venture in which the State Timber Corporation would hold a majority of the shares and the minority would be taken up by the overseas participant, that is, presumably the Indian authority.

In my experience it is unwise to restrict a joint venture to one supplier and one consumer shareholder exclusively in case one party fails to perform. The consumer may fail to take sufficient quantities at the right time, at the right price, and to pay in the prescribed manner. I hope that the Government will retain an option to include subsequently other shareholders. Furthermore, since Softwood Holdings and SAPFOR will be supplying part of the raw material should not they also each be offered a minor equity holding? Their commercial expertise could prove of value.

It has been suggested that the equipment for this project will cost up to $8 000 000 without the working capital to finance supplies prior to payment. That does not surprise me having seen something of the Bunning wood chip project at Bunbury in Western Australia. It would be necessary to purchase debarkers and chippers and then, at the point of shipment to install storage facilities, with conveyors, a stacker, reclaimer and shiploader.

The Minister stated that the shiploading facility would be constructed at Portland. Although it is a pity to use South Australian Government credit to raise funds to construct a facility in Victoria at a time of high unemployment, Portland is the only deep water port within reasonable cartage distance, and it would be wrong to permit parochial State interests to prejudice the viability of the project by choosing a shipping port far away from the timber plantations.

I support the initiatives being taken by the Government to develop a wood chip export industry, because I doubt whether the private sector would take this initiative at a

time of recession in the timber and, in particular, the particle board industry. I stressed during the debate on uranium a few weeks ago that South Australia has fewer natural advantages than others have and, because of this, must make every effort to develop those natural resources that do exist, even if it involves taking some economic risks that better endowed States may avoid. My attitude towards the need to mine uranium is the same as applies to this wood chip project.

Why create a separate statutory authority? Under sections 12, 13 and 16 of the Forestry Act, 1950-1974, the Minister is empowered to operate mills for the treatment of timber, to sell any timber or any mill products and to enter into any transaction in order to execute these objects. This presumably would give him sufficient authority to undertake this wood chip project. I can only assume that the Minister wishes to make use of a separate authority in order to be able to borrow up to $1 000 000 a year without the need to obtain Loan Council approval. Furthermore, a statutory authority engaged in a commercial enterprise probably is eligible to receive Federal export incentive payments, which would not be offered to a State Government department.

Even if the Government took up only a bare majority of shares in the joint venture company, it would need to subscribe about $5 000 000. Unless construction time was prolonged, and that would be disastrous, the Government would need to find funds additional to loans at the rate of $1 000 000 a year. Once again, a State Government guarantee to cover bank overdraft facilities may be required.

I believe that the private sector would support the creation of a South Australian wood chip authority but that the extra powers being sought under this Bill for the proposed State Timber Corporation will alarm them. The timber merchants and the hardware and building supply companies have been badly affected by the recent slump in building construction in this State, and the thought of additional competition at this stage from a vertically integrated Government operation would fill them with horror. I share their fears and would prefer that the scope of the Bill be restricted to the wood chip project, and for its title to be altered accordingly.

This would remove the power to offer consultancy services and to join in consortia to develop timber projects in foreign countries. However, I remind honourable members that, under section 16 of the Industries Development Act, 1950-1977, the South Australian Development Corporation has power to make loans to, purchase shares in, or subscribe to the capital of a corporation for the development of any industry. The corporation can grant assistance to a value of $1 000 000 in any project, and it is not confined to South Australia. Powers therefore exist whereby the Woods and Forests Department could participate in worthwhile overseas ventures without need for the extra powers sought in the present Bill.

I shall support the second reading so that the Bill can pass to Committee, when I shall move or support amendments as I have foreshadowed.

The Hon. B. A. CHATTERTON (Minister of Forests): I have explained the Bill's major objectives in my second reading explanation. The explanation of many of the details involved in the export of wood chips is somewhat difficult because of the confidentiality that is necessarily associated with many of the negotiations. To highlight that point I indicate that, when I returned last October from India, I purposely issued no statement to the press, but I was met at the airport by reporters, and a small column subsequently appeared in the *Sunday Mail,* merely noting that I had been to South India on a trade mission to try to sell timber products and wood chips. It is interesting to note that that small column of three or four inches was read in Japan and that Japanese interests, who had wood chips available, went to South India to try to take that deal from us. It is difficult in such negotiations to give much information, as it can often be used against us.

I have talked with members opposite privately and explained many of the matters associated with this project. It is worth pointing out that, besides the things that have been stated concerning the need to borrow funds outside the Loan programme to finance part of the investment in the chippers and loaders, there is a need to get export development incentive grants, both for work that is being done in developing the wood chip market and for any work that is done in developing a consultancy market.

In addition, the wood chip project may result in additional exports from Australia of between $6 000 000 and $8 000 000 annually. Putting that in perspective, I point out that that is greater than the export value of rock lobster from the South-East. Those exports involve not just the Woods and Forests Department but also Softwood Holdings and SAPFOR which have been involved in the negotiations almost from the beginning. They, too, will benefit from the export of wood chips coming from forest thinnings.

While the major investment is in the chip loader in Portland, the major employment will be in the forests themselves and will include the fellers, the people operating mobile chippers and those involved in transporting the chips to Portland. Most of the employment resulting from the venture will be in South Australia. The number of people involved in the loader is small, because it is an automated installation requiring few operators.

Also, the project has considerable advantages to consumers of timber in South Australia. By finding a market for surplus thinnings and small ends of saw logs it will reduce costs to forest owners in their operations and provide an opportunity to hold royalty rates generally at more stable levels. It will have a benefit for South Australian consumers of timber, as well as for forest owners.

The consultancy work of the corporation has been referred to by several speakers. My department is already involved in several tree-planting schemes, as well as other matters associated with its expertise, with the Land Commission and the Monarto Development Commission. If these consultancy projects develop overseas, the corporation would handle them, so that it would be able to obtain export incentive grants for the establishment of such projects, including their costs of promotion and development, and that is a necessary requirement. The main objections have come from timber merchants in Adelaide, who are concerned about the corporation as a possible competitor with them on the Adelaide market.

I think the amendment on file will satisfy them but, in any case, it is unnecessary for the Timber Corporation to be involved in that area, because the powers already given to the Woods and Forests Department under the Forestry Act give it ample opportunity to trade on the Adelaide market if we wish to do so, and, as long as we have satisfactory arrangements with the timber merchants, there is no need for the corporation to be involved.

If the timber merchants can handle our timber in an efficient and effective way on the Adelaide market, there is no reason for our getting involved. I hope that the long-term marketing arrangements that we are now negotiating

with the timber merchants will put stability into that market and make it unnecessary for us to be involved in any way.

Regarding specific points that have been raised by honourable members, I point out in reply to the Hon. Mr. DeGaris that the Victorian Forestry Commission has been told of the project, and the commission can supply some timber for it. The honourable member also raised the question of the Portland Harbor Trust possibly being the builder of this facility. I have carried out research in New Zealand, where there are several wood chip facilities in both the north island and the south island, and I think what has been suggested would be unwise indeed. People in New Zealand who are involved in wood chips feel that those who produce and export the chips should handle them right through.

By having a facility owned by the harbor trust, the management and efficiency generally tend to be unsatisfactory. This was so at Lyttelton, just outside Christchurch, where exporters of wood chips were not pleased about how the export was handled. That was in contrast to other facilities in New Zealand where the people who had the export order were responsible for the product all the way through. It was interesting to see the contrast and the improvement in efficiency.

Both the Hon. Mr. DeGaris and the Hon. Mr. Laidlaw have raised the matter of equity participation by Softwood Holdings and SAPFOR in the proposed joint venture, and I had no objection to this in principle. The matter has been raised with me only recently, and I am prepared to examine the possibility. It would require the agreement of the overseas partner and, as a small point of correction, I point out that the overseas partner that we are negotiating with is a publicly-listed company in India, not a Government corporation as has been mentioned by the Hon. Mr. Laidlaw.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

CHIROPRACTORS BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2889.)

The Hon. C. M. HILL: I have considered for some years that there has been a need in this State for chiropractors to be registered. Many representations on this matter have been made to me and members of Parliament over a long time not only by chiropractors but also by their patients. So, it is pleasing that at long last the Government has seen fit to introduce legislation.

I commend the Government for its approach to this matter, in that it appointed a working party and conducted a thorough investigation into the whole matter before preparing the Bill.

The Hon. J. E. Dunford: True socialism: participation by everyone.

The Hon. C. M. HILL: Participation has something to do with things other than just socialism. It is in every sense one of the principles of democracy. The Government went about trying to solve this problem in the proper way.

I also commend those who sat on the working party and spent almost 12 months delving into the whole matter, trying to come up with the best possible answer to suit the situation in an attempt not only to establish but also to maintain high standards of chiropractic in South Australia.

I should like to comment on one or two aspects of and to ask the Minister one or two questions about the Bill. I will then take a full part in the Committee debate. I notice that honourable members have already indicated that two amendments will be moved.

Some time ago, an attempt was made by the profession in South Australia to unify, because the various associations that have existed for a long time have not, generally speaking, been conducive to the profession's making progress towards registration. The people who were involved in those endeavours deserve commendation.

I have been told that at one time agreement was almost reached. However, since then things seem to have gone wrong, and two major associations are still established in South Australia. If this Bill passes and registration comes into force, I hope that with the passing of time the whole profession will be represented within one association.

The issue within the Bill that has raised the most discussion with me is that of the qualifications of chiropractors, relating especially to those who will seek new registration after the Bill passes. I should like the Government to indicate what it intends to prescribe in regard to future examinations that are conducted for this purpose.

I understand that some members of the profession hope that the Government will prescribe an examination that covers a period of five years, two years of which will be spent at Salisbury and the final three years of which will be spent at Preston Institute of Technology in Victoria.

The Government must have something in mind regarding the ultimate standard that will apply in this area, and I should therefore like it to say what it intends to prescribe as that ultimate course. There has been much contention on this point, and fear has been expressed that the standard that the Government will prescribe will not be sufficiently high. If the Government can give an assurance on this matter in the debate, it will put many minds at rest. It is proper that Parliament be told now what the Government intends to do in this respect.

The other important clause in the Bill is that which gives everyone who was practising at 1 February this year the right to apply for and be granted registration. I must admit that this aspect has concerned me. Many people have expressed concern on this matter over the weekend and since the Bill was introduced last Thursday.

On the one hand, one wants to be fair to those who have qualified within standards that have been acceptable in South Australia in the past and to those who have qualified recently in relation to those standards. On the other hand, if some people have put out their shingle recently without having great qualifications, naturally they have not practised for long as chiropractors. The question therefore arises whether those people should automatically receive registration, or whether at least some of them ought to be examined by the new board, which could check their qualifications. I will listen to further debate and enter into discussions on that matter later.

Another forceful representation made to me is that one of the major associations in this State ought to be represented on the board by two members, and that two members should come from the next largest organisation in South Australia. I refer, of course, to the A.C.A. and the U.C.A. respectively. I should like the Minister when he replies to say whether he will consider representation along those lines or some other form of representation, rather than retain the architecture of the Bill in its present form, which simply allows for the first board to have four chiropractors appointed by the Minister.

That gives the Minister complete power to appoint the

first board, the term of office of whose members is, I think, two years. The Minister is not required under the Bill to consider associations that are represented by his nominees.

Some chiropractors claim that their association ought to have direct representation. I therefore ask the Minister whether he will favourably consider such a proposal if an amendment is moved. There has been a series of questions as to who the "balance two" board members will be. Four of the members will be chiropractors. Is the Minister willing to agree that the "balance two" members should come from specific professions or should represent specific bodies, rather than the Minister's retaining an "open cheque" approach? In general, I support the second reading of the Bill. I trust that, if chiropractors gain registration as a result of this Bill, they will accept the responsibility thereby placed on them and maintain high standards in their practices.

The Hon. J. A. CARNIE: I support the Bill but, unlike the Hon. Mr. Hill, I cannot say that I have awaited it for many years. Until comparatively recently I was very much opposed to registering chiropractors, because of the constant internal fighting that appeared to go on between different sections of the profession. As recently as last November I wrote to a chiropractor who had contacted me, and I said that until they sorted out their internal differences I could not support legislation to register them. In his second reading explanation the Minister said:

> The emergence of the theory and its adherents aroused suspicion and antagonism at the time and overtones of this are still apparent today.

I frankly admit that I have had suspicion and antagonism for many years. It has been necessary for me to overcome those attitudes before I could support this Bill, which I now do. It is probably necessary for me to explain further. My wife is a physiotherapist, and there is no doubt that for a long time there was ill feeling by physiotherapists toward chiropractors, particularly when she was trained. I well remember remarks that she has made about some of the things that chiropractors did which she considered to be medically wrong and unethical. However, she came to realise that there were certain conditions, particularly back conditions, where chiropractic was far more effective than was physiotherapy. She herself learnt manipulative therapy, which she used at times in her own practice. Probably the antipathy felt by other branches of medicine stemmed from two causes. First, some chiropractors (and I am sure responsible members of the profession would agree with me) set themselves up as being able to cure anything and everything.

A long time ago a friend of mine who was trying to convert me to believing in the efficiency of chiropractic lent me a book in the hope that the book would convert me. At the back of the book was an alphabetical index of practically every ailment known to medicine and how to treat it. It stated that abortion could be performed by chiropractic but could be practised only in those places where it was legal. It also dealt with cancer. I believe it is criminal to give hope to people that cancer can be treated by chiropractic. The index also listed measles, chicken pox, mumps, tonsilitis, as well as the more normal conditions such as slipped discs. One treatment has always stuck in my mind—the treatment for duodenal ulcers. The book referred to the manipulation necessary, and it said that treatment would take a long time, during which the patient should adhere to a certain diet. Actually, the diet mentioned was the standard diet that would be ordered by any doctor, the only difference being that a doctor would not have the patient back every week to manipulate his spine at several dollars a treatment. I considered that sort of thing to be plain quackery.

It was a long time before I could be convinced that chiropractors could do any good at all; I admit that that was an unreasonable attitude. This brings me to the second reason why doctors rarely refer their patients to a chiropractor. When a doctor refers a patient to a physiotherapist or gives a prescription, the doctor knows that all physiotherapists and pharmacists have a certain standard of training, but this did not apply to chiropractors. There was no set standard.

Many chiropractors received their training in America, the only place where they could train, and there is no doubt that they received a high standard of training there. They also were taught a code of ethics. On the other hand, there have been many people practising as chiropractors who not only had no formal training but also obviously had no ethics. It was this group that gave chiropractors such a bad name in certain quarters. And it is for this reason that I have finally come to the opinion that chiropractors should be registered. Not only will it provide protection for those members of the profession who are properly trained but also it is only by a proper system of registration, by the formation of a board to set standards of qualification and with the power to discipline its members, that undesirable practices can be eliminated. The Hon. Mr. Hill referred to the composition of the board. I do not know that I can altogether agree with him. Representations have been made concerning organisations and associations to be given representation on the board.

I totally oppose this concept. For some years there has been more conflicts within the profession with the Australian Chiropractors Association, the American Chiropractors Association, the United Chiropractors Association, and the South Australian Chiropractors Association, all claiming to represent chiropractors in South Australia. I believe that this situation has largely been resolved and the Australian Chiropractors Association can fairly claim to represent most chiropractors in South Australia. However, there remains a dissident group of the United Chiropractors Association which, unfortunately, is still preventing full unity within the profession. I hope that the passing of this Bill will go some way to solving that problem.

Regarding the construction of a board, I was pleased to see in the Bill that, after the first board had been appointed by the Governor or Minister, four members of that six-person board are to be practising chiropractors elected by registered chiropractors: that is, the total number of registered chiropractors in South Australia and not members of one group or another.

The New South Wales Act, which was recently passed, provides for a nine-member board, and it is specifically stated that two shall be elected by members of the Australian Chiropractors Association and two shall be elected by members of the United Chiropractors Association. This principle is totally wrong. All members of the profession, not only those in associations should elect the board. In my profession as a pharmacist, we have a Pharmacy Board and there is also an organisation of pharmacists known as the Pharmaceutical Society. The election of the Pharmacy Board is done by all registered pharmacists, not only by members of the Pharmaceutical Society, which does not have membership on that board. That is the way it should be.

The Hon. D. H. L. Banfield: They make representations though, don't they?

The Hon. J. A. CARNIE: Yes, they make representations, but members on the board should not specifically be representative of one group or another. Four members of

the board will be practising chiropractors elected by registered chiropractors. The remaining two, to be appointed by the Minister, may or may not be registered chiropractors; no specific requirement is laid down. In New South Wales and Western Australia it is specifically provided that one member of the board shall be a qualified legal practitioner and one shall be a medical practitioner. The South Australian Physiotherapist Board, which is a board of five members, specifies that there shall be one legal practitioner, one medical practitioner, and three practising physiotherapists.

This Bill is totally new legislation, and I am sure that the Minister and members of the profession will be the first to admit that there will be teething troubles in setting up the board and the register, getting the whole system rolling, and solving problems. It would assist the smooth operation of the transitional stages if the board had a legal and a medical representative.

I said earlier that there had been antipathy between the medical profession and chiropractors, and it would go a long way to break down that antipathy if the board had a medical practitioner as a member rather than have this isolation between them. Will the Minister indicate what his intentions are on that point because, if he puts a legal practitioner and a medical practitioner on the board, I will accept it the way it is set out. However, if he says he has no such intention, I will consider moving an amendment.

Finally, I refer to registration. The qualification for registration is provided in the Bill, as follows:

> **19.** (1) Subject to this Act, a person is qualified to be registered as a chiropractor, if—
>
> *(a)* he is of or above th age of eighteen years;
>
> *(b)* he is a fit and proper person to be so registered; and
>
> *(c)* he—
>
> (i) has undertaken a prescribed course of training and has received a diploma, certificate or other academic award for the successful completion of the course;

Can the Minister say what the Government intends as to the course or courses of training to be prescribed under that clause? The second paragraph provides:

> (ii) has at an examination arranged by the board, satisfied the board that he is competent to practise chiropractic in the State;

This covers several things, namely, people coming from overseas with unknown qualifications or untried qualifications, and the board has the power to set an examination to see that that person is competent. The third paragraph causes me some concern, as it provides:

> (iii) applies for registration before the expiration of the period of three months from the commencement of this Act, having, from on or before the first day of February 1979, until the date of his application—
>
> A. practised chiropractic within the State;
>
> B. had his principal place of residence within the State; and
>
> C. derived his income principally from the practice of chiropractic.

Some practising chiropractors have had no formal training but, by virtue of their experience over many years, can certainly perform the functions of a chiropractor quite adequately and safely. Dealing with the people who have been in practice a short time, most would have done training of some sort, which I have no doubt will be acceptable to the board. There have been schools of chiropractors available in Australia for a few years and most people who have set up within the past three years would have had some training. If a person has had no training and no experience, they should not be allowed to practise.

The Hon. D. H. L. Banfield: What's happening now?

The Hon. J. A. CARNIE: They practise in many cases and that is the point I am making. By this Bill we are trying to stamp out undesirable practices and co-ordinate the whole profession into a responsible body which can hold its head up in the medical profession in South Australia. Evidence has come to me that some people who are not trained as chiropractors but who are masseurs naturopaths, acupuncturists, and so on, have been changing their shingles (as the Hon. Mr. Hill calls it) over the past few months to indicate that they are chiropractors.

This is an obvious and a well-orchestrated attempt to beat this Bill. While no-one wants to see a person lose his job or his livelihood by the mere stroke of a pen, Parliament is responsible to ensure that the public is protected. That has been recognised in other States. Chiropractic legislation was enacted in Western Australia in 1964 requiring that a person had been in practice for five years, two of which had to be in Western Australia. The New South Wales legislation was proclaimed in December 1978 requiring that a person had been in practice for an aggregate of four years within the past 10 years. When physiotherapy legislation was enacted in 1945, the requirement was that people had to have been in practice for two out of three years.

All this is for people who did not have training acceptable to the board. I did not go back and research the pharmacy provisions but I believe the requirement was that persons had to be in practice for seven years. There has always been the recognition that, if a person has no proper training, he must have experience. For this reason I intend to move the amendment that is on file, that it will be necessary to have been in practice for three years.

