LEGISLATIVE COUNCIL

Wednesday 28 February 1979

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

COMPANIES ACT AMENDMENT BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos. 17 and 18:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendments Nos. 19 and 20:

That the Legislative Council do not further insist on these amendments.

As to Amendments Nos. 37 and 38:

That the House of Assembly do not further insist on its disagreement thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

I thank all the managers of both Houses for the way in which the business of the conference was conducted. There was a spirit of co-operation on both sides. After general discussion, we adopted the recommendations. Perhaps it would be more appropriate for a solicitor who was at the conference to give the details. Of course, I could give the details, but I do not want any demarcation disputes.

The Hon. K. T. GRIFFIN: I support the motion. The conference was successful, and there were some compromises on both sides.

Amendment No. 17 dealt with clause 97 of the Bill. It may be remembered that the Minister asked the Council not to support that clause, and we were pleased to support him on that. Somewhere along the line that was not picked up in the House of Assembly, so that we were pleased that the House of Assembly did not further insist upon its disagreement with amendment No. 17, relating to clause 97. Amendment No. 18 dealt with clause 129 of the Bill which required donations for political or charitable purposes to be disclosed in the annual report of the company and in its annual accounts. The managers for the House of Assembly have agreed that they do not further insist on their disagreement with the deletion of that clause. I indicated the reasons, both in Committee and in the second reading stage, why it was not appropriate to leave in clause 129. I gave a number of reasons, not the least of which was the inconsistency which would thereby be created by including that sort of provision in South Australia but not including it in any of the other States or Territories in Australia with respect to the companies' annual accounts. I think it would have had some difficult consequences for South Australian companies that were endeavouring to carry on business interstate, where they may have had to disclose donations to one Party or another which may well have prejudiced them in their dealings interstate.

Amendment No. 20 relates to clause 143 of the Bill. Clause 137 sought to give to the commission the power to be appointed as an inspector for the purposes of the Act. We were persuaded that there were some advantages in the administration of the inspectorial provisions of the Companies Act if the commission itself could be appointed as inspector and be able to use its own officers to conduct an inspection. We were therefore able to agree that we should not further insist on that amendment. Amendment No. 19 related to clause 137 of the Bill which sought to vary the protection for auditors in making statements which may be defamatory in their audit report on a company. The present provision in South Australia, Victoria and Western Australia is that an auditor is protected from proceedings for defamation where, if he makes a defamatory statement in the course of his responsibilities as an auditor, he does not make those statements with malice. "Qualified privilege", which is referred to in this clause, has much the same connotations, but I felt, as others did, that it left the auditor in a position which was not quite so secure, because in some cases there is uncertainty of the description "qualified privilege". Notwithstanding those doubts, we were persuaded that, as the clause presently appears in the New South Wales legislation and is likely to appear in the national scheme, there was nothing lost, generally speaking, to advise that the Council should not further insist on that amendment.

Amendments Nos. 37 and 38 are related. Amendment No. 38 sought to appoint the Commissioner for Corporate Affairs and give him security of tenure that was not, in our view, appropriate to his office. He would be appointed for a term that would expire on his attaining 65 years, which would mean that, if he was in his thirties when appointed, he could have a tenure of about 30 years. The only means of removing him would be in the event of an address of both Houses of Parliament praying for his removal. There were limited powers of suspension.

It seemed to me and others that that sort of security was totally inappropriate to his office. That security, incidentally, is not available to the Commissioner for Corporate Affairs in any other State, so far as we are aware. Our amendment, which was supported by this Chamber, was that the Commissioner should be appointed and should hold office subject to and in accordance with the Public Service Act. The managers from another place were willing to allow that amendment to stand, and not to further insist on their disagreement to it.

Amendment No. 37 is related; it gives the Minister power to direct the Commissioner of Corporate Affairs in any matters of policy, a power which suggested to me that it was possible for the Minister to give directions to the Commissioner on matters of policy that would allow him to go beyond the powers given to him in the Act, as amended by the Bill. We believed that that power was much too wide because, after all, the Commissioner will be administering an Act that will set out clearly his responsibilities and those of bodies corporate, and he should carry out his responsibilities in accordance with the provisions of the Act.

In addition, it is important that there is no uncertainty and that persons who are subject to the provisions of the Act should know where they stand from its terms and should not have to be concerned about possible directions from the Minister affecting what they might do (directions, which may be either inconsistent with or an extension of the powers conferred on the Commissioner by the Act). The House of Assembly managers were persuaded that they should not further insist on their disagreement to this amendment.

The amendments that have already been accepted by another place and those that are now being recommended for acceptance, notwithstanding the fact that the Council will not further insist on its amendments Nos. 19 and 20, improve the Bill. They do not prejudice the fair and reasonable administration of the company law in this

State, and do not prejudice the general concept of uniformity with the other States. The amendments that we have made will generally improve administration concerning companies carrying on business in this State. Hopefully, there will be some amendments ultimately adopted to improve the national scheme when it is implemented. I am pleased to support the motion.

The Hon. D. H. LAIDLAW: I, too, believe that the conference was a conciliatory one. The Attorney-General, as the Chairman of the conference, is a person whom I have criticised in this Chamber, but I believe that on this occasion he adopted a conciliatory attitude from the start, so that it was possible to reach a compromise.

I was most interested in amendment No. 18, which amends section 129, dealing with the need for companies to disclose political and charitable donations. I am pleased that the House of Assembly is no longer insisting on this amendment, and I wish to place on record once again (I said this in my second reading speech) that I think the time to introduce a provision insisting on disclosure of political donations is when similar action is taken in the other States.

I think it would disadvantage a number of companies based in South Australia that tendered for contracts with Government departments and statutory authorities in other States. Consider the case where the company concerned had given a donation, for instance, to the Don Dunstan Campaign Fund and this had to be disclosed in the annual report of the company, whereas the company's competitors in the other States had to make no such disclosure. I have no doubt that competitors in the other States would make known to any of those authorities in States with non-socialist Governments that the company had supported the Don Dunstan Campaign Fund, and I could not think that this would enhance the company's chances of getting an order. A similar position can apply in reverse.

I doubt whether, if this provision had come into law, it would have reduced significantly the amount of donations made by companies to political Parties on either side. In England, for instance, it turned out that companies gave twice as much as they had given previously.

I think that the compromise reached at the managers' conference is suitable, and I am pleased that this State will have on its Statute Book amendments to the Companies Act that bring South Australia, with some slight deviations, into line with the other States that are parties to the Interstate Corporate Affairs agreement.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

LEVI PARK ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands): I have to report that the managers for the two Houses conferred together 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 either resolve not to insist on its amendments or lay the Bill aside.

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

That the Council do not further insist on its amendments.

During the conference, which was rather short, the Minister of Transport put forward a proposition which, although involving only a small compromise, was nevertheless a compromise. However, the Council managers could not agree thereto, or come up with a compromise of any description. A deadlock in the arrangements occurred and, unfortunately, nothing came out of the conference. I therefore ask the Council not to further insist on its amendments.

The Hon. J. A. CARNIE: I oppose the motion. During the debate on the Bill, the Opposition made clear that it considered that the control of the Levi Park recreation area and caravan park should remain in the hands of local government.

The Hon. C. J. Sumner: That's your local council, is it?

The PRESIDENT: Order!

The Hon. J. A. CARNIE: Although admitting that since 1970 there has been no real reason for Enfield council to be represented on the trust, the Opposition at the same time believed strongly that control of the area should remain in local government hands. The original proposal, put forward in good faith by Walkerville council to the Minister, was that the Enfield council nominee be replaced by one from Walkerville council. That proposition was fully in line with the original wishes of Mrs. Adelaide Belt, who donated this land in 1948. She wanted to give the land to Walkerville council, and expressed the wish that, if that council could not have control of the park, she would not donate it. Because of the anomaly that the land happened to be in Enfield, the trust was established. If the land had not been in Enfield, there would have been no trust; the area would have been under the Walkerville council's control since 1948, and the Government would not have entered into the matter at all.

Because Levi Park was in the Enfield council area, it was considered appropriate in 1948 that one member of the trust should be a representative of the Enfield council. However, the position changed in 1970 and, a few years later, Walkerville council asked the Minister that the Enfield council representative be replaced by one of its representatives. The Minister's reply was the Bill, under which the Enfield council representative was to be replaced by a Government appointee. That is what the Opposition opposes, and it makes no apology for it.

The control of this park should remain in local government hands and, because the Minister was so intransigent regarding it, the *status quo* will have to remain. Although it is perhaps unfortunate that Enfield council is involved, at least local government will have on the trust three representatives compared to two Government representatives. I therefore ask honourable members to oppose the motion.

The Hon. C. W. CREEDON: I, too, attended the conference. I do not know whether I heard the Hon. Mr. Carnie correctly but, if I did, he misrepresented a statement made by the Minister this morning. The Minister produced a letter from the then Mayor of Walkerville, Mr. Scales.

The Hon. J. A. Carnie: But he isn't the Mayor now.

The Hon. C. W. CREEDON: I said "the then Mayor". I was referring to 1973, when, in its original submission to the Government, Walkerville council stated that it no longer desired representation on the trust from Enfield council and that the Minister should appoint thereto someone else who it hoped would come from the environmental field. That was the statement read from the letter this morning, and I agreed with the Minister's statement.

The Hon. C. J. Sumner: The Walkerville council wanted it.

The Hon. C. W. CREEDON: In 1973, the Walkerville council wrote to the Minister stating that it agreed to the proposition that the Minister should appoint someone in place of a representative of the Enfield council. The Walkerville council also stated that it preferred someone in the environmental field. I therefore correct what the Hon. Mr. Carnie said.

The Council divided on the motion:

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

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, 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.

The PRESIDENT: There are 10 Ayes and 10 Noes. I give my casting vote for the Noes. The Bill is therefore laid aside.

Motion thus negatived.

Bill laid aside.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

At 2.45 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No.1:

That the Legislative Council amends its amendment by leaving out the words "protection of the community and the treatment of young offenders" and inserting in lieu thereof the words "welfare of the community".

And that the House of Assembly agrees thereto.

As to Amendments Nos. 8, 17 and 18:

That the Legislative Council does not further insist on its amendments.

As to Amendment No. 22:

That the Legislative Council does not further insist on its disagreement to the amendment thereto.

As to Amendment No. 25:

That the Legislative Council does not further insist on its amendment.

As to Amendment No. 26:

That the Legislative Council does not further insist on its disagreement to the amendment thereto.

As to Amendment No. 27:

That the Legislative Council does not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 49, page 18, line 17—Leave out the word "first" and insert in lieu thereof the word "fifth".

And that the House of Assembly agrees thereto.

As to Amendments Nos. 29 to 32:

That the Legislative Council does not further insist on its amendments.

As to Amendment No. 37:

That the Legislative Council does not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 91, page 34, line 32—Leave out the words "their lawyers" and insert in lieu thereof the words "the legal practitioners representing those parties".

And that the House of Assembly agrees thereto.

As to Amendments Nos. 38 to 42:

That the Legislative Council does not further insist on its amendments but makes the following amendments in lieu thereof:

Clause 92, page 35—

After line 4, insert subclause as follows:

(2a) Where, in any proceedings under Part IV of this Act, the child is convicted of an offence, a brief summary of the circumstances of the offence may be published together with any publication of the result of the proceedings, unless the Court orders otherwise.

Line 7—After "of this section," insert "or any summary under subsection (2a) of this section,"

And that the House of Assembly agrees thereto.

As to Amendment No. 43:

That the Legislative Council amends its amendment by leaving out the word "one" and inserting in lieu thereof the word "five".

And that the House of Assembly agrees thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

There was give and take on both sides. The compromise that is before honourable members reflects a reasonable situation.

The Hon. J. C. BURDETT: I support the motion. I agree with the Minister that the compromise reached was reasonable and that the managers from both Houses displayed a spirit of compromise. Yesterday, we heard a suggestion that conferences such as this between the two Houses were a farce and amounted to hypocrisy. However, this conference showed that the conference system is sound. It is the best way in which we can effectively operate a bicameral system. I believe that all of the conferences have been reasonable, including the one that was reported yesterday and the two that were reported today, as far as I know. This conference was an example of the benefit of managers from the two Houses being able to sit down together while knowing the views of their Houses and being able to talk about those views and to compromise. It is well recognised that, when it comes to negotiation, compromise can best be achieved in private. What has gone before certainly must be public, and what comes now certainly must be public, but it is terribly difficult to bargain (and to some extent that is what happens in a conference)—

The Hon. F. T. Blevins: What you really try to do is stand over the Government.

The Hon. J. C. BURDETT: There was no standing over the Government in this conference or in any other conference at which I have been a manager.

Members interjecting:

The PRESIDENT: Order! The honourable member has made his point. That is sufficient.

The Hon. J. C. BURDETT: There must be some ability at some point in negotiations to go into private and talk it over. That is all that these conferences are. Amendments Nos. 22 and 26 relate to minor amendments.

Upon reflection, they did turn out to be minor, and the council managers were pleased to agree to the amendments made by the Assembly. The first amendment made by the Council to which the House of Assembly disagreed, concerned the title, and a reasonable compromise was reached to provide for the welfare of the community. As the Bill deals with various things such as the care of young people, the community aspect has to be included.

Regarding amendments Nos. 8, 17, 18, 25, 29, 30, and 31, the Council no longer insists on its amendments. The earlier amendments provided that the aid panel, after the screening panel, could, in some circumstances, refer the matter to a Children's Court. The other amendments were

similar, and provided that the Children's Court could, in certain circumstances quite apart from the application of the Attorney-General, refer the matter to an adult court. The managers agreed to no longer insist on these amendments: we believed that they had merit, but the pattern of the Bill is such that the screening panel has the say in the screening of young offenders and whether they go to the aid panel or the court and, when they go to the Children's Court, the Children's Court should deal with them.

The Council believes that the door should not be absolutely shut, and that, when a child goes to the aid panel and new matters come up which the screening panel was not aware of, the aid panel should have the ability to refer the matter to the Children's Court. We also believe that, once a child gets to the Children's Court, if matters came up before the court that suggested that the child would be better dealt with in an adult court, that should be possible.

It is a difficult area. The Assembly managers agreed that this is a completely new Bill, it has a different approach, and is a complete change from the present Act. It is theoretical, as it has not been tried in practice, and difficulties may occur that will result in amendments being introduced within 12 months of the Bill's operating. It was conceded that these may be matters which would have to be considered.

Regarding amendment 27, clause 39 required that a verdict be arrived at by 5 o'clock in the afternoon on the day following the case being concluded. The Council managers agreed with the principle that children ought to be dealt with speedily. However, there would be some circumstances in which it would be somewhat difficult for a court to arrive at a decision by 5 o'clock the following afternoon. This provision has been changed to read, "Five o'clock the fifth day", so the court has a full five days instead of one working day.

Amendment No. 32 related to the release of an offender, and provided that such an order should not be made unless the Commissioner of Police has received reasonable notice of the application and had been given reasonable opportunity to make such representation to the court as may be relevant to the application. For the first time members of the Council heard at the conference that the Government agreed with this in principle. We were not aware that that was the Government's view. The Government believes that it ought to be provided for by regulations rather than be included in the Bill. It is a procedural matter, and we do not disagree with that. I have been told that the Minister in another place (and he has authorised me to say this) will give an undertaking that regulations will be introduced to provide for this procedure. That is acceptable to the Council: we do not care how it is done, but we were not aware that there was any proposal to do that.

Amendment 37 relates to the people who have the right to be present in the Children's Court. Our amendment was to delete "lawyers" and insert "counsel" or "solicitors" and a reasonable compromise has been made: that is, to not use the terms "counsel", "lawyers", "barristers", or "solicitors" but to use the term "legal practitioners".

One of the most difficult areas lies in clause 92, which provides for reporting of cases before the Juvenile Court. As it was presented to us in the Bill, the position was that only the result could be published and no details could be published unless the court ruled that way. The Council's amendment provided that, while names and addresses and any identifying matter was not to be published, a report could be published unless the court rules otherwise. The compromise arranged was to provide that:

> (2a) Where, in any proceedings under Part IV of this Act, the child is convicted of an offence, a brief summary of the circumstances of the offence may be published together with any publication of the result of the proceedings, unless the court orders otherwise.

That was what the Council wanted. It was said in the earlier debate that we believed that the community was entitled to know something of what happens to the children of the community who got into trouble before the court, and so this compromise was reached. I support the motion.

The Hon. ANNE LEVY: I, too, support the motion. I refer to the comments of the Hon. Mr. Burdett, who referred to the value of the conference. True, there is value in people sitting down together to discuss a matter, and whether this occurs through the formalities of conferences or informally could be argued, and is not relevant to the value of people discussing matters calmly.

Nevertheless, I maintain that there is much hypocrisy in the method by which our conferences are conducted. The Hon. Mr. Burdett referred to the value of managers discussing matters frankly but, at this morning's conference, only six of the 10 managers could speak frankly and discuss their point of view. Two managers from this Chamber and two managers from another place were unable to express their views and take part in discussions.

The Hon. R. C. DeGaris: They are supposed to express the point of view of the Council.

The Hon. ANNE LEVY: I was commenting on the Hon. Mr. Burdett's statement that there was value in people sitting down and discussing things around a table. At this morning's conference, as at any other conference, only six of the 10 managers could contribute. The other four managers were not able to discuss matters or put their views in an attempt to arrive at a consensus or rational decision. It is hypocritical to pretend that conferences are so valuable when 40 per cent of the managers are unable to make a satisfactory contribution. This applies equally to members from this Chamber or another place.

The Hon. B. A. Chatterton: Why have you referred to this morning's conference?

The Hon. ANNE LEVY: Because I referred to evidence presented to the Select Committee, and a manager from another place became extremely irate, claiming that I could not quote from that evidence. That situation emphasises the hypocrisy of the situation under which managers to a conference cannot put their point of view.

I agree that a reasonable compromise has been reached in terms of the amendments. The reasons that I would advance are not those necessarily advanced by the Hon. Mr. Burdett, but I agree that it is a sensible compromise in several areas between conflicting points of view. This is trail-blazing legislation. It is completely new legislation for which there is little parallel anywhere in the world. Therefore, the South Australian Government is to be congratulated on this completely new approach to juvenile courts and offenders. As the Hon. Mr. Burdett said, there may be teething troubles that will have to be overcome, perhaps requiring future amendments. We can confidently say that this admirable legislation deserves the support of all members to ensure that it has a fair trial to see how it works for the benefit of children in our community.

The Hon. N. K. FOSTER: I support the motion. I refer to the comments of the Hon. Mr. Burdett, so ably dealt with by the Hon. Anne Levy, that the conference procedure is more democratic than the debates undertaken in the second reading stage or in Committee in this Chamber.

The Hon. R. C. DeGaris: It's like a Caucus meeting?

The Hon. N. K. FOSTER: If the Leader knew the true meaning of the word "Caucus", he would know that it does not apply in a Parliamentary sense. I presume the Leader is referring to meetings of the Government, the Australian Labor Party, and if the Leader and his colleagues believe they will obtain information from me about what happens at Caucus meetings, they are foolish. Under the Caucus system everyone who desires to participate in a debate can do so.

The Hon. M. B. Cameron: Except the public?

The Hon. N. K. FOSTER: I will answer the honourable member. In Caucus, if a report is being made to it by a committee, it is competent for a member of Caucus to debate a minority view. Members from this side of the Chamber have been taken to task since on the basis that they have served on conferences and advanced a point of view held by the majority of members, except, say, for your view, Mr. Chairman, or that of your predecessor. I take exception to the Hon. Mr. Cameron's interjection. He suggests that there is no right in a Caucus meeting for public views to be expressed, but that is not the case. The Hon. Miss Levy capably answered this serious question concerning evidence of a Select Committee taken under Standing Orders being reported to the conferences. There was a denial by conference managers to have that evidence referred to. That evidence, often from experts, is denied completely to the conference on the sham basis that the Chamber has made a decision.