I do not believe that my amendment will affect many people. Most people who have set up practice as a chiropractor within the past three years would have done training of some sort, and I have little doubt that that training would be acceptable to all, including the Government. My amendment is designed to catch people who, I believe, are deliberately setting out to circumvent this legislation. If they believe that they are competent to practise, they still have protection under the Bill, as clause 19 (1) *(c)* (ii) provides:

> . . . (he) has, at an examination arranged by the board, satisfied the board that he is competent to practise chiropractic in this State.

A person always has that let-out. If he believes that he is competent, he can apply to the board for an examination and, if the board finds him competent, even though he may not have had the prescribed training or had been in practice for three years, he could still come under that provision, if he were competent.

Competency is the important thing that we must watch. If we are establishing a new Act we must ensure, at the outset, that only competent people can practise under it. Finally, I hope that this Bill will lead to the formation of a profession of the highest standard of competence and a rigid code of ethics in line with the other medical and paramedical functions in South Australia. I support the Bill.

[Sitting suspended from 5.44 to 7.45 p.m.]

The Hon. M. B. DAWKINS: I support the Bill and am pleased that the Government has introduced it. There have been many areas of disagreement about the value of the chiropractic and there have been varying standards. Possibly, in some cases there have been questionable standards and in some areas practices that have given a

bad name to chiropractors as a group. Some of the more questionable things that have happened in the past have, in considerable measure, been resolved.

I ask the Minister to indicate that a high standard will be prescribed. I ask him to give an assurance that, when the Bill becomes law, as I presume it will, there will not be a lowering of standards in any way. There have been various standards of training, both in Australia and overseas, particularly in America. Some of these standards have been regarded as acceptable and commendable, whilst others have had a big question mark about them. The body that probably is the main body in Australia, namely, the Australian Chiropractic Association, comprises many members who have been trained in America through a four-year course.

Some other members are being trained at the Preston Institute, in Victoria, which I understand is now recognised throughout the world for its chiropractic standards. There also are members of the other organisation, known as the United Chiropractors Association, in which the standards vary greatly. The Hon. Mr. Carnie has referred to the ill feeling that has existed between physiotherapists and chiropractors. I hope that that ill feeling has largely disappeared and that there will be a better understanding between the two branches of what may be called para-medical treatment.

I say that because I have had the privilege of receiving much benefit from competent members of both professions. I am aware, from practical experience, of the assistance that one can get from physiotherapists and from chiropractors. I trust that the Bill will make the situation regarding chiropractors orderly and that that situation will improve as time goes on. I am pleased, as is the Hon. Mr. Carnie, that the board, which will comprise six members, will have on it four persons who are engaged in chiropractic as a means of livelihood.

The PRESIDENT: Order! Earlier today I requested all members who wished to discuss matters with colleagues to be seated near their colleagues when doing so.

The Hon. M. B. DAWKINS: I am pleased that the four registered chiropractors will be elected in accordance with regulations to be promulgated and that they will be registered chiropractors. I am also pleased that the first term of the board will be two years. Often, when a board is first appointed, it is appointed for a term such as "not exceeding two years" and some members are appointed for a very short time so that membership of the board will be staggered. I always have said that a board should be appointed for a specified time in the first instance so that it will have opportunity to establish itself properly.

Reference has been made to clause 19, which deals with qualifications for registration. Again, I underline my request that the standard set be high and that there will not be any question of lowering standards. I agree with most of clause 19, but I wish to move an amendment to add one word. Regarding paragraph *(a)* of subclause (1), I query whether a person of 18 years is fit to do this work. However, I suggest that the word "degree" should be inserted in paragraph *(c)* (i) before the word "diploma". I do that because we are more widely using degrees today and it is likely that most people who graduate as chiropractors in future will receive a degree.

I understand that, at the Preston Institute, there will be a double degree, and that those who have previously undertaken a four-year course in America already have a degree recognised in that country. Whilst I realise that some people may regret the proliferation of degrees that is occurring at present, colleges of advanced education and universities throughout this country and in other places are giving degrees rather than diplomas and, generally, these degrees are for a year or two years of further education from the diplomam stage.

The PRESIDENT: So that I will be consistent with my earlier ruling, I ask the Hon. Mr. Hill to be seated.

The Hon. M. B. DAWKINS: The other point to which I wish to refer is subclause (1) *(c)* (ii) of clause 19. I understand that the words "and approved by the Minister" are proposed to be inserted in that provision. As we are setting up a new board, that suggestion is worthy of consideration.

I refer now to clause 19 (1) *(c)* (iii). The Hon. Mr. Carnie's suggestion, namely, that, rather than providing "on or before the first day of February 1979", we should insert "he has practised chiropractic for a period of three years preceding the commencement date" has merit. This clause appears in other legislation providing for the registration of various groups such as, for example, hairdressers and veterinary surgeons. It is sometimes known as a grandfather clause, so that persons who are practising at the relevant date are admitted.

As much as I regret it in this case, I consider that it involves a continuation of previous practice, in which we have had to admit people who have practised in the same way as we admitted veterinary practitioners who were sometimes known as horse doctors, who certainly did not have a veterinary degree, and who were not Members of the Royal College of Veterinary Surgeons, to use only one example. I regret that in some ways this grandfather clause must be included in the Bill.

The Hon. J. R. Cornwall: They have since died.

The Hon. M. B. DAWKINS: I agree with the honourable member. However, the people who may get in under this clause will in due course pass on to their reward. Nevertheless, this will enable people who are not otherwise qualified to be admitted. As the Hon. Mr. Carnie said, there is probably no doubt that some of these people have become competent and have had practical experience for a number of years. For that reason, they will be admitted under this clause. However, I suggest that there is room for the inclusion of this Bill on the Statute Book. By and large it is a good Bill and, with the reservations that I have expressed, I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention that they have given this Bill. At least they have had plenty of time to consider the registration of chiropractors, as this matter has been mooted for some time. I make clear that the chiropractors themselves are to blame for the delay. Indeed, they have been to see me two or three times. I well remember the last occasion on which they saw me, when they convinced me that they were one united group. I said that I thought they were still disunited. When I asked for how long they had been reunited, I was told that it had been for 20 minutes only. As they had been with me for 1½ hours, I thought I had done some good, their having become united in my office. From then on, we were able to forge ahead. The Government believes that people in chiropractic should be registered, and it has taken the necessary steps to achieve what is now contained in the Bill.

Honourable members have raised several matters, one of which related to the composition of the board. Although I do not wish to say who will be represented thereon, I give an undertaking to the two main associations involved that I will be willing to discuss with them persons who may be suitable for appointment. I consider that that is the best way in which to deal with the matter, rather than our stipulating that each organisation

will have a certain number of members on the board. In that way, we should be able to arrive at a satisfactory conclusion.

I was asked what would be the position regarding the two board members who need not necessarily be chiropractors. In this respect, I give an undertaking that it is intended that one will be a medical practitioner and the other a legal practitioner. Again, I should prefer that this be not provided in the Bill, as in a few years the board may decide that it is competent to continue without the services of either of those two persons. When in the past an attempt was made to put a legal practitioner on another board, all hell broke loose and the appointment could not be made. I therefore give the undertaking to which I have referred.

The Hon. C. M. Hill: Does your undertaking relate only to the first board?

The Hon. D. H. L. BANFIELD: There will still be two vacancies. However, the doctors may decide that their presence is no longer required and that they will resign from the board.

Regarding clause 19, the educational qualifications that the board will in future recognise will be spelt out in the regulations. There is nothing to stop the board's using the accreditation by the Council on Awards in Advanced Education as a measuring stick for the standard of course that it will recognise for registration purposes. Similarly, there is nothing to stop the board from using awards that are recognised by the United States Office of Education as its measuring stick for American courses.

I do not disagree with the Webb committee or my own working party, and I express to the working party my appreciation for the good job that it has done. It realised that this was something new, and the working party has worked hard indeed to achieve what it has achieved.

The provisions of the Bill ought to remain as they now stand, with the details of qualifications being left to regulation. Members in both Houses will have an opportunity to consider the regulations and, if they are not pleased with them, they can disallow them.

Grandfather clauses vary from board to board and from State to State. However, the Government believes that if a chiropractor derives his income principally from chiropractic he should not be put out of business. If the person does not meet the necessary requirements, it will not be long before he will go out of business, anyway, because the public will not support him. If this Bill does not pass and chiropractors are not registered, anyone will be able to start up business today or tomorrow.

We will be in exactly the same position, with people practising who may or may not have any qualifications. The whole purpose of the Bill is to raise the standard. However, at the same time no member of this Council would want to take a person's livelihood away if that person's principal source of income was derived from the practice of chiropractic. Perhaps that person gave up some other occupation when he commenced the practice of chiropractic. He probably spent a considerable sum in setting up a surgery, and we should not deprive him of his livelihood. The cut-off point is 1 February; anyone coming into the profession after that date has to meet the standards set down by the board. The Hon. Mr. Dawkins has suggested that clause 19 (1) *(a)* (i) be amended by inserting "degree" before "diploma". I would not object to such an amendment. I thank honourable members for the confidence that they have placed in the Minister by suggesting that the course should be approved by him. Having answered the main points raised by honourable members, I hope the Bill will have a speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Constitution of the board."

The Hon. J. A. CARNIE: I said earlier that, particularly in the transitional stage, at least one board member should be a legal practitioner and at least one board member should be a medical practitioner. However, following the Minister's assurance that he intends to follow a policy along the lines I suggested, I will not move an amendment. I thank the Minister for his assurance.

The Hon. C. M. HILL: The Minister was asked to consider appointing to the board two chiropractors from one of the major associations, together with two chiropractors from the other major association. That matter was raised to ascertain where the two associations stood. Failing adoption of the course to which I have referred, if the Minister would give a more definite undertaking than that which he gave, I would be happier. All he said, in reply, was that he would be prepared to consult with the associations before he appointed chiropractors to the board. What does that mean? The Minister could have consultations one day, and make his own decisions the next day. That makes a farce of consultations. There is a sound case for the Minister's undertaking that he will, in effect, appoint two chiropractors from one association and two chiropractors from the other association to make up the four chiropractors who comprise four out of the six board members. Strong and sincere representations have been made to me about this matter.

The Hon. D. H. L. BANFIELD (Minister of Health): I am not in a position to give that assurance to the Committee. The membership position as regards either group is not as clear as it might be, because there is dual membership in some areas. It would be unreasonable for me to say that I will appoint two chiropractors from each group. After we take into consideration the dual membership, we may find that one group has a different number of members from the other group, and therefore the two groups should not have equal representation on the board. I appreciate that both organisations look after their members to the best of their ability. I have spoken to members of the profession about the matter. When I told them that I would be prepared to discuss the membership of the board with the various groups, they left my office happy that they would have an opportunity to submit to me a panel of names from which I would be able to choose the membership. The members of the deputation accepted my assurance.

The Hon. J. A. CARNIE: I must speak against what the Hon. Mr. Hill said. When we are setting up any professional board, it should not be seen to represent any particular organisations. To write in a provision that representatives should be elected from the A.C.A. and the U.C.A. would be wrong. There is no provision in the Bill for a specific number of members from one organisation and a specific number from another organisation. A professional body should be representative of all the people in the profession, and I am pleased that this principle is followed here.

The Hon. C. M. HILL: I respect the Hon. Mr. Carnie's view. Members on this side express opposite views from time to time and enjoy the independence that is their privilege. In this first two-year span during what might a be called a trial period (the Minister must be viewing it as such because he has given the term of office of members a shorter period than will apply after the two years), there is some form of experiment involved, and it would be fitting for the profession if the Minister would, for that period only, give an undertaking that the two major associations

have equal representation on the board. As a last plea, I ask the Minister to consider that point.

The Hon. M. B. DAWKINS: I, too, with some regret disagree with the Hon. Mr. Hill, because I believe the Minister should appoint the four people who he considers would be the best qualified people to represent the profession on the board, regardless of whether they belong to the A.C.A. or the U.C.A. With great respect to my colleague I do not think the Minister is being stubborn about this, although I have seen him very stubborn on other occasions. He said we could trust him but, unfortunately, by all accounts, I think we will be able to trust him for all too short a period. I hope he will still be here when this board is appointed and will, in this instance, select the four people whom he considers to be the people best qualified to commence the activities of this board, regardless of whether they belong to the A.C.A. or the U.C.A.

The Hon. D. H. L. BANFIELD: I appreciate the wishes of those concerned. The Hon. Mr. Hill is out of step again. It is not the first time and it will not be the last time. The members of the two associations were quite happy with the set-up.

The C. M. Hill: That's not right.

The Hon. D. H. L. BANFIELD: You weren't at the deputation.

The Hon. C. M. Hill: You're just treating it as a joke.

The Hon. D. H. L. BANFIELD: I am not. Come on, Murray!

The CHAIRMAN: The Minister should refer to the honourable member in the correct way.

The Hon. D. H. L. BANFIELD: If he was fair dinkum, I would. The Hon. Mr. Hill was not at the deputation and he would not have a clue about what went on there. In fact, there was no indication that there was even equal membership between the two bodies. As this agreement was reached with the profession, I do not intend to accept the Hon. Mr. Hill's proposition.

Clause passed.

Clause 8—"Terms and conditions of office."

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

Page 3, line 22—Leave out "not exceeding" and insert "shall be".

I must apologise for the amendment on file in my name. It was very rushed, as I am trying to keep up with the Minister's hasty programme. I made an error in the amendment where it says that "not exceeding" should be replaced by "shall be". Rather than inserting "shall be", I wish to insert "of", and I seek leave to amend my amendment accordingly.

Leave granted; amendment amended.

The Hon. C. M. HILL: For subsequent boards (and I mean boards after the first two-year period) the Minister intends that the term of office of those members should be a period not exceeding three years. I believe that their term of office should be three years. The same matter was raised on another Bill only last week by the Hon. Mr. Burdett. He made the point very well and the Council accepted the point that terms of office up to periods like this indicate unsatisfactory legislation. For example, a Minister could make an appointment for a month or a year, and board members would not know where they stood. Their colleagues on the board would not know whether there was any permanency or continuity in regard to service, and I cannot see why the Minister would have included the words "not exceeding".

As I read the Bill, board members will be appointed by chiropractors, and that is another reason why I should like to see one association representing them to assist with the arrangements for such nominations. If one goes to the trouble of having nominations for the new board, everyone should fully understand that the term of service ought to be three years and ought not to be for such a period that there was uncertainty, possibly unrealistic short service, and so forth. It will be a better law if the Committee accepts this relatively minor amendment.

The Hon. M. B. DAWKINS: I support the amendment. I would have been more concerned if the words "not exceeding" had appeared in clause 8 (1) *(a)*. I referred to this matter in the second reading debate. When first appointed, a board should have a term in which it can settle down. A three-year term would be better than a staggered period. At the expiration of the first period, board members would be elected for the second term.

This Minister has asked us to have confidence in him, but he cannot be held responsible for the length of term of board appointments. On balance, I support the Hon. Mr. Hill's amendment.

The Hon. J. C. BURDETT: I strongly support the amendment. Any staggering of appointments should be in the initial period, as in the Legal Services Commission Act of 1977. The Opposition has had a running battle with the Government in this place about whether boards should be appointed for a fixed period or a period not exceeding a stated time.

The Government always includes the term "not exceeding" and we always seek to amend it to a fixed period. If a board is appointed for a reasonably long fixed period, its members have a measure of independence. If they are appointed for a shorter period, they are dependent upon the Government for reappointment, and lose some of their independence.

The Hon. D. H. L. BANFIELD: I am fully convinced by the Hon. Mr. Hill's argument.

Amendment carried; clause as amended passed.

Clauses 9 to 13 passed.

Clause 14—"Borrowing by board."

The CHAIRMAN: I point out to the Committee that this is a money clause and, as such, is not voted on by the Committee. However, the Council must indicate in the message transmitted to another place that this clause is necessary. Unless any honourable member objects, I intend to indicate to another place that that is the case.

Clause passed.

Clauses 15 to 18 passed.

Clause 19—"Qualifications for registration."

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

Page 6, line 24—Before "diploma" insert "degree,".

I referred to this matter in the second reading debate. Qualifications are generally a degree course undertaken in Victoria, America or elsewhere. The word "degree" is appropriate.

The Hon. D. H. L. BANFIELD: I indicated earlier that I was willing to accept the amendment.

Amendment carried.

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

Page 6, line 26—After "board" insert "and approved by the Minister".

This is the second of three alternatives with which the board will be confronted when it is approached by applicants for registration. In the first case when a prospective registrant approaches the board, there is the alternative that he must undertake a prescribed course of training and receive the degree, diploma or certificate awarded for successful completion of the course. Because of the words "prescribed course" the Government is involved in establishing the standard of training. Therefore, both the Government and the board must approve of the actual examination, the training period and the venue. In the second alternative the Bill gives power to

the board on its own initiative to be satisfied that a person is competent to practise chiropractic in South Australia. The third alternative applies to people in practice prior to the establishment of the Act and, apart from an amendment still on file, there is automatic acceptance of that existing group. As the Government is involved in the first alternative, the Minister or the Government should be involved in the second alternative, which is why I have moved my amendment.

Strong representations have been made to members on this side to the effect that amendments should lay down more specifically the institutions at which study ought to take place, the standards that ought to be reached, and the whole principles of accreditation. However, that involves difficulties and it is rather complex, because the chiropractors and the Government are not absolutely certain of some of this detail, and binding a Government by guidelines might well mean that the Act would have to be amended.

Therefore, I am satisfied not to proceed with the amendments regarding qualification, provided I know that the Government is locked in with the board to ensure high standards. If the Government or the Minister permits standards below those that ought to apply and if the board goes along with those standards, the onus will be on the Government. My view is that the problems to which I have referred will not occur. I have been impressed by the ambitions and high hopes of those who hold office in the chiropractic profession and who hope to continue their role of service as administrator and on behalf of the associations in the profession. Despite the confidence I have in these people on that matter, I try to balance that with the representations that we have received. If the Government is involved with the board, there will be sufficient safety in this important area.

The Hon. D. H. L. BANFIELD: I appreciate the Hon. Mr. Hill's comments, but the examination is only arranged by the board: it is not necessarily set by the board. Further, there would be different examinations for people with varying qualifications. The board may not be satisfied that a man from overseas with various qualifications is qualified in one particular area. Inconvenience could be caused because of delay in getting the Minister's approval for an examination for that applicant at the time.

The applicant will have to meet the standards set by the board, and the members of the board will be in a better position than I will be in to set the type of examination required. If the board sends me a proposed examination paper, I will have to get advice from the people who set the examination. I may even have to refer to the Health Commission, but the commission would not know the applicant's circumstances. I have confidence in the board, and I prefer not to have those words inserted.

The Hon. C. M. HILL: Inconvenience may be caused to the Minister and he may have a problem about to whom he should refer. He may have a report from the board, but his senior officers have an overall knowledge of the matters that come under his portfolio. The provision will be used only in the initial stages. When problems sort themselves out, only the occasional migrant with high qualifications will have to submit to examination by the board. The Minister will have a report from the board after the initial period, but there will be a note in the margin from the officers through whom the report has come.

Either Parliament must lay down more specific guidelines for qualification by naming tertiary institutions and accreditation councils overseas, or the people must be assured that the Government will watch the administration of the Act for the first two or three years. I am suggesting that the second course be adopted. It is less complex, because the tertiary institutions are not developing a continuing practice of education now.

It is still in the experimentation stage. I do not dispute that the standards are high. However, some uncertainties will exist and, rather than write that type of qualification and accreditation into the Bill, surely the Government is willing to accept responsibility regarding this matter so that at least during the first few years of the board's establishment the people of this State will have this assurance.

It is not unreasonable to expect the Government to be a part of this scene, especially in the initial few years, and for it to shoulder its responsibility to the people of this State by watching the situation carefully. Having examined the representation of boards established in other States, I know that the number of chiropractors here will be far greater, in proportion, than applies in other States.

The Hon. B. A. Chatterton: Why do you think that is so?

The Hon. C. M. HILL: It is probably because the Government and I have much confidence in them. However, that is no reason why we should avoid a backstop in case things go wrong. This will cause the Government to supervise the important aspect of qualification for registration.

The Hon. D. H. L. BANFIELD: We have the necessary backstop in relation to clause 19 (1) *(c)* (iii).

The Hon. R. C. DeGaris: But that doesn't apply to the next one, though.

The Hon. D. H. L. BANFIELD: No, but the standard will be set, and the examinations to be arranged by the board will have to be in accordance with that standard.