Taken to its logical conclusion, obviously Standing Orders deny the right of any form of public expression to people giving evidence to Select Committees, because of your ruling or that of your predecessors, Mr. Chairman.

The PRESIDENT: I must draw the honourable member's attention to the fact that this is really not a constitutional debate. The motion was a simple one regarding the recommendations of the conference.

The Hon. N. K. FOSTER: I am responding to the initial remarks made by the shadow Attorney-General.

The PRESIDENT: I think you have done that very ably, and now I would like you to revert to the matter before the Council.

The Hon. N. K. FOSTER: Thank you, Mr. President. Sooner or later there will be a concerted move, in the interests of democracy, to amend Standing Orders in such a way that will allow free, open, and proper debate on these matters.

The Hon. M. B. DAWKINS: I do not often quote the Minister of Agriculture, but I will do so on this occasion. I do not say that I am quoting him word for word, but, in reporting to this Council on the result of the conference, he said that the conference had been conducted in an amicable way, that there had been give and take on both sides, and that he thought a reasonable compromise had been reached. I hope that members on the back-bench opposite will take notice of their Minister before they denigrate the system of holding conferences. This conference was worth while and, as the Minister has said, there was give and take.

I also compliment the Hon. Ron Payne. I said after the most recent two conferences that I have attended with the Hon. Geoff Virgo that that Minister had conducted the conferences in an able and worthwhile way, with a satisfactory result being achieved. That comment also applies to the Hon. Ron Payne in respect of the way he conducted the conference this morning, when a valuable compromise was reached. I hope that future conferences can reach a solution that is as reasonable as the one reached this morning. That solution ought to be satisfactory to both Houses. I compliment Ron Payne, and I agree with the Minister of Agriculture in his summing up of the situation.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

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

That Standing Orders be so far suspended as to enable Question Time to continue until 3.30 p.m.

Motion carried.

COMPUTERISED CARD KEYS

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Leader of the Council on the matter of the multi-national security organisation, Cincinnati Time Recorder Company of Australia Proprietary Limited.

Leave granted.

The Hon. N. K. FOSTER: I think it was about the beginning of last year that most members were told (and there was some objection then) that entry to the car park at the rear of the Festival Theatre would be by way of a credit-type card that I understand was to be activated by a micro dot, and enabled entrance to the car park through a meter. Again, it is used to gain entry to the level of the car park that is designated for use by members of Parliament and the staff of Parliament House.

Many instructions were given at the time that, if a person entered by that method and used the boxes that received that card, the person had to go out in a similar way, otherwise the whole works would be fouled up. Such fouling up has occurred and dangerous situations have arisen. One arose recently when hundreds of cars belonging to members of Parliament and to the general public who were attending the Festival Theatre were in the car park. The dangerous situation arose because of the presence of non-escapable carbon-dioxide fumes in the building, added to the atmospheric conditions. The gate was flapping continually, and there was an ever-present possibility of injury occurring. On one occasion a few months ago, I was talking to a person in the car park, when he suffered a heart attack. I had to render first-aid to this man until an ambulance arrived and took him to hospital.

The situation is very serious. I ask whether it is common sense for a company that boasts that it is world-first in both personal security and security against theft, robbery, violence, and so on, to evolve a system that locks hundreds of people in a car park because one person forgets to insert a card in the right way, does not use it on the way in, or does not carry out all the operations required for the card.

The PRESIDENT: This is a very ample description of the company. I hope the honourable member will get on with the question.

The Hon. N. K. FOSTER: On this card, there is a micro dot and, I understand, it can be programmed in several ways. It could tell the company where the holder of the card was at any given time if it was programmed to do that.

The PRESIDENT: I now say definitely that the honourable member must ask the question. He has more than covered the subject.

The Hon. N. K. FOSTER: Is the Minister aware that a

micro dot on the card can be programmed in different ways?

The Hon. R. C. DeGaris: You're not holding it up, are you?

The Hon. N. K. FOSTER: You have one in your kick. I ask the Minister whether he can assure the Council that these cards, about 20 of which have been delivered this afternoon, could not be programmed so as to give to an outside organisation a record of every word spoken in this Parliament this afternoon. I also ask whether the matter can be taken up with appropriate areas of the Public Buildings Department in regard to whether a better and more direct system can be evolved to give a more personal service to the people who are being imprisoned by the present system. This card does not overcome that problem. Will the Minister have the whole matter examined to find out what can be done?

The Hon. D. H. L. BANFIELD: I was not aware of the implications that could be involved as a result of receiving the card. However, I shall be pleased to have the matter investigated.

STATE EMERGENCY SERVICES

The Hon. R. A. GEDDES: I seek leave to ask the Minister of Agriculture, representing the Chief Secretary, a question regarding the State Emergency Services.

Leave granted.

The Hon. R. A. GEDDES: Some councils have pointed out to me that difficulties have been experienced in implementing certain aspects of the State Emergency Services in rural areas. Some of those problems seem to involve the difficulty of defining boundaries between S.E.S. brigades and the implementation of emergency services from local involvement to State involvement should a major disaster occur. It has also been pointed out that there is no Act of Parliament, such as that which obtains in Queensland, to give guidelines to rural S.E.S. brigades. Is the Government aware of these problems, and do plans exist to introduce a Bill to give the necessary controls to the State Emergency Services?

The Hon. B. A. CHATTERTON: I will refer the question to my colleague, and bring back a reply.

RADIOGRAPHERS

The Hon. C. M. HILL: I seek leave to make a short statement before asking the Minister of Health a question regarding the registration of radiographers.

Leave granted.

The Hon. C. M. HILL: I have from time to time over the years asked the Minister whether the Government would consider the registration of radiographers in this State. Two nights ago, a national television programme emphasised the dangers of radiation from X-rays. This made me think that it might possibly cause the Minister to examine further the need that I believe exists here. I last raised this matter on 17 August 1976, when I asked whether the Government would consider this approach. The Minister, as part of his reply, said, "We are still investigating the matter." The Minister will acknowledge the continuing danger of ionising radiation, of which X-rays form a part. I therefore ask the Minister again: has the Government made any plans to register radiographers in this State?

The Hon. D. H. L. BANFIELD: As I have indicated previously, the matter has been discussed at conferences of Ministers of Health. Apart from the Australian Capital Territory and the Northern Territory, registration does not apply in any State. The mere fact that registration might be given to radiographers does not necessarily mean that it would cut down in any way the over-use of X-rays, It merely puts radiographers on a register. The Commonwealth and all the Ministers of Health keep the matter under review. At present, there is no move from the Government to register radiographers.

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

That Question Time be extended.

Motion carried.

DOOR TO DOOR SALES ACT AMENDMENT BILL

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Health about a card used during the debate on the Door to Door Sales Act Amendment Bill.

Leave granted.

The Hon. R. C. DeGARIS: During the debate on the Door to Door Sales Act Amendment Bill the Minister had a confirmation card in connection with bookselling. I have received the following letter from the Direct Selling Association of Australia:

> I wish to thank you and your Party for supporting amendments to the Door to Door Sales Bill.
>
> I was seriously embarrassed by the Minister producing a World Book confirmation card which was different in wording to that which I had supplied you and had provided to the Government in my original submissions.
>
> I am advised by Field Educational Enterprises head office in Sydney, which are publishers and distributors of World Book, that the confirmation card produced by the Minister was one printed in February 1976. A copy was forwarded to the Prices and Consumer Affairs Branch on 11 March 1976 for consideration and suggestions as to improvement.
>
> This matter was handled by Anthony M. Davis, Solicitor, Sydney, and subsequent to correspondence with, and visits to the department, amendments were made. Approval of the amended confirmation card was given on 20 May 1976 by M. A. Noblet, S.M., Registrar of the Credit Tribunal in the following words:
>
> > I confirm approval of the sales order/agreement form and the confirmation card, pursuant to condition no. 2 of the authorisation. Copies returned herewith with my approval endorsed thereon.

There is other material associated with this correspondence and also photocopies. Will the Minister examine this material, because probably some injustice has been done in connection with the Minister's displaying a card. There is no doubt that that card went out between February and May 1976, but after that it was changed.

The Hon. D. H. L. BANFIELD: I will certainly read the correspondence, and I express an apology to the firm if it was done an injustice. I believe that the explanation given by the Hon. Mr. DeGaris is correct. At the end of the debate the other night two gentlemen spoke to me and seemed surprised that two different cards were in existence. It was not until last night that it was brought to my notice that the card I had was an old card. I fully accept the explanation given by the company and by the Hon. Mr. DeGaris. My information was that this was a card given to the department for perusal. I was not aware that it was an old card and, if in any way I offended the company, I apologise for that. The confirmation card which was read out to this Council by the Hon. Mr. Burdett is the one. I accept the Leader's explanation, and I apologise to the

firm for any inconvenience or embarrassment I may have caused it.

EMERGENCY MEDICAL SERVICES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health about emergency medical services for the Noarlunga district.

Leave granted.

The Hon. C. M. HILL: From time to time I have raised the subject not only of the need for hospital facilities in the Noarlunga region but also the need for emergency medical services in that area. When I previously asked a question on those matters I specifically referred to the Government's promise of a helicopter service for that area. In his reply, the Minister tended to assume there was some political intent to my questions, whereas really I was concerned with the people in the area. I now raise the matter again, and I hope that we will not get an aggressive answer dealing with the alleged lack of funds from the Federal Government. I use as a source of my questions an entirely independent approach. An article, headed "Noarlunga Mayor supports petition: Hunt raps health delays", in the *Southern Times* of 14 February, states:

> Noarlunga Mayor, Morris Hunt, last week criticised the State Government for showing little sign of fulfilling its election promises to improve casualty retrieval services south of O'Halloran Hill. Mr. Hunt urged the State Government to make a positive announcement on the proposed emergency helicopter service. "No-one disputes the State Government claim because it is entering an area in which it has had no previous experience, the emergency helicopter scheme must be thoroughly investigated, but is disappointing and of serious concern these investigations have taken 19 months to date," Mr. Hunt said. Mayor Hunt also backed a Noarlunga Consultative Group decision to launch a petition calling on the Government to honor its casualty retrieval undertakings.
>
> It is the first time during the 12-month medical wrangle the Noarlunga Mayor has publicly criticised the State Government's handling of the southern health care issues. He said: "The critical factor in saving lives is not how long it takes to get to hospital, but how long it takes to get qualified personnel and life-support equipment to the sick or injured. An efficient and effective casualty retrieval system would do just this. Public knowledge of and confidence in such a system would avoid unnecessary alarm over the present lack of a local public hospital or casualty clearing station in the fastest growing area in the State."
>
> Mayor Hunt urged the State Government to make some positive announcement of the emergency medical service. "And in the meantime, should the opportunity present itself, I urge the residents of Noarlunga and the surrounding areas to sign the Consultative Group's petition, which has council's full support."

I have read the article in full so that there is no thought that I might have left out paragraphs or used only the ones that suit my claim. In view of that article in the paper and the concern expressed by the No. 1 citizen of that area (Mayor Hunt), and in view of the fact that the Noarlunga consultative group is taking a petition around for this cause, will the Minister at this late hour in the session make some positive announcement on the Government's intentions regarding this emergency medical service?

The Hon. D. H. L. BANFIELD: I have not seen the terms of the petition. Several matters were raised, one of which involved the retrieval team and another the helicopter. The Hon. Mr. Hill knows very well that the Government has not retreated in any way from the promise given regarding a helicopter service in the south area, and he knows that the Government desires to get the best use out of the helicopter. We are investigating the question of another department also using it, so that it would serve a dual purpose. There has been some delay in implementing such a scheme. However, the Chief Secretary has the matter well in hand, and I am sure we will be notified as soon as a decision is made.

FLEURIEU COAST PROTECTION

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

1. Can copies of the management plan for the Fleurieu Coast Protection District be made available (even at an appropriate price) to the public?

2. Is any advice being set by the Coast Protection Board to property owners directly affected by the proposals, advising where the plan can be perused, and how the respective properties might be affected?

3. In coastal towns such as Victor Harbor, are properties inland from the Esplanade and other similar coastal roads, affected by the proposals and, if so, what duplication of planning procedures is envisaged between local government zoning and the powers of the Coast Protection Board, and how is this matter to be resolved?

The Hon. D. H. L. BANFIELD: The replies are as follows:

1. Yes, copies of the draft management plan for the Fleurieu Coast Protection District are available to groups and individuals. In addition to this, copies of the draft plan are on public exhibition in the offices of the local councils and at the following locations:

Torrens College of Advanced Education Library,
The State Library,
Parliamentary Library,
The Barr Smith Library,
The Australian National Library,
The South Australian Institute of Technology Library (both at North Terrace and at the Levels),
Flinders University Library, and
Victor Harbor Library

Plans are also on public display at the offices of appropriate Government departments. In addition, arrangements were made to mount a mobile display using a caravan which has visited a number of coastal locations.

2. Advertisements have been placed drawing attention to the plan and the locations where it may be seen. Public meetings have been held at the following locations in the Fleurieu coast protection district:

Port Elliot and Goolwa,
Victor Harbor,
Yankalilla, and
Cape Jervois

These meetings have been well attended.

3. The landward boundary of the proposed coast protection district includes land that is important to coastal management. However, as proposed in the draft plan, overlap of control will be minimised by co-ordinating with local government and other authorities with whom considerable discussion has taken place. Submissions on the boundary proposed and any other proposals shown in the draft plan have been invited.

PERSONAL EXPLANATION: MEMBER'S ALLEGATIONS

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: According to the *Hansard*

pulls of yesterday's Council debate, the Hon. Mr. Foster made several allegations against me, two of which I believe should be answered. I now refer to the Hon. Mr. Foster's speech in the second reading debate on the Motor Body Repairs Industry Bill, as follows:

> 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.

However, I have never made any such statement, either at that meeting or anywhere else. The Hon. Mr. Foster also said:

> The honourable member took money from the industry, whether it was one cent or $40 000, under blatant false pretences.

The Hon. N. K. Foster: That's right.

The Hon. R. C. DeGARIS: I have never taken 1c from the industry, and I certainly cannot be accused of blatant false pretences. That is a scandalous allegation that is totally untrue.

The Hon. N. K. FOSTER: I, too, seek leave to make a personal explanation in view of the one just made by the Hon. Mr. DeGaris.

Leave granted.

The Hon. N. K. FOSTER: I quote the following from the same *Hansard* pull:

> 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—

The following is the operative part. His words were, "I did not take any money on the stage. I directed them to Greenhill Road and the Party headquarters," although the latter part thereof does not appear in *Hansard*. So, the Leader has misrepresented the *Hansard* report of yesterday's Council debate.

I made this matter clear when I approached the Leader regarding it, and the Leader did not deny this aspect. In fact, he engaged in a conversation regarding the likelihood of this relating to St. Marys. I cannot remember what I said last night, but I did not say St. Marys. However, I do not wish in any way to blame *Hansard*.

The Hon. R. C. DeGaris: This man is mad, Mr. President.

The Hon. N. K. FOSTER: Members opposite have been caught out, and are accusing me of being a nut, when they are the wheel.

The Hon. F. T. BLEVINS: Mr. President—

The PRESIDENT: Order! The Hon. Mr. Blevins has no right to stand while another honourable member is speaking, unless he calls a point of order. Two honourable members cannot stand at the one time.

The Hon. F. T. BLEVINS: On a point of order, Sir, I refer to Standing Order 193. The Hon. Mr. DeGaris has made a dreadful allegation.

The Hon. R. C. DeGaris: And I stand by it, too.

The Hon. F. T. BLEVINS: It was certainly an injurious reflection on the Hon. Mr. Foster, who the Hon. Mr. DeGaris said was mad.

That is an intolerable statement and it is certainly unparliamentary language. I therefore expect you, Sir, to deal with the Hon. Mr. DeGaris as firmly as possible.

The PRESIDENT: Order! Standing Order 193 deals with unparliamentary language. The Hon. Mr. DeGaris should not use unparliamentary language but, as he is not the only honourable member who has used such unparliamentary language today, and especially last evening, I think that the matter should close there.

The Hon. F. T. Blevins: That's a bit rough!

The Hon. N. K. FOSTER: I will not call for a withdrawal from the Hon. Mr. DeGaris. However, I reiterate what the Leader said this afternoon in his crude and lewd attempt to imply that something had been said regarding this matter. The fact is that I explode—

The Hon. R. C. DeGaris: You usually do!

The Hon. N. K. FOSTER: —the false accusations made by the Leader of the Opposition. What a disreputable group the Opposition must be if it cannot get a better Leader than this. After all, he needs only five votes to get him elected. Those who vote for him must be five weary men.

The PRESIDENT: Order! Does the Hon. Mr. Foster wish to make a personal explanation?

The Hon. N. K. Foster: Yes, because of his interjection.

Members interjecting:

The Hon. N. K. FOSTER: It is not for members opposite to throw me out of this place.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I reiterate that the Hon. Mr. DeGaris said, "I did not take any money on the stage. I directed them to Greenhill Road and the Party headquarters." Let members opposite try that on for size!

MEMBERS' DISCLOSURE OF INTERESTS

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

> That in the opinion of this Council, a joint committee comprising three members from the House of Assembly and three from the Legislative Council, be established to inquire into and report to Parliament upon the disclosure of interests by members of Parliament and other persons serving in any public office; the inquiry undertaken by the joint committee to include:
>
> 1. Who should be required to make declarations.
> 2. What interests should be declared.
> 3. If a register of interests is established who should have access to this information.
> 4. An examination of the Constitution Act and Standing Orders, and to make recommendations for any changes that may need to be made.

At a conference yesterday between both Houses, no agreement could be reached on the Attorney-General's Bill to require members of Parliament to make declarations in relation to certain interests. As explained by the managers, the one point upon which no resolution could be reached was whether or not the register should be a public document. The Legislative Council viewpoint was that, at the present time, the Constitution Act and Standing Orders contained rules relating to pecuniary interests of members of Parliament and that, any changes, the Constitution Act and Standing Orders had to be taken into consideration. The amendment moved by the Council was that the President and the Speaker in each House respectively had a right to view the register to satisfy

themselves that no member of Parliament was voting on any issue where he had an identifiable pecuniary interest.

It must also be remembered that the interest to be declared in the Attorney-General's Bill includes such things as the spouse's income source and the spouse's interests, as well as the income source and the interests of all children under 18 years of age. These matters were to become part of the public register published as a Parliamentary Paper. In the debate, the Liberal Party in the Legislative Council recognised that there was probably a deficiency in the existing Constitution Act and Standing Orders. However, there was disagreement on the question of whether or not the register should be made public. There is also disagreement as to whether interests other than pecuniary interests should be part of the register. The Government and the Attorney-General were adamant that it was only pecuniary interests, whereas questions were raised by the managers for the Council that matters other than pecuniary matters could be an interest as far as members of Parliament were concerned.

At the conference the Legislative Council made the offer to the House of Assembly that a joint committee of both Houses should be appointed to inquire into all aspects of the question and also to inquire into and report on whether other persons acting in public office should be required to make public declarations of their interests. That suggestion from the Legislative Council was not accepted by the House of Assembly, and I am sorry that this matter was not accepted, enabling the Bill to pass and become part of the Statute and the joint committee to begin its work on examining the whole question. The Council felt that this was a reasonable proposition at this stage, because no Parliament so far has implemented any legislation without having recourse to a very thorough examination of a joint Parliamentary committee.