The Hon. C. M. HILL: No, that is the whole problem: they could avoid subparagraph (i) and say that they will use subparagraph (ii).

The Hon. D. H. L. BANFIELD: Before it registers a man, the board will have to be satisfied that that person meets certain requirements. Are we already passing a vote of no-confidence in a board that does not yet exist?

The Hon. C. M. HILL: I challenge the Minister to deny that, if this Bill passes, it will be possible for the board to take no notice of the prescribed course and simply to say, "We will register every applicant simply by our own examination that we will arrange. We will satisfy ourselves that the applicant is competent to practise chiropractic in South Australia. Here is the registration." The Minister cannot deny that that could happen if the Bill passed.

If I err at all, I like to err on the side of safety, and this Council should not pass legislation under which a board could thumb its nose at the Government and any prescribed course that was set down, saying, "In future, we will examine these people under subparagraph (ii). We will fix our own examination, and to hell with the Government and the Minister. We will register our chiropractors."

The Minister is incorrect in defending his stance by referring to the prescribed course of training, as that could be avoided by an irresponsible board. The Bill should not pass with that possibility inherent in it. The only way in which the Government can have some check on each proposed registrant is for it to become involved in subparagraphs (i) and (ii). It is involved in subparagraph (i) at present because it must prescribe a course, but it is not involved in subparagraph (ii). I do not believe that this was the intention of the Minister, who is the architect of the Bill; I should think that it involves a mix-up in drafting.

A person will have to face up to the prescribed course or to the board's own examination, or he will be able to get in under the grandfather clause. They are the three alternatives. What is the use of our having subparagraph (i) if the board can revert to subparagraph (ii)?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill is asking whether I can give a guarantee that the board will not do certain things. Of course, I cannot do so, because I have confidence in the board. Nor can I guarantee that a future Minister will not be offside with the board. A future Minister could have a grudge against a certain applicant who was sitting for an examination, and might not therefore approve the examination.

The Hon. M. B. Dawkins: But you said that we could trust you.

The Hon. D. H. L. BANFIELD: That is so, but I am referring to any future Minister who may hold office. We will have a six-man board comprising people who want to ensure that the standard is high. The onus is therefore thrown back on one person. The Victorian Act provides that the board will conduct examinations, appoint examiners, approve examinations, and assist in conducting courses of study.

The Hon. C. M. Hill: How many chiropractors are on the board?

The Hon. D. H. L. BANFIELD: There are seven board members.

The Hon. C. M. Hill: But how many chiropractors are on it?

The Hon. D. H. L. BANFIELD: It has two chiropractors and one person qualified in osteopathy.

The Hon. C. M. HILL: If the Minister is not prepared to accept my amendment, I can either put it to a vote or ask the Minister to report progress and consider other amendments which lay down qualifications. It would be better if the Minister accepted the responsibility of approving examinations. After the first two years the Minister might have to sign only one docket every six months. Of course, there would be more examinations in the initial stages. Genuine people who have been in practice but who do not have automatic registration ought to be able to face the board and, by a relatively easy examination, prove to the board whether they are worthy of registration. If the Minister has to approve examinations, it does not follow that he will have tremendous responsibility and that it will take much of his time. It simply indicates to the people of South Australia that the Minister is prepared to oversee the whole process of change during the transitional period. Of the two approaches to which I have referred, the simpler one is my amendment.

Amendment carried.

The Hon. J. A. CARNIE: I move:

> Page 6, lines 32 and 33—Leave out "from on or before the first day of February 1979, until the date of his application" and insert "for the period of three years immediately preceding that commencement".

I canvassed this matter fully during the second reading debate, but it was obvious from the Minister's reply that he missed the point. It has been recognised elsewhere that there needs to be a set standard of either qualification or experience—one or the other. This has been recognised in Western Australia and New South Wales. I am sure that the course conducted in Australia in recent years would be approved by the board under this Bill. Anyone who has been in practice for more than three years has, by experience, qualified himself to practise chiropractic. Some people, of course, should not be allowed to practise if they do not have the relevant standard of competence. Under this Bill, well qualified people will be protected, and we have a responsibility to see that the health of the public is protected.

If people have the degree of competency that they believe makes them qualified to practise chiropractic, this clause is an outlet for them. If the board, by examination, finds that that person is competent, then he can be registered under this Act. I am attempting to provide protection for the qualified and experienced chiropractor as well as for the public, and to prevent untried and inexperienced people practising chiropractic in South Australia.

The Hon. D. H. L. BANFIELD: The Government cannot accept this amendment. If this Bill passes, we will find that people who are already practising on the public without the necessary qualifications will have set up in business. This Bill aims to raise the standard of public health and not to take away a person's livelihood. Untrained people will not survive in business, and the fact that they are registered is no guarantee that they will survive. In future, people coming into the profession will be covered, but the Government does not intend to deprive anyone of his livelihood.

The Hon. J. A. CARNIE: The Minister does not seem to realise that we are dealing with the health of people and, in the time it takes to discover that a person is not competent and goes out of business, he could do much damage to many people. I do not want to take away the livelihood of any person who is properly trained and experienced, but I wish to protect the public from those who are not trained and who are incompetent.

The Hon. M. B. DAWKINS: I support this sensible amendment. If a person does not have proper qualifications he should have enough experience to be competent, and a three-year period is not unreasonable. The Bill refers to people 18 years old, and I am concerned about that age, although we recognise a person of 18 years as being adult. There must be a qualifying period, and I ask the Minister to reconsider the situation.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. C. W. Creedon.

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

Amendment thus carried; clause as amended passed.

Remaining clauses (20 to 38), schedule and title passed.

Bill read a third time and passed.

COMPANIES ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 16 and 21 to 36, and had disagreed to amendments Nos. 17 to 20, and 37 and 38.

Consideration in Committee.

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

> That the Legislative Council do not insist on its amendments Nos. 17 to 20, and 37 and 38, to which the House of Assembly had disagreed.

This matter has been well canvassed, and I ask members not to insist on the amendments.

The Hon. K. T. GRIFFIN: As the amendments have merit and should be included in the Bill to become part of the law of this State, I ask the Committee to insist on the amendments.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. J. E. Dunford. No—The Hon. M. B. Cameron.

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on 28 February, at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, K. T. Griffin, D. H. Laidlaw, and C. J. Sumner.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 7, 9 to 16, 19 to 21, 23 and 24, 28, 33 to 36, and 44, had agreed to amendments Nos. 22 and 26 with amendments and had disagreed to amendments Nos. 1, 8, 17 and 18, 25, 27, 29 to 32, and 37 to 43.

Consideration in Committee.

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 22 be agreed to.

The Hon. J. C. BURDETT: I oppose the motion and suggest that the Committee should insist on its own amendment. The original Council amendment enables the child to be dealt with further in other ways, not only by remand.

Motion negatived.

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 26 be agreed to.

The Hon. J. C. BURDETT: I oppose the motion, mainly because it seems that the most expedient thing for the Council to do is to insist on its amendments. In this matter now before the Committee, this place had in mind that it was at the trial that the child could plead guilty or nor guilty.

Motion negatived.

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

That the Council do not insist on its remaining amendments, to which the House of Assembly had disagreed.

The Hon. J. C. BURDETT: I ask the Committee to insist on its amendments. Most of the amendments made by the Legislative Council to which the House of Assembly has agreed were Government amendments, and most of the major Opposition amendments have been disagreed to by the House of Assembly. For example, we considered that the amendment to the title was important and that the matter was one not only of protection for children but also of protection of the community in dealing with young offenders. Another amendment made by this place dealt with the requirement in the Bill that a decision be made by 5 o'clock on the day after the hearing, while a further important amendment made by the Council was in regard to the power of the press to report.

The Committee divided on the motion:

Ayes (9)—The Hon. F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

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

Pair—Aye—The Hon. D. H. L. Banfield. No—The Hon. M. B. Cameron.

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

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 9.15 a.m. on 28 February, at which it would be represented by the Hons. J. C. Burdett, J. A. Carnie, B. A. Chatterton, M. B. Dawkins, and Anne Levy.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2952.)

Clause 4—"Interpretation."

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

Page 2, before line 1—Insert definition as follows:

"prescribed commodities" means—

(a) wood chips;

(b) wood pulp;

(c) logs;

(d) seedlings; or

(e) seeds:

This amendment is incidental to my main amendment to clause 13. As I said in my second reading speech, I support (and I believe the private sector supports) the creation of a South Australian wood chip authority. However, I am concerned that the powers being sought in this Bill are wider than necessary. I should prefer to see this statutory authority confined to being a specialist statutory authority that is designed to deal with products which are, in the main, as defined in the definition of "prescribed commodities".

The Hon. B. A. CHATTERTON (Minister of Forests): I oppose the amendment, which takes a rather short view of the situation relating to the timber industry. The proposed definition of "prescribed commodities" certainly applies to the two major areas concerned. However, I oppose the amendment because it excludes any opportunity for the industry to get into the export market for timber that is either partially or wholly processed. We have tendered for some export contracts in this area and, bearing in mind the present down-turn in the building industry, we could certainly do with such contracts.

To narrow the matter would be to make a great mistake and, indeed, would preclude us from taking advantage of the opportunity to obtain valuable export markets. There is certainly a need for such markets in South Australia, especially when our mills are not working to full capacity.

If those mills had an opportunity to involve themselves in the export of a wider range of products, it would be advantageous not only to the Woods and Forests Department but also to South Australia.

Although the definition might seem to apply only to the wood side of the industry, if one examines amendments that will be moved later one sees that the prescription of these products into such a narrow range will certainly preclude our entering the market for a consultancy-type product that extended beyond seedlings or seeds. That would be a great mistake, as we have received indications from overseas that they are looking for package deals that involve consultancy and other things related thereto.

Most Middle East countries require irrigation and fencing, but it seems to me that if this narrow prescription is included in the legislation we will be excluded from undertaking those sorts of project and gaining that sort of valuable export income for South Australia. I therefore oppose the amendment in the strongest possible terms.

The Hon. D. H. LAIDLAW: In order to reply to the Minister, I must refer to my amendment to clause 13.

The CHAIRMAN: As the honourable member has explained that he must refer to his amendment to clause 13, I can see no reason why he should not do so.

The Hon. D. H. LAIDLAW: Clause 13 deals with the powers and functions of the corporation, and I will move an amendment thereto to give the corporation power to trade in prescribed commodities.

The amendment also provides for the corporation to hold shares in joint ventures involving trade in prescribed commodities; to acquire undertakings, or interests of any kind in undertakings, carried on outside the State and involving trade in prescribed commodities; or to promote trade in timber, timber products and related commodities. Section 6 of the Western Australian Overseas Projects Authority Act provides:

> (1) Subject to this Part, the functions of the Authority are—
>
> *(a)* to assist Western Australian private organisations to participate in overseas development projects using expertise from Government or expertise and equipment from private organisations, or both, within Western Australia;

Section 7 provides:

> (1) Subject to subsection (2), the Authority shall not engage, whether as a principal or an agent, in the buying or selling of goods.
>
> (2) The authority may, for approved development projects—
>
> *(a)* buy or sell goods to the extent that buying or selling is incidental to the provision by the authority of a technical or advisory service to a Western Australian private organisation or a Western Australian consortium; and
>
> *(b)* buy or sell goods, or otherwise trade in goods, to the extent that those goods are essential to the successful implementation of a development project and cannot otherwise be reasonably provided.

Under the Forestry Act, the Minister has extensive powers. Also, it is possible under the Industries Development Act to deal in shares and to trade overseas. Under existing Acts, the Minister already has power to do all the things to which he has referred. I therefore cannot see how the Minister can object to the restrictive powers provided in my amendment.

The Hon. B. A. CHATTERTON: The honourable member's argument is inconsistent because he says, on the one hand, that we have the powers, anyway, under the Forestry Act, and I agree with that. So, all he is achieving by limiting us under this Bill is to take away the advantages we might get in terms of export development grants and additional borrowing powers. So, he is conducting a futile exercise.

The honourable member also referred to further restrictions on the ability to do something about the export of various timber products and the things referred to in my amendment. The restrictions that he is imposing on us are to stop us from using the things that the corporation can do in developing export markets. My amendments take reasonable account of the fears of the Adelaide timber merchants. We have accommodated their requirement that they do not want the corporation to act in the Adelaide market in competition with them. I cannot accept the honourable member's analogy with the Western Australian authority. That is quite a different situation; it is something *de novo*. Here, we have a situation where there is already a large concern producing commodities and we want to develop markets for them here, in other States, and overseas. All the Bill does is provide a few extra measures to make it possible to obtain additional funds and export incentives to market the products that are already being produced. I therefore oppose the amendment.

The Hon. K. T. GRIFFIN: In principle, I support the amendment. The Hon. Mr. Laidlaw is trying to limit the powers and functions of the corporation to areas in which it will be principally involved. I can see that the Minister is concerned about timber and timber products. I suppose, on further reflection, that they may be appropriate products to include. My principal concern with the Bill, as drafted, was with respect to "related commodities". On reflection, there could be some limited extension to the amendment to cover some of the areas about which the Minister has expressed concern. For the present, I am pleased to support the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): When I first examined this Bill I was not happy with the establishment of a Timber Corporation, but the Minister has given sound reasons why that is the right approach. I am still concerned, however, about the width of the powers and functions in relation to products. The Minister has placed on file an amendment which in some ways limits the corporation's powers and functions, and the Hon. Mr. Laidlaw's amendment restricts those powers and functions still further. There may be good reasons why that amendment is valid, but at this stage I ask the Minister to report progress, so that the amendments can be considered.

The Hon. B. A. CHATTERTON: I am prepared to report progress and seek leave for the Committee to sit again.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1979

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

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

That this Bill be now read a second time.

Its principal object is to clarify and amplify the regulation-making power that was inserted in the Local Government Act in 1978, relating to the parking and standing of vehicles. Over the past months, the regulations for this purpose have been drafted and it has become apparent that certain of the heads of power set out in new section 475a of the Act should be expanded so that all necessary points can be covered by the regulations.

Further consideration has also been given to the

question of who should be liable for parking offences. At the moment the Act provides that the owner of a vehicle is the person presumed to have parked the vehicle contrary to the Act. Difficulty has often been experienced in obtaining convictions, for it is only too easy for the owner to deny the allegations and, in the absence of any other evidence, he is then acquitted. The Bill provides that in every case, the owner and the driver will each be liable for the offence. The regulations will provide a defence for either the owner or the driver in the case where the other of them has been convicted of the offence. Several other evidentiary provisions have been amplified, in view of the difficulties often faced by the prosecution in this area. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement upon a proclaimed day. Clause 3 amends the regulation-making power contained in section 475a. A council may only regulate, restrict or prohibit the parking or standing of vehicles by resolution. A council may create parking spaces as well as areas and zones.

A council may install any device for the collection of parking fees. The regulations will set out the way in which various signs, roadmarkings and other devices will denote or apply to parking areas, etc. The Road Traffic Board will be empowered to make a code of signs and roadmarkings that councils must comply with. The clerk of a council can make provision in any way he thinks fit for denoting temporary control measures. New paragraph *(ja)* provides that the owner and the driver shall each be guilty of an offence where the owner's car is parked contrary to the regulations. Defences may be prescribed by the regulations. The regulations may preserve the areas, zones, parking spaces, etc., that may be in operation at the commencement of the regulations.

Clause 4 deletes a reference to Road Traffic Act regulations, as the signs and roadmarkings to be used by councils will be provided for under the Local Government Act parking regulations. Clause 5 amplifies several evidentiary provisions. Paragraph *(d)* is broadened to include reference to devices other than signs and roadmarkings, and to parking spaces. The so-called "owner onus" provision in subsection (2) is repealed. It is further provided that the prosecution does not have to prove the validity of certain specified council actions. It is made clear that subsection (4) relates to the defendant in any proceedings, and that he cannot tender evidence as to the existence or non-existence of any council resolution. Clause 6 widens the definition of "public place" for the purpose of this Part. It is intended that parking on park lands, etc., should be governed by these regulations, and should not be dealt with by individual council by-laws. The definition of "vehicle" makes it clear that these regulations do not apply to trains or trams.

Clause 7 is consequential upon the amended definition of "public place". The power to make by-laws for the parking of vehicles on park lands, etc., is repealed. Clause 8 provides a solution to a problem that arose out of the two amending Acts of 1978. Section 679 of the principal Act was enacted by the Local Government Act Amendment Act, 1978, in a form that included an incorrect passage. This passage was deleted by the Local Government Act Amendment Act (No. 2), 1978, but unfortunately this latter Act came into operation several months after the first amending Act. This clause provides that the amendment so effected shall be deemed to have come into operation at the same time as the commencement of the first amending Act.

Clause 9 provides that the repeal of a by-law does not affect a resolution passed under the repealed by-law where the substituted by-law has substantially the same provisions as the repealed by-law. Clause 10 provides that the system of expiation under this section may apply to prescribed offences under other Acts. It is provided that a council may accept late payment of an expiation fee upon payment of any legal costs that may have been incurred. Clause 11 provides that proceedings for parking offences must be commenced within one year of the offence being committed. At the moment, such proceedings must be commenced within six months by virtue of the Justices Act provisions. Six months has proved to be too short a period of time.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

Its object is to effect certain amendments that are consequential upon the Local Government Act Amendment Bill (No. 2), 1979. It is proposed to repeal certain sections that deal with the standing of vehicles, and to provide for the same matters in the Road Traffic Act regulations. Some uniformity may then be achieved between the Road Traffic Act regulations and the Local Government Act regulations in relation to parking offences. (The Road Traffic Act regulations of course apply in areas of the State that are not covered by councils.) I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement upon a proclaimed day. Clause 3 repeals three sections of the Act dealing with the standing of vehicles in certain specified places. Clause 4 widens the regulation-making power so as to cover the parking of vehicles as well as the standing of vehicles. It is provided that the owner and the driver of a vehicle parked contrary to the regulations shall each be guilty of an offence. Defences may be prescribed. These two provisions are similar to provisions in the Local Government Act Amendment Bill (No. 2), 1979. The penalty for an offence against the regulations is increased from $100 to $200; a more realistic maximum, and the same amount as is provided for the Local Government Act regulations and by-laws. Prosecutions for parking offences must not be commenced without the approval of the Commissioner of Police. This restriction already applies in relation to parking offences under the Local Government Act regulations.

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

POLICE OFFENCES ACT AMENDMENT BILL, 1979

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

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

That this Bill be now read a second time.

Its object is to effect an amendment that is consequential upon the Local Government Act Amendment Bill (No. 2), 1979. The latter Bill widens the provision dealing with the expiation of offences so as to cover prescribed offences under other Acts than the Local Government Act. The provision in the Police Offences Act dealing with the expiation of local government offences is therefore redundant.

Clause 1 is formal. Clause 2 provides for commencement upon a proclaimed day. Clause 3 repeals section 64 of the Act.

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

MENTAL HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2887.)

The Hon. C. M. HILL: This relatively short Bill deleted references to the administration of the property of mental defectives from the Mental Health Act, 1976-1977. These references were left in the legislation when the original Act was passed in 1976. Such references have now been placed where they should be in the Administration and Probate Act, 1919-1978, and accordingly it is no longer necessary for them to remain in the Mental Health Act. The Bill simply achieves this proper and necessary change, and I support the second reading.

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2888.)

The Hon. C. M. HILL: The purpose of this Bill is to permit the commission to act as an employer for the purpose of awards, orders and industrial agreements as they affect employees of incorporated hospitals. Unfortunately, there are only three incorporated hospitals as present: most of them were supposed to have been incorporated by last July, but the Minister has fallen behind with his programme.

Although the issue involved in this Bill might not be important now, it will clear the position for the future. Under the parent Act terms and conditions are fixed by the commission for employees, and are also approved by the Public Service Board. As the commission has power under the Act to fix the terms and conditions of employees of incorporated hospitals, it is proper that it should act as employer regarding industrial agreements, awards and orders. When Government-subsidised hospitals become incorporated, if they do, individual hospitals that stretch far into the South Australian countryside, will not be able to negotiate agreements with staff, as all that will be done by the commission.

The principle about which I speak and about which the Bill deals makes the Government's claim that autonomy for various hospitals is to be achieved under the commission's arrangements seem ridiculous. Instead of the movement towards autonomy and the opportunity for incorporated boards to employ and fix industrial agreements with their employees, and have those agreements registered with the Arbitration Commission (which would be a sign indicating autonomy) the opposite is being achieved in the Government's processes towards incorporation of hospitals and towards the commission's taking its umbrella control over the whole health and hospital scene in South Australia. That point cannot be overlooked.

I am concerned because I am told that in Government-subsidised country hospitals separate industrial agreements have been made by which hospital secretaries are paid higher than the normal award rates that apply under the commission and the board because services given by hospital secretaries warrant extra remuneration. A spokesman for such hospitals expressed concern about the position of such employees if hospitals decided to accept the incorporation and lose control of secretaries and their employment conditions.

Can the Minister provide further information? Perhaps as the session is almost at a close, he can indicate by letter what will be the position, because I should like to report to the parties with whom I have had discussions. I hope that salary arrangements of secretaries will not alter and that their remuneration is maintained. I hope that the commission and the board in fixing remuneration bear those special circumstances in mind. In country hospitals these secretaries not only do their normal work but also do extra work involving periphery tasks, as the Minister knows because of his country background. The Minister acknowledges that he understands the position. These circumstances should be considered when incorporation occurs, because local boards will no longer be able to negotiate with secretaries and other officers and the same position applies to matrons and other staff. This matter should be considered by the commission.

As the die is cast, these terms and conditions are fixed under the parent Act by the commission, and it seems only reasonable that, for the purposes of new awards and industrial agreements, the commission ought to be in future deemed as the employer. I support the second reading.

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

MOTOR BODY REPAIRS INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2892.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill brings under the control of a board, which has wide-ranging powers, three sections of private industry, namely, motor body repair, the operation of tow-trucks, and private loss assessors. At the end of last year, after a long debate in this Council, we amended the principal Act in relation to tow-truck operators. That Bill was assented to on 14 December, but a few days later the industry was told that soon there would be a total recasting of the law applying to them. There was not much time to find out whether the law that we passed in 1978 would control the industry in this State in a reasonable way.

In past years, complaints have been made to members of Parliament regarding operations, particularly in the tow-truck industry. However, during the past two or three years I have not had any complaints about that, nor have I received any complaints regarding the motor repair or loss assessing industries. The history of this Bill does not inspire me to support it in its entirety. The Government has a habit of hiding behind reports made by committees

that do not necessarily assess all the facts from the community, from those directly affected by legislation, or from those associated with the industry.

For example, the Chairman of the working party appointed by the Government has, on Mr. Virgo's own statement, been promised the chairmanship of the board. Although the Minister had denied this in the Lower House, he later admitted it, after the Chairman, at a meeting, admitted that that was the case. Doubtless, other persons who served on the working party can look forward to appointment to the board. This incestuous position and this incestuous process need to be exposed for what they are worth. A report in today's *News* regarding Sir Robert Mark states:

> Former London Police Commissioner, Sir Robert Mark, has turned down an offer to become the head of Australia's new Federal Police Force.
>
> Sir Robert last year recommended the establishment of the new force after extensive examination of the present system.
>
> The force will be an amalgamation of the Commonwealth Police and the A.C.T. Police and includes a special security division.
>
> Sir Robert is understood to have told the Government that it would be inappropriate for a consultant to be put in charge of a system he recommended.
>
> It is expected he will return to Australia in May to supervise establishment of the new force.

We have seen the report of the working party, and, on the information we have, the same people as were on that working party will be appointed to the board. I take exception to that procedure. Further, Parliament has no information on the report of the steering committee. Also, the industry has stated that it has examined the Bill thoroughly, although we know that the measure has not been before the industry for consideration.

The Executive of the South Australian Automobile Chamber of Commerce has praised the Bill. Indeed, the Executive has been working to get legislation in this area for five years, but the rank and file members, as they are beginning to understand the Bill, are not as impressed as the Executive. Last Friday, yesterday and today I have received almost 200 letters, telegrams, and telephone calls from people who are not happy with provisions of the Bill. It may be claimed that these letters, telegrams and telephone calls have been inspired by a particular group in the industry.

The Hon. J. E. Dunford: And organised.

The Hon. R. C. DeGARIS: And organised. That may be so, but I believe that, when that sort of thing happens, further inquiry into the matter should be made. Therefore, today I gave contingent notice of motion that this matter should be referred to a Select Committee. I believe that, because of the lobbying, letters, telegrams and telephone calls that we have had, that is the right place to which to refer the Bill. I refer also to the terms of reference of the working party, as follows:

> Joint working party for the licensing regulation and control of the tow-truck and smash repair sectors of the motor vehicle industry.
>
> The working party to recommend jointly to the Ministers of Labour and Industry and of Transport proposals for the formation and operation of a licensing Board to regulate and control as necessary the undermentioned sectors:
>
> tow-truck operators;
>
> tow-truck owners;
>
> motor vehicle loss assessors;
>
> crash repair businesses—and paint shops where separate premises. The businesses to include those with and without employees, viz. partnerships and the owner/operator;
>
> The working party is to use as a basis, the recommendations of the reports on the tow-truck and crash repair sectors.
>
> In the determination of its proposals the working party will consider present legislation, powers to be vested in the board and their means for implementation, composition of a licensing board, and standards to apply for the issue of licences.

The terms of reference, together with the Minister's promise about who will be serving on the board, takes the point a step further. Much can be said about this Bill but, as I have indicated, I will be moving to have it referred to a Select Committee tomorrow and I do not think I should speak at any length on it now.

However, I should like to examine parts of the measure. First, regarding the relationship of the working party with the insurance industry, as far back as November 1976 the Insurance Council, which covers the vast majority of insurers in South Australia, wrote to the Minister of Transport and the Minister of Labour and Industry stating that the council would welcome an invitation to serve on the working party. When a working party is appointed in a field like this, surely the Insurance Council of Australia should have been represented on it. The reply to that letter is dated 4 March 1977, and states:

> A working party to recommend details of the licensing board proposed to control the sectors of crash repair, tow-trucks and motor vehicle insurance assessors has recently been formed. The decision to introduce licensing for these sectors of the motor vehicle industry was made after the Ministers of Labour and Industry and of Transport had received the reports of two earlier working parties, acting independently, who made a study of the existing conditions and submitted recommendations which have been accepted. This joint committee now formed has the task of defining the kind of licensing system that is necessary to regulate and control where necessary the crash repair and tow-truck operations . . . It will be appreciated if your written reply could be made to the undersigned by 8 April 1977.

That was a matter of only four weeks. The letter to which I have referred was the reply received to the request to serve on the working party. One would have thought that in an industry such as this those who had a major interest would be on the working party. The Insurance Council of Australia has certain views regarding the matters covered by the Bill. I will now read to the Council its views on the licensing of motor vehicle loss assessors, as follows:

> I.C.A. considers that having separate boards, one to control investigators (Commercial and Private Agents Board) and the board now proposed to license motor vehicle material damage assessors can only result in increased costs to the motoring public.
>
> It seems unreasonable that an assessor involved in a motor vehicle claim should have to be licensed by one authority to enable him to investigate the cause of the accident and by another authority to appraise the damage. In the interest of minimising costs, both to the Government and the motorist, we believe that the Commercial and Private Agents Act should be amended so that assessors currently licensed under that Act can have their licences extended to include the assessment of motor vehicle damage repair costs.

Regarding the composition of the board, the council states:

> We believe that the board should be drawn from representatives of the sectors involved in the crash repair industry together with a Government representative and at least two representatives of the insurance industry, one to be nominated by the State Government Insurance Commission and one nominated by private insurers.

There is no question in my mind that the Bill provides for

one representative from the insurance industry and that that person will come from the State Government Insurance Commission. This seems once again to indicate that the Insurance Council of Australia and those associated with it were deliberately ignored in the discussions on this Bill.

Dealing with the matter of loss assessors, I remember in 1971 or 1972 when the Private and Commercial Agents Bill was before the Council that certain undertakings were given that loss assessors would be licensed under their own legislation. I do not wish to read all the matters relating to this. However, I can perhaps report what the Hon. Mr. Casey said following the conference on that Bill, as follows:

> The main topic dealt with by the conference was whether loss assessors should be licensed. The attitude of the managers from both Houses was such that their viewpoints were thoroughly debated, and there was give and take on both sides. At the conference the Attorney-General undertook to recommend to Cabinet that action be initiated with the object of ultimately passing a special Bill to deal with the licensing and regulation and status of loss assessors, at which time the provisions of this Bill would cease to apply to loss assessors.

So, the Bill was passed. However, the Bill to which the Hon. Mr. Casey referred, when he reported on what the Attorney-General had said at the conference, has never been introduced in the Council. The best approach on this matter is to follow the recommendation of the conference held at that time.

The working party's report is available to members, although no-one has yet seen the steering committee's report. If one bears in mind that we do not have that information, that the Chairman and members of the working party have been promised positions on the board, and that there is a fair variation between the working party's report and the Bill, one realises that the working party's terms of reference reduce this whole matter to no more than a Gilbertian farce.

I now refer to the brainwashing techniques that have been used in the presentation of this Bill. The Minister of Transport was recently reported in the *Advertiser* as stating that 95 per cent of the industry affected by this Bill supported the proposed legislation. However, I do not know of one of the 150 loss assessors who support the Bill. In the crash repair section, I know of a large number that opposes the Bill, although I do not know how many are in favour of it. I do know, however, that the 95 per cent figure does not apply to the crash repair side of the industry.

The Hon. J. E. Dunford: You've always stuck to the Chamber of Commerce figures for four years that I know of. Are you now saying that they're wrong in the press release?

The Hon. R. C. DeGARIS: I am referring to a statement made by the Minister of Transport, who said that 95 per cent of the industry affected by the Bill supported the proposed legislation. I am saying what I know myself, namely, that I do not know of one of the 150 loss assessors who supports the Bill. I certainly know that neither 95 per cent of the crash repair industry nor 95 per cent of tow-truck operators supports it.

Perhaps the Minister had better define what he means by "the industry". Perhaps if we knew that we might see that the Minister was correct in his claim of 95 per cent. However, I know from what has happened in the past few days that 95 per cent of the industry that is affected by the Bill does not support it.

The Hon. T. M. Casey: What percentage did you hear?

The Hon. R. C. DeGARIS: I am not making any rash claims. I am merely saying that the Minister's claim of 95 per cent cannot be correct.

The Hon. T. M. Casey: What's your figure?

The Hon. R. C. DeGARIS: I do not have one.

The Hon. T. M. Casey: Then how do you know that his figure is wrong?

The Hon. R. C. DeGARIS: I know that more than 95 per cent opposes it.

The Hon. T. M. Casey: You give me the figure.

The Hon. R. C. DeGARIS: I am not a fool like Mr. Virgo, who snaps figures out of the air.

The Hon. J. E. Dunford: Will you give way? Will you agree with the figure of 80 per cent to which Mr. Bennett referred?

The Hon. R. C. DeGARIS: I do not know what percentage is affected. However, I do know that no private loss assessors support it.

The Hon. T. M. Casey: Is that right?

The Hon. R. C. DeGARIS: Yes, it is.

The Hon. T. M. Casey: How long ago did you check that figure?

The Hon. R. C. DeGARIS: I was told by the association.

The Hon. N. K. Foster: Which association?

The Hon. R. C. DeGARIS: The Loss Assessors Association, which, I might add, has received its Royal Charter. The association told me that not one person who belongs to that group supports the legislation.

The Hon. T. M. Casey: When were you told that?

The Hon. R. C. DeGARIS: I was told a week ago.

The Hon. T. M. Casey: I think you're out of date; they might have changed their minds.

The Hon. R. C. DeGARIS: The Minister of Lands always tries to drag red herrings across the trail. I am merely saying that Mr. Virgo's statement is not accurate. Honourable members will recall that, on the Hotels Commission Bill, the Government said that the industry was unanimous in its support of the Bill, until it took three members of Parliament to find out the truth when a meeting was called. The result was unanimous opposition to the Bill.

The Hon. N. K. Foster: That's not quite true.

The Hon. R. C. DeGARIS: It is true.

The Hon. N. K. Foster: That's a damn lie, and you know it.

The Hon. R. C. DeGARIS: The Government said that the industry was unanimous in its support of the Hotels Commission Bill. The executive of the Australian Hotels Association was unanimous but, when the hotel and motel owners understood what was happening, they called a meeting and found that members of the association were unanimous in their opposition to the Bill.

The technique behind this Bill is a technique that the Government has often used to brainwash the people of South Australia and to brainwash Parliament. I suggest that the Government leave this Bill alone, so that a Select Committee can investigate it and take evidence from people affected. Then, honourable members can complete their consideration of the Bill next session.

The Hon. J. E. Dunford: Are you referring to a Select Committee of another place?

The Hon. R. C. DeGARIS: I am referring to a Select Committee of this Council.

The Hon. J. E. Dunford: This Council is not the Government.

The Hon. R. C. DeGARIS: I have never believed that this Council is the Government. If the honourable member reads Standing Orders he will find that this Council can refer a Bill to a Select Committee. Often, after matters have been referred to a Select Committee of

this Council, the Government has agreed with the Select Committee's report.

The Hon. T. M. Casey: Don't be ridiculous.

The Hon. R. C. DeGARIS: The Minister of Forests agreed with the report of the Select Committee on the Forestry Bill. Hundreds of people have contacted me in the last three or four days who are totally opposed to this Bill. It should therefore be referred to a Select Committee—not to a working party with terms of reference that predetermine the answer, with the promise that people on a working party will be given positions on the board. How far can this State go in unnecessary regulation of industry? Every time the Government steps into an industry, the customer pays more. The public is beginning to become aware that many of the Government's regulations are costing more and more money. The Bill provides that one member of the board shall be from the R.A.A., one from a union, one from the South Australian Automobile Chamber of Commerce, one from the insurance industry (he is sure to be from the S.G.I.C.), and three members shall be appointed by the Minister, one of whom shall be Chairman. Will this be a fair cross-section of the industry that is to be controlled and hogtied by the board? No! It is a Government board, and it will be controlled by the Government. Promises have been made as to who will serve on the board.

The Hon. J. E. Dunford: You left out the motor repair industry.

The Hon. R. C. DeGARIS: No-one from the motor repair industry is to go on the board. The honourable member may now realise that what I have said is correct. It is not a board that will cover the interests of the industry that is to be controlled. I am concerned about the power that will be given to the board to require industry standards, particularly in equipment. The board could carry on a vendetta against certain people in the industry. I think we know from what we have heard that that will happen. There is little avenue for appeal against board decisions. More than 200 people have contacted me since last Friday expressing concern about the Bill. I do not necessarily oppose it but, when there is that sort of opposition, at least this Council should give those people the right to put their case to a Select Committee.

The Hon. J. E. Dunford: You said there would be a vendetta against the industry. Give examples.

The Hon. R. C. DeGARIS: I have already referred to the South Australian Hotels Commission Bill. In connection with S.G.I.C., promises were made that certain things would be done, but they have not been done.

The Hon. T. M. Casey: You opposed the S.G.I.C. Bill.

The PRESIDENT: Order! Other honourable members will have an opportunity to speak.

The Hon. R. C. DeGARIS: There is a clear warning that the 95 per cent support claimed by the Minister is incorrect.

The Hon. T. M. Casey: What percentage is correct?

The Hon. R. C. DeGARIS: I do not know.

The Hon. T. M. Casey: If you cannot come up with a figure to dispute what the Minister said, your argument does not hold water.

The Hon. R. C. DeGARIS: I know, from approaches made to me, that the Minister's figure of 95 per cent cannot be correct. I have said that 150 loss assessors are not in favour; 200 people in the crash repair industry are not in favour; and at least 100 people in the tow-truck industry are not in favour. If the Minister's figure is correct, there must be a vast number of people in the three industries. Therefore, his figure cannot be correct.

The Hon. T. M. Casey: What percentage do you put on it?

The Hon. R. C. DeGARIS: I do not know, but a Select Committee will find that out, and then we will be able to answer the Minister accurately and not quote something out of the air by the Hon. Mr. Virgo.

The Hon. T. M. Casey: You have just quoted figures from the crash repair people and assessors: What percentage do you gather, from those figures, would be appropriate?

The Hon. R. C. DeGARIS: There is at least 20 per cent opposed; there may be more. There is 100 per cent in one industry, and 40 per cent in another industry, and 40 per cent in another. I am certain that at least 20 per cent of the people involved in the industry are opposed to this Bill.

The Hon. J. E. Dunford: The whole of the Bill or part of it?

The Hon. R. C. DeGARIS: The whole Bill. I can deal with many other aspects in this Bill but, as I have given contingent notice of motion to refer it to a Select Committee, it would not be reasonable at this stage to argue them in depth. I do not object to the Government's setting up certain standards for an industry but, because of the strong feeling that has been generated in this field, the Bill should be subjected to the closest possible scrutiny. It has been said that, if the Bill does not go through urgently, the industry will be in chaos. I cannot accept that as a reasonable proposition. We passed amendments to the tow-truck industry legislation in November, and it was proclaimed on 14 December, yet this new legislation was publicly announced on 20 December. The correct approach is that this Bill should be investigated thoroughly by a Select Committee to assess the facts from a maze of information coming from two sides, some saying that the Bill is required in its entirety and others saying that the Bill should go out. I do not oppose the second reading but, contingently on the Bill being read a second time, I will move that it be referred to a Select Committee.

The Hon. N. K. FOSTER: I draw the Leader's attention to a few facts which, although perhaps somewhat extraneous, should be replied to before he leaves the Chamber. The working party, he says, is incestuous, from the point of view of who shall chair the board at some later date and who shall be its members. The Leader says this is quite outrageous. Has he heard of Mr. Justice Fox? Is he aware that this man was appointed to undertake a search and inquiry and now has a roving commission throughout the world, having participated in that initial inquiry?

The Hon. C. M. Hill: What's that got to do with the Bill?

The Hon. N. K. FOSTER: The Leader was making a strong criticism so he thought, of the Minister and the Government based quite falsely on the fact that Mr. Lean, who had something to do with the committee, having in fact chaired it, could occupy a similar position later on, when the legislation is passed. The Hon. Mr. DeGaris has cleared himself out of this Chamber, but—

The Hon. C. M. Hill: To do some Parliamentary work.

The Hon. N. K. FOSTER: He delayed this Bill, because he wanted to watch himself on television half an hour ago.

The Hon. C. M. HILL: I rise on a point of order. That is a reflection on the Hon. Mr. DeGaris.

The Hon. N. K. Foster: It is not.

The PRESIDENT: Order!

The Hon. C. M. HILL: He accused the Hon. Mr. DeGaris of clearing out of the Chamber.

The PRESIDENT: I do not uphold the point of order.

The Hon. N. K. FOSTER: On his own admission, he wanted to watch a programme on which he was appearing.

The Hon. C. M. HILL: I rise on a further point of order. The Hon. Mr. DeGaris has left the Chamber because the Minister of Agriculture wants him in the interviewing

room with the head of the Woods and Forests Department, along with two other honourable members, in order to confer on the South Australian Timber Corporation Bill.

The PRESIDENT: I accept that as an explanation.

The Hon. N. K. FOSTER: I was referring to when this measure was adjourned on motion and the Mental Health Act Amendment Bill came on because the Leader of the Opposition was not in the Council, and he was not, at that time, with the Minister of Agriculture. He was watching the programme—

The PRESIDENT: Order! I will give the Hon. Mr. Foster all the protection I can, but he must remain within the confines of this debate.

The Hon. N. K. FOSTER: Thank you, Mr. President. An industrial inquiry was set up in 1965, headed by Mr. Justice Woodward, who continued to head subsequent inquiries in that industry for almost eight years. So much for the Leader's allegation that the Government is being under-handed! He says that almost every board the Government sets up is loaded with people who are servants of the Government. I draw the Council's attention to the report of the North Adelaide Plains Water Resources Advisory Committee. We were accused of putting members on it who were members of the Labor Party, but Mr. Don Baker and other listed there are members of the Liberal Party. I inform the Council that the percentage of loss assessors is not quite as the Leader put it.

There are 151 loss assessors registered with the Commercial and Private Agents Board. There are at least two associations who tend to the needs of assessors, namely, Motor Vehicle Assessors Institute, which apparently has about 40 members, although a membership list of November 1978 showed there were 27 members; and the Chartered Institute of Loss Adjusters of Australia, which apparently has about 50 members. The M.V.A.I. basically caters for assessors employed solely on assessing claims on motor vehicles and are employees of insurance companies. This group is not licensed or controlled in any way, as section 6 *(g)* of the Commercial and Private Agents Act excludes them from licensing.