The Attorney-General has made considerable publicity on the fact that the Victorian Parliament has just passed legislation dealing with the register of interests of members of Parliament. This follows a long inquiry in Victoria into allegations of certain dealings of members of Parliament. No such allegations have been made in South Australia, and one may say that the Victorian legislation was brought in under pressure of certain political circumstances. It may also be said that in connection with the inquiry in Victoria, if one examines all the evidence, persons other than members of Parliament should be required to make such public declarations if members of Parliament are required to do so. That was very clear from the evidence, because people well up in a certain department in Victoria were under a good deal of suspicion, and many allegations were made.

However, on examining the two Bills, that is, the one introduced by the Attorney-General and the one introduced in Victoria, there are many significant differences which a joint committee could well examine. For example, the first part of the Victorian Bill provides for a code of conduct for members of Parliament. Any Bill such as one involving the question of making declarations of interests that does not include a code of ethics is a Bill that does not go the full distance in this matter. This is necessary in any Bill if we are going to legislate in this field. Secondly, there is a reference in the Victorian measure to the joint Select Committee of the Victorian Parliament appointed pursuant to the Constitution Act Amendment (Qualifications Joint Select Committee) Act of 1973, which presented its report to the Legislative Assembly on 23 April 1974.

Much of the Bill which has been introduced in Victoria and which is now an Act came from the joint Select Committee of 1973. In Victoria, the register of interests covers wider classifications than just the question of pecuniary interests. This is one of the points raised by this Council. Many interests that a member of Parliament has other than those of a pecuniary nature can have a distinct bearing on the way a person acts or votes in a House of Parliament. The Victorian Act also appoints a Registrar, who is the Clerk of Parliaments. Section 7 (3) of the Victorian Act provides:

> A person appointed or employed for the purposes of this Act, or authorised to discharge any function of the Clerk of the Parliaments for or on behalf of the Clerk of Parliaments shall not, except to the extent necessary to perform his official duties or discharge such a function, either directly or indirectly, whether before or after he ceases to be so appointed, employed or authorised make a record of, or divulge or communicate to any person, any information that is gained by or conveyed to him by reason of his being so appointed, employed or authorised or make use of any such information, for any purpose other than the discharge of his official duties or the discharge of that function.

In the Victorian Act, which has been referred to by the Attorney-General and others, the Registrar, or the Clerk of Parliments, is bound to secrecy regarding the register. The Registrar must maintain secrecy, and all that is public is a summary of the returns made by members. In the Act there are no definitions of what that summary means and, if we are to follow what Victoria has done, I believe there would be a need to examine and report upon the requirements of publication. Section 8 imposes a further restriction and provides:

> After a summary has been laid before the Parliament pursuant to section 7 (4) and published as a Parliamentary paper a person shall not publish whether in Parliament or outside Parliament any information derived from the Parliamentary paper unless that information constitutes a fair and accurate summary of the information contained in the Parliamentary paper as is published in the public interest nor publish an comment on the facts set forth in the Parliamentary paper unless that comment is fair and published in the public interest and without malice.

That is another restriction placed on the summary of information that is made public. The claim that all information required of members of Parliament under the Victorian Act is public information is hardly correct. It is what one might term partial disclosure with protection. No Parliament in Australia other than Victoria has made any move to legislate in this field, although there have been inquiries both in New South Wales and Queensland.

The Government seeks publicity and suggests that the Liberal Party is deliberately opposed to any disclosure of interests. A report in this morning's *Advertiser,* although not a full report, states toward the end:

> Mr. Duncan said that although the legislation did not eradicate corruption, there was a genuine concern that MP's did not have a conflict between private and public interests. The Liberals had not expressed any satisfactory reason why the Bill should not be passed.

Strong reasons were given in this Chamber as to why the Bill did not pass, and not one of those reasons is included in that report, which disturbs me.

It has been alleged that the Liberal Party is deliberately opposed to any public disclosure of interest, but that allegation cannot be sustained. Nevertheless, when we are considering these matters, one must also consider the degree of privacy that everyone is entitled to; a member of Parliament, his wife and children. We know that several Labor Party members, both in public and otherwise, have spoken disparagingly about some of the disclosures required.

The Hon. Mr. Dunford's speech on this question is

clear. He agreed with the Hon. Mr. Burdett that there was a right to a person's privacy, and that the register should not be a public register and available to everyone unless there was good reason. "Hear, hears!" were heard from the Government side when opposition was expressed regarding spouses having to declare their income sources and financial interests. We know that in the Labor Party there is opposition to some provisions in the Bill. Recommendations have been made already to several Parliaments, and these have been referred to in the debate.

The Hon. J. R. Cornwall: To what section of the Labor Party are you referring?

The Hon. R. C. DeGARIS: The Hon. Mr. Dunford expressed the matter clearly in his speech. He agreed with the Hon. Mr. Burdett that the register should not be made public unless there was good reason, and a person's record should not be looked at. There are reasons why this Bill was introduced. We know them, and they have been canvassed.

Dealing with the point I am trying to make, the United Kingdom Parliament and the Federal Parliament have attracted members' attention in the debate. It is known and understood by honourable members who have followed the debate in this Council that there are Labor Party members who are not totally in favour of the Bill's provisions. This being the case, it strengthens the request of a joint committee to examine the question and report to Parliament.

Every other Parliament has had some form of joint committee inquiry before it has proceeded. No joint committee inquiry has looked at the question here in South Australia. That first step should be taken before any legislation is introduced on this matter. Already, a comparison can be made with the Victorian Act, which is the only Act of its type in Australia. It contains several real protections for people appearing on the public register. So far as the South Australian Government is concerned, there is no protection whatever and, although the Hon. Mr. Blevins does not like the idea of a committee working behind closed doors (perhaps with the exception of Caucus), if we can reach agreement on this question, there is then a need for such a committee.

On examination of this matter it can be said that the Duncan Bill was hastily prepared to fit a political situation, and was not drafted with any idea of enhancing the status of members of Parliament. The question canvassed by the Bill is one that deserves close attention, particularly in this modern world, and no inference can be drawn from the proceedings that have taken place, so far as the Liberal Party is concerned, that it is opposed to the general idea behind the Bill, which is the political point that the Government has been trying to make: that the Liberal Party members are afraid to make any disclosure of their pecuniary interests. At all stages, as far as I know, whenever any request has been made from media, or from anywhere else, those disclosures have been made. Also in the Chamber, whenever there has been even the slightest doubt regarding a members' pecuniary interests, they have always been declared from this side of the Chamber.

We realise that this is not so if we consider what has taken place regarding this Bill and the question of disclosure of pecuniary interests. At the conference, the managers for the House of Assembly rejected the suggestions that the matter should be subject to the scrutiny of both Houses and that Parliament would be assisted by such inquiry when it was making a decision. In other words, if the House of Assembly had accepted the simple proposition that there should be a joint inquiry before the measure went any further, we would have had a Bill now. I trust that the Government will support this motion as a means of achieving satisfactory legislation on this contentious part.

The Hon. F. T. BLEVINS: I oppose the motion. I am pleased that some of the heat has gone out of the debate, because the matter is serious and should be considered carefully. However, I have grave doubts about whether the motion contributes anything. There is a fundamental difference between the Labor Party members of this Council and the Liberal Party members, and that devolves around the question of whether there should be a public register or a private one. The Labor Party believes that the people have a right to know completely the financial affairs of members of Parliament, and obviously Liberal Party members of the Council have the contrary view. They believe that a register should be kept within the confines of Parliament and that the people have no right to know.

Given this fundamental difference, what would the committee achieve? I assume that there would be three Labor members and three Liberals on the committee and, given the fixed position of the two Parties, I cannot see that a unanimous report would be submitted. I do not think it reasonable to assume that there would be unanimity. Liberal Party members will maintain their position, wanting to keep their financial affairs private, and it is equally clear that Labor Party members will adhere to their belief that the people have a right to know.

Without wishing to stir up any animosity in the debate, I want to refer to the statement by the Hon. Mr. DeGaris about members on this side being opposed to Mr. Duncan's Bill. That is a false accusation. The Hon. Mr. Dunford made his explanation yesterday. Some members opposite seem to think that I do not fully support the Bill. They may be referring to what I said in my second reading speech, that members on this side find it offensive for spouses and children to be required to disclose their interests. We find that offensive and distasteful, but necessary. Mr. Fraser and Mr. Hamer agree that disclosure is necessary, but I do not believe that they find it any less distasteful than we find it. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE ON CONSERVATION AND USE OF FUELS AND ENERGY RESOURCES

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

That the Select Committee have leave to sit during the recess, the committee to report on the first day of the next session.

Motion carried.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2981.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I spoke on this Bill yesterday, and have had a chance to examine it overnight. I cannot find anything wrong with the Bill, which simply allows a person who receives a consumer price index rise in his pension not to accept that rise on any grounds that he sees fit, particularly in relation

to any Commonwealth benefits that he may lose if he accepts the increase.

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

POLICE PENSIONS ACT AMENDMENT BILL, 1979

Adjourned debate on second reading.

(Continued from 27 February. Page 2981.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill does exactly the same thing in relation to the police as did the Bill with which the Council has just dealt. It allows a person not to receive a c.p.i. rise in his pension if that rise affects any other payments, particularly those from the Commonwealth, that he receives.

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

APPEAL COSTS FUND BILL

In Committee.

(Continued from 27 February. Page 2947.)

Clause 3—"Interpretation."

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

Page 2—

Line 2—Leave out "or".

After line 3 insert—

"or

(d) a local court of full jurisdiction:"

The present definition of "appellate court" means the High Court of Australia, the Supreme Court of South Australia, or the South Australian Industrial Court. To that, I wish to add "or a local court of full jurisdiction". Such a court, when considering an appeal from a tribunal, will be able to exercise appellate jurisdiction within the broad concept of the provisions of this Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government has no objection to the amendments.

Amendments carried.

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

Page 2, after line 21—Insert definition as follows:

"indemnity certificate" means a certificate granted in pursuance of this Act.

Clauses 7, 9 and 10 refer to "indemnity certificate", but nowhere is it defined. However, it is defined in the Tasmanian legislation, and, as the clauses to which I have referred seem to have been taken substantially from the Tasmanian legislation, the reference to "indemnity certificate" was thereby transposed into our Bill. My amendment seeks to define it for the purposes of clarity.

The Hon. D. H. L. BANFIELD: The Government has no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—"Grant of indemnity certificate by court of first instance."

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

Page 4, after line 15—Insert paragraph as follows:

(ab) a court before which criminal proceedings have been commenced discontinues the hearing of those proceedings by reason of a default on the part of the counsel or solicitor for the Crown and costs are not awarded against the Crown;

The proceedings referred to in paragraphs *(a)*, *(b)* and *(c)* of clause 8 (i) do not include criminal proceedings which, having been commenced, are discontinued as a result of an act or default of the counsel or solicitor acting for the Crown. My amendment is consistent with the Tasmanian legislation, and will mean that if, by reason of an act or default of the counsel or solicitor appearing for the Crown in any criminal trial, the hearing is discontinued, the accused will be able to apply for a certificate for costs to be paid from the Appeal Costs Fund. If this amendment is carried, I will move a subsequent minor amendment to subclause (2).

At the appropriate time, if my amendment is carried, I want to ensure that in relation to paragraph *(ab)* an accused does not have a right to apply for a certificate where there was not a subsequent trial of the proceedings.

Amendment carried.

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

Page 4, line 30—Leave out "paragraph *(a)* or paragraph *(b)*" and insert "paragraphs *(a)*, *(ab)*, or *(b)*.

This is a consequential amendment.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This Bill has two main purposes. First, it introduces provisions into the principal Act to establish a varietal control scheme for wheat. Secondly, it alters the legal basis on which the board makes payments to State Bulk Handling Authorities in respect of storage and handling costs. The Australian Wheatgrowers Federation supports both proposals, and legislation giving effect to them has been, or is being, introduced in all States and by the Commonwealth. As members will be aware, the wheat industry stabilisation schemes are the subject of complementary Commonwealth and State legislation.

The present amendments, then, are substantially uniform with their Commonwealth and interstate counterparts. The proposed amendments are being made to the legislation governing the current wheat industry stabilisation plan, of which the 1978-79 season is the final year of operation. New legislation will be introduced later this year to cover arrangements which are to apply beyond the 1978-79 season, and it is anticipated, of course, that the matters with which this Bill is concerned will be incorporated in that legislation.

The Autralian Wheatgrowers Federation and the Australian Agricultural Council accept the principle that homogeneity of a crop is an important determining factor in the Australian Wheat Board's ability to sell grain competitively on the international market. Undesirable varieties of grain have a deleterious effect on the homogeneity of the crop and so affect its marketability. The scheme which this Bill proposes operates by allowing the Australian Wheat Board to make deductions from the price paid to growers for undesirable varieties of grain. The guidelines for the operation of the scheme were drawn up by the Australian Wheat Board in close collaboration with the Commonwealth and States.

Following the Commonwealth amendment, this Bill makes it possible for the board to make deductions in respect of wheat delivered in Commonwealth Territories and the States. The scheme will involve the prescribing of categories of wheat, fixed by reference to varieties, and the areas in which wheat is grown. The proposed

amendments will empower the board to make deductions in respect of wheat varieties which do not comply with the varietal prescriptions for particular areas. In Commonwealth Territories the board will prescribe the categories; in the States, they will be determined by the appropriate Minister. It is not intended that deductions for varietal control will be actually imposed in respect of wheat of the 1979-80 season. However, the board will advise growers delivering unacceptable varieties that those varieties could be subject to deductions in future seasons.

As I have indicated, the Bill also alters the legal basis on which the board makes payments to the State Bulk Handling Authorities in respect of storage and handling costs incurred by them. The proposed modifications are designed, essentially, to facilitate State accounting in this area. At the present time, the administrative practice is that payments are made pursuant to agreements between the Commonwealth Minister for Primary Industry and each of the State Ministers responsible for agriculture.

It is now proposed that the board and the Bulk Handling Authorities be empowered to enter into agreements themselves. Hitherto, the costs of wheat handling and storage have been pooled on an Australia-wide basis. Under the proposed scheme this arrangement will no longer apply. Growers delivering wheat in each State will be charged a rate for storage and handling that reflects the costs of storage and handling to the Bulk Handling Authority of the relevant State.

Under the existing arrangements the board's payment scheme provides for a special deduction of up to 92c a tonne to be subtracted from the price paid for wheat shipped out of Western Australia, reflecting the advantage accruing to that State from its relative proximity to some overseas markets. There has been agreement for the removal of the 92c ceiling in keeping with the principle which has been adopted in moving towards State accounting for bulk handling and storage costs. The reference to the ceiling has been removed from the Commonwealth Act; this Bill also removes the corresponding reference in the South Australian legislation.

Finally, the proposed amendments modify the regulation-making power to provide for the making of regulations which will be necessary upon the introduction of varietal control. The Bill also contains a minor amendment which will enable licensed receivers of grain to carry on operations through an agent. 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 amends section 5 of the principal Act, which defines certain expressions occurring in the principal Act, by redefining "licensed receiver" to restrict that expression to State corporations (which are, in fact, the only licensed receivers in existence), and by inserting a definition of the term "State corporation" in which the names of the six State corporations are set out.

Clause 4 provides for several amendments to section 9 of the principal Act, which relates to licensed receivers. The amendments to subsection (1) are purely consequential on the new definition of "licensed receiver"; the remainder provide that a licensed receiver may carry on operations by means of an agent, that it may enter into agreements with the Australian Wheat Board regarding reimbursement of storage and handling costs and, finally, that licences held by State corporations immediately before the coming into operation of the proposed amending Act shall continue in force and shall not be cancelled or suspended without the consent of the State corporation.

Clause 5 amends section 13 of the principal Act, which sets out the procedure and system by which the Australian Wheat Board pays for wheat delivered to it. Among other things, the section sets out details of certain factors for which the board must make allowance when determining prices. These amendments contain the main substance of the proposals relating to varietal control, although other matters are also involved. The limitation on the special deduction applicable to Western Australian grain is removed from paragraph *(b)* of subsection (2) and paragraph *(c)* of that subsection is completely recast. Under the new paragraph *(c)* the Australian Wheat Board is required to make allowances *inter alia* in relation to prescribed categories of wheat, and the places at which that wheat was delivered, when computing the price to be paid for wheat.

In accordance with the Commonwealth legislation in this area, wheat delivered in Victoria or Western Australia is not subject to the new scheme, as it is understood that those States do not propose to implement varietal control for some time. The new paragraph also requires the Australian Wheat Board to make allowances in respect of payments made by the board to State Bulk Handling Authorities under the proposed scheme for reimbursement of storage and handling costs.

This clause also enacts new subsections numbered (2a), (2b) and (2c). The first of these provides for the determination of prescribed categories of wheat, and the second requires the South Australian Minister to make his determinations under the proposed subsection (2a) on the recommendation of the South Australian Advisory Committee on Wheat Quality. Subsection (2c) provides that the amended section 13 shall apply in relation to wheat of the season that commenced on 1 October 1978, and the wheat of every subsequent season.

Clause 6 recasts the regulation-making power to provide for the making of regulations consequential on the introduction of varietal control. In particular, these regulations may provide for the furnishing of returns by growers stating the varieties of wheat which they have sown or intend to sow, and also for the declaration of wheat varieties by persons delivering to licensed receivers.

The Hon. M. B. DAWKINS: I support this Bill, which has two main purposes: to establish a varietal control scheme for wheat and, secondly, to alter the legal basis on which the board makes payments to State Bulk Handling Authorities in respect of storage and handling costs. I understand that the Australian Wheatgrowers Federation supports both proposals and that the other States and the Commonwealth are preparing complementary legislation. The Minister has indicated that it is desirable to have less variation in varieties and a better general standard. Whilst one does not want too much control, it is suggested that specific varieties in suitable areas, as a result of recommendations for the various zones, will yield better in many cases than did the older varieties. Further, they will provide a more uniform article which can be sold overseas at better prices than was the case when there was considerable quality variation which we had in the f.a.q. situation, which was part of the wheat scene for many years.

The basis for marketing wheat has been the Australian Wheat Board, which has built up a very good reputation. Wheat payments take a long time; this is noticeable to people who grow other crops, particularly barley in South Australia and Victoria. It is possible for a barley pool to be

completed within 18 months of harvest, whereas it often takes three or four years for the Wheat Board to complete payments from wheat pools. However, that does not detract from the very good job that the Wheat Board has done for a very long time.

It is suggested that in the scheme of endeavouring to improve the average standard of wheat the Wheat Board would be able to export and sell a better product more effectively on the export market. Growers should use new varieties, which have been constantly developed over the years, and which will bring a more uniform product for sale. In this regard, we must give due credit in this State to the Waite Agricultural Research Institute which, as honourable members know, embraces the Agricultural Faculty of the University of Adelaide, and also to the various Government farms that have either made some contribution in the development and breeding of wheat or have made contributions in upholding the standard of seed wheat made available to farmers for many years. I refer also to the Roseworthy Agricultural College for the very valuable work that it has done for the wheat breeding industry for a long time. The Waite Agricultural Research Institute has also made a remarkable contribution, not only for wheat but also in the development of an improved strain of barley. If we were to consider it in the short term, we might say that there have been losses on the part of the Waite Agricultural Institute and the Roseworthy Agricultural College. They should properly be related to improved yields of grain that have been forthcoming from those institutions, and this has made its mark over the whole State and beyond.