The Chartered Institute members are mainly independent assessors and, in actual fact, membership is unobtainable if the business and, presumably, the individual does 50 per cent or more in assessing motor vehicle damage. The stated membership figures indicate that approximately one-third or 50, loss assessors licensed with the Commercial and Private Agents Board are not members of either of the said associations. Discussion with a loss assessor who is a member of both associations and who states he has had an association with the motor industry for 40 years, indicated that one-third, as referred to, most probably or possibly do not have the necessary qualifications to gain membership.

Discussion with Mr. Howard M. Cowan, and Mr. Lloyd Kedding, Chairman and Secretary, respectively of M.V.A.I., indicated that the assessor was "the hub" of the motor body repair industry and, accordingly, had the final say in most matters. A meeting was held with M.V.A.I. on 27 October 1978 at which Mr. W. C. Lean, Chairman of the steering committee, frankly discussed the proposals and recommendations of the committee. There were 25 of the then 27 members of M.V.A.I. present. Other meetings have been held with the following present: M.V.A.I., Chartered Institute of Loss Adjusters of Australia, represented by Mr. Richard Knight; and the Insurance Council of Australia, represented by Mr. Gerry Hinton and Mr. John Griffiths, who have stated that the representation of the insurance industry by Mr. Richard Daniell on the steering committee was acceptable to them.

The wording of Part V (Motor Vehicle Loss Assessing) has, in the main, been lifted direct from the Commercial and Private Agents Act. It is intended to amend, by proclamation, the Commercial and Private Agents Act to exempt loss assessors from the provisions of the said Act whilst assessing for any purpose the cost of repairs to any motor vehicle. The explanation of clauses submitted by Parliamentary Counsel is self-explanatory, clauses 73 to 87 inclusive apply. Further, it is not the intention to exclude any person who is currently carrying on the business of a loss assessor from continuing on in the business, and clause 77 is quite explicit on this point, irrespective of whether they are currently licensed under the Commercial and Private Agents Act or not. With reference to clause 87, namely, the making of rules by the board, it is envisaged that the loss assessing industry will be represented on the subcommittee which draws up these rules for tabling in the Council.

That is hardly in conformity with the Leader's claims, which he made in seeking to mislead the Council. The Leader referred to the withdrawal of the Hotels Association Bill to cloud the issue. However, in private discussion with me this morning he agreed that the document headed "Blueprint for Australia's Tourist Industry" published by the executive body of the organisation concerned, is the type of document that should be looked at by Parliament when seeking to inform itself on matters of concern. If he is willing to accept such a document on the tourist industry, why he is unwilling to accept a similar document regarding the Automobile Chamber of Commerce in South Australia?

He suggests that the R.A.A. should hold a plebiscite of its members about this Bill. That is not possible because the association's rules do not provide for it. I intend to refer to the rules of the tow-truck organisation, whose advisers seem to be, although well intentioned, somewhat wide of the mark in their crude attempt at drawing up a constitution and rules.

Regarding what was said by the Hotels Association, an understanding was reached at a general meeting concerning the Bill, allowing the association's executive to discuss matters concerning the industry with Government members and departmental heads. Because of false press publicity, it was decided that we should withdraw the Bill.

The Hon. C. M. Hill: What about—

The Hon. N. K. FOSTER: The Hon. Mr. Hill understands me fully. The industry in which he is involved always voices its opinions through the executive bodies and not through the rank-and-file membership. The power to act between meetings is vested in certain areas at executive level. If Parliament is not sitting, power is given to Cabinet and Executive Council, and the principal complainant in this matter seeks to do much the same thing. The Opposition has tried almost to intimidate officers of the R.A.A. by continual telephone calls, telling lies and misrepresenting—

The Hon. C. M. Hill: What lies? Give us an example of a lie?

The Hon. N. K. FOSTER: The Hon. Mr. Hill is pointing the finger, and the liar may well be behind it.

The Hon. C. M. HILL: On a point of order, Mr. President. The honourable member has called me a liar, claiming that I am an example of the liar to whom he has referred. I have not been in touch with the R.A.A.; I have not telephoned it once. If the honourable member cannot back up these ridiculous statements he ought to sit down.

The PRESIDENT: The Hon. Mr. Foster.

The Hon. N. K. FOSTER: Anyone who buys 785 copies

of an Adelaide newspaper so as to influence a newspaper plebiscite—

The PRESIDENT: Order! The honourable member has had a fairly good run in regard to getting away from the subject matter.

The Hon. N. K. FOSTER: On Monday 12 February 1979 the following motion was moved by the Executive of the South Australian Automobile Chamber of Commerce:

> In general terms there is a need for control for the towing industry and the crash repair industry and unless alternative solutions can be found the answer must lie in Government legislation and this chamber supports in principle the Government's pending legislation.

That decision was conveyed to meetings in Adelaide, one of which was held in the Olympic Hall, which is near the Hon. Mr. Hill's business premises. My information is that the honourable member was not at the meeting, but a Mr. DeGaris was there, and he stood up and said something like this:

> The Government will legislate you out of business. Through the State Government Insurance Commission, it is going to buy 48 tow-trucks and take over repair shops. One shop is in St. Peters and another in St. Marys. You need protection from this, and only the Liberal Party can give that.

When I spoke to the Hon. Mr. DeGaris, his words were, "I did not take any money on the stage: I directed them to Greenhill Road." They did not go to the church on Greenhill Road: they went to that brigadier, and he took the money in cold blood. For blatant political purposes, the Leader of the Opposition is prepared to stoop so low that he preys on a group of people that is concerned about the industry. He does that by feeding them a false conception of what is in the Bill. The honourable member took money from the industry whether it was one cent or $40 000, under blatant false pretences. There is almost a competition about how much some members of that industry have put into Liberal Party coffers.

The Hon. C. M. Hill: As voluntary donations. I don't know that it even happened.

The Hon. N. K. FOSTER: You abuse us because trade unions make donations to a political Party. Have the courage of your convictions. If you get money from these people, say so. I have the constitution of the Tow-Truck Operators and Owners Association of South Australia. I am not critical of how this constitution has been drawn up, because obviously the people have sought advice. I will read the document to the Council to show some of the false allegations that have been made about the Bill. The document states:

> (i) If a member shall have refused or neglected to comply with this constitution or shall have acted in a manner which is contrary to the interests of the tow-truck industry in South Australia, the committee shall have the power to fine or expel such member. Any member so liable to be fined or expelled shall be given notice at least one week before the meeting of the committee dealing with the matter and he shall at such meeting have an opportunity of giving orally or in writing any explanation or defence he may think fit. A member expelled under this rule shall forfeit all right in and claim upon the association and its property. A notice under this rule shall be held to have been duly given if sent by prepaid post to the address of the member appearing in the association books. Failure to pay fines imposed in accordance with this rule shall be deemed to be a refusal to comply with this constitution.
>
> Committee:
>
> *(a)* The committee shall comprise a chairman, vice-chairman, spokesman, vice-spokesman, treasurer, vice-treasurer, secretary and such number of ordinary committee members as shall be determined by the committee from time to time.

The Hon. Mr. DeGaris does not acquaint himself with the constitution drawn up by the 200 people who went to hear his report. The dominant personnel are those who elect themselves to the committee. The document also states:

> *(b)* The existing committee members of the association shall hold office from the incorporation of the association until the next annual general meeting of the association held at least two years from the date of incorporation.
>
> *(c)* A committee member shall retire at the next annual general meeting held not less than two years after his election. A retiring committee member shall be eligible for re-election.
>
> *(d)* The secretary shall keep a register of members, minutes of proceedings of the committee and of general meetings and such other records as the committee may from time to time direct.
>
> *(e)* In the case of any casual vacancy in any of the offices of the committee, the committee may appoint one of themselves or some other member of the association to take up such office until the next annual general meeting.

Paragraph *(f)*, which is a beauty, provides:

> The committee shall manage the affairs of the association in accordance with this constitution and shall define the duties of the officers of the committee who shall in all respects be subject to the control of the committee. The committee shall have the power to appropriate the funds of the association in such manner as it thinks fit.

In no way could such a provision appear in any trade union or association document and be registered by the courts. This committee has undoubtedly taken the matters upon itself and has not consulted its members. In the interests of their section of the industry, those involved could have been given much better advice. Paragraph *(g)* on page 4 of the document states:

> Prior to incorporation, the constitution of the association shall be determined by the committee but, following incorporation, any amendment to the constitution shall be made only by a vote of 75 per cent of the members attending and voting at a general meeting of the association. The Chairman retains the right to veto any amendments.

I ask the Hon. Mr. Burdett, the shadow Attorney-General, who would not have a bar of this sort of provision in any constitution, to take note of this. Although I am not a lawyer, I have had much to do for many years with trade unions and have appeared in court in relation to such matters. In no way could I express an opinion or advise people on such a matter. Liberal members opposite would support such a provision and, at the same time, condemn the rights of an executive body that represents thousands of people. I see that the Hon. Mr. Griffin is smiling. He probably shudders at the thought that he will have to contribute to this debate later, having spoken for over three hours recently on the companies legislation. Paragraph *(h)* of the document states:

> Meetings of the committee may be convened by any officer or any two committee members not being officers. Six committee members shall constitute a quorum. If votes be equal the vote of the Chairman shall count as two votes.

So, I suggest that the more unscrupulous people in the trade union movement (not to mention the politicians that one cannot trust) would certainly grin with delight if they had this sort of provision in their rules. Paragraph (5), which is a beauty and of which I ask the Hon. Mr. Griffin to take particular note, is as follows:

> An annual general meeting of the association shall be held

on some day during the month of August in each year to be determined by the committee.

That does not mean each year; it means that a meeting will be held in each year determined by the committee, what ever year that may be. This is the type of thing that the Hon. Mr. DeGaris, the greatest of bush lawyers, supports. He does so because he supports the author of it.

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

The Hon. N. K. FOSTER: Members opposite have not got a feather with which to fly: the feral cats have got hold of them all. I do not think any committee could determine the year on which it will meet. However, that is enough of that matter. Paragraph *(a)* of the document, under the heading "General Meetings", continues as follows:

The business at such meeting shall be the election of the officers and the committee and the passing of accounts and any other business for which notice shall have been given to the secretary within one month preceding such meeting.

The poor cow who wants to give a month's notice will not, of course, know when a meeting will be held, so the situation will be impossible for him. I put it to members opposite that the matters that are of concern to everyone in this respect are better left in the Bill. Regarding the removal of committee members the document states:

A committee member (including the Chairman) may only be removed from office by a resolution of a majority of the committee, which resolution has been proposed by the Chairman.

I ask the Hon. Mr. Griffin, who is a practising lawyer, to show me any documents written in the past 50 years that contain such a clause that gives absolute power to a Chairman.

The men in the tow-truck industry have been so misled that they could defend their industry by trying, in some small way, to draw up a constitution that their advisers thought could involve the deletion from the Bill of certain items, which could perhaps be couched in different terms. An addendum of the Tow-Truck Operators and Owners Association of South Australia states:

Underlined are some of the rules applicable to association members which were voted in at the last general meeting or which were introduced under the power of the committee through recommendation.

The addendum also states:

Identification cards upon whose picture there is a yellow background shall be considered an honorary member who is not the holder of a tow-truck certificate but is eligible to the privileges outlined in the constitution.

This should remind honourable members opposite that inherent in the constitution are rights for people other than for members. The following is the alarming portion of the addendum:

All drivers are to cease soliciting from a person for the tow or repairs at the scene of an accident the moment that person nominated the tow-truck operator of their choice.

The Hon. Mr. Dawkins should note that point. It is designed to protect the industry and the rights of the injured person. I point out to the Hon. Mr. Griffin that there could be a whole bevy of drivers pestering hell out of a person to tow away his vehicle. It is only when a person who has been unconscious rises momentarily from his slumber and says, "Take away my car," that they all take off. Prior to that, they can haggle for perhaps half an hour until the fellow comes to. That provision is dangerous, and it is an admission of a problem in the industry. The people who put it there were hoodwinked.

The provision that I have quoted is a denial of an individual's rights, but members opposite support it and they criticise the Minister. All this information was available to the people who made representations to the Liberal Party. When it was given to them, they backed off, with the exception of two people. I made every endeavour to point this out to the people in the industry who were the authors of this material, but they did not avail themselves of the opportunity. I regret that. I make no accusations against any individual other than those who put their names to the letter. The Liberals stand accused of rotten behaviour. If that is the way they represent the community, I hate to think about what they would do if they offered advice to the Mothers and Babies Health Association. Members opposite are a disgrace. I do not know whether any member of the industry is expected to know the provisions of section 45 *(d)* of the Trade Practices Act. The addendum also states:

The association will not recognise any member of our industries who is not a financial member of this association and further will not recognise their claims, avail them of our benefits, employ them in association companies, or be held responsible for their actions as a member of our industry.

Is that not compulsion, about which Mr. Dean Brown rants and raves at every opportunity? He misconstrues every word of the Minister of Labour and Industry. Is that what the Hon. Mr. Laidlaw would support in an establishment in which he has a direct interest? He would not have a bar of it. He seeks to prosecute trade unions almost day in and day out. It does not do me any honour to be here tearing the Opposition's guts out. Instead of giving water-tight advice, members opposite mislead people. The actions of Liberal Party members are almost treasonable, and they ought to be ashamed of themselves. The addendum continues:

A copy of the amended legislation will be forwarded to all financial members as soon as it becomes available within the near future so that each member is aware of the Motor Vehicles Act that we will now have to work under.

A newsletter will be started and forwarded within the near future and will be continued on a regular basis. We are pleased to advise so far that we have been extremely successful in removing some of the more serious parts of the legislation. We will advise you of this as soon as we have prepared the first newsletter.

May I take great pleasure on behalf of the committee in welcoming you in as a member of this association and ask that you co-operate in every respect for the benefit of your chosen livelihood.

I feel apprehensive about the signatories. I do not blame them: I blame members opposite. I say this seriously, Mr. President, because of your position here and because of the suggestion that this Bill be referred to a Select Committee. The burden of responsibility falls more heavily on you, Mr. President, than it does on any other member. Anything I have said and any quotation I have made will readily be made available to you to enable you to make up your mind. Those in the industry ought to be advised that it is not too late for those who have been advising people in the industry to make amends. The door is still open for the expression of viewpoints by anyone in the industry.

I say that, without being advised as to whether the Minister, a departmental officer, or Mr. Lean would be available. I add that the criticism that has been aimed at Mr. Lean in regard to this matter is quite wrong. There was no condemnation by the member for Alexandra, when the same gentleman undertook a most onerous task in the industrial field in regard to the A.W.U. dispute on Kangaroo Island, and he was required to settle that dispute, which looked like disrupting the commerce of the State. He did it fairly, and should be commended. It is not right that a man of that capability, knowledge, and understanding should have his advice retarded by the

action of members opposite. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

In Committee.

(Continued from 20 February. Page 2740.)

Clause 4—"Officers for administration of this Act."

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

Page 1, after line 21—Insert the following subsection:

(1a) A person is not qualified for appointment as Registrar-General unless he has had at least ten years experience—

(a) as an officer in the Lands Titles Registration Office; or

(b) in the adminstration of the laws of some other State, territory or country relating to the registration of titles to land.

The object of this amendment is to ensure that a person who is given this role is an experienced officer either within that department or within a comparable department elsewhere. The officer is, in some resects, unique. When one examines the whole structure within the Public Service, it is a specific and specialised role and not only does the incumbent require certain academic qualifications (and I point out that it has been the custom, not only in South Australia but certainly in London and elsewhere in the world), such as a law degree, but also some other public administration qualifications. Apart from that, there is a need for the officer to be thoroughly conversant with the practices of the department that have evolved within it over a long time.

To the best of my knowledge the present Registrar-General and the former Registrars-General (going back to the era of Mr. Aubrey Jessup) had long experience within the department. It is essential that that precedent continues for the best working of the office. Great change is about to be implemented because a large computer has been installed and registrations will be programmed into it. The Government may be tempted to turn to computer experts with no background knowledge of conveyancing and real property work, and that could be damaging to the department and to the Torrens title system. The amendment provides a safety valve, ensuring the smooth and efficient working of the office after the change from the old system to the computer system.

The Hon. D. H. L. BANFIELD (Minister of Health): I should like to explain the situation to the Committee. The system of registration of instruments in the Lands Titles Office has been changed to the extent that advices of changes of ownership at present prepared manually will be produced by computer. This will, for example, enable such advices to be processed more quickly than at present and will enable taxing authorities such as the Engineering and Water Supply Department and the Commissioner of State Taxes and councils to forward accounts for payment to the current owners at their correct address. It will also have considerable benefit to the Valuer-General's Office as regards reports on new titles created through subdivision and re-subdivision.

The computer will, to a large degree, be used as an index to find and access various pieces of information contained in certificates of title and associated records, as well as containing valuation details. It is, however, not intended as a substitute for a final search of the certificate of title prior to settlement. There will also be the opportunity for members of the public to use terminals installed in the Lands Titles Office to make inquiries to files containing information relating to certificates of title. It must, however, be emphasised that "the system of registration of land and dealing in land will be complemented by the land ownership and tenure system". The "paper" register, as previously, is maintained and the guaranteed certificate of title is not replaced by a "computerised " title.

A further development of the land ownership and tenure system scheduled to become operational late in 1980 is the unregistered document system. This latter system will enable on-line update of a file of documents newly lodged in the Lands Titles Office. Inquiry of this file is via title reference and document number; the current system of clerical officers manually noting of the certificate of title concerned, the number of a pending transaction will be replaced by this computer operation. The actual registration of the instrument on the certificate of title will continue to be recorded in the traditional way. However, such computer systems will lay the foundation for a "computerised" title if this is shown to be the appropriate way for title or ownership to land to be exhibited in South Australia.

The amendments to the legislation to allow the Registrar-General to require instruments to be "in form approved" by him is an extension of the principle that has operated since at least 1886. There are already a large variety of documents registered under the Real Property Act which are not prescribed in the schedules of the statute, such as transmission applications, applications to note death, marriage etc., discharges of mortgage and so on. The conveyancing profession has experienced no difficulties with these documents in past years. To provide for such a myriad of Real Property Act forms by regulation is, of course, possible but obviously has never been regarded as practical—witness the relatively few basic forms actually provided for in the schedules to the Real Property Act.

Furthermore, it is relevant to note that the system of instruments in a form approved by the Registrar-General has been operating successfully under the New South Wales "Real Property Act" for some years. To suggest that "a future Registrar-General may put the whole system at risk" is to ignore the facts of history in the administration of the Real Property Act and to fail to recognise that the Registrar-General is bound to carry out the provisions of the Real Property Act within the stated aims of the statute viz., ". . . to simplify the title to land and to facilitate dealing therewith and to secure indefeasibility of title . . ." (vide section 10 of the Real Property Act).

Advice of any change in the form of instrument could be achieved simply by a requirement that the Registrar-General promulgate such change by notice in the *Government Gazette* with an allowance of a stipulated time elapsing before the form comes into use. Although "expired" leases are eliminated from the computer files these leases are not expunged from the certificate of title until a new title is required. It is only at this stage that an expired lease is not carried forward onto the new title and it is in this area that difficulties are subsequently encountered. The provision of extensions of leases being available "at any time" causes problems where such leases are later required to be extended, sometimes long after the original expiry date. The amending legislation seeks to cure this problem and, at the same time, make the computer record of the lease compatible with the certificate of title.

The decision to implement the land ownership and tenure system was taken by the Government on the basis of a cost/benefit analysis, considering the benefits to the Government and the public as a whole. The Lands

Department has achieved the staff ceilings set by the Government by re-allocation of staff within the department. The cost of the computer installation is referred to in the Auditor-General's Report for the financial year ended 30 June 1978 and as indicated in that report an expenditure of $2 200 000 has been approved by the Government. I cannot accept the amendment.

The Hon. C. M. HILL: I thank the Minister for his explanation of the Government's approach to this Bill and the extension of leases, with which we will deal later. Opposition members have sought such an explanation for some time. Although we now know the Government's view to the queries raised, I hope that all the investigations, research, and decisions that have been made concerning this radical change will prove in the long term to be of benefit from a cost viewpoint and, as the Minister claims, will provide a service at least as efficient as the previous one, and even an improved service. The old system was extremely efficient from the public's point of view, and time will tell whether this radical approach is a wise decision.