The legislation deals with the two main purposes that establish some form of control for wheat varieties and the legal basis on which the board makes claims to the State's authority. Until now the running expenses of the State's bulk handling authorities have been pooled by the Wheat Board and have become a cost on that specific pool. The legislation changes the system to that of State accounting and will improve the situation for South Australian growers, because they will not be called on to bear some of the heavy expenses and losses that have occurred in other States, particularly in the Eastern States. This State has a most modern and efficient bulk handling system, which reflects credit on the South Australian Bulk Handling Authorities. Although Western Australia has had the advantage over us for a number of years in setting up a bulk handling authority, I believe that our operation is now more efficent, and some losses have been incurred not only in the Eastern States but also in Western Australia. Under the previous arrangement, Western Australian growers were receiving a ceiling amount of 92c a tonne, because of their geographical advantage to markets. It is apparent to all members that Western Australia, being so far to the west, has a geographical advantage, and there have been variations to account for that in payments from the various wheat pools. The situation with State accounting will now mean that Western Australia's geographical advantage will be the actual advantage that that State may gain by lesser transport costs and not from the ceiling of 92c, which was previously the case.

I do not wish to delay the passage of this Bill, which I believe is a good one, and I commend the Minister for introducing it. The improvement in uniformity, which will gradually occur as a result of this Bill, will mean that, as farmers will get to know that they have a discount on older, less effective varieties, they will not persist in growing those varieties. There will be improvement in quality and uniformity with more wheat being sold as a result of the improvement that will be implemented because of this legislation. I support the Bill.

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

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2917.)

The Hon. R. A. GEDDES: This Bill is to allow any shipwrecks lying in territorial waters to become the responsibility of the trust. The provision for the protection of historical shipwrecks was not specifically provided for in the current Act. It was also necessary, because of the proposed amendment to the Commonwealth Seas and Submerged Lands Act, 1973, which will give the States power over the three-mile territorial limit, to protect shipwrecks, and that is the reason for this Bill. I recognise the need for an authority to control such things as wrecks under the sea, but I noticed in the press that some Western Australian skindivers had found a wreck, many hundreds of years old, which contained thousands of dollars in old Spanish silver coins. It is believed that the ship sunk in about 1810.

All of the recoverable treasure from the ship has been given to the Commonwealth Government to take care of. It is suggested in the report that, although Federal officials are tight-lipped about the value of the treasure, the four divers already stand to receive an interim reward of up to $2 000.

If a ship containing valuables were found within the three-mile limit, would that treasure come under the provisions of this legislation or would it become the responsibility of the Federal Government in line with the comments in the report to which I have referred? Perhaps it is an interim situation where, until this legislation is passed, it is a Commonwealth responsibility that will eventually be dealt with under this legislation. It is a simple Bill, and I support it.

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

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

In Committee.

(Continued from 27 February. Page 2980.)

Clause 3 passed.

Clause 4—"Repeal of ss. 2a and 2b of principal Act."

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

Page 2, line 1—Leave out clause 4 and insert clause as follows:

4. Section 2b of the principal Act is repealed.

The Hon. Mr. Hill and the Hon. Mr. DeGaris spoke at length on this matter. Section 2 of the Act exempts agencies that seek to procure nursing and midwifery services. Agencies receive payments from nurses, from the people seeking jobs. This is primarily in two areas, the first being in home nursing. It was acknowledged by the Minister that this practice should continue, because it was the only practical and convenient way of handling it. If people wanted the service of home nurses, they could approach an agency in contact with such nurses.

It was acknowledged that the nurses should pay the agency fees rather than loading patients with additional fees. The second area concerned casual and part-time work by nurses in hospitals and institutions. For all sorts of

reasons many qualified nurses seek casual or part-time work, and it would have been almost impossible for them to get such work in any other way if they could not avail themselves of the services of agencies. Otherwise they would have to put their names down with different hospitals and probably would never get work. I am told that, when hospitals or institutions are short-staffed or face some other emergency, they need casual nurses, and contact such agencies to make the necessary arrangements. Nurses pay the fee, and it is hardly reasonable to expect hospitals in these circumstances to pay fees to obtain casual help in this way.

Nurses paying the fee are happy to do so, especially as otherwise they would not be getting work, and they support the continuation of this scheme. In my second reading speech I said that the Minister adopted the position that, in general, fees to employment agencies should be paid by employers not employees. I questioned whether the payment of fees by employees is wrong in all circumstances, especially where it is casual employment. I did not object to this principle but, in the nursing area, a real service is being done by these agencies. I see no reason why this situation should cease.

The Hon. C. M. HILL: I support the Hon. Mr. Burdett's remarks. He has covered all the detail of the matter. I also support the general concept that the Minister is trying to introduce, and in his second reading explanation he has referred to two nursing employment agencies. He has singled them out and has agreed to allow them to continue the business they have been conducting in the past in home nursing. However, by the Bill, he precludes them from carrying out the provision of service to hospitals and institutions.

I also acknowledge that the Bill allows all employment agencies 12 months in which to change to the new system. That is evidence that the Minister understands the problems that arise when a change like this is made. The hard fact remains that, in this relatively small area in the whole scene, these two agencies provide excellent service. Nurses who work in these agencies have told me that they want to carry on the work they have done in the past, and, of course, the principals of the agencies also want to continue. I do not want further exemptions to be granted in future. We seek to give only a continuation of existing business.

I should think that, in due time, they may adjust to the new system, but a loss will confront them if they must readjust their affairs within 12 months. In fairness to them and as he has been conciliatory in his approach to this Bill, the Minister should continue in that vein and be reasonable and fair, in view of the representations that have been made.

The Hon. R. C. DeGARIS (Leader of the Opposition): I also support the amendment. I agree with the Hon. Mr. Hill that we would not apply the principle, except in this circumstance. Over the years, the agencies working in this area have performed a necessary public function. I have never heard of any malpractice being committed by these agencies. The small hospitals and trained and skilled nurses who wish to take part-time employment use these organisations. If something happened to the theatre sister employed by a small hospital, the hospital would need a replacement quickly, and these agencies could provide one efficiently.

The Minister has admitted that the provision of a service for home nursing is available, and, that being so, it is difficult to understand why small hospitals should not have a similar service. I hope that the Minister will view this matter with his usual compassion in cases like this and understand that we are asking for a continuation of a service that is required now.

The Hon. D. H. L. BANFIELD (Minister of Health): I am pleased that members have recognised my conciliatory attitude, and already I have made certain concessions. The Government cannot accept this amendment. International Labour Office Convention No. 96 provides, among other things, for the progressive abolition or the regulation of fee-charging employment agencies. The South Australian Government has opted for the regulation of the agencies because it believes that they play a very important part in finding employment.

Detailed consideration has been given to the phasing out of the charging of fees to applicants. The Government cannot condone the continued charging of fees to potential employees if it is to be in a position to advise the Commonwealth Government that it has moved to enable the convention to be ratified. If clause 2a is not repealed, the current favoured position of those few employment agencies finding employment for nurses and medical officers will remain to the detriment of other employment agencies that will be prevented from charging fees, and therefore an undesirable form of discrimination will exist.

Under clause 2a, as it is framed at present, the Nurses' Board and the Medical Board of South Australia can exempt such persons from the provisions of the Act, and this practice, which was based purely on the special circumstances pertaining to the two occupations in the past, is no longer considered desirable by the Government. If clause 2a remains, there will be two agencies charging fees, and about 30 not charging fees. In a general sense that is not acceptable. The Government has maintained a distinction between nursing services generally and the home nursing sector, and intends to exempt the latter, by regulation made under amended section 17, from the provisions of the Act. This decision is based on the following arguments:

(a) An arrangement for home nursing services does not involve the establishment of an employer/employee relationship but is rather a matter of contract between the nurse and the patient or his representative;

(b) should this area of nursing become subject to the Act, it would place a heavy financial burden on those in need of the service, and could well act to the detriment of the patient;

(c) the Government has been advised that while the home care market comprises only a fraction of the total market, and not about 50/50 as claimed by the Hon. Mr. Hill in the early hours of today, the repercussions of not continuing the exemption in this respect will increase costs significantly.

When the agency gets a part-time job for a person, the agency charges about 7½ per cent of the wages for every week in which the nurse is employed. Taking an average wage of about $170 a week, the nurse must pay about $11 a week for every week in which she is employed. Where else could this be condoned?

There is no question of an agency being unable to continue, because it will still be able to operate. However, instead of the nurses having to pay the fee, some arrangement will have to be made between the agency and the employer. If only one charge was made by agencies, it might be reasonable. However, the charge is levied for each week that an employee holds his job. Simply because an agency charges not the employee but the employer will not mean that hospitals will not require the services of part-time employees. It has not been explained to me (nor do I think it can be explained) why a job should not exist simply because a nurse is not reimbursing some of her

earnings.

Yesterday, the Hon. Mr. Hill said that he had received representations from agencies and various nurses and, although this may not have happened when the honourable member spoke, I know that representations have been made by the South Australian Branch of the Royal Australian Nursing Federation, which has said that it supports this Bill. The federation considers that nurses should not be used to subsidise health care out of their own wages. At present, nurses working on a casual basis and paying commission to an agency are in danger of exploitation, including being paid under-award wages.

The amendment to the Act enables the Act to conform to I.L.O. convention standards. The proposed changes will provide control of agencies employing nurses, enabling nurses to be secure in the knowledge that they are "employees" and will have the full protection of the Industrial Commission in all matters relating to wages, compensation, and so on.

The federation does not consider that the proposed changes will result in unemployment for nurses. A 12-month phasing-in period is proposed, which will give more than adequate time for agencies presently employing nurses to smoothly change over their system of operation. Also, there are alternative vehicles for nurses seeking casual employment, namely, the C.E.S. Nursing Division; the Hospitals Department's Relieving Service; hospital banks; and nursing agencies already operating under the "fees to employees" system.

The time has come when the onus should not be placed on an individual simply because his name has been given to an employer. After all, if an employer wants a casual employee, he can still contact an agency. Because the present practice has continued for far too long, and because we should adopt I.L.O. convention No. 96, the Government opposes the amendment.

There being a disturbance in the gallery:

The CHAIRMAN: Order! I remind the gentleman in the strangers' gallery that this is not a concert party and that clapping is not allowed.

The Hon. J. C. BURDETT: The Minister has referred to I.L.O. convention No. 96. Generally, I applaud the Government for not going all the way with the convention. However, it is not following the spirit of the convention, which really seeks the abolition of private employment agencies. The Government has said that it will not go along with the I.L.O. policy of abolition. I suggest that the Minister, when considering the public and the hospitals concerned, which are not likely to get this sort of service—

The Hon. D. H. L. Banfield: Why?

The Hon. J. C. BURDETT: I am coming to that. This sort of service is similar to the home nursing service, which the Government is willing to let continue. A fine line can be drawn regarding home nursing. People at home are often terminal patients who have been to hospital, who receive home nursing care each day, and who are unlikely to obtain the services of a nurse in any other way. The nurses are pleased to pay the fee and to get employment in this way.

Much the same sort of thing applies to some hospitals and institutions. Indeed, I find it difficult to draw a line between the two. If a small institution, such as a hospital with only one theatre sister, has a sudden emergency, it can quickly and efficiently contact an agency and obtain replacement staff. This is, therefore, a service to the community and to those organisations that help the community in many ways.

The Minister has denied what has been said regarding the 50/50 figure. However, the proprietor of an agency has said that it is hard to say exactly what the figures are, although her business involves about 50 per cent of home nursing and 50 per cent of nursing related to other kinds of institution.

The nurses themselves have said that they would not otherwise be able to get employment and that they are pleased with this method of obtaining it. The Government has agreed that it does not want to impose a burden on home nursing patients by insisting that they pay the agency fees. I suggest that many small hospitals would regard it as a burden to pay these high fees.

In general nursing, the situation is different. Most employment agencies deal not with casual positions but with permanent positions, and the general role of employment agencies is something like that of contract personnel offices. Many small business firms cannot afford the services of a full-time trained personnel officer. If they want to employ someone, these firms find it more convenient and efficient to go to a traditional employment agency instead of using their own staff to conduct interviews, and so on. In that sort of area, we agree with the Government that the employer should pay the fee, because he is really getting a service contract. However, when nurses want casual and part-time employment, and they have no other efficient way of obtaining that employment except through agencies, it is hardly reasonable to expect the employer to pay the fees.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett said that he would explain the difference between the two areas to which the Committee has referred. However, there is no difference at all between them.

The Hon. J. C. Burdett: I explained the difference at length.

The Hon. D. H. L. BANFIELD: If a hospital wants a part-time employee, it wants him as much as the employee wants his part-time employment. The hospital will telephone the agency only if it wants a part-time employee. So, the hospital wants the part-time employee as much as the employee wants casual work. The hospital is in a much better position to get its money back than is the casual employee, who has to pay $11 a week for the term of her engagement.

The Hon. J. C. Burdett: Which she is happy to do.

The Hon. D. H. L. BANFIELD: Of course. And in the good old days an employee was happy to give his foreman a sum each week just to keep his job! It is blackmail for the agency to collect this sum. Whether it is for one week or for 12 weeks, the employee has to pay something from her wages each week. If the hospital pays and if its expenses increase, it can increase its fees to patients, who are insured. However, the casual employees are not reimbursed.

The Hon. C. M. HILL: Many of these casual employees associated with these agencies have been in touch with me. They are perfectly happy with the existing arrangements. It is not a matter of their working week after week. In many cases they work for only a few hours.

The Hon. D. H. L. Banfield: That makes it worse.

The Hon. C. M. HILL: The system has applied in one agency for 40 years. Many of these ladies have other activities, such as studies. They work under this system because they are not prospective full-time nurses at all: they are nurses who want to work on a part-time or casual basis, because that suits their lifestyle. They should be permitted to continue to do so.

The Hon. D. H. L. BANFIELD: I do not think the honourable member was fair dinkum when he said that the prospective employees prefer this system. He cannot tell me that he would prefer handing back $11 a week, rather than putting it in his own pocket. No-one would prefer handing money back.

The Hon. C. M. HILL: The nurses want the present system retained, and they want the Minister to continue the exemption he is granting the same women in regard to home nursing. The Minister is allowing these nurses to stay in the agency and to pay this commission in regard to home nursing yet, simply because they go to a private hospital instead of a private home, he wants to upset them and put people out of business.

The Hon. D. H. L. BANFIELD: If the honourable member moves an amendment to include home nursing, we will accept it. He did not say why the job woud not be available if the employer had to pay the agency.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, 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, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. N. K. Foster.

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

Amendment thus carried; clause as amended passed.

Remaining clauses (5 to 20) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

The amendment involves the principle whether the employee should pay for the honour of having a job found for him, or whether the employer should pay for the service provided in this respect by the agency. The Government believes that the employer should be able to recoup his expenses in this regard, whereas the employee could not do so. I therefore ask honourable members not to insist on the amendment.

The Hon. J. C. BURDETT: I oppose the motion and ask the Committee to insist on its amendment. As was explained earlier today, agencies provide services to patients who want home nursing care. Even the Government has agreed that this is the only practical means of supplying these people with such a service. Agencies also supply a similar service to small hospitals and institutions that require emergency nursing help when, say, a sister or nurse takes ill. As nurses agree completely with this system, which has worked well in the past and has not caused any trouble, I ask the Committee to insist on its amendment.

The Council 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, J. E. Dunford, N. K. Foster, and Anne Levy.

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

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. M. B. Dawkins.

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 amendment 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 1 March, at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, M. B. Cameron, K. T. Griffin, and Anne Levy.

SOUTH AUSTRALIAN THEATRE COMPANY 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 disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 11 a.m. on 1 March, at which it would be represented by the Hons. M. B. Cameron, J. A. Carnie, B. A. Chatterton, C. M. Hill, and C. J. Sumner.

DOG CONTROL BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

It seems strange that all the members of the Lower House can agree on the Bill but disagree to the amendments moved by the Opposition in this Chamber.

The Hon. J. C. Burdett: We're free.

The Hon. T. M. CASEY: I have heard some tall stories in my time. One minute, members opposite say they are free, and the next minute they say they belong to the Liberal Party. I do not know where they stand. This Bill was passed unanimously in another place. That Chamber unanimously rejected the amendments made by the Legislative Council, and for those reasons I ask the Council not to insist on its amendments.

The Hon. M. B. DAWKINS: I ask the Council to insist on its amendments, which are good.

The Hon. R. C. DeGARIS (Leader of the Opposition): I remind the Minister that in five related Bills several amendments which were passed unanimously in this Council and which were recommended by a Select Committee, were opposed in another place by the Attorney-General, and the House of Assembly in a majority vote disagreed to those amendments, although the Government had supported them in this Chamber.

The Hon. J. C. Burdett: The Minister moved them!

The Hon. R. C. DeGARIS: Yes. The only difference here is that the Labor Party has made one mistake, but we do not think that it is a mistake.

The Minister's case is ridiculous when one considers what has happened in respect of those five Bills. Amendments to the Bill have been moved because we disagree about the whole concept of the Bill, and the only way to resolve the matter is to get the two Houses together to discuss the issues involved. I ask that the Council insist on its amendment so that we can get to a conference to sort out the differences.

Motion 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 10.30 a.m. on 1 March, at which it would be represented by the Hons. T. M. Casey, Jessie Cooper, J. R. Cornwall, M. B. Dawkins, and R. C. DeGaris.

MEMBERS' DISCLOSURE OF INTERESTS

Adjourned debate on motion of the Hon. R. C. DeGaris (resumed on motion).

(Continued from page 3060.)

The Hon. J. C. BURDETT: The question of the disclosure of members' interests has been canvassed extensively in this Council, and I do not wish to say much more about it. I can see no benefit whatever in running a gossip column of members' financial interests. That is what the Bill would achieve, and it is one of the only useful things (if that can be said to be useful), that it would achieve.

The financial interests of members from this side would have been brought up continually by the Government, whether or not it was relevant and irrespective of its indicating any conflict of interest. The Hon. Mr. Dunford said he could not wait to see the register and that he was keen to see it, especially in regard to mining companies. I have no doubt that the Government introduced this legislation for political reasons, so that it can refer to the financial interest of members from this side of the Council at any time that it wants to.

The Hon. Anne Levy: What about our financial interests?

The Hon. J. C. BURDETT: We do not have that intention, but I think that is the Government's intention. Even members of Parliament are entitled to privacy. However, it is justifiable to take measures that are necessary to ensure, so far as possible, that financial and other interests of members are disclosed if they are likely to affect members' voting. The only place where there is any similar legislation to the South Australian Bill is in Victoria—

The Hon. Anne Levy: Introduced by a Liberal Government!

The Hon. J. C. BURDETT: Yes, but, as I pointed out yesterday, the Victorian situation is different: they have had problems in respect of conflicts of interest and, as the Hon. Mr. DeGaris pointed out this afternoon, the Victorian legislation is different when one examines it, especially in comparison with the Government's Bill. First, it sets out a code of conduct for members of Parliament which, in itself, is a good thing. That was a heading in the Bill.

The Hon. J. R. Cornwall: That was a bit late in the day—

The Hon. J. C. BURDETT: It was not: it was early in the Bill. The spirit of that code of conduct seems to take precedence over the disclosure, and interests other than financial interests are dealt with, and a committee was established. It seems that a committee has been established in every other place in which this matter has been raised.

It seems to me that the amendments that the Council made to the Bill were reasonable and were the best way to ensure that, if there was a conflict of interest on financial grounds, it would be disclosed, because the Presiding Officer in each House would have access to the register. They are the relevant things regarding disclosure of interests.

Members on this side do not want the matter to lapse. We want a committee appointed so that the views of both sides can be heard and the committee can come to a conclusion. The motion was moved in good faith to try to find a solution on a difficult question. I hope that a vote will be taken and that the Government will not keep adjourning the matter.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

[Sitting suspended from 5.43 to 7.45 p.m.]

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 February. Page 2983.)

The Hon. R. A. GEDDES: This short Bill has, I suppose, been introduced because the State cannot afford to subsidise or provide additional finance to the South Australian Heritage Trust, which is responsible for marking and labelling buildings and other structures which have been constructed since 1836 and which are a part of this State's heritage. It has also been necessary to introduce the Bill because the Commonwealth, in its wish to curtail spending, has been unable to make the lavish sort of payments that it has made in the past to organisations such as the South Australian Heritage Trust.

The Bill gives to the trust a power (which has been given to so many other trusts that the Government has set up in recent years) to borrow money with the Treasurer's consent from any person to enable it to perform its functions under the Act. The Bill also contains liability clauses that can be invoked with the Treasurer's consent. Also, it provides that accounts must be kept, and that the Auditor-General shall oversee the trust's general accounting.

In 1977-78, the State Government was able to give the trust $59 000 and a further $50 000 in 1978-79. However, it is obvious from this State's budgetary position that such generous grants cannot continue to be made. I suppose, too, that $50 000 is not sufficient to meet the trust's needs.

Much criticism emanating from rural areas is being levelled at the South Australian Heritage Trust and the Federal body in relation to country churches. Without any leave or begging one's pardon, churches are being placed under the aegis of the trust. This prevents those concerned from repairing or enlarging the churches, and is indeed creating many problems for the churches, which, admittedly, are old and are a part of our heritage.

Churches of all denominations are being denied the right to carry out repairs merely because they have been categorised as forming a part of the State's heritage. I support the Bill, which is obviously necessary to enable the trust to obtain more money. I merely hope that those involved will be wise and judicious in spending that money.

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

ABORIGINAL HERITAGE BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2883.)

The Hon. R. A. GEDDES: Although I have spoken on and concurred in the two related Bills, and although I

support the second reading of this Bill, I believe that some amendments thereto will be necessary to make this legislation a little more reasonable for those who are concerned with it. I agree wholeheartedly with the concepts contemplated in the Bill.

The long title of the Bill explains its intention, namely, to provide for the protection and preservation of sites and items of sacred, ceremonial, mythological or historic significance to the Aboriginal people. Obviously, not only the Government but also Aboriginal people consider that this Bill is needed.

It seems strange that the Aboriginal and Historic Relics Preservation Act, 1965, which legislation was introduced as a private member's Bill by the late Hon. Harry Kemp, which has remained on the Statute Book since 1965, and which the Government has never had to amend, should now have to be repealed. That 1965 legislation was self-explanatory, many of its clauses spelling out what could and could not be done. Although this Bill contains the same connotations relating to words and their meanings as did the previous legislation, its brevity spoils much of the eloquence of the English language, which leaves much to be desired.

The need for more regulations to be introduced is much more evident in this Bill than it was in the legislation introduced by the late Hon. Mr. Kemp. I understand that a number of relics and historical sites have already been declared under the 1965 legislation and, as that Act will be repealed when this Bill becomes law, many people, including myself, are concerned. People have telephoned me, asking me to try to ensure that items that were registered previously will be placed immediately on the new register.

Sites in the Far North that were declared under the 1965 Act will also be declared under the new legislation. So, there will be no excuse for losing any Aboriginal artifacts or sacred sites that are earmarked in the changeover from the old legislation to the new. It is paramount that Aboriginal cultures that have been lying dormant for so many years be preserved. Consequently, the people charged with responsibility in this connection must exercise great care. Section 9 of the principal Act, providing for the appointment of honorary wardens, provides:

> (3) The instrument of appointment of an honorary warden may prescribe limitations on his powers, duties or functions by reference to any or all of the following things, namely, the nature of the powers, duties or functions which he may exercise or perform, and the time, place and circumstances in which he may exercise or perform them.
>
> (4) An honorary warden shall hold office until—
>
> *(a)* his appointment is terminated by the Governor.

The Government's aim appears to be that the new committee shall consist of at least three Aborigines. The inspectors who will be appointed under the Bill will be Aborigines, with the exception of members of the Police Force. One can understand the Government's giving priority to Aborigines in this connection, because they should be qualified to look after their heritage. However, I point out that some dedicated white people also care for many aspects of Aboriginal culture. Many pastoralists have gone out of their way to see that sacred sites are preserved on their properties. However, under this Bill such people are denied the kind of role that they have played in the past, because there is no provison for the appointment of anyone other than Aborigines and policemen. Without wishing to denigrate the Police Force, I believe that many young policemen would not be sympathetic to the Aboriginal cause because they might not have had the necessary experience and training.

The Hon. J. R. Cornwall: A few pastoralists might not be sympathetic.

The Hon. R. A. GEDDES: And a few members of Parliament might not be sympathetic. On the other hand, some are very sympathetic, and I hope the Minister will pay attention to this aspect, so that the people to whom I have referred can assist in collecting, naming, and marking rare Aboriginal artifacts. Many books have been written by dedicated South Australians on this problem, and there is an opportunity for them to continue to help. The Minister can limit their powers so that they cannot abuse their responsibilities. The functions of the committee are satisfactory, but there is no provision for it to make a report—not even to the Minister. Because members of Parliament are interested in the problem, it is fair and reasonable that a report should be made to Parliament annually, and I have an amendment on file to provide for that. Clause 21 (2), which has been taken straight from the 1965 Act, provides:

> The fact that a sign is not erected under this section in respect of a protected area or registered Aboriginal site shall not affect the liability of the person for contravention of any provisions of this Act.

This provision appears to be a little harsh in providing for liability even if an innocent person is found on a registered site or protected area where there are no signs. Such a person should have some defence. If he was a tourist, for example, you, Mr. President, would agree that since 1965 there has been a marked increase of tourists into the northern area. I have an amendment on file in this connection. Clause 30 provides:

> (1) Where the owner of an item of the Aboriginal heritage is convicted of an offence in relation to that item, the Court may order that it be forfeited to the Crown.
>
> (2) Where an Inspector has reasonable cause to suspect that an offence has been, or is about to be, committed in relation to an item of the Aboriginal heritage, he may seize and retain that item for a period not exceeding four months.

It is only right and proper that the inspector should at least inform the Minister that he has seized and retained an item of the Aboriginal heritage. Clause 31 provides that regulations may be gazetted restricting or prohibiting persons or livestock entering or remaining within an Aboriginal site or protected area. There are sites in the Far North where permanent water has been available for centuries. Such sites may have become Aboriginal sites in that harsh environment.

If there is no other stock watering point within reasonable distance of that permanent waterhole, I ask the Government to consider allowing an arrangement whereby not only stock can water and not perish but also the Aboriginal site will be respected. I have amendments on file to support my argument. I hope that this Bill will be respected by all concerned and that, with added protection and preservation, items of Aboriginal culture will be collated in an orderly way. I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the view expressed by the Hon. Mr. Geddes on this Bill. As he said, it was the Hon. Harry Kemp, a colleague of mine in the old District of Southern, who introduced the Bill that is the present Act protecting Aboriginal cultural objects. That piece of legislation has operated successfully for some years, with very close co-operation existing between the Aboriginal people and those not of Aboriginal blood who have a deep interest in the preservation of Aboriginal and historic objects. The present Bill repeals the existing Act and makes significant changes to the legislation protecting Aboriginal cultural objects. The first Bill protecting historic relics was

introduced by the Playford Government in 1964, but it lapsed at the end of the session owing to some very strong criticism of the Bill in this Council, led mainly by the Hon. Harry Kemp. Following the 1965 election, Mr. Kemp introduced a private member's Bill, which was finally passed by both Houses and incorporated much of the philosophy of the late Harry Kemp. I quote as follows part of the second reading explanation of Mr. Kemp's Bill, in which he made points as important today as they were in 1965:

> Provision is made for appointment by the Governor of the necessary inspectors and wardens, and members of the Police Force are given power necessary with these officers for the working of the Act. The urgent problem that gives rise for the need for this Bill is effective protection for rock drawings and carvings: objects that seem inevitably to attract the initial carver as well as the person who commits the terrible vandalism of cutting away part of the rock face itself and taking away specimen material. These important and irreplaceable relics in remote districts are, with modern motor car transport, within easy access, and they are being damaged seriously. The only way to protect them at present is to keep them and their location secret.
>
> Beyond that, there are a few old long-inhabited camp sites and burial grounds which it is desired to protect. The Bill provides that any land containing relics whose protection is considered necessary may be declared an historic reserve. Once this has been done access can be limited and protective measure taken. In the case of private land, this can be done only with the consent of the owner and occupier who in the great majority of cases is ready to join with the Crown in the purpose of saving worthwhile relics and act as warden for their protection.

I agree very strongly with that view. The idea that because a person is a pastoralist or farmer he is not interested in preserving these things is totally wrong. Most people on the land are very keen conservationists and preservationists.

The Hon. J. R. Cornwall: That's not what I said.

The Hon. R. C. DeGARIS: You made that statement in this Chamber by way of interjection. It was a reflection on the people who, in my opinion, have a great interests in this particular problem.

The Hon. J. R. Cornwall: You know damn well that that isn't the point I interjected on.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The late Mr. Kemp's speech continues:

> Where it is deemed necessary, access may be prohibited and appropriate notices may be posted or, in the case of reserves, access of the public may be permitted once the relics have been safeguarded, but relics on a reserve or prohibited area are regarded as Crown property and under the protection of the Crown. Any damage to a relic in such reserve or prohibited area is a punishable offence under the Bill.
>
> In the case of relics on private land which has been proclaimed a reserve or a prohibited area but which is required for development or other purposes, power is given to move and preserve relics thereon and for the closure of a reserve and where any damage is done in this work it shall be paid for. Power is given to purchase relics, or the land upon which they are situated, if the landholder is not willing to join with the Crown in reserving part of his holding, and to erect screens, shelters or other safeguards over immovable relics such as cave drawings, rock carvings, etc.
>
> An important provision of the Act is that private collection of artifacts exposed by chance is encouraged. Such relics are every day exposed in some parts of the State where the Aboriginal population was concentrated. But collection of such relics carries with it the responsibility of safeguard and they may not be sold or traded until the museum has had, in effect, first refusal. This is considered necessary, for many very valuable relics of the Aboriginal have been saved and treasured by private individuals in the past. They would otherwise have been lost, just as relics exposed today will be lost unless interest is encouraged. But some of these tools and utensils are very valuable to collectors and must not be lost overseas without our knowledge.
>
> It is an offence to damage, destroy or conceal knowledge of a recognisable relic from the protector. There have been instances of intentional destruction of rock carvings newly discovered by individuals jealous of their land ownership. It will be the duty of everyone finding relics beyond small portable artifacts exposed by chance to bring their existence to the knowledge of the protector directly or through the Police Force.

Sections 26 and 27 of the Act that this Bill repeals provide:

> 26. The Minister or Protector may for the purpose of preserving a relic—
>
> *(a)* Purchase or otherwise acquire it on behalf of the Crown;
>
> *(b)* Purchase land upon which immovable relics such as cave paintings or rock engravings or stone structures or arranged stones or carved trees or buildings may be present;
>
> *(c)* erect screens, shelters or other structures where necessary to preserve a relic or take such other action as is reasonably necessary for the purpose.
>
> 27. (1) It shall not be an offence under this Act to pick up or collect any portable relic exposed in or upon the surface of any land.
>
> (2) A person collecting a portable relic under subsection (1) of this section shall safeguard it from loss or damage and no such portable relic may be bought or sold without the consent of the Protector.

Those two sections are important and relevant to what I will say later. The Hon. Mr. Kemp's Bill did not prohibit the picking up of exposed artifacts, but this Bill specifically forbids it. I do not agree with this change. Many people interested in collecting artifacts have been the means whereby much material has been preserved. I would prefer the direction of the present Act rather than that contemplated in this Bill. We know that right around South Australia, as explained at the time by the Hon. Mr. Kemp, old camp sites are constantly being exposed. This is occurring particularly in my district, which I know well. Right along the coastal dune from Meningie to the Victorian border there is a constant yearly exposure of camp sites and artifacts.

This material is collected by people with a keen interest in Aboriginal culture. The people I know would be no more interested in selling those things than flying to the moon. It is reasonable that the Minister's consent be given in relation to any excavation. That matter is dealt with by the Bill, but dozens of new camp sites are uncovered by sand movements each year across South Australia, and I see no reason to restrict the collection of portable artifacts from sites. I do not believe that anything should be removed from valuable declared sites. If there is a particularly valuable area where there are many artifacts and declared sites, the artifacts should not be removed.

We have the classic situation at the Plumbago historic reserve, where mine exploration is under way and where many artifacts on the ground are preserved because it is a historic reserve. This is reasonable, but when one starts preserving artifacts all over South Australia, that is going too far.

Further, the Hon. Mr. Kemp's Bill empowered the Minister to erect screens, shelters or other structures

necessary to preserve any relic, rock carving, rock face, or tree. The Bill specifically removes the Minister's power to do that work, but it is necessary for the Minister still to have that power. True, the Minister could, without that power, erect screens and shelters on Crown land, but not on private land. Therefore, that power should be included in the Bill. The Bill seems to ignore the fact that a landowner and the interested person acting as a warden or inspector is to be considered.

Clause 17 provides that inspectors will be members of the Police Force and Aboriginal persons. The Bill does not deal with the appointment of wardens. No provision allows an interested landowner to become a warden or inspector. That is tragic, because the best person that we can have as a warden or inspector would be an interested landowner, who is there all the time, who knows the area and who knows who goes on and off the land. For the Bill to not provide for such appointments seems to be a short-sighted policy.

Does not the Council believe that the most effective wardens would be landowners themselves? Perhaps there have been problems under the Act with honorary wardens, and this is probably one reason why the Government has dropped them from the legislation. Some honorary wardens have been critical of the Government and its attitude towards the preservation of Aboriginal relics, and these people are now to be excluded. Some honorary wardens may have offended people. Perhaps wardens should not have the same powers as inspectors, or should not have any powers at all. Nevertheless, to exclude totally these people is a retrograde step.

Although I refer to interested people, many lay people who are dedicated and interested can perform duties as wardens. A problem may have been created in respect of honorary wardens because they are over-enthusiastic. Nevertheless, it is tragic that such people should be overlooked.

Turning to another matter, I believe that there is conflict in the definition of "item of Aboriginal heritage". The definition of "Aboriginal site" is:

> Any area of archaeological, anthropological, ethnological, or historic significance relating to the Aboriginal people:

The definition of "item of Aboriginal heritage" or "item" means:

> . . . any Aboriginal artifact or handiwork, including any tree or rock face apparently marked in a traditional manner by an Aboriginal person, but not including any artifact or handiwork made for the purpose of sale for a monetary consideration;

Clause 24 deals with the protection of items of Aboriginal heritage and subclause (1) provides:

> A person shall not, without the consent of the Minister, excavate any land for the purpose of exploring for an item of the Aboriginal heritage (either within or outside a protected area).

I have some doubts about that situation, but I am willing to go along with it. Subclause (2) provides:

> A person shall not, without the consent of the Minister, remove or otherwise interfere with an item of Aboriginal heritage.

That means that any artifact cannot be picked up, which is tragic. Many artifacts that have been preserved and kept have survived because interested people have collected them. Subclause (3) provides:

> A person shall take reasonable measures to protect any item related to the Aboriginal heritage in his ownership or possession.

Subclause (4) provides:

> A person shall not sell any item of the Aboriginal heritage unless the sale is to the Minister or with his written consent.

It is the provision that I am mainly concerned about, and I quote again the definition of "item", as follows:

> any Aboriginal artifact or handiwork, incuding any tree or rock face apparently marked in a traditional manner by an Aboriginal person, but not including any artifact or handiwork made for the purpose of sale for a monetary consideration;

Even if a person had a property on which there were no protective areas under the Act, but there happened to be a rock face, rock carving marks, or a tree from which a shield or canoe had been cut, he could not sell that property without permission of the Minister for the Environment, or the Minister in charge of this Bill. I do not think that situation is intended but that could be the interpretation, and I seek a change in the position so that the Minister's permission is not required in the case of the sale of property that happens to include such things.

Certain proclamations have already been made under the old Act regarding some sites. I have already referred to Plumbago historic reserve but, under the Hon. Mr. Kemp's original Bill, the legislation covered more than just Aboriginal relics or rock carvings: it contained provisions for the protection of other historical or geological formations. I do not know what the Government has proclaimed in this area, but I would like to know whether historic Aboriginal sites that have been protected under the old Act will still be protected in the interim period between the assent of this Bill, which means the repealing of the old Act, and the establishment of a new register. That is important. This Bill should contain a provision saying that anything that has been protected under the old Bill will continue to be protected after the repeal of the old Act.

Comparing the main changes in this Bill to the 1965 Kemp Bill, we see that the first change is that it removes from the previous Act the historic reserves that were not related to Aboriginal people. I have said that I do not know whether any historic reserves were named under the previous Act, but perhaps the Minister could say whether they have been picked up in other legislation or whether, after the passage of this Bill, there will be no protection for them.

Secondly, although new definitions are included in the Bill, such as "item Aboriginal site", etc., they are almost the same as the definition of "relic" in the existing Act. An advisory board is stipulated in the Kemp Act, and this board is responsible to the Minister. That board comprised representatives of the University of Adelaide, museum, the Aboriginal Affairs Department, and the Pastoral Board, and a Chairman to be nominated by the Minister. The new Bill includes provision for a committee of nine, all nominated by the Government.

The Hon. B. A. Chatterton: Were there any Aborigines on the previous board?

The Hon. R. C. DeGARIS: There was a representative of the Aboriginal Affairs Department on it.

The Hon. B. A. Chatterton: He wouldn't be an Aboriginal, would he?

The Hon. R. C. DeGARIS: I do not know. My point is that interested people were stipulated, such as representatives of the university, the museum, and so on. Under the Bill, there will be nine members on the board. I understood that an amendment was to be moved in the House of Assembly to provide for three Aborigines to be members, but I do not know whether that amendment was accepted. This Bill does not contain provision for people from the University of Adelaide, the museum, and the Pastoral Board to be members.

The Kemp Bill allowed the Government to appoint such inspectors, wardens and other officers as he considered

necessary. In regard to inspectors, the new Bill is confined to the police and people appointed from the Aboriginal population. The Kemp Bill appointed the Director of the museum as Protector of Relics, but a Protector is not provided for in the new Bill.

There are other changes, but I wish to stress that the major changes made by the Bill could have been made by amendment, without repealing the other Act and introducing this new Bill. As I have said, if I had to choose between the 1965 Act and the new Bill, I would prefer the provisions of the 1965 Act.

The Hon. J. R. Cornwall: Of course you would.

The Hon. R. C. DeGARIS: Why does the honourable member say that?

The Hon. J. R. Cornwall: It adopted a completely paternalistic attitude, as did the member who drew it up.

The Hon. R. C. DeGARIS: Will the honourable member support me if I move an amendment to allow the Minister to erect screens to protect things of importance from invasion by vandals? The Kemp Bill provided for that, but this Bill does not. There is dumb silence now.

The PRESIDENT: The Hon. Mr. Cornwall with have the right to speak soon.

The Hon. R. C. DeGARIS: The 1965 Bill seemed to encourage more community involvement, whereas this Bill seems to push control and administration more and more into the hands of the Government or a Government department. That will please the Hon. Mr. Cornwall. I will be moving amendments, but I support the second reading.