My earlier point seeking to have an experienced person, who knows the old arrangements and the proven practice of the lodgment of instruments, is reinforced. There is a need to ensure that an experienced officer is in charge, and I am surprised that the Government does not see its way clear to accept my amendment. People involved with the department would like the amendment accepted.

It will give them confidence that much of the procedure will be carried on, at lest in principle, although it will be dovetailed into a computer system. It is wise for Parliament to insist that this requirement be in the Bill because, if it is, the officer in charge of the department will be a person who has had long and much-needed experience in that work.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. J. E. Dunford.

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

Amendment thus carried.

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

Page 1—

Line 22—Leave out the words "Subject to subsection (3) of this section the" and insert the word "The".

Lines 24 and 25—Leave out all words in these lines.

I want to delete a reference to which I take strong exception. The Bill provides that the Registrar-General shall administer this Act in accordance with the directions of the Minister, and that is political interference of the worst kind. This department always has been free from political interference. For no apparent reason the Government has decided that the Registrar-General shall be under the complete direction of the Minister and that is most objectionable. My amendment merely provides that the Registrar-General shall be responsible for the Act.

The Hon. D. H. L. BANFIELD: The Government opposes the amendments. I feel that there is no good purpose in calling for a division, as the calls are not going our way. That does not mean that the objection to the amendments is not strong.

Amendments carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Notice of application to be published."

The Hon. J. C. BURDETT: I oppose the clause, which seeks to amend section 35 of the principal Act. That section deals with bringing land under the Act, and that is a most important matter, because, when land is brought under the Act, the title is indefeasible and the person named in the certificate of title is the registered proprietor of the interest in the land mentioned therein. It is most important that, when this indefeasible title is given, anyone who has a right to know of the application ought to be notified in the best way possible. It was said in the second reading debate that there was inconvenience in the matter of posting.

[Midnight]

The Hon. D. H. L. BANFIELD: I ask honourable members to support the clause, which simply allows a discretion to be exercised in determining whether to use registered or ordinary post, in those instances involving notices to be sent to adjoining owners, occupiers and the like, or where the notice is a mere formality, or where there is no appropriate address and description of the party concerned. It is also anticipated that there will be a significant saving in postage expenses by allowing notices in such cases as above to be sent by ordinary post.

The Hon. J. C. BURDETT: At this stage, I do not suppose there are many such applications, so I do not think that the question of saving postage is important. There is a saving provision, and I cannot agree with the Minister.

The Hon. D. H. L. BANFIELD: I am told that many notices are issued. If we want to reduce expense, this is one way in which to do so. If, for instance, a railway line was involved, a large number of notices could be generated. The Government believes that it is necessary to include this clause in the Bill, and I therefore ask honourable members to support it.

Clause negatived.

Clause 7—"Second and third classes brought under this Act."

The Hon. J. C. BURDETT: I oppose this clause for substantially the same reasons that I opposed clause 6, the two provisions being related.

The Hon. D. H. L. BANFIELD: The Government supports the clause for the same reasons that it supported clause 6.

Clause negatived.

Clause 8—"Instruments to be according to Act."

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

Page 3, line 14—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

The amendments to this clause and to clauses 10, 12 and 14 to 16 are all the same. They provide that instruments required for real property work shall be prescribed by regulation, whereas the Bill provides that they shall be approved by the Registrar-General. In the past, these forms have been contained in the schedules at the rear of the Act. My amendments provide that the forms shall be prescribed by regulation, when they shall become a part of the law. It is not wise to give the Registrar-General power to approve these forms, as a conveyancer does not really know whether the form of his document will be acceptable to the Registrar-General, by whose forms he must abide.

The Hon. D. H. L. BANFIELD: The Government opposes the amendment. In accordance with the Government's stated aim to provide for simplicity of form

in the construction of forms and documents, the introduction of panel form documents would significantly facilitate the preparation, registration and inspection of instruments under the Real Property Act. However, to have the advantage of flexibility in such matters it has been proposed that documents to be registered by the Registrar-General under the Real Property Act should be in a form "approved by the Registrar-General".

It should be observed that section 54 (1) of the Real Property Act has been varied by clause 7 by adding "Subject to this Act", and also repeats therein the phrase that instruments for registration must be "otherwise in accordance with this Act". In any event, the provisions of section 221 are available as a check on any unrestrained use of power that the Registrar-General may attempt to exercise in his administration of the Real Property Act.

To obtain the benefits of uniformity, it will be necessary for any deviation from the proposed form to be undertaken with the consent of the Registrar-General. However, it is appreciated that instances will inevitably arise when the nature of a particular transaction requires variation from an approved form without prior consultation. It is expected that this will prove to be the exception rather than the rule. Nevertheless, flexibility in this regard is considered essential to produce a workable practice, and it is intended that due recognition be accorded where circumstances demand such an approach.

It is not intended that solicitors or brokers have a free hand in the choice of the form in which a document is drawn and, in fact, the present schedules of the Real Property Act do not permit such a choice. The basic philosophy underlying the Real Property Act is to achieve simplicity in effecting land transactions and obtaining the official recording of such transactions in the Land Titles Registration Office. Panel forms will provide a much simpler method than even the present narrative-style document to facilitate dealings in land.

The whole tenor of the amendments to secure panel-type forms as the vehicle for dealing with estates or interest in land is to eliminate the need for a complicated narrative-style document that is regarded as an anachronism in a conveyancing system where simplicity is the keynote. However, the system of panel forms will be sufficient to cater for the unusual document that cannot be conveniently processed by standard formulae. It is not merely preparation of the document being catered for but its perusal at settlement, its examination prior to registration, and any search of the document at a later stage that must be kept in the forefront of any consideration given to the installation of panel forms. It must be borne in mind that panel forms are intended to operate for the benefit of all users to produce an effective but economic means of satisfying the requirements of parties dealing in land by providing them with a "good title" to their estates and interests in land.

The flexibility that is intended for panel forms will provide greater opportunity than exists at present to cater for situations that call for unusual or varied drafting; substantial compliance is what is required in the panel form concept.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Certificate of title."

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

Page 3, line 24—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

I am not opposed to panel forms, as I expect them to be, although we have not seen specimens of the forms. However, I do oppose the Registrar-General's being able to alter or change a panel form at will. These forms can be fixed by regulation, at which time they cannot be altered. The principles of the Torrens title system of land registration will continue without any fear of uncertainty if my amendment is carried.

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—"Transfers."

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

Page 3, line 38—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—"Transfer on sale under writ, warrant, decree or order."

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

Page 4, line 5—Leave out the words "a form which he approves" and insert the words "a form prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 15—"Lands, how leased."

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

Page 4, line 8—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 16—"Lease may be surrendered by separate instrument."

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

Page 4, line 12—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18—"Lands, how mortgaged or encumbered."

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

Page 4—

Lines 25 and 26—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Lines 29 and 30—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendments carried; clause as amended passed.

Clause 19—"Contents of mortgage or encumbrance."

The Hon. C. M. HILL: I oppose this clause. It amends section 129 of the principal Act which deals with such documents as plans and specifications which, being referred to in a registered instrument, are required to be attached thereto unless they are available for public inspection in some other public registry. It is proposed to substitute for these provisions a general provision to the effect that the Registrar-General "may require" a copy of such documents to be attached. This is another illustration of uncertainty being introduced into Lands Titles Office practice which will place added responsibilities and burdens upon the conveyancing profession. Certainty in this regard is essential, and there seems no reason whatsoever why the previous procedure of registering such documents in the General Registry Office should be eliminated.

The Hon. D. H. L. BANFIELD: I ask honourable members to support the clause. Storage in the Lands Title Office of ancillary documents as referred to in section 129(2) of the Real Property Act is becoming increasingly impractical because of space restrictions, requirements as to uniformity of document size, and also problems arising in microfilming such material as plans and specifications. Indeed, the intention is to encourage parties to deposit

such ancillary documents in the General Registry Office or some other public registry with simply a reference in the mortgage to such deposit being made.

Clause negatived.

Clause 20—"Discharge of mortgages and encumbrances."

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

Page 4, line 43—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 21 passed.

Clause 22—"Transfer of mortgage lease and encumbrance."

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

Page 5, lines 5 and 6—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 23—"Repeal of sections 153 and 154 of principal Act and enactment of section in their place."

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

Page 5, lines 10 and 11—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried.

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

Page 5, line 13—Leave out the word "before" and insert the words "not later than one month after".

This matter was debated at the second reading stage. It deals with the procedure under which an instrument for renewing or extending a lease must be lodged with the Registrar-General before the expiry date. Arguments were put forward that there may be proper reasons why it is not possible for a lessor and a lessee to conclude arrangements. The parties may therefore omit to lodge a renewal prior to the expiry date. There may be other difficulties; a lease may include the right for the lessee to purchase, and negotiations may be in train at the expiry date or within a day or two either side of it. It would seem that difficulties could ensue. I still have doubts as to whether people searching a title on the computer a day after a lease expires will be able to ascertain details. Because of the concern expressed by practitioners, the safest procedure is to allow a period of one month after the expiry date before the computer programme is cleared of reference to that lease.

The Hon. D. H. L. BANFIELD: I can see no real point in extending the time limit for registering an extension of a lease for a further month; this would greatly inconvenience the administration of the computerised land ownership and tenure system. Difficulties have not been experienced with regard to extension of mortgages or encumbrances, as these are only removed from the Register Book by the formal means provided for in the Real Property Act and have never been regarded as capable of expiring by effluxion of time. Therefore, the proposed extension provisions need not be applied to mortgages or encumbrances, but the provisions included these instruments to make the proposed amendment uniform.

The Hon. C. M. HILL: Some of my fears became real when I heard the Minister make an explanation like that. The only consideration seems to be from the viewpoint of the bureaucracy and of those managing the computer. I am concerned to give first consideration to members of the public.

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Revocation of power of attorney."

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

Page 5, lines 20 and 21—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 26—"Application to alter name, etc., of registered proprietor."

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

Page 5, line 28—Leave out the words "approved by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 27 passed.

Clause 28—"Caveats."

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

Page 5, line 36—Leave out the words "approved for that purpose by the Registrar-General" and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 29—"Powers of Registrar-General."

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

Page 6, line 3—Strike out the passage "He may reject" and insert in lieu thereof the passage "If a requisition made under paragraph (3a) of this section is not compiled with within two months the Registrar-General may reject".

This amendment meets the requirements of the Lands Title Office and will overcome administrative difficulties experienced in the past.

The Hon. C. M. HILL: In speaking to the amendment, I intend to seek the deletion of the whole clause. The Minister's amendment improves it somewhat so I intend to vote for the Minister's amendment, but then vote against the whole clause as amended.

Amendment carried; clause negatived.

Clause 30—"Applications for amendment."

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

Page 6, line 11—Leave out all words in this line and insert the words "prescribed by regulation".

Amendment carried; clause as amended passed.

Clause 31 passed.

Clause 32—"Service of notices."

The Hon. C. M. HILL: I oppose the clause, which repeals section 276 and inserts a new section dealing with the serving of the notices by post or personally. The old section 276 provides that a notice is required to be posted by registered letter and might be addressed to the person at his usual or last known place of abode in South Australia or at his address as appearing in the register book or as given in any application or caveat. It also contains the normal provisions as to when a notice is deemed to have been received.

New section 276 merely refers to notices being served personally or by post, whereas the old section is, in my view, more satisfactory because the principle of certainty is more apparent. I therefore oppose the clause.

The Hon. D. H. L. BANFIELD: I ask honourable members to support clause 32. One of the principal objects of seeking an amendment to section 276 was to simplify the procedures for sending notices and to remove the necessity for sending all notices by registered post. So long as the intended simplicity of section is preserved and it is not made obligatory in all cases to send registered notices, then a variation of this section need not be resisted.

The Hon. C. M. HILL: I point out that "service by post" is defined in section 33 of the Acts Interpretation Act. This section is adequate as far as it goes; it covers the postage and deemed receipt of the package containing the notice, but it does not mention the address to which such package may be directed, and the interpretation clause of the Act does not cater for personal service at all. As there is more

certainty in the old section, I seek support for my proposal.

Clause negatived.

New clause 32a—"Regulations."

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

Page 6—Insert the following clause after clause 32:

32a. The following section is enacted and inserted in the principal Act after section 277 thereof.

278. The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

The Hon. D. H. L. BANFIELD: It would appear that this clause is unnecessary because of the regulation-making power provided in the present section 277 of the Real Property Act. We oppose this new clause.

The Hon. C. M. HILL: If the Minister can assure me that that regulation-making power is already there, I am happy to yield to his opinion, and will not pursue this matter.

The Hon. D. H. L. BANFIELD: Section 277 of the Real Property Act provides:

277. (1) The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, and without limiting the generality of the foregoing, may make regulations—

(a) providing for and prescribing the fees and charges payable for or in respect of the doing of any act or thing under this Act;

and

(b) providing for and prescribing the charges recoverable by solicitors and licensed land brokers for transacting business under the provisions of this Act.

(2) Without limiting the generality of subsection (1) of this section a regulation made under this Act may amend or revoke any regulation made under the Fees Regulation Act, 1927.

We believe this covers the situation.

The Hon. C. M. HILL: I am somewhat in the Minister's hands and respect his views on this matter. If the regulatory power in section 277 is sufficient, then I will not persist with my new clause.

The Hon. D. H. L. BANFIELD: It has already been agreed that it is unnecessary because it is provided for in section 277.

New clause negatived.

Remaining clauses (33 to 37) and title passed.

Bill read a third time and passed.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes a number of amendments to the principal Act, which has served the State well since its introduction in 1971. The major new initiative contained in the Bill is the widening of the scope of the Act to embrace sales of used motor boats and caravans. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The major reason why the Government initially decided to include caravans and boats in this measure is that it was learnt that some of the less reputable elements of the used car trade were preparing to move into those areas because the Act and the enforcement activities of the department had made it too difficult for them to continue exploiting consumers. With the general economic slump brought about by the policies of the Fraser Government, that possibility has temporarily become less attractive to these elements, but the Government wishes to close off that possibility for the future, and at the same time clarify the obligations and rights of consumers and dealers in those industries. In so doing, absolutely no reflection on the reputability of existing traders in those industries is made. Licensing under this Act replaces other licensing currently required as explained later. The warranties under this Act are more precise, but probably not greatly different in practice from the point of view of the dealer, from those under the Consumer Transactions Act. However, this form of warranty has been found so very satisfactory in relation to used cars that it has now been emulated or is in the process of being emulated in every State of Australia (except Queensland), as well as the Australian Capital Territory.

In addition, the disclosure provisions will apply and notices similar to the familiar pink notices in used car yards will start appearing on used caravans and boats for the information of prospective buyers. This system has been very popular among used car buyers and no doubt will be equally so among used caravan and motor boat buyers.

Bringing caravan and boat dealers under the Act has necessitated a revamping of the constitution of the Second-Hand Vehicle Dealers Licensing Board to enable proper representation of the new groups regulated. The board currently consists of an independant chairman, two consumer representatives and two dealer representatives. It is proposed that this basic structure will remain unchanged, but the Bill superimposes a system of standing deputies, which will enable representatives of the newly included groups to be appointed without enlarging the board to unweildy proportions or upsetting the present two-two balance between trade and consumer representatives. Administrative arrangements will be made to ensure that the appropriate industry representatives are called when the proceedings demand it. For example, the motor boat trade representative would be on the board when the application for a licence by a would-be boat dealer was being considered, or if a boat dealer was the subject of disciplinary proceedings.

To facilitate appropriate new appointments to the board and to deputies' positions, a "spill" of positions is provided for, because the current members terms do not expire until September 1980.

Many of the provisions of the Bill are consequential upon the decision to bring caravans and motor boats under the Act. Definitions are proposed that contain the necessary degree of flexibility to enable us, in consultation with trade and consumer groups, to sort out any anomalies or other difficulties that appear.

In addition, the warranty and disclosure provisions have been revised extensively following such consultations to provide the flexibility that will be necessary in setting the different standards that will be necessary for the different classes of vehicles. For example, year model information is next to impossible to obtain for caravans and boats. Time periods for motor cycle warranties may need to be shorter than for motor cars, and dollar limits for caravans may need to be higher. The Bill proposes to limit the warranty on old cars to these less than 15 years old, and under Government amendments to be moved in this place, this figure will be able to be reduced for other categories of

vehicles. Consultations on the appropriate variations have already begun.

It can be seen, therefore, that the Bill seeks to set minimum standards in these matters while preserving maximum flexibility for different standards to be, where necessary, prescribed by regulation. All such regulations will, I can assure the Council, be drawn up in the closest consultation with industry and consumer groups, and this is expected to take quite a considerable time. All groups consulted so far have expressed complete satisfaction with the closeness of the Government's consultations in these matters with the single exception of the Boating Industry Association which, it now seems, confined its submissions to the Opposition because it did not receive the written invitation for consultations that was sent in November, and confirmed by telephone. This is being overcome, and we are confident that the regulations when they are published will have been thoroughly discussed and will be entirely satisfactory.

A new feature is the introduction of bonds for dealers' licences. Applicants for licences or renewal will have to post bonds in amounts up to $10 000 against failure to meet any judgment or order obtained by a purchaser in connection with a used vehicle sale. Details are for the board to determine in accordance with its members' experience, and the Government does not wish to commit the board in advance to particular attitudes, but it is thought that the bonds will themselves each be in a consistent amount. The amount or type of security for the bond may vary from case to case, but it is anticipated that an insurance cover costing in the vicinity of $100 a year will become the norm. It is important that the board will retain its discretion, but it is not expected that the board will require cash lodgment on any but the rarest occasions. Ordinarily we would expect that any applicant whose standing was low enough to prompt consideration of that step would be refused a licence altogether.

As a further boost to consumer confidence, a compensation fund is to be established with a proportion of licence fees, out of which the board may meet any claim by a purchaser who has suffered a substantiated loss from the purchase of a used vehicle. It will be necessary for the purchaser to make reasonable efforts to obtain redress from the selling dealer, and it is envisaged (again, without wishing to limit the board's discretion) that payments may be approved in instances where a dealer has disappeared leaving unfulfilled obligations behind him (in which case, the bond would be called up but in such circumstances even a $10 000 bond may prove insufficient to meet all claims), or where a dealer is being deliberately obstructive and considerable hardship is felt by a purchaser whose car may remain unrepaired pending protracted legal proceedings.

The Bill also endeavours to introduce more openness into the licensing system by providing for the advertising of licence applications and the hearing by the board of objections. This will enable trade groups to indulge in a measure of self-regulation should they so wish, and individual consumers and consumer groups will have the same opportunity to be heard.

In the same spirit, the disciplinary provisions have been drawn so that the board can make disciplinary orders on its own motion or on application of the Commissioner or any other person. Orders may range from reprimands and small fines of up to $500 to suspension or cancellation of licence. The appeal provision is amended to provide for appeals from orders for the suspension or cancellation of licences, but not from the lesser orders, as the Government believes that the presence of trade representatives on the board and the legally-trained Chairman will be sufficient safeguard of the dealer's interests in cases where the licence itself is not at stake and no criminal record is involved. If the board erred grossly, of course, it would still be subject to the supervision of the Supreme Court, by means of the prerogative writs.

The previous provisions relating to Commissioner's hearings are repealed. Commission hearings, involving judicial determiations by a non-judicial officer, have always been awkward because dealers regard the Commissioner as too closely identified with consumers, and the consumers themselves, when a decision goes against them, tend to react as though the Commissioner was in league with dealers. The Government considers it undesirable for the office of the Commissioner to be subjected to these conflicting attacks on its independence, and in future disputes will be determined through the department's normal complaints service. Where that is unsuccessful the complainant will have a choice of seeking a disciplinary order from the board (which will not benefit him directly) or of pursuing the matter through the courts. The small claims provisions that have been inserted into the Local and District Criminal Courts Act since the Second-hand Motor Vehicles Act commenced should assist in bringing court proceedings to a speedy conclusion. In addition, appropriate assistance under section 18a of the Prices Act will be available in proper cases.