The Hon. K. T. GRIFFIN: The Minister refers in his second reading explanation to the current legislation and deals with some of its difficulties. In relation to certain aspects, the Minister states:

> Under the current legislation, arrangements for declaring prohibited areas or historic reserves entails obtaining permission of the owner, which is very cumbersome in practice. Protection should be afforded even if the present owner is not entirely willing. It is pointed out that under the Heritage Act there is no provision for owner consent to registration of items of European cultural heritage. The current Bill dispenses with consents—indeed it would be derogatory to the Aboriginal people if such consents were required in relation to their heritage but not in relation to our European heritage.

I will point out certain aspects of the Bill to show where I suggest that the Minister's statements are not correct. Under the South Australian Heritage Act, 1978, where items are to be included on a register, there is provision for notice to be given by the Minister to the South Australian Heritage Committee and by public notice that he intends to enter an item on the register, and inviting the making of objections. He can specify a day, being not more than three months after the giving of notice, by which objections in writing may be lodged.

Then there is a procedure by which objections can be made, and objections can be considered by the Minister. The entry of items on the register under the Heritage Act has serious consequences for the owners of items to be included, and the Act provides a procedure by which they can object to entry on the register and make them known to the Minister, and he must consider those objections.

It is incorrect for the Minister to suggest that, in the South Australian Heritage Act, there is no provision for a person such as the owner of an item to have the opportunity to make representations to the Minister before an item is included in the register.

Under the Bill, there are several principal concerns with respect to the protection of Aboriginal sites or items of the Aboriginal heritage.

By clause 20 there is a responsibility on the Minister to inform the owner or occupier of private land that he intends to declare an area a protected area under the Bill, but no consequences follow the responsibility to inform. There is no provision for representations to be made, and there is no obligation on the Minister even to take into account any representations which may be made informally. Because of the consequences that flow from the declaration of an area as a protected area, there ought to be a provision that not only is notice required to be given by the Minister to the owner or occupier but also that formal representations may be made to the Minister and that he is obliged to consider them before a declaration is made.

Two paragraphs in the clause ought to be noted in relation to the consequences that flow from the declaration. One provides that there will be restrictions on access to or use of a protected area. There also may be a requirement that there shall be no entry on to or use of a particular area without the written permission of the Minister.

It seems to me that there ought to be some provision for the owner and occupier in those circumstances to be involved in the decision-making process.

I am also concerned about clause 24, which relates to persons excavating any land for the purpose of exploring for an item of Aboriginal heritage. With some conditions, I have no serious objections to that provision. However, subsequent to that is a provision in clause 25 that, where the Minister has reason to believe that items of Aboriginal heritage may be lying upon or under any land, he may authorise any person to enter and excavate the land and to remove any items to safe storage. First, there is no provision for notice to be given to the owner or occupier of land of one's intention to enter and excavate. It is important that there should be such a requirement.

The second difficulty with that clause is that there is no provision for any damages relating to or repair of the ground that has been excavated. One should note that under section 25 of the Act there is a specific requirement for the repair of property so entered and excavated and for compensation to be paid. Also there is a provision enabling the owner or occupier involved to waive the payment of compensation by a notice signed by him. It seems to me that, if land is to be entered and excavated, there ought to be proper protection for the owner and occupier of that land.

The other matter regarding clause 24, to which the Hon. Mr. DeGaris has already referred, is the embargo upon the sale of any item of Aboriginal heritage unless the sale is to the Minister or with his written consent. Although I can see the necessity for protecting and preserving items of Aboriginal heritage, I am concerned that there is some equity as between the Minister and the person who may hold those items.

There is no provision in this clause regarding the fixing of an appropriate price, and there is no provision in the event that the Minister does not seek to acquire an item of the Aboriginal heritage or is not willing to give his written consent. In those circumstances, there ought to be some rights in the holder of those items of the Aboriginal heritage to dispose of them if that is his or her wish.

I should like to draw attention to several other relatively minor matters. I refer, first, to the matter to which the Hon. Mr. Geddes and the Hon. Mr. DeGaris have already drawn attention in clause 17, which relates to the persons who may be appointed as inspectors. It is well known that many white persons have a genuine concern for the protection of protected sites and items of the Aboriginal heritage and they could adequately, effectively and

sensitively be appointed as inspectors to have oversight under the provisions of clause 17.

Undoubtedly, many items of the Aboriginal heritage and many protected sites throughout the State need supervision and, the more persons who have a genuine concern regarding that protection and who are directly involved in that responsibility, the better it will be.

Clause 18 provides for the seizure and investigation of an item of the Aboriginal heritage. However, there does not seem to be any provision for the return of that item after the investigation or after the conclusion of the legal proceedings, and I believe that that should be provided for.

Generally, I support the principle of the Bill. There ought to be proper and adequate protection for items of the Aboriginal heritage throughout South Australia. Indeed, we have a responsibility to ensure that adequate protection exists. However, I point out that there must be a balance and that those who presently hold certain items or land that may be the subject of declarations under the Bill must also be given an opportunity to put their point of view and to have them considered responsibly by the Minister or appropriate committee, so that those persons can be protected against improper use of the powers granted under this Bill. I therefore support the second reading.

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

EDUCATION ACT AMENDMENT BILL

(Second reading debate adjourned on 27 February. Page 2978.)

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Interpretation."

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

Page 6—

After line 3—Insert paragraph as follows:

(aa) by inserting before the definition of "child of compulsory school age" the following definition:

"approved non-government school" means a non-government school approved by the Minister in accordance with the regulations:

Lines 10 to 16—Leave out paragraph *(b)*.

The aim of these amendments is to give an absolute guarantee to non-government schools, thereby completely overcoming any fears that they may have had.

The Hon. R. C. DeGARIS (Leader of the Opposition): Some people were concerned about this matter, and I am therefore pleased that the Minister of Education has instructed the Minister of Agriculture to move these amendments, which I support.

Amendments carried; clause as amended passed.

Clauses 10 to 15 passed.

Clause 16—"Unregistered persons not to hold certain appointments."

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

Page 7, line 31—After "amended" insert—

—

(a) by striking out from paragraph *(a)* of subsection (1) the passage "non-government school" and inserting in lieu thereof the passage "approved non-government school"; and

(b) '.

This amendment is consequential.

The Hon. R. C. DeGARIS: I support the amendment.

Amendment carried; clause as amended passed.

New clauses 16a, 16b, 16c, and 16d.

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

Page 7—After clause 16 insert new clauses as follow:

16a. Section 72 of the principal Act is amended by striking out from subsections (1), (2) and (3) the passage "a non-government school" wherever it occurs and inserting in lieu thereof, in each case, the passage "an approved non-government school".

16b. Section 73 of the principal Act is amended—

(a) by striking out from subsections (1) and (2) the passage "any non-government school" wherever it occurs and inserting in lieu thereof, in each case, the passage "any approved non-government school"; and

(b) by inserting after subsection (2) the following subsections:

(3) Any person authorised in writing by the Minister to carry out an inspection under this subsection may, at any reasonable time, enter and inspect any non-government school for the purpose of determining whether approval should be granted in respect of the school in pursuance of this Act, or an approval previously granted in respect of the school should be revoked.

(4) A person who prevents an authorised person from carrying out an inspection under subsection (3) of this section, or hinders any such inspection, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

16c. Section 74 of the principal Act is amended—

(a) by inserting before subsection (1) the following subsection:—

(1) In this Part—

"school" means a Government school or an approved non-government school.; and

(b) by redesignating the former subsections (1) and (2) as subsections (2) and (3).

16d. Section 81 of the principal Act is amended by striking out from subsection (1) the passage "Government or non-government".'

The Hon. R. C. DeGARIS: I support the new clauses.

New clauses inserted.

Clause 17—"Determination of courses of instruction."

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

Page 8, line 7—After "of" insert "approved".

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—"Regulations."

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

Page 8, lines 36 to 38—Leave out paragraph *(sb)*.

Paragraph *(sb)* is provided in one of the new clauses previously inserted.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2887.)

The Hon. R. A. GEDDES: I support the second reading of this Bill. The Government announced eight years ago

that it would amalgamate institutes with the State Library, and the Government is still trying to achieve that aim. I guess that the Government will still be trying to do that at the time of the next election, which the Liberal Party will win.

However, this Bill is a very small amendment to the principal Act and deals not with institutes, which is a disappointment, but with the State Library. There has been a change from the Education Department (the Minister of Education has been looking after this Act ever since I have been in Parliament), and it has now been moved to the Community Development Department. As the second reading explanation suggests, the Community Development Department has been formed to draw together currently fragmented community development initiatives across a range of functional areas.

The PRESIDENT: Order! If the Hon. Mr. Foster wishes to talk with someone in the gallery, I ask him to do so quietly.

The Hon. R. A. GEDDES: That is a terrible use of words but, nevertheless, the intention is there that many of these community projects, developments, or Acts that have been scattered amongst Ministers will come under the Community Development Department, which will be a wise move. The aim of this Bill is that the permanent head of the Department of Community Development (Dr. McPhail) will, in future, assume full responsibility for library services. The permanent head of that department will report to the Minister, but Dr. McPhail will be responsible for the administrative and day-to-day worries that the institutes and libraries will have.

It is strange that under the principal Act the board has, in the past, consisted of eight members, one of whom was the State Librarian. It is now the intention to remove the State Librarian as a member of the board and the Governor to appoint eight members to the board. It is unfair that the State Librarian, who I know has been a member of this board for many years, can lose his position or vote on the board because of these amendments. The Minister assures me that the State Librarian, because of the interim problems of change in the libraries and statutes, will be taken care of when a new Bill is introduced, possibly later this year, and the position of the State Librarian could well be brought back on to the board. The Minister believes that those in executive positions should also be on boards.

I could say a lot about the Libraries and Institutes Act, because I was a member of the institute's committee. We suggested to the Minister of Education at that time, Mr. Hudson, that it was unwise to have institutes and libraries, or State board of libraries, and that there should be one unit. There have been countless committees, and countless reports, but still no-one can find a satisfactory solution to the problems, which are not very great. Everyone agrees that we have no problems like we had in, say, the tow-truck legislation but no-one seems to get around to agreeing to this total distribution of books to the public of South Australia, whether they be in Coober Pedy or North Terrace, under one administrative head. We live in hope that, under this new concept, the Minister of Commnity Development will be the magician to make this scheme work. I support the second reading.

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

FURTHER EDUCATION ACT AMENDMENT BILL

(Second reading debate adjourned on 21 February. Page 2800).

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Application of Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): I take it that the Government has not included the same amendments as those in the Education Act Amendment Bill because this clause must be an exemption clause. Could the Minister confirm this point?

The Hon. B. A. CHATTERTON (Minister of Agriculture): I am not sure whether the clause is an exemption clause. It certainly differs from the Education Act, which refers to registration for non-government schools, and I do not see that this is applicable under this Act.

The Hon. R. C. DeGARIS: If this is an exemption clause I have no objection, but if it is not, the Minister should make the appropriate amendment in the other Bill.

The Hon. B. A. CHATTERTON: The position is different from that in the Education Act, where registration has been sought by non-government schools.

The Hon. JESSIE COOPER: This is an exemption clause. It widens the already existing exemptions to theological colleges. It is not similar to the Education Act provisions in this respect.

Clause passed.

Remaining clauses (9 to 14) and title passed.

Bill read a third time and passed.

TERTIARY EDUCATION AUTHORITY BILL

In Committee.

(Continued from 27 February. Page 2978.)

Clauses 2 to 27 passed.

First and second schedules passed.

Third schedule.

The CHAIRMAN: I point out to the Committee that in the third schedule the words "Murray Park" should be "Hartley", and I intend to make that correction.

Schedule as amended passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN GAS COMPANY'S 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.

Honourable members will be aware of the attempts that have been made by interests outside South Australia to gain control of a number of South Australian companies. Over the last few months, outside interests, mainly associated with Mr. Brierley, have been actively involved in purchasing shares in the South Australian Gas Company and now have a substantial shareholding in the company.

The South Australian Gas Company is a public utility and operates under its own special Act of Parliament. It has granted to it by the State an exclusive franchise to distribute and supply gas dating from 1874. Over that period, the South Australian Gas Company has developed into a highly efficient company, which has served the interests of South Australia, and in particular Adelaide, very well. Its administration and distribution costs are such that per unit of gas sold they are the lowest in Australia.

The form of the South Australian Gas Act and its

subsequent amendments have always recognised that the monopoly franchise granted to the Gas Company by the Parliament gave Parliament, acting on behalf of the community, a right to be concerned on the matter of control of the company. For example, the 1874 Act imposed a scale of voting on shareholders that limited the maximum number of votes that any shareholder could exercise to seven. This provision was amended in 1974 to provide no maximum, but a scale of voting which weighted very heavily the small shareholdings as against the large. Arrangements such as this are features of all gas companies which have, in Australia, similar franchise to that of the South Australian Gas Company.

For example, the Queensland Parliament has limited the voting power of shareholders of All Gas Energy Limited. In New South Wales, shareholders of A.G.L. and North Shore Gas companies are limited as to the size of their holdings, while the Newcastle Company places a restriction on the number of votes that can be exercised on any one shareholder.

I should make it clear that it is not acceptable to the Government of South Australia, by those who are presently involved as directors of the South Australian Gas Company and I believe to the community as a whole, that a person such as Mr. Brierley should be permitted, in effect, to control the franchise granted by Parliament to the Gas Company.

I am informed that Mr. Brierley already has control of gas supplies in Auckland and in Hobart, and is currently attempting to gain control in both Newcastle and Adelaide.

The purpose of this Bill is to prevent Mr. Brierley's objectives from being achieved and to introduce provisions which will enable the South Australian shareholders of the Gas Company to continue electing boards of directors such as those that have controlled the Gas Company in the past and co-operated so effectively with all Governments, irrespective of their political complexion.

The Bill, as it is framed, provides for a limitation on shareholding so that no individual shareholder can hold more than 5 per cent of the shares. The only current shareholder that this provision would effect will be Mr. Brierley and, if Parliament concurs with the restriction, Mr. Brierley will be required by law to divest himself of any excess shares above 5 per cent.

In addition, the Bill contains provision that limits the voting power of any one shareholder to five votes. It is also designed to ensure that control cannot be obtained through the device of inducing associates of a shareholder to buy shares, thus forming a group. Where a group of associated shareholders is declared, then that group can only exercise five votes.

I emphasise to honourable members the special nature of the South Australian Gas Company, its monopoly position, and its status as a public utility. The Government and the community must be satisfied that those who exercise control in the Gas Company are people who will act in the best interests of the community. The Government is not at present satisfied that Mr. Brierley fulfils that condition. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts new section 5a in the South Australian Gas Company's Act. New subsection (1) provides that no shareholder, and no group of associated shareholders, is entitled to hold more than 50 per cent of the shares of the company. New subsection (2) defines the circumstances in which two or more shareholders are to be regarded as a group of associated shareholders. New subsection (3) is an evidentiary provision. New subsection (4) limits the number of votes that may be cast on any question arising at any general meeting of the company by any single shareholder or group of associated shareholders.

New subsections (5), (6), (7) and (8) enable the directors or secretary of the company to obtain information for the purposes of determining whether a shareholder or a transferee of shares is a member of a group of associated shareholders. New subsection (9) enables the Minister to require a shareholder to dispose of shares where he or a group of associated shareholders holds more than the permissible maximum number of shares. New subsections (10), (11) and (12) deal with the consequences of a failure on the part of a shareholder to obey a requirement under subsection (9).

The Hon. D. H. LAIDLAW: This is the second occasion within three months that the Labor Government has introduced a Bill to prevent Industrial Equity Limited, a public company based in Sydney, or its associates from buying large numbers of shares and thereby trying to dominate a South Australian company which provides a special service to the community. The first Bill concerned the Executor Trustee and Agency Company, whilst this Bill relates to the South Australian Gas Company, which is the sole supplier of gas to the Adelaide metropolitan area. The company also provides a service at Whyalla, Port Pirie, and Mount Gambier.

Mr. R. A. Brierley, the Chairman of Industrial Equity, has announced to the media that he is buying South Australian Gas Company shares, that he is keen to acquire interests in gas distribution companies in Australia and New Zealand, and that he already controls the Auckland Gas Company and Hobart Gas Company.

The Minister stated in his second reading explanation that it would be intolerable for Mr. Brierley or any other individual with a reputation as a share market raider or an asset stripper to have control of a public utility like the South Australian Gas Company. I agree with his view.

Consider the situation where it is necessary to extend gas reticulation to new suburbs, irrespective of its economic viability, or where it is considered desirable to preserve gas reticulation in country areas, despite the unprofitable result.

The South Australian Gas Company, under its present direction, maintains close liaison with the Government, and could be expected to act in the best interests of the community. On the other hand, I doubt whether Mr. Brierley or some other predator would give priority to community interests above those of his own profit.

The South Australian Gas Company's Act already contains restrictions on voting rights and these were added as an amendment to the Act in 1874. However, there is nothing to prevent a predator from buying shares in many different names in order to circumvent these restrictions.

Several measures are proposed in the Bill to overcome this. First, if the directors believe that two or more shareholders are likely to act together to get control of the company the directors can resolve that they constitute a group. Henceforth, no shareholder or declared group of shareholders could exercise more than five votes at a meeting. This is highly restrictive, since there are 1 952 780 shares issued to the public.

Secondly, the directors can require a buyer before registering his shares to verify by statutory declaration that neither he, nor any group with which he is associated, holds more than 5 per cent of the issued capital. If the

shareholder fails to comply, the directors can refuse to register the transfer. Thus, the Bill is restricting the size of shareholding as well as voting rights.

Thirdly, the directors may require a shareholder to verify by statutory declaration whether he is a member of a group and, so long as he fails to comply, he shall not be entitled to vote at a meeting.

Fourthly, if the Minister believes that a shareholder or a group holds more than 5 per cent of the issued capital, he can insist that the shareholder or group must sell a prescribed number of shares. I understand that the Government has an amendment to provide that the number of shares to be sold shall reduce the shareholding of the shareholder or group to 5 per cent. When the Bill was originally drafted, that had not been decided.

If the shareholder fails to comply, then the prescribed number of shares shall, after a period of at least six months, be forfeited to the Crown. The Registrar of Companies must then sell the shares and pay the proceeds to the deprived shareholder. This is a comprehensive scheme by which to curb Mr. Brierley or any other predator. However, it seems rather heavy-handed, and I wonder whether the Minister is not using a sledgehammer to squash a peanut.

I pointed out during the debate regarding the Executor Trustee and Agency Company that the rules of the Australian stock exchanges prescribed that each share in a listed public company should have equal voting value. They take this view in the interests of the investing public, and it was reported in the *News* last Friday that the committee of the Adelaide Stock Exchange will look critically at the implications of this Bill.

Stock Exchanges have the power to stop listing the shares of any company which circumvents their rules and that, of course, restricts negotiability and usually reduces the value of shares. It would be unfortunate if the committee of the Adelaide Stock Exchange made such a decision, because many small shareholders who have never had any contact with Mr. Brierley might then side with him out of annoyance at the action of the Government and the Stock Exchange.

Despite the view of the Stock Exchanges with regards to one share one vote, each of the gas distribution companies in Australia with publicly listed shares does have restrictions upon voting rights. The South Australian Gas Company, by the amendment to its Act in 1874, allows holders of from five to 25 shares one vote. This increases by one vote for each additional 25 shares up to 250. At that stage the shareholder can exercise 10 votes. He then gets one more vote for each 50 shares up to 5 000, and thereafter one more vote for each 100 shares.

This is a cumbersome procedure, but it has remained unaltered for 105 years. The original intention of this Bill was that the present scale of voting would apply up to the holder of 125 votes, and thereafter entitlement would be restricted to five votes. However, I understand that a Government amendment will liberalise this to some small extent. The company is also restricted in other ways.

The Minister, for instance, has power to control the issue of shares, the dividend rate, and the scale of borrowing by loans. Under the Prices Act, the price of gas is regulated. The issued capital of $976 390 is incredibly small for an operation of this magnitude, and shareholders must wonder when, and if, the Minister will agree to a new issue of shares.

I turn now to the other listed gas reticulation companies. I refer, first, to Australian Gas Light Company Limited in Sydney, which has a more realistic size of issued capital, namely, 15 700 000 $1 shares. It is provided that no shareholding of that company may own more than 2 per cent of the issued capital . Voting rights are also restricted so that no holder can exercise more than 1 200 votes at a meeting.

I refer also to North Shore Gas Company Limited, the other gas distributor in Sydney, which has an issued capital of 3 300 000 $1 shares. A shareholder is given one vote for each five shares held up to 100, one vote for each 10 shares between 101 and 200, and one vote for each 25 shares in excess of 200 up to 25 per cent of the issued capital, which is the maximum shareholding permitted. So, in the case of North Shore Gas Company, a shareholder can hold a larger proportion of shares than is allowed under the amendment to the South Australian Gas Company's Act.

In Brisbane, Allgas Energy Limited has an issued capital of 200 000 6 per cent $1 preference shares and 1 450 000 $1 ordinary shares. A shareholder is permitted to own up to 12·5 per cent of the issued capital, but his voting rights are limited to 5 per cent, as is proposed in Adelaide.

Newcastle Gas Company Limited has an issued capital of 1 800 000 $1 shares. No shareholding can exceed 2 per cent of the issued capital, and there is, once again, a voting scale up to a limit of 21 votes. Although this company has an issued capital of a more respectable size than that of the South Australian Gas Company, being twice as large its limits on shareholding and voting power have been more restrictive, at least until this amending Bill appeared.

In Melbourne and Perth, gas distribution is controlled by statutory authorities, by the Gas and Fuel Corporation in the former and, in the latter, by the State Energy Commission, which controls electric power generators, as is the case in Western Australia. Hobart Gas Company is a subsidiary of Industrial Equity Limited, and Brisbane Gas Company, the second distributor in Brisbane, is a subsidiary of Boral Limited.

In view of the restictions on shareholding and voting rights that apply to holders of shares in gas distribution companies in other States, the Government can claim that it is acting according to precedent by introducing an amending Bill containing such provisions.

I am willing to support this Bill, despite my belief in the principle of one share one vote. However, it is unfortunate that the Minister should perpetuate the archaic voting scale that applies in the South Australian Gas Company's Act by allowing a maximum of only five votes to any shareholder or associated group. If the maximum shareholding is to be 5 per cent of this issued capital, why should not holders be permitted to exercise one vote for each share held to that level? I am sorry that the Minister will not accept this suggestion.

In addition to restrictions on voting power, the directors, because of the scope of this Bill, will have ample power to curb the ambitions of Mr. Brierley and his associates as well as other predators that may appear in future. I support the second reading.

The Hon. M. B. CAMERON: I do not support this Bill. I may possibly stand alone on this issue, but I do not believe that it is proper for this Parliament to take an action such as this against a single person; that is what is happening. Earlier this session we debated a Bill affecting the Executor Trustee Company. The solitary purpose of that Bill was to ensure that the terrible man Mr. Brierley could not carry out what would be considered to be fairly good business practice if it was not for the fact that the companies involved were in somewhat sensitive areas. Before long perhaps we should ask the Federal Government to send Mr. Brierley back to New Zealand; otherwise, we will be continually passing Bills to stop him. Such Bills could be avoided if the Government was efficient. Perhaps we will need a special sitting during the

Parliamentary recess to try to stop Mr. Brierley again. He has been called an asset stripper and a predator. If the Australian Mutual Provident Society was buying shares in the South Australian Gas Company we would not be worried about it but, because it is the terrible Mr. Brierley, we are getting uptight.

I do not believe it is proper for Parliament to take this action, because there are other ways. The Government controls the dividends of the gas company, its ability to raise loans, and the price of gas. The Government therefore virtually controls the company. So, why does the Government not take the next proper action, which would not be without precedent? A Liberal Government did the same kind of thing in regard to electricity supplies. It is normal for a public utility to take over the energy supplies for a city. I would support that, because it would be the proper action. I want to know why the Government is not taking that action, instead of prostituting the system of share dealing in this State by this Bill. We will force this person, who has acquired shares properly on the share market, now to sell those shares or have the shares taken off him. I do not approve of Parliament doing that, because it is not a proper thing.

The Hon. B. A. Chatterton: Have you read the United States anti-trust legislation?

The Hon. M. B. CAMERON: This is not the United States. After the Minister has been there, he can bring back ideas, but this is South Australia, and we are talking about the South Australian Gas Company and a man who has acquired 10 per cent of that company's shares. One would think that he already had control, from the way in which the Government is introducing this Bill. If the Government wants to ensure that Mr. Brierley cannot do the things we are talking about, let the Government put into the legislation appropriate clauses stating that no assets can be sold until the Government gives approval; that would stop him.

If the Government is worried about Mr. Brierley not supplying areas with gas where it would be unprofitable to do so, let the Government give itself power to direct the gas company to supply gas to certain areas. I understand that there has been good co-operation between the Directors of the gas company and the Government. Giving those directions by a clause in the legislation would cut across the necessity to take this surprising and totally incorrect course of action. I am surprised that the Adelaide Stock Exchange is supporting this move; I understand that the Stock Exchange is doing so. Once this kind of thing becomes a habit, where will it go next? In the future we will be told that other firms want similar kinds of assistance, and we will be told that we have set a precedent. People do not remember the circumstances of what occurs; they remember only the action that we have taken. In the future people will not even remember Mr. Brierley's name: they will remember only an Act laying down a course of action.

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

NORTH HAVEN TRUST 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.

It is intended to establish a trust to facilitate the development and management of the North Haven marina and associated facilities. The North Haven harbor development is already well under way. Under the terms of the A.M.P. Society's 1972 indenture agreement with the government, the society has already excavated the harbor and has recently let a contract for final construction of the harbor edge. That contract provides for the effective completion of the harbor by the end of 1979.

Plans have been prepared for the comprehensive development of areas adjacent to the North Haven harbor. In addition to the development of marina facilities, the plans provide for shops and restaurants; specialist marine service and commercial facilities; recreation areas and sites for clubs and community facilities; a caravan park and golf course; and some residential development. Implementation of these proposals will take full advantage of the unique site and development opportunities at North Haven and result in a facility of great value to residents both of North Haven and of the metropolitan area generally.

Adequate co-ordination and promotion of development will be of critical importance. There will also be a continuing need for management and supervision of the North Haven facilities upon the completion of development. The Bill proposes the establishment of the trust to fulfil these roles. Its membership would comprise nominees of the Government and of the Port Adelaide council. The trust would have power to borrow funds to finance development and to impose charges for the use of the facilities which it provides.

The Bill defines the area which will be subject to the control of the trust and provides for the vesting in the trust of all land within that area. The trust will grant leases and licences to promote private development within the harbor area. The third schedule of the Bill provides for the amendment of the North Haven Development Act and of the indenture agreement between the Government and the A.M.P. Society so as to clearly maintain the rights of the society under the indenture to lease land in the harbor area.

The development of the North Haven project has to date been based upon close co-operation between the A.M.P. Society and the Government . The establishment of the North Haven trust will provide a suitable focus for continued co-operation between the public and private sectors. It will enable development to be carried forward in an efficient and businesslike manner and in a way which is flexible and responsive to community needs. 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 contains certain definitions required for the purposes of the Act. In particular "the prescribed area" is defined by reference to schedules one and two of the proposed Act. Clause 5 makes consequential amendments to the North Haven Development Act. These amendments relate to clause 16 of the Indenture under which the A.M.P. is given certain preferential rights in respect of land which will now be administered by the trust in pursuance of the new Act. Accordingly, the amendments provide that the rights conferred by clause 16 of the indenture will in future be enforceable against the Trust rather than the Minister of Marine.

Clause 6 establishes the trust. Clauses 7 to 11 deal generally with rights of membership and procedure of the

trust. Clause 12 provides for disclosure by members of the trust of pecuniary interest in contracts made by, or in the contemplation of, the trust. Clause 13 provides for the prescribed area to be vested in the trust for an estate in fee simple. Clause 14 sets out the powers and functions of the trust. Generally the trust is empowered to undertake or promote development within the prescribed area and to provide services and manage facilities for the benefit of the public or any section of the public.

Clauses 15 and 16 deal with officers and employees of the trust. Clause 17 empowers the trust to borrow moneys for its statutory functions. Clause 18 requires the trust to establish a fund out of which its expenses are to be paid. Clause 19 requires the trust to present estimates of its receipts and payments to the Minister and prevents the trust from incurring expenditure that has not been authorised in an approved budget.

Clause 20 provides for the keeping and auditing of accounts. Clause 21 provides for the application of provisions of the Harbors Act to the prescribed area. While in general it is not intended that Part III of the Harbors Act should apply to the prescribed area, it is envisaged that a harbormaster may be appointed in pursuance of that Act. This clause provides for that eventuality. Clause 22 exempts the trust from various rates and taxes. Clause 24 provides for summary disposal of offences. Clause 25 is a regulation-making power.

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

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

Adjourned debate on second reading.
(Continued from 27 February. Page 2962.)

The Hon. C. M. HILL: This Bill introduces various changes to the Local Government Act and brings up to date the regulatory power that was granted in 1978 under the amendment passed and proclaimed that year on 8 June. That regulatory power has been considerably expanded because it has been found that further controls are required in connection with parking and traffic offences. The amendment proclaimed in June followed another amending bill to the Local Government Act proclaimed on 27 April 1978. It can be seen from clause 8 that, unfortunately, an error was made in June last year, and the regulatory power I mentioned was not, in effect, backdated to the date when the first Bill of 27 April was proclaimed. That matter is put right in this Bill.

I do not wish to take up the time of the Council in dealing with the various changes that the Bill has introduced. The Minister explained them very well when he introduced the Bill, but there is one issue in the Bill to which I take exception and which I propose to vote against. That is clause 11, which provides that proceedings for parking offences must be commenced within one year of the offence being committed. At present, as the Minister explained, such proceedings must be commenced within six months by virtue of the Justices Act provisions. Whilst the Minister stated that six months has proved to be too short, it would appear that, if councils cannot institute proceedings for parking offences within six months, Parliament should not come to their aid and give them further time. The Minister may well have some explanation regarding that matter, but it certainly appears that six months is a fair and reasonable time within which a council can institute actions. I intend to vote against clause 11. I do not object to other clauses in the Bill, and accordingly I will support the second reading and deal with clause 11 in Committee.

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

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 February. Page 2815.)

The Hon. M. B. DAWKINS: I support the Bill, which the Minister described as being of a disparate nature, and that is a fairly accurate description, because gathered into this Bill are a considerable number of disjointed amendments from the four corners of the ambit of the principal Act. The Bill is basically a Committee Bill but there are some matters that I wish to discuss in the second reading stage. The Bill does a number of disconnected things, one of which is to alter section 19 of the principal Act which, at the present time and amongst other things, provides for the sharing by local government of the costs of installing and operating traffic control devices. The Highways Department and local government authoriites now share the cost of this facility: if it is erected on a road maintained by the Highways Department, I understand that that department is responsible for two-thirds of the cost and the local government body concerned is responsible for the remaining one-third.

On roads controlled by local government, the opposite obtains and that local governing body is reponsible for two-thirds of the cost and the department is responsible for one-third. Difficulty has been encountered in the past in determining costs for the respective bodies involved. If a road is maintained wholly by the department or if the traffic device is located at an intersection of roads controlled by both the department and local government, the department will meet the total cost under this new legislation. Where such installations are on a road controlled by local government, the council will have to meet the total cost. The Minister indicated in another place that this would be the situation, and I believe that local government will not be disadvantaged. The only cost to local government will accrue where traffic devices are located on roads controlled entirely by the local governing body. The provision is acceptable. Clause 4 provides:

> Section 35 of the principal Act is amended by inserting in subsection (2) after the passage "Local Government Act, 1934-1959," the passage "or established, maintained or operated under the Highways Act, 1926-1975,".

This clause deals with inspectors, who presently are appointed under the Local Government Act. Ferry operators on the Murray River in the past three years operating under the Highways Act have encountered difficulties becuse they are not officially inspectors appointed under the Act. This amendment includes the Highways Act and seeks to overcome a situation confronting inspectors on punts where trouble has been encountered with some members of the public..

Clauses 6, 7 and 8 refer to reckless and dangerous driving, driving under the influence of intoxicating liquor or a drug and driving while having a prescribed concentration of alcohol in the blood. These clarifying clauses have a minimising effect. Previously, any past offence was taken into account no matter how long ago it was recorded. The matter is dealt with by the following provision:

> . . . only a previous offence against that subsection for which the defendant has been convicted that was committed within the period of five years immediately preceding the

commission of the offence under consideration shall be taken into account.

If one has committed an offence more than five years ago, it is now thought reasonable that that offence be no longer taken into account, and that is the object of these clauses.

Clause 9 amends section 47e, which refers to the police requiring alcotests or breath analysis, and this provision has been widened by the inclusion of the words "has committed a prescribed offence". The offences are detailed in several sections of the Act. Prescribed offences are then spelt out in detail and members of the public may be fined or apprehended under those provisions. A breach of these provisions could cause serious consequences, and paragraph *(b)* deals with speeding offences.

This clause broadens the ability of the police to require alcotests or breath analysis, almost to the point of random tests. Although such a provision may represent an undue intrusion into the private lives of the public, because of our heavy road toll I support the provision. Subsection (6) is amended and the period of five years is referred to. Clause 10 amends section 47f and deals with the right of a person to request a blood test. Previously, three samples were required; two for the police and one for the medical officer. I do not know why that was necessary.

The Hon. R. A. Geddes: The police might have lost one of the samples.

The Hon. M. B. DAWKINS: I do not believe that the police would readily lose a sample any more than would a medical officer, and this amendment requires only two samples, one for the police and one for the medical officer. It is a sensible provision.

Section 47g deals with evidence, and one of the more important aspects is the insertion of subsection (2a). I do not oppose that provision: it has merit. In section 47i, once again the period of five years is being set. If a previous offence is to be taken into account, it must have occurred within five years.

In clause 13 there is clarification regarding giving way at intersections and junctions. There has been confusion about the need to give way or about the correct place and method of giving way in the case of a divided road, and the clause makes the position clear.

Being a rural man, I would have to support clause 16, which amends section 141. Previously the section provided for the use of agricultural machines on roads, and the provison will now include a tractor or agricultural machine more than 2·5 km in width.

The Hon. T. M. Casey: I hope the Hon. Mr. Hill supports the farmer.

The Hon. M. B. DAWKINS: I have previously referred to the Minister as a wealthy grazier from the north masquerading as a socialist. He has some connection with the land and I imagine that he would support this clause. I have always considered the Minister has sympathy for, and rapport with, the man on the land, and, whilst I have not agreed with everything he has done, his relationship with the man on the land has been helpful.

Clause 20 refers to the use of seat belts and to the fact that, if a person is sitting in the front seat of a car that has a widened seat and has only two seat belts, the person must not sit where there is no seat belt if there is any unoccupied seating position. If that implication is carried further, presumably a person may sit in a central position on the front seat if there is no unoccupied portion that has seat belts. That provision needs to be tidied up.

The Hon. C. M. Hill: Mr. Chapman, in another place, was interested in that matter.

The Hon. M. B. DAWKINS: Yes, and all members would be interested in it, but I do not know whether they ought to be interested in the way that the member for Alexandra was. Clause 23 amends section 168, which refers to the power of the court to disqualify. I am surprised that, in the other place, when the Minister sought to justify the insertion of subsection (5), he had to refer to an incident that occurred at Eudunda about 10 or 12 years ago, when a driver was disqualified, probably unjustly, by a justice of the peace from driving a vehicle for life.

The person had the right to appeal but did not exercise it, and that was unfortunate. It was an omission and the person should have appealed within the 28 days. I am concerned about the provision. However, some friends have told me that it is not objectionable and I understand that, if it is not objectionable, it may be used on only rare occasions. However, the provision gives the Governor-in-Council the opportunity to remove the disqualification from such date as he may specify, and I should like the Minister in the other place to find a better reason than he gave when that provision was opposed there.

I have received a letter from the General Manager of the Royal Automobile Association early this evening and I have not been able to do anything about the matters to which the letters refers. However, I intend to read the letter to the Council and give attention to the matters raised before the Bill goes into Committee. The letter states:

> Dear Mr. Dawkins, We note, that you secured the adjournment of the debate on the Bill for an Act to amend the Road Traffic Act. Whilst in general terms the Bill is supported by the Association there are certain provisions on which we offer comments which may be of assistance to you.

I only wish that I had received this letter earlier. If it had not been for the various problems that have arisen during the past few sitting days, I would have dealt with the matter before this. The letter continues:

> Clause 5: The proposed new provisions for reporting of accidents refer to a "prescribed amount" for the purposes of the amount of damage. It is intended that this amount be prescribed in the regulations (currently the $100 figure is contained in the Act). We consider (and this is supported by our solicitors) that there would be advantage in retention of the monetary amount in the Act rather than being prescribed by regulations.

I intend to consider that not only in relation to this Bill but also in relation to other Bills that are debated in the Council. Regarding clause 9, the letter continues:

> The extension of the powers of the police to require a driver to submit to a breath test after commission of specified offences is considered cumbersome. If it is accepted that an extension of police power is appropriate—

earlier I have said I believe that, in the serious situation in which we now find ourselves regarding road accidents, it is not appropriate—

> it would appear more realistic if the legislation enabled a breath test to be required for any moving traffic offence.

Perhaps there we are getting to random breath tests, to which I referred earlier. Regarding clause 23, the letter states:

> The introduction of a specific legislative authority for the Governor to remove any licence disqualification imposed by a court is questioned.

That relates to the clause with which I dealt only a few moments ago. However, my colleague who sits in front of me and to my left assures me that that is all right. Clause 25 is the last clause to which the R.A.A. draws attention, as follows:

> With regard to the evidentiary provisions for testing of speed measuring devices, the association submits that devices should have to be tested over a range of speeds which would embrace the speed which might be alleged to have been

attained by the defendant.

I have dealt with the Bill in some detail and have possibly referred to some matters which I should have raised in Committee and to which, therefore, I may refer later. However, to enable the Bill to go into Committee, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Failure to stop and report in case of accident."

The Hon. M. B. DAWKINS: Although I believe that this is a good Bill, I was under the impression that two of my colleagues also wanted to speak on it and that I would have time to consider the matters raised by Mr. Waters. I should appreciate it if the Minister would report progress.

The Hon. T. M. CASEY (Minister of Lands): I assure the honourable member that the letter from the R.A.A. to which he has referred has been circulated to other members. However, to give the honourable member further time to consider the matter, I am willing to report progress.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

In Committee.

(Continued from 27 February. Page 2952.)

Clause 4—"Interpretation."

The Hon. B. A. CHATTERTON (Minister of Forests): Previously, the Hon. Mr. Laidlaw had formally moved his amendment, which I opposed. However, since then considerable discussions have ensued, and I believe that the amendments which I now have on file and which replace the Hon. Mr. Laidlaw's amendment are an acceptable compromise to everyone, and that the Hon. Mr. Laidlaw wishes to withdraw his amendment.

The Hon. D. H. LAIDLAW: Because I do not wish to proceed with my amendment, I seek leave to withdraw it.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 5 to 12 passed.

Clause 13—"Powers and functions of the corporation."

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

Page 6—

Lines 1 to 10—Leave out all words in these lines and insert:

(1) The functions of the corporation are—

(a) to trade in wood chips, wood pulp, logs, seedlings and seeds;

(b) to participate outside the State in joint ventures involving trade in timber, timber products or related commodities;

(c) to participate in the State in joint ventures involving trade in timber or timber products;

(d) to hold shares in bodies corporate trading in timber, timber products or related commodities otherwise than in the State;

(e) to hold shares in bodies corporate trading in timber or timber products in the State;

(f) to establish undertakings, or acquire undertakings or interests in undertakings, carried on otherwise than in the State involving trade in timber, timber products or related commodities; and

(g) otherwise to promote trade in timber, timber products and related commodities.

The amendments are designed to limit the functions of the corporation basically to trading in timber and timber products within the State; and to timber, timber products, and related commodities outside the State. This arrangement has been worked out in co-operation with timber merchants in this State.

The Hon. R. A. GEDDES: As one who cut his teeth on timber and timber distribution in South Australia, I hope the corporation will work, and that the wood chip industry will eventually prove profitable to the corporation and to the State as a whole. Much credit must be given to Ministers of Forests and foresters over many years. Because we did not have any softwood growing naturally in South Australia, all these timbers had to be imported for many years. Slowly, the Woods and Forests Department, particularly in the South-East, developed forests, and now there is a surplus of timber that we can export. Not so many years ago we had a difficult problem in connection with importing oregon from the United States. More recently there has been a determined bid to ensure that South Australia can become as nearly self-sufficient as possible in softwood timbers. A whole succession of men and women have contributed greatly to the prosperity of the industry. I support the general concept.

The Hon. C. M. HILL: I was highly critical of the Bill as drafted. Now that I have read the amendment providing for more restricted functions of the corporation, I am concerned about subclause (1) *(e)* in the amendment. Will the Minister explain how he sees the corporation carrying out those fuctions? Will he say whether or not he foresees that the corporation will seek to acquire shares or new shares within this State?

The Hon. B. A. CHATTERTON: The real reason for paragraph *(e)* relates to the point raised by the Hon. Mr. Laidlaw. The term "joint venture" is not an appropriate way of describing a permanent operation. A joint venture may take place on a specific contract but, if there is a project being undertaken, it is better to describe it as holding shares in bodies corporate. The type of venture envisaged is the sort of project that people have asked us to be involved in. A shortage of capital could restrict us from doing things that private enterprise asks us to do.

The Hon. C. M. HILL: I thank the Minister for the interpretation that he has placed on the provision. I take it that he will be concerned with joint venture projects. I take it that the joint ventures will be initiated through approaches to the corporation, rather than the corporation taking the initiative and moving into the private sector.

The Hon. B. A. CHATTERTON: I think that would normally be the case. It is difficult to say that it would be with every single case. We might sometimes approach a company when it is obvious that there is a mutual advantage between the company concerned and ourselves. We would certainly be looking for that type of co-operation.

Amendment carried.

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

Page 6, line 26—After "consultancy services" insert "either in this State or elsewhere".

This amendment is self-explanatory, and has been accepted by everyone during the second reading debate, and only clarifies this clause.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 25) and title passed.

Bill read a third time and passed.

MOTOR BODY REPAIRS INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2970.)

The Hon. N. K. FOSTER: After my speaking on this Bill last night, the Hon. Mr. DeGaris raised several points of

order today in regard to his being misrepresented. These areas of complaint are unfounded, as I quoted directly from the *Hansard* pull in regard to these matters. This legislation attempts to lay the foundation of what should be an area of understanding between all the parties in the industry, particularly when one sets up a board. This has been done in a number of areas.

First, on the industrial side, it resulted from Federal legislation rather than State legislation, because of the difference between our own brand of politics and that of the Federal Government. I refer to the legislation passed in 1965 against the Waterside Workers Federation, an industrial union. The Government said it was prone to several inadequacies of public interest and set up a board of inquiry. That board was based purely and simply on the legislative Act of Parliament.

Secondly, the Leader of the Opposition made some wild and callous allegations yesterday against the Minister and the Government, when he quoted Mr. Lean as being the person who chaired that committee. He made it on the basis that it was an incestuous relationship, because the person engaged in that inquiry was the person who was likely to be appointed Chairman of the board. Several precedents have been set in regard to this matter. One of these important areas was in the form of a serious public inquiry under the guidance of Mr. Justice Fox, who was later appointed as an international roving ambassador in the area of which the Leader of the Opposition says must represent an incestuous type of relationship.

Referring again to the waterside workers case, Justice Woodward, who now heads the security organisation in Australia, remained for some years as overseer and chairman of a whole host of committees, in an endeavour to get the parties together. That situation should be sufficient to explode the argument put forward so weakly by the Leader of the Opposition. The allegations made by me against the Leader of the Opposition, which he sought to wriggle his way out of, were in regard to his addressing a meeting of a section of the automotive industry wherein he alarmed those present by saying they were in all sorts of dire straits.

The Hon. R. C. DeGaris: Were you there?

The Hon. N. K. FOSTER: No. Why do I have to be there?

The Hon. R. C. DeGaris: You are working on false reports.

The Hon. N. K. FOSTER: The Hon. Mr. DeGaris has lost, not only his hair, but his memory as well. I asked him, within two days of that meeting, whether or not he was at that meeting, and he told me he was. I also asked whether or not there was any type of allegations made by him or any information given at that meeting as to whether the Government was contemplating an S.G.I.C. type of operation to the extent that it would procure tow-trucks, and in addition whether it was likely to take over some of the established motor body repairs industry of Freeman Motors and United Motors. The Hon. Mr. DeGaris said that it was always likely to be on, and that had conveyed that to the meeting. He confirmed that in a conversation with me within 48 hours of attending that meeting.

In reply to my question about a spontaneous collection of funds at the meeting, the Leader said that it was false to solicit funds from such a gathering, that he did not accept any money on stage and advised people to go to Party headquarters. I blame members of the Opposition who orchestrated the action of members of the industry before Christmas with lies, innuendoes and falsehoods. I understand that the sum involved is anywhere between $5 000 and $40 000.

After all that has been said in the course of the debate, members opposite held a so-called secret meeting this morning and a decision was made to close ranks and, in order to justify the donations, to obtain a short-term political change by rendering some form of assistance to the industry.

The Hon. R. C. DeGaris: Do you believe that you are sane?

The Hon. N. K. FOSTER: I would not believe you if you were the last human on earth. During the course of the Salisbury affair members of the Liberal Party claimed that they did not use facilities in Parliament House to advance their cause, yet whenever I was in this place all copying machines, etc., were in use.

The PRESIDENT: Order! The honourable member has transgressed. I will not go past Greenhill Road!

The Hon. N. K. FOSTER: I hope that the Hon. Mr. Griffin will try to refute my allegations concerning the constitution of the organisation. Also, I refer to a report written for the industry by Mr. Morrison, who has obviously relied on the doubtful sources of the Opposition members in this Council. They are not honest in their own deliberations, so how can one expect them to be honest in their deliberations with the public? I refer to the Opposition's attitude regarding the Builders Licensing Board, and the legislation attempting to come to grips with many of the ills confronting that industry.

The Hon. R. C. DeGaris: We have the highest housing costs in Australia.

The Hon. N. K. FOSTER: You are a liar, again!

The PRESIDENT: Order! I do not want you to start that.

The Hon. N. K. FOSTER: I read the Jackson Report to this Council only a week ago and it referred to South Australia's position in commercial undertakings and our economic position in comparison with the rest of the Commonwealth. The tow-truck industry's spokesman (Mr. Morrison) compiled a report dealing with the particulars of the Bill, and the report states:

> I am going to a great deal of expense to inform you of the facts concerning legislation being presented to Parliament on Tuesday 27 February 1979. This legislation is entitled an Act to provide for the licensing and control of motor body repairers and painters, tow-truck operators and drivers, and motor vehicle loss assessors. This is a 34-page Bill, therefore, I can not inform you of the whole lot. However, I have chosen some of the worst paragraphs but add that the rest is not much better. First of all, definitions of people who will come under this Bill are:
>
> "motor body painter" means a person who carries on a business of or a business that includes motor body painting but does not include any other form of motor body repairing;
>
> "motor body painting" means the painting (including the stopping up, rubbing down, masking, cleaning and polishing) of the body work of a motor vehicle or part thereof but does not include any other form of motor body repairing;

He goes on to deal with other definitions, as follows:

> "motor body repairer" means a person who carries on a business of, or a business that includes, motor body repairing;
>
> "motor body repairing" means the repairing of damage to a body work or structure of a motor vehicle or part thereof;

The summary of the report is as follows:

> In Mr. Morrison's opening paragraph he states that the members of the motor body repair industry and, I assume, the tow-truck industry will no longer remain in "your own business" and that they will "no longer be the boss". There is no suggestion that this legislation will place the Government

or the board in a position to be the "boss" of anybody's organisation, but will solely set out controls and regulations that the industry has stated for many years have been necessary.

The document then relates to the tow-truck operators and states:

Part of the Act that is alarming are the powers of the inspectors. They may, without a warrant, enter upon and search and inspect any premises whilst they are open for business or any motor vehicle or anything contained therein. This means exactly what it says—any premises including private homes or anything contained therein.

The second one is requiring the driver of a tow-truck or any other motor vehicle that is being used for any purpose connected with the industry to stop the vehicle and enter upon and search the vehicle. This again means what it says. Stop and/or search a vehicle whether it be driven by your employees or wife or son or daughter that may for the purpose of assisting you in your business be unfortunate enough to be driving that vehicle at the time, e.g. they may be going to the bank.

The third one reads requiring any person to answer any questions whether the question is to be put to that person directly or through an interpreter. This one is self-explanatory.

The fourth one forces you to produce any documents or any records of any kind.

The fifth one allows them to seize any book, paper or documents or any record of any kind or any motor vehicle or anything of any kind. This is very wide, very elusive.

Just to protect the inspectors or any other person he considers necessary to accompany him you may not—

(a) Hinder or obstruct or use any threatening or insulting language to an inspector or a person accompanying the inspector in the exercise of the powers conferred on him.

(b) Refuse or fail to comply with a direction or requirement of an inspector.

Penalty for any of the above is $5 000.

I have another document that states:

Mr. Morrison states that the inspectors are provided with alarming powers and may search and inspect any premises while they are open for business and goes on to state that this includes private homes. It is assumed that as this is a multimillion dollar industry, businesses that are required to be registered under the Companies Act would be conducted on appropriate premises for the operational and administrative control of the organisation concerned, and not private homes as Mr. Morrison suggests. The aim, most certainly, of the Inspectorate is not to invade a persons private home but solely the day to day routine of checking business premises, and similar legislation is contained in numerous other Acts of Parliament.

Reference is made to the inspectorate having the right to stop and search a motor vehicle that is connected with the industry.

Mr. Morrision suggests that the inspectorate will be stopping and searching vehicles driven by employees,wife, son or daughter of the employer, who are on such erands as going to the bank, etc.

The need for the inspectorate to stop and search tow trucks specifically, and other vehicles such as chase cars, is quite obvious, namely, for the purpose of inspecting towing authorities and to ensure that the provisions of the Act are being carried out.

Regarding clause 3, the false allegation is being made by those who have been advised by some bush lawyer, and the Hon. Mr. DeGaris must be described as the most bushy lawyer here. The document continues (referring to clause 8 (1) *(b)* (iii)):

Mr. Morrison states that this section of the Bill requires any person to answer any questions.

He has conveniently omitted reference to clauses 8 (3) (c) and 8 (4) which, in summary, state that a person in actual fact does not have to answer questions that would tend to incriminate him.

Mr. Morrision refers to the inspectorate haveing power to seize and require the production of any book, papers, documents, etc.

This of course is legislation contained in many, many other Acts and again solely permits the Inspectorate to conduct its normal day to day routine enquiries and in actual fact, such organisations as are caught under the umbrella of this new legislation are obliged to do so now under such legislation as Safety, Health and Welfare Act, Companies Act and Commonwealth Acts.

Mr. Morrison goes on to say that the inspectorate is further protected as a person is guilty of an offence, if they hinder or obstruct an inspector in the course of conducting an enquiry or carrying out his duties. Due to the violence that has been associated with this industry for many years, it is logical and obvious that an inspector should be protected as are police officers on a general basis when conducting investigations and inquiries.

Mr. Morrison has made great emphasis on the penalty being $5 000 under this section but it is to be noted the majority, if not all, of the above discussed legislation has been lifted *in toto* from Part IIIc of the Motor Vehicles Act, where the fine or penalty was $10 000; so it can be seen that the penalty has been halved in this particular instance.

Mr. President, I do not know whether you desire me to go through the whole document regarding a Bill that contains 28 clauses or whether, as I have read the comments dealing with certain clauses, you will accept the documents that I have as being worthy of incorporation in *Hansard*.

The PRESIDENT: No. I think the honourable member will recall that earlier in the session I made the point that matters to be included in *Hansard* must be delivered to me some 12 or 24 hours in advance so that I have the opportunity to peruse them before deciding on inclusion.

The Hon. N. K. FOSTER: I apologise for overlooking that matter, although I do not know whether I would have done it anyway. I know that the Party you—

The PRESIDENT: It is not a matter of a reflection on a Party or on anyone else. It is a rule adopted by Parliament throughout the nation and practically throughout the world.

The Hon. N. K. FOSTER: I understand that, in many Parliaments, provided the documents are shown to the person at the table, generally they are accepted for inclusion. The document continues

Another disturbing thing is they say we will be governed by a board of seven members all nominated by the Minister of Transport, Mr. Virgo—

1. one being R.A.A.
2. one being Automobile Chamber of Commerce.
3. A member of the unions.
4. A member of the insurance industry.

The balance are to be Government employees, or so we are led to believe, for we ask is a statement made in the Lower House this week true and, surely it must be, that the insurance representative is to be from the State Government Insurance Commission. An interesting aspect I am sure you will agree.

Mr. Morrison has been wilfully and wrongly advised by the shadow Attorney-General and some of his colleagues.

The Hon. J. C. Burdett: You had better withdraw that. I don't even know him. Are you going to withdraw?

The Hon. N. K. FOSTER: You object on the matter. You do not like it because of your machinations and secret

dealings.

The Hon. J. C. BURDETT: On a point of order, I object to the Hon. Mr. Foster's saying that I advised or maladvised this gentleman, because I have not advised him at all. Because the Hon. Mr. Foster has made this allegation falsely, I ask for a withdrawal and an apology.

The Hon. N. K. FOSTER: That will be no skin off my nose. I withdraw and apologise, although I personally believe that statement to be true.

The PRESIDENT: Order! That is not a withdrawal.

The Hon. N. K. FOSTER: I have withdrawn and apologised as a result of a direction from the President.

The PRESIDENT: Order! The honourable member withdrew the remark but then made the same statement again.

The Hon. N. K. FOSTER: No, Mr. President, I said "personally".

The PRESIDENT: I do not care. The honourable member was asked to withdraw unconditionally.

The Hon. N. K. FOSTER: Then I give an unqualified withdrawal.

The PRESIDENT: That is acceptable, provided that the honourable member does not repeat the same statement.

The Hon. N. K. FOSTER: I accuse him of skulduggery regarding this matter. He is as guilty as hell, and he knows it.

The Hon. M. B. Cameron: Have you heard what Mr. Waters of the R.A.A. has said about the Bill? Are you putting the same label on him?

The Hon. N. K. FOSTER: Members opposite have criticised the executives of certain organisations and said that they have not needed to make representations to the Government, but now one of them jumps to the defence of the R.A.A. In reply to the Hon. Mr. Cameron's interjection, I have in my possession a copy of the R.A.A. *Motor*, in which the names of the members of the R.A.A. executive are given.

The PRESIDENT: Order! I notice that a gentleman in the gallery appears to be writing. That is not permitted.

The Hon. N. K. FOSTER: Not one member of the R.A.A. executive is elected; they are all appointed. Surely, then, Opposition members cannot refer to the support that the R.A.A. may give to their line of thinking on this matter, when it is a non-elected body. Incidentally, I notice that the R.A.A. states in its journal that a major new R.A.A. service is to be introduced for its members. This happened because its management had grave doubts wehther proper service was being given to the public. However, members opposite say, "We want this and that, and we are not happy with the Bill." They then tell their constituents that certain workshops, and so on, will be licensed under the imprimatur of the R.A.A. I return again to the document to which I was referring previously:

> Further on it says that subject to this Act four members of the board shall constitute a quorum. This simply means only four people are required to made decisions. It is a matter of opinion and guesswork as to which four would be at that meeting. We would hope all seven would be at the meeting.

The report referring to Mr. Morrison states the following regarding clause 12:

> Mr. Morrison criticises that only four people constitute a quorum of the board; this would appear to be normal and I refer to the constitution of the Tow-Truck Owners and Operators Association of S.A., of which Mr. Morrison is Chairman, in which it says that their committee shall comprise the chairman, vice-chairman, spokesman, vice-spokesman, treasurer, vice-treasurer, secretary and such member or ordinary committee members as shall be determined by the committee from time to time, and that a quorum shall consist of six members of that committee, and if votes are equal the chairman shall have two votes. It is suggested that clause 12 is far more democratic than Mr. Morrison's association's constitution.

Honourable members will recall that I dealt at length with that document last evening. That is the situation that would obtain under that part of the constitution of the Tow-Truck Owners and Operators Association. The document continues:

> Paragraph 15 states that the functions of the board shall be—
>
> *(a)* to determine applications for licences or permits;
> *(b)* to institute investigations for the purposes of determining licence or permit applications;
> *(c)* to institute investigations in order to ascertain whether any breaches or this Act have occurred;
> *(d)* to hold inquiries into the conduct of licence and permit holders and discipline licence and permit holders guilty of misconduct;
> *(e)* to make rules regulating the industry and otherwise for the purposes of this Act, and
> *(f)* to perform such other functions as are assigned to it by this Act or by the Minister.
>
> I am sure that you will find this self-explanatory. However, I not only object to the lot of it but particularly to the part *(e)* to make rules and regulations for the industry and otherwise for the purpose of this Act. Again, wide sweeping powers.

The report relating to Mr. Morrison's submission continues as follows:

> Clause 15 refers to the function of the board and rules that may be made by the board for the general regulation and control under this Act. Mr. Morrison strongly criticises subsection *(e)* of this clause, stating that the board have the right to make any rules it so wishes; he is obviously unaware of the strict procedures adopted when such rules are made and the following will indicate same:
>
> *(a)* The rules are written by nominated officers of the steering committee, or the proposed board, who in turn submit them to the proposed board for discussion and, after amendment, for verification.
> *(b)* Such rules are then forwarded to the Law Department for a certificate of validity.
> *(c)* The rules are then tabled in the House of Parliament.
>
> As can be seen, such procedure does not allow for any "secret rules" to be put into motion by the board.

So, the fears held by the association can well be laid aside. It should consider that there are three areas of scrutiny and one of public scrutiny by Parliament before anything is inflicted on those in the industry who are fearful about the matter or who have been misled.

Regarding licensing, the report states that, on or after the appointed day, no person shall carry on business as a motor body repairer unless he holds a licence, the penalty for a breach of which is $5 000. The report relating to Morrison continues:

> It is suggested that this is for the protection of the industry, as it will eliminate the "back yarder" who at this stage has no overhead expenses and in many instances does not have the correct equipment to repair a vehicle, allowing an unroadworthy vehicle to be returned for use on the road in many instances. It is stressed that this section protects the legitimate and ethical operator, producing good workmanship to members of the public.

The other document states:

> 23. (1) An application for a licence must be made in writing and in the prescribed manner and form and must contain the prescribed information and be accompanied by such papers and documents