No alteration has been made to the defect-based principle of the statutory warranty, which has been copied in other jurisdictions throughout the country. However, new section 24 (1) *(b)* provides for the dealer to compensate the purchaser for the excess if the reasonable expenses of moving a vehicle to the place of repair nominated by the dealer exceed $25. The intention of this is not for dealers to be involved in massive payouts for towing, but for them to nominate places of repair within a reasonable distance of the disabled vehicle. The base of $25 (which will be adjusted by regulation to keep pace with inflation) at current daytime rates buys 30 to 40 km. of towing. When a vehicle is vastly outside this distance it is anticipated that dealers will use the good offices of their trade associations to arrange for on the spot repairs rather than, as has sometimes occurred in the past, insisting on the purchaser returning the vehicle to the dealer's own yard at vast expense from an interstate holiday site. The South Australian Autombile Chamber of Commerce has agreed to co-operate in this and to enlist the support of corresponding interstate organisations where interstate breakdowns are involved. Similar arrangements already work smoothly in at least New South Wales.

In the case of caravans and boats, because their trade associations do not have the same nation-wide network of members, this obligation has been confined to removal expenses arising within the State.

This Bill also makes provision for the keeping of a special purchases record book by licensed dealers. This provision supersedes the purchases book requirements of the Second-hand Dealers Act, 1919-1971. The need at present for every dealer also to obtain a separate licence under that Act is done away with in line with requests from the trade, although other provisions, such as the requirements to keep traded goods unsold and unaltered for four days, will continue to apply.

Other amendments reflect simplifications and elaborations shown to be necessary by almost seven years of experience in administering the principal Act. One example is the new approach to odometers. Tampering with an odometer (proof of which is facilitated) is now to be an offence *per se*. The only defence to such a charge for a person who is not a dealer will be to prove that the tampering was not done with intent to enhance the value

of the vehicle. In the case of dealers, however, this defence was considered cumbersome in that there are several legitimate reasons why they may need to tamper with an odometer—to repair it, for example. The most convenient arrangement for dealers, therefore, seemed to be to provide for them to make advance application to the Commissioner when they propose to do anything to an odometer, and the Commissioner's written approval will protect them from prosecution.

There are also provisions designed to assist the department in combatting the activities of backyard dealers who pretend to be private sellers to avoid the disclosure and statutory warranty provisions: for example, new section 32a, which requires notification of the facts where a vehicle is sold away from the dealer's normal premises, new section 37, requiring licensees to display names and licence numbers at any premises when business is being carried on, and the amendments to section 17 requiring applicants for licences to show that they have suitable premises and that all necessary consents and approvals (for example, under zoning regulations) have been obtained. The co-operation of the public and the trade is still urgently sought in identifying backyard dealers who are offending against either this provision or the more fundamental requirements in the existing Act that they be licensed and carry out their obligations as dealers.

Other technical amendments add a number of standard evidentiary aids to speed the work of the courts, deal with the problem of offences by bodies corporate, and tighten the vicarious liability on dealers so that if they wish to allege that the misdeeds of employees were unauthorized they will have to prove it rather than hide behind the prosecutor's difficulty in proving complicity on the part of the party who stands to gain the most.

Clause 1 is formal. Clause 2 provides that different provisions of the measure may be brought into operation by proclamation on different days. Clause 3 amends the long title to the principal Act by adding references to caravans and motor boats. Clause 4 amends section 3 of the principal Act which sets out the arrangement of the Act.

Clause 5 amends section 4 of the principal Act which provides definitions of terms used in the Act. The clause inserts definitions of "caravan" and "motor boat", "motor boat" being defined to include an engine designed to propel a vessel whether or not it is being sold together with a vessel or separately. Second-hand caravans and motor boats are, in turn, included within the meaning of the term "second-hand vehicles".

The detailed questions involved in determining the classes of motor boats and caravans that should be exempt from the application of the principal Act are to be dealt with by proclamation (as is the present case with motor vehicles) in order to provide proper flexibility. Liquidators, executors and trustees are by the clause, excluded from the definition of "dealer". The clause also inserts a new subsection (5) enabling proclamations to be made exempting persons or classes of persons from the application of the Act.

Clause 6 amends section 7 of the principal Act so that it provides for the appointment of standing deputies for members of the board rather than, as is the present case, separate appointments each time the need arises. Clause 7 inserts a new section 7a of the principal Act providing for the vacation of the offices of the present members of the board. Clause 8 makes an amendment to section 10 of the principal Act that is of a drafting nature only. Clause 9 inserts a new subsection in section 13 of the principal Act enabling the board to delegate the function of renewing licences to the secretary of the board. Clause 10 inserts in section 17 of the principal Act additional requirements for the grant of a licence, namely, that the premises that the applicant proposes to use in his business as a dealer are suitable for the purpose and that the applicant has first obtained all other consents, approvals or permits required at law.

Clause 11 repeals section 18 of the principal Act and substitutes new sections 18 and 18a. New section 18 requires licensees to enter into a bond for the payment of moneys owed to purchasers of second-hand vehicles, not including moneys owed in respect of personal injury. The bond is to be of an amount of ten thousand dollars or a lesser amount fixed by the board and, where called up, may be applied in satisfaction of such claims. New section 18a enables the board to hear objections to the grant of a licence.

Clause 12 amends section 19 of the principal Act which relates to the renewal of licences. The clause provides that an application for renewal may be heard notwithstanding that it is out of time and that it may not be refused if the fee is paid. Under the present provision the board may refuse to renew upon any ground upon which a person may be disqualified from holding or obtaining a licence, but such refusal to renew is not appealable under section 21, although refusal to grant a licence or disqualification is appealable. Under the amendments proposed, the board will proceed against existing licensees under the disqualification provisions.

Clause 13 amends section 20 of the Act, which presently provides for disqualification of licensees. The clause empowers the board, as an alternative to disqualifying or suspending a licensee, to reprimand him or fine him a sum not exceeding $500. The grounds for discipline of a licensee are, by this clause, extended to include grounds relating to suitability of sales premises and maintenance of the bond and any other ground that the board determines to be sufficient to justify discipline. The clause also amends this section by empowering the board to order that cancellation of a license has effect at a future day so that such licensees may sell existing stock.

Clause 14 provides for an appeal against the suspension by the board of any licence to carry on business as a dealer. Clause 15 provides for the repeal of section 22 of the principal Act and is consequential to an amendment made by clause 12. Clause 16 amends section 23 of the principal Act which requires a dealer to attach a notice to any vehicle that he offers for sale setting out certain basic information as to the vehicle. The clause amends the section by increasing the penalty for failure to attach the notice from $200 to $500. The clause also requires the dealer to state on the notice in the case of any vehicle that is equipped with an odometer that the odometer reading is not correct where the dealer has reasonable grounds for believing that to be the case.

Clause 17 repeals sections 24 to 29 of the principal Act and substitutes new sections 24 and 25. The present section 24 imposes a statutory obligation on a dealer to repair certain defects in a second-hand vehicle sold by him that appear within a certain period after the sale unless he has excluded liability in respect of such defect under present section 25. This statutory obligation may, under present sections 26 to 28, be enforced by a special procedure under which the Commissioner, with agreement of the parties, or in the absence of such agreement, a local court, may direct that the vehicle be repaired by a specified person.

Under new section 24 the obligation on a dealer to repair such defects is imposed by way of a contractual warranty which may be enforced by civil proceedings in

the usual manner. The present procedure for excluding liability for certain defects provided for by present section 25 is not continued under these amendments. Under the new provision the dealer warrants that if a defect occurs in the vehicle within the period of the statutory warranty he will repair the vehicle so as to place it in reasonable condition having regard to its age and the distance it has travelled.

The period of the statutory warranty is a maximum of three months in the case of vehicles sold for $1 000 or more and a maximum of two months in the case of vehicles sold for less than $1 000, but more than $500. In the case of a motor vehicle sold for $1 000 or more, the period of the statutory warranty expires when the vehicle has been driven for a maximum of 5 000 kilometres, if this occurs before would otherwise be the period of the warranty. For cars sold at below $1 000, the corresponding distance is a maximum of 3 000 kilometres.

Under this section the periods of statutory warranty are to be fixed by regulation in relation to particular classes of vehicles, subject to the maxima already stated. The same is to apply in relation to motor vehicles and distance travelled. In calculating the expiry of the period, days on which the vehicle was in the possession or under the control of the dealer for purposes of repair are not taken into account. The section is not to apply to damage caused after the sale, whether maliciously or through accident or misuse. Vehicles which are excepted from the section are those 15 years old or older (irrespective of price), and those of which the proposed purchaser has been in possession of the vehicle for not less than three months before the sale. The Commissioner may by notice exempt a vehicle or a class of vehicle from the provisions of the section. Section 25 preserves the present procedure for settling disputes, in the case of disputes arising from a sale which takes place before this amending Act comes into operation.

Clause 18 amends section 30 of the principal Act, which relates to undesirable practices, by increasing the maximum penalty from $500 to $1 000. Clause 19 enacts new Part IVA (sections 30a to 30e), establishing a compensation fund to be administered by the secretary of the Second-hand Vehicle Dealers Licensing Board for purchasers of second-hand vehicles who have suffered economic loss as a result of the purchase and are unable to recover compensation by legal process. Section 30a establishes the fund and provides that a proportion of fees paid under the Act and any sums of money recovered by the board under this Part of the Act may be paid into the fund.

Section 30b provides for payment out of the fund of a sum sufficient to compensate a claimant for his actual loss. No compensation is to be made for personal injury, as it is not to be expected that the fund would ever be sufficient for this purpose. No payment is to be made unless the Board is satisfied that the claimant has taken reasonable steps to enforce his legal rights. The section does not apply to sales which take place before the amendment comes into operation or by which the purchaser becomes a trade owner of the goods.

Section 30c provides that the secretary of the board shall, when payment has been made out of the fund, be subrogated to the rights and remedies of the claimant against the dealer. Section 30d provides for accounts to be kept and audited. Section 30e requires the secretary of the board to make an annual report to the Minister. It is expected that compensation provided under these provisions will be both additional and alternative to compensation provided under the bond provisions. The amount recovered under a bond in relation to a particular dealer may be exhausted, or it may be impracticable to get a judgment against a dealer.

Clause 20 amends section 31 of the principal Act which provides that nothing in the Act shall limit the operation of the Second-hand Dealers Act. Under the new provision, a person who holds a licence under the Second-hand Dealers Act and the provisions of that Act shall apply to a licensee under the principal Act. A record kept by a licensee under the principal Act shall be deemed to be a purchase book as required under the Second-hand Dealers Act.

Clause 21 provides for the repeal of section 32 of the principal Act and the enactment of new sections 32, 32a and 32b. New section 32 is designed to ensure that dealers are, for the purposes of the Act, responsible for all conduct of their servants and agents that they could not by the exercise of reasonable diligence have prevented. New section 32a requires any person who proposes to sell a vehicle on behalf of a dealer at any place other than the dealer's yard to attach a notice to the vehicle setting out the name and business address of the dealer. New section 32b requires a dealer to keep a record containing particulars of the second-hand vehicles that he purchases.

Clause 22 amends section 33 of the principal Act which requires a dealer to give to any purchaser who traded in any vehicle or other thing a note stating the amount allowed for the trade-in. The clause increases the penalty for failure to give such note from $100 to $200. The clause also requires dealers to keep a copy of any such note for three years.

Clause 23 increases the maximum penalty for an offence against section 34 from $100 to $200. Clause 24 amends section 35 of the principal Act which prohibits interference with odometers and the making of certain misrepresentations. The clause reverses the burden of proof that an odometer was interfered with for the purpose of enhancing the value of the vehicle, but provides that a dealer may alter an odometer reading or replace an odometer with the consent of the Commissioner. The clause also provides a defence for the offence of misstating the year of manufacture, year of first registration or model designation of a vehicle.

Clause 25 provides for the repeal of section 37 of the principal Act which prevents waiver of the rights conferred by the Act and substitutes new sections 37 and 37a. New section 37 requires a dealer to display a sign at each yard that he operates setting out his name, licence number and any other particulars required by the Commissioner. New section 37a prohibits contractual exclusion or modification by a dealer of the rights conferred by the Act and permits waiver by a purchaser only with the consent of the Commissioner.

Clause 26 increases the maximum penalty for an offence against section 39 of the principal Act from $500 to $1 000. Clause 27 inserts new sections 39a and 39b. New section 39a provides evidentiary assistance in respect of the question whether or not a person was the holder of a licence at a certain time. New section 39b makes persons concerned in the management of a body corporate that is convicted of an offence also liable to be convicted of the offence. Clause 28 increases the maximum penalties set out in section 40 of the principal Act for continuing offences.

Clause 29 inserts new section 41a which provides that proceedings for an offence may be brought within 12 months after the date on which the offence is alleged to have been committed. Clause 30 amends section 42 of the principal Act which empowers the making of regulations. The clause provides for licence fees that vary according to the class of applicants. Under this provision it is proposed

that applicants who carry on business in partnership will be required to pay a proportionately lesser fee. The clause increases the maximum penalty for an offence against a regulation from $200 to $500. The clause also inserts a provision empowering the making of regulations which vary in relation to different classes of vehicles or in relation to other factors specified in the regulations.

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

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 February. Page 2799.)

The Hon. JESSIE COOPER: It would not really be a true end of session if we did not have a series of education Bills to debate late at night, and this session is no exception. This important Bill deals with a number of matters. One of the two most important matters deals with changes in long service leave provisions. As the Minister said in his explanation, the amendments will give teachers rights to long service leave equal to those of public servants, namely, 15 days long service leave a year after 15 years service.

There has been discussion in another place about the rights and wrongs of this change, but I believe that the change does little more than bring teachers in South Australia into line with their counterparts interstate. In Victoria a teacher is entitled to three months long service leave for the first 10 years of completed service, and then to a further 1·5 months for each additional five years. Queensland is similar, because teachers are entitled to 13 weeks long service leave after 10 years service; thereafter such leave accrues at 1·3 weeks for each year of service.

In Tasmania a teacher is entitled to 90 days long service after 10 years service (and studentships count as service). Thereafter, leave accrues at nine days a year. New South Wales is different, because a teacher is entitled to two months long service leave after 10 years service, and thereafter leave accrues at 15 days a year. In Western Australia long service leave may be taken after either 10 or 15 years service. After 10 years the entitlement is 13 weeks leave; after 15 years it is 26 weeks, which must be taken within four years, during which no further long service leave accrues. Such provisions cannot be grumbled about. The Bill also changes the concept of service and changes are made in regard to continuous service and effective service.

The second important matter concerns the licensing of non-government schools. In his explanation, the Minister said that the Government was concerned about private individuals possibly establishing substandard *quasi* educational schools. Therefore, the Government has tried to solve that matter by licensing non-government schools. The Minister will have almost complete control of the situation according to the Bill, and amendments were moved in another place that took away certain powers and vested them elsewhere. I understand that the Minister has now produced a series of amendments and, if these amendments are carried, I will have no quarrel with this Bill. I had intended to speak for a couple of hours on this matter but, as it is so late, I will content myself with these remarks. I support the second reading.

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

FURTHER EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 February. Page 2800.)

The Hon. JESSIE COOPER: This Bill deals with changes made to the long service leave provisions under the Further Education Act. The matter of long service leave is to be followed up exactly as was done in the case of the Education Act Amendment Bill, with which we have just dealt. To me, this is the most important part of the Bill. The discipline methods adopted are also the same as the provisions in the education legislation. I support the Bill.

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

TERTIARY EDUCATION AUTHORITY BILL

Adjourned debate on second reading.
(Continued from 21 February. Page 2798.)

The Hon. JESSIE COOPER: I support this Bill, which establishes a new statutory co-ordinating authority in South Australia, namely, the Tertiary Education Authority of South Australia. The Minister has said in his second reading explanation that the introduction of this Bill marks another stage in the implementation of the Anderson Report, and this is so. The authority will have wider powers than had the South Australian Board of Advanced Education, which was not concerned with universities and further education. I have not heard any complaint from either the university people or the further education people that they object to this new authority being established. The Minister, in his second reading explanation, makes this interesting statement:

> There are two main arguments for bringing post-secondary education into a co-ordinated system. The first concerns the need for regulatory arrangements to ensure that all post-secondary institutions operate according to agreed general purposes and that the unnecessary overlaps, which occur in the absence of an arbiter, are avoided. The second is the need for a planning agency which can anticipate needs in the system and can recommend the required resources. In addition to providing for regulation and planning at State level, the emergence of a Federal co-ordinating body for all tertiary sectors makes it desirable that the State should have a complementary instrumentality. Such a State body, being closer to the constituent institutions, will be in a better position to reach informed decisions which otherwise might be made at Federal level without appropriate advice.
>
> The Tertiary Education Authority of South Australia will thus have functions and powers encompassing those of the Board of Advanced Education but extending beyond them to the Further Education Department on the one hand and to the universities on the other. With reference to the advanced education sector, there are practical reasons for specific powers of co-ordination since both the Commonwealth and the State expect such co-ordination to be performed through a State authority. In addition, it is this sector which will, in the immediate future, be the most affected by the over-supply of qualified teachers and therefore most turbulent.

I believe that the aim of the Bill is laudable. If it can prevent a recurrence of some of the lack of planning that has gone on, I will support it.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

BOOK PURCHASERS PROTECTION ACT REPEAL BILL

Adjourned debate on second reading.
(Continued from 14 February. Page 2626.)

The Hon. R. C. DeGARIS (Leader of the Opposition): There is not much to say about the Bill, except that it repeals the Book Purchasers Protection Act. The whole matter is dealt with in the Door to Door Sales Act Amendment Bill, into which the provisions from the Book Purchasers Protection Act have been taken. As there is now no need for the principal Act, I support the second reading.

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

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 February. Page 2893.)

The Hon. D. H. LAIDLAW: This brief Bill stems from doubts raised by the decision of the Commonwealth Industrial Court in *Moore v. Doyle* as to whether industrial associations registered under the Federal Conciliation and Arbitration Act have any legal existence with respect to the South Australian Industrial Conciliation and Arbitration Act.

Provision was made in section 133 of the original 1972 Act to give legal recognition to such Federal industrial associations for two years. The section enacts that the legal existence of any association or its registration, the membership of such an association, the validity of election of an officer or any of his actions, and the validity of any resolutions passed by an association shall not be challenged in an issue arising from the State's Act merely by reason of the association's being registered federally. It was intended to give time for these associations to change their rules to overcome the doubts raised.

At the first plenary session of the Constitution Convention the Commonwealth powers in the Constitution with respect to industrial relations were questioned. Mr. Justice Sweeney prepared a report on the steps to be taken to overcome problems raised in *Moore v. Doyle*. Subsequently, the State Ministers of Labour and Industry expressed doubts as to the feasibility of implementing the Sweeney recommendations. Meanwhile, the immunity granted in South Australia under section 133 of the principal Act has been extended from two years to three years, and then to six years, and the amending Bill adds immunity until 4 January 1982. I support the second reading.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 February. Page 2886.)

The Hon. J. C. BURDETT: I support the second reading of this Bill, which, as was said in the second reading explanation, has been introduced for the purpose of bringing our legislation as far as possible into line with International Labour Organisation convention No. 96, which provides for either the progressive abolition or the regulation of such employment agencies.

The Minister acknowledges that on the Australian industrial scene private employment agencies serve a useful purpose. Any inquiries into the business will show that this is so. The business has an association, and all of its members charge the employer, not the employee. Many of them really operate as sort of contract personnel officers for employers. Some smaller employers, in particular, cannot afford a full-time qualified personnel officer, and the employment agency in such cases can conduct interviews, and so on, more effectively than can the employers' own organisation.

It is pleasing to note that the Minister acknowledges that in the Australian industrial scene compliance with the convention must be directed at regulation rather than abolition. One hopes that the thin end of the wedge will not apply and that regulation will not be followed by abolition.

The Minister attacks the practice of fees being charged to applicants (that is to say, potential employees), and intends to phase out this practice over a period of 12 months. True, members of the association do not themselves adopt this practice, and have no objection to the Minister's policy in this regard.

There are two practices in this area. One is that the applicant is charged, whether or not he gets a job. I agree that that practice is objectionable. The other practice is that the applicant is charged only if a job is obtained, and he makes a payment out of his first salary.

I know of several persons who have obtained jobs, which they would not otherwise have got, through this means, and they have been quite pleased to pay the fee. This applies particularly where the applicant has been seeking casual employment.

The Bill provides for Ministerial approval for any licensee's scale of fees. I must acknowledge that this is in accordance with the I.L.O. convention. However, as there has been no suggestion of any impropriety in this area, I cannot see the need for this provision.

A particular and specialised part of the Bill is clause 4, which repeals sections 2a and 2b of the Act. Section 2a provides for the exemption of any person who carries on the business of procuring employment in nursing and midwifery for nurses or midwives. The Government, according to the Minister's second reading explanation, is willing to continue exemptions in relation to home nursing, but not in relation to other nursing. The Government acknowledges that, in regard to home nursing, the payment of a fee by the nurse and not the patient is the most practicable solution.

However, I understand that certain agencies obtain not only employment for home nurses but also casual or part-time employment for nurses in hospitals and institutions. I am told that it would be most difficult for such agencies to make arrangements with a variety of different hospitals and institutions and for them to pay fees for the procuring of merely casual services. A number of nurses who seek such casual employment and obtain it through agencies say that, if these agencies could not operate and could not charge them fees, the nurses would find it extremely difficult to find employment. They would have to leave their names with perhaps a dozen or more different hospitals. I therefore oppose the repeal of section 2a of the

principal Act, but support the second reading of the Bill.

The Hon. C. M. HILL: I am concerned about one issue in this Bill. I have been approached by nurses who are employed by one of the two nurses employment agencies to which the Minister referred in his second reading explanation. These ladies are extremely upset by the Government's proposal to prohibit those two agencies from carrying out their activity. I think one agency has been established for 40 years. About 200 nurses involved in part-time work are attached to one of the agencies, and the other agency has about the same number, although I am open to correction on this point. Not only the nurses but also a proprietor of one of the agencies is extremely upset. It seems to me that the agencies provide an excellent service from the viewpoint of the patients and the hospitals in which the nurses work.

The nurses themselves are exceptionally pleased with the system in which they are involved. Some of the part-time nurses are also involved in activities such as university studies, and the extra money that they make helps them. They can dovetail their work into their university studies. So, the arrangement has been very satisfactory in the past. I acknowledge that the Minister in his second reading explanation said that the home-nursing part of this activity will be retained by him. Whilst he seeks the deletion of section 2a of the principal Act, he will provide for home nursing to continue by regulation.

Regarding the agency whose principal contacted me, I asked what proportion of work was involved with home nursing, and what proportion was involved with hospitals and institutions: in broad terms, it was half-in-half. In other words, the Government is causing this principal to shut down about half of her business enterprise. I acknowledge that the Minister is agreeable to a running down period, and I think he mentioned a 12-month period.

The Government ought to give special consideration to these two specific agencies, which are providing an excellent service and whose nurses appreciate the work that they get, and they want to remain in the present agency system. No-one objects to it at all, except the Minister. Whereas he is giving special consideration to home nursing, apparently he will not give the same consideration to servicing hospitals and institutions; that is extremely unfair.

It has been put to me that one of the principals has been acquiring her business; previously, she had worked in it before she made an arrangement to purchase it. The purchase price has been paid off in instalments, and it is not long since the last instalment was paid. Naturally, the purchaser (now the principal) was looking forward to a business career in which she would reap the benefits of the long hours of work involved.

Having finally settled the purchase price, instead of being given a reasonable period in which to enjoy the financial benefit, she sees financial disaster around the corner. The services that the agencies have provided are remarkable. The one that has made representations to me involves, in effect, a 24-hour service seven days a week. Most of the calls come from hospitals and institutions between 5 a.m. and midnight. So, one can see the amount of work involved. No matter from what aspect one views this point, there is extreme unfairness.

Therefore, when the appropriate portion of the Bill is dealt with in Committee, I will oppose the deletion of section 2a of the principal Act, not with the intention of allowing for any expansion of activity but solely to allow these two specific agencies to continue to carry on their business activity as they have in the past. It is not a question of only a few representations being made to me: I am raising this matter because a great number of representations have been made to me.

Every nurse who has made contact with me over the telephone has explained her position, and I have been extremely impressed by her sincerity and desire to be given the right to continue in part-time work in which she is involved. The standard of service that these nurses provide, in my view as a result of my investigations, is first-class. From the patient's viewpoint, the hospitals concerned, and the ordinary principles of fair play, this House should make every possible endeavour to protect the interests of at least these two agencies and fit such arrangements into the Bill so that, whilst agreeing with the Minister's general contention and desire in introducing this Bill, special consideration ought to be given to bureaux to which I have referred. With that serious and single misgiving about the Bill, I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the plea put forward by the Hon. Mr. Hill in regard to the agencies that are working and finding employment for nurses. We must admit that these agencies have given a fine service to the community for many years. I ask the Minister to understand that the service they give is different from any other type of employment agency in that, first, people requiring home nursing need somewhere to turn to quickly in finding someone to assist. Secondly, hospitals (particularly small hospitals), when assistance or specialist nurses cannot come to work because of illness, need to find a replacement quickly, and these agencies perform a fine service in that regard. The number of nurses they have on roster is about 400, most of whom are part-time and who are prepared to start work at short notice when an emergency occurs. No compaint has been received in regard to the service they are giving, and no allegations of any bad business ethics have been received. I support the Hon. Mr. Hill in his view that the Government should not interfere with this process, because it is a service appreciated both by employers and those people who have a speciality and are prepared to use it when the need arises.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its purpose is to enable pensioners who are in receipt of entitlement from the superannuation fund to renounce all or part of cost of living increases from that fund where their rentention would jeopardise entitlement to fringe benefits associated with Commonwealth pensioner status.

Clause 1 is formal. Clause 2 amends section 98 of the principal Act, which deals with the adjustment of pensions payable under that Act. This clause inserts new subsections numbered (9), (10), and (11). The proposed subsection (9) provides that where, in the opinion of the board, a pensioner would be prejudicially affected by an increase in his pension under the pricipal Act, the board may determine that no such increase be granted, or that a lesser increase be granted.

Proposed subsection (10) empowers the board to revoke any determination made under subsection (9), and proposed subsection (11) provides that an increase which is not paid as a result of the operation of subsection (9) shall be taken into account, as if it had been paid in calculating any other pension payable under the Act, with the exception of a payment to a legal personal representative, under section 81 of the principal Act.

The Hon. R. C. DeGARIS (Leader of the Opposition): One cannot take exception to the principle outlined in the second explanation. It allows a person to renounce all or any part of the cost of living increases that are granted to a pensioner, when the pensioner so desires, so that no Commonwealth benefits will be affected by a rise in pensions. I see nothing wrong with that, and seek leave continue my remarks later.

Leave granted; debate adjourned.

POLICE PENSIONS ACT AMENDMENT BILL, 1979

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

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

That this Bill be now read a second time.

It is, in a sense, consequential on the Bill to amend the Superannuation Act, 1974-1978, which is currently before this Parliament. The purpose of that amendment was to enable pensioners who were in receipt of entitlements from the Superannuation Fund to renounce all or part of the cost of living increases from that fund where their retention would jeopardise entitlement to fringe benefits associated with Commonwealth pensioner status. This Bill provides for a corresponding amendment to the Police Pensions Act.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 34 of the principal Act, which deals with the adjustment of pensions payable under that Act. This clause inserts new subsections numbered (8), (9) and (10). The proposed subsection (8) provides that where, in the opinion of the Minister, a person in receipt of a pension would be prejudically affected by an increase in pension under the principal Act, the Minister may detemine that no such increase be granted, or that a lesser increase be granted.

Proposed subsection (9) empowers the Minister to revoke any determination made under subsection (8), and proposed subsection (10) provides that a determination made under subsection (8) shall be disregarded for the purpose of calculating a spouse's pension, or other benefit payable under the Act, with the exception of a payment on resignation under section 43 of the principal Act.

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

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its principal object is to widen the powers of the Film Corporation in relation to the financing of films. It is desirable that the corporation should have full power to invest money in films of which it is not the producer, to participate in schemes of various kinds for the financing of feature films, and to lend moneys in relation to films that the corporation itself proposes to produce. In its efforts to attract film producers to this State, the corporation needs to advance production moneys, upon proper commercial security, with the end in view of giving employment opportunities to South Australian technicians in this industry. The Bill also seeks to give the corporation the power to invest in short-term investments any moneys that are not immediately required for the purposes of the Act. Most statutory bodies have this power. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 gives the corporation the specific function of promoting and participating in schemes for financing film production. Clause 3 specifically empowers the corporation to lend moneys to any person for the purposes of film production. Clause 4 empowers the corporation to invest any moneys not immediately required, either on deposit with the Treasurer, or in any other form of investment that the Treasurer may approve.

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

WATER RESOURCES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes several amendments to the principal Act, the Water Resources Act, 1976, that are of a disparate nature. The amendments have been proposed following a review of the operation of the Act since 1 July 1976, taking account of administrative experience and the views expressed by the Chairman of the Water Resources Appeal Tribunal.

The Bill proposes amendments to definitions of terms used in the principal Act designed to remove certain ambiguities and extend the application of the Act to publicly owned artificial water channels. Accordingly, new definitions of "watercourse" and "waters" are provided that more clearly define the ambit of the Act and provide for the extension to the waters in publicly owned artificial channels of the licensing controls on the taking or diversion of water under Part III and the water quality controls under Part V of the principal Act. This inclusion within the definition of "watercourse" of artificial channels vested in public authorities has been prompted by the decision that the most appropriate method of managing the ultilisation of reclaimed water, such as that produced at the Bolivar sewage treatment works, would be by licensing in the same manner as applies to proclaimed watercourses under Part III of the principal Act.

The Bill proposes amendments to sections 29 and 43 of the principal Act that are designed to make it clear that the Minister may issue licences to take water from proclaimed watercourses or underground waters in a proclaimed region immediately upon the watercourse or region being proclaimed without receiving applications. This amendment would ensure that the present administrative practice would have a clear legislative basis.

The repealed Control of Waters and Underground Waters Preservation Acts enabled the Minister to modify an authorised water allotment, by reducing it, if the water allotment for the preceding year had been exceeded. This principle was retained in the current legislation by virtue of regulations 18·3 and 31·1. The appeal tribunal has formed the opinion, with which the Law Department has concurred, that those regulations were *ultra vires* by virtue of sections 29 and 43 of the Act. Subsection (2a) of each of those sections enables the modification of the terms and conditions of a licence only with the consent of the holder of the licence. Sections 32 and 45 of the Act however, provide for the modification of the terms and conditions of a licence, but only in the event of a breach of the terms and conditions of that licence. Thus the use of water in excess of water allotment in breach of the terms and conditions of a licence, discovered after the issue of a licence for the succeeding year, cannot be penalised otherwise than by prosecution. This is often too severe a sanction for breaches of this nature. Accordingly, the Bill proposes amendments to sections 32 and 45 of the principal Act designed to enable the terms and conditions of a licence to be varied without the consent of the licence holder if the licence holder breached a term or condition of any corresponding licence held by him during the preceding year.

The system for the levying of charges for the use of water in excess of a water allotment applying to a River Murray licensee, and, as approved, to apply to a Northern Adelaide Plains underground water licensee, provides the means whereby excess water use is self-regulated. This has been found to be the most satisfactory way of administering this aspect of water use as it eliminates, except in cases of flagrant breaches, the necessity to initiate prosecutions. There is, however, no specific authorisation for the levying of such charges in the principal Act and accordingly the Bill proposes an amendment authorising the imposition of such charges by regulation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Finally, the Bill proposes an amendment designed to make it clear that the appeal tribunal may adopt technical and scientific evidence heard in an appeal relating to a particular proclaimed watercourse or proclaimed region in any subsequent appeal relating to the same watercourse or region.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 amends the definition section of the principal Act, section 5. The clause deletes the definition of "surface waters" and incorporates the matters comprehended by that term in a new definition of "waters". This amendment is designed to remove ambiguities only. The clause recasts the definition of "watercourse" and includes within the meaning of that term any artificial channel that is vested in or under the control of a public authority. Apart from this addition, the new definition of "watercourse" is designed only to remove ambiguitites in the existing definition. "Public authority" is also, by this clause, defined to include the Crown, councils and any prescribed statutory corporation.

Clause 4 amends section 29 of the principal Act by providing that the Minister may grant a licence to take water from a proclaimed watercourse without having to receive an application for the licence. Clause 5 amends section 32 of the principal Act by providing that the Minister may revoke, or suspend, or vary the conditions of, a licence to take water from a proclaimed watercourse if the licence holder has breached a condition of that licence or any licence under section 29 previously held by him during the preceding 12 months. Clause 6 amends section 43 of the principal Act by empowering the Minister, of his own motion, to grant a licence to take water from a well in a proclaimed region.

Clause 7 amends section 45 of the principal Act by providing that the Minister may revoke or suspend, or vary the conditions of, a licence to take water from a well in a proclaimed region if the licence holder has breached a condition of that licence or any licence under section 43 previously held by him during the preceding 12 months. Clause 8 amends section 65 of the principal Act by providing that the tribunal may receive in evidence any transcript of evidence in other proceedings before the tribunal and draw any conclusions of fact therefrom that it considers proper. Clause 9 amends section 79 of the principal Act, the regulation-making section, by empowering the making of regulations providing for charges for taking water in excess of the quantity fixed in a condition of a licence.

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

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

It is being introduced to provide borrowing powers to the "Trustee of the State Heritage". This will enable the South Australian Government to take a lead in actively preserving the buildings and features of the State which reflect its cultural heritage.

The principal Act established a State Heritage Fund. Payments made available to the fund so far have been $50 000 in 1977-78 and a further $50 000 in 1978-79. It is considered that the amount that could be achieved with the current level of funding would be limited. It is critical for the preservation and enhancement of our heritage that funds are available to positively promote restoration and maintenance, through the provision of finance for grants, for acquisition of registered items and for education, research and promotion. The provision of borrowing powers as proposed will provide great potential for positive financial support for the preservation of our heritage.

With sufficient funds available, the South Australian Heritage Committee, through its recommendations to me, will have greater power over control of demolition by either the provision of funds to enable restoration to be undertaken or acquisition to prevent the loss of significant buildings.

The Commonwealth Government, through its national

estate grants programme, also provides funds for heritage purposes. Regrettably, the Commonwealth Government has significantly cut back its funding of the heritage area. This is most unfortunate. The South Australian Government is concerned that the outstanding examples of the heritage of the State are not neglected. Financial assistance is important for the preservation of the buildings and features of this State which reflect its cultural heritage. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the enactment of new sections 19a and 19b. New section 19a provides that the corporation, that is, the Trustee of the State Heritage, may borrow money from any person with the consent of the Treasurer and that repayment of any such loan is guaranteed by the Treasurer. New section 19b requires the corporation to keep proper accounts of its financial affairs and provides for an annual audit of those accounts by the Auditor-General.

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

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION BILL

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

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

That this Bill be now read a second time.

Its purpose is to fulfil a commitment made by the South Australian Government in 1973 to legislate for the establishment of a Waste Management Commission to promote efficient, safe and appropriate waste management policies and practices throughout the whole State having due regard for reducing waste generation, energy and resource conservation, health and well-being, environmental protection and improvement, economic factors and the preservation of local and area responsibility for the provision of waste management services.

In 1976 the Government appointed a Waste Disposal Committee to report on an organisation, its structure and terms of reference, which would be most appropriate and economic to manage waste disposal within the metropolitan area and other areas of the State as determined. That Committee's report was submitted in 1977 and all members have received a copy. The Interim Waste Management Committee was appointed in April 1978 to, among other things, prepare legislation to establish a South Australian Waste Management Commission and in addition that Committee has been involved in working with Government agencies, councils and private enterprise for the rationalisation, co-ordination and improvement of waste management services. The committee was also charged with the responsibility of considering the views of local government, private enterprise and the general public on the recommendations contained in the report of the Waste Disposal Committee. In all, 68 submissions were lodged with the Interim Waste Management Committee and these submissions, wherever possible, have been taken into consideration in the preparation of legislation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 sets out the objects of the Act and provides specifically that the Act is based upon principles that wherever possible allow for the reduction of waste generation, the conservation of energy and resources, including increased voluntary activities for the recycling and re-use of waste, maintaining and improving the health and well-being of the community, the protection of the environment, the preservation of local and area responsibility for the provision of waste management services, and that all aspects of waste management should be self-supporting financially with costs shared equitably amongst waste generators.

Clause 5 defines the terms and expressions used within the body of the Act. Clause 6 sets out how the Act may be applied. Clauses 7, 8, 9, 10, 11, 12, 13 and 14 provide for the establishment of the commission, how the membership shall be appointed, the terms and conditions of the office of members, the allowance for members, the procedures to be adopted at meetings and the validity of the acts of the commission.

The Bill provides that the commission shall be a body corporate with perpetual succession, that the membership shall consist of seven members, that no member shall be appointed for a term of office exceeding three years, and establishes the criteria for the removal of a member and reasons why the office of the member shall become vacant. It provides that the decisions of the commission shall be by a majority of votes by members present at a meeting and the Chairman or person presiding at the meeting shall in the equality of votes have a casting vote only. It provides for the disclosure by any member of a financial interest in any matter before the commission for decision and the execution of documents by the commission.

Clauses 15, 16, 17 and 18 provide for the establishment of a Waste Management Technical Committee to assist the commission in its decisions, and set out the membership of the committee and its functions. They also provide the ability for the Minister to establish such other committees as he may consider necessary for the administration of the Act.

Clauses 19, 20 and 21 empower the commission to appoint such employees as are required for the administration of the Act, and provide that the employees will not be bound by the provisions of the Public Service Act, but that the Commission must seek the approval of the Public Service Board with regard to the terms and conditions of such employees. They provide for the superannuation rights of employees and give the Commission the ability to use the services of existing public servants with the approval of the appropriate Minister.

Clause 22 provides for the licensing and control of any premises used for the reception, storage, treatment, or disposal of waste. Clause 23 provides for the licensing of any person who collects or transports waste for fee or reward. Clause 24 provides for the licensing of any industrial or commercial process which produces waste. Clauses 25, 26, 27, 28, 29 and 30 provide for the general procedures to be adopted for the application and granting of licences, for the renewal and transfer of licences, for the varying of conditions by the commission and for the revoking of any licence. The commission will be required to cause a register to be kept of all licences granted under the Act and such register shall be available for public inspection.

Clause 31 empowers the commission to place an order on any person if that person has failed to comply with the provisions of the Act and in consequence of that non-compliance a nuisance or offensive condition or conditions injurious to health or safety or damage to the environment has been caused or is threatened.

Clauses 32, 33 and 34 provide for the establishment and management of depots by the commission and before that action can be taken the Minister will be required to give the public reasonable opportunity to make representations in the matter and the Minister must be satisfied that existing facilities are inadequate or that the establishment of a depot is required in the public interest. The depots will be under the direct control of the commission and the commission may receive waste at these depots upon such terms and conditions as may be determined from time to time. All waste received at the depots will remain the property of the commission.

Clauses 35, 36, 37, 38 and 39 cover the financial provisions applicable to the operation of the commission and in particular set out the accounts which must be kept, the audit of these accounts and the ability of the commission to borrow money for any purposes of the Act from the Treasurer or from any other person. The Bill also provides for the investment of surplus funds by the commission with the approval of the Treasurer. Clause 40 gives any person the right of appeal against a decision of the commission and such appeal shall be lodged with the Minister within 28 days of the decision of the commission and for the purpose of determining the appeal the Minister is required to appoint an arbitrator.

Clause 41 enables the commission to hold an inquiry in any matter related to the production of waste or waste management generally and the obligation of persons to provide information and documentation to enable the commission to conduct its enquiry. Clause 42 provides the power for a person authorised by the commission to enter premises (not being a dwellinghouse) for the purpose of inspection, making tests, or sampling wastes. It also provides for an authorised person to stop vehicles, make inspections, take samples and direct that vehicle to dispose of its load of waste at a designated location. Clause 43 provides for a penalty for the disclosure of any information gained by a member of the commission or an employee in the course of their business.

Clauses 44 and 45 provide for the proceeding for offences against the Act and also for a penalty for a continuing offence. Clause 46 requires the commission to submit an annual report to the Minister, who shall in turn cause copies of the report to be laid before both Houses of Parliament. Clause 47 provides for the matters for which regulations may be made to administer the provisions of the Act.

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

ADJOURNMENT

At 1.38 a.m. the Council adjourned until Wednesday 28 February at 2.15 p.m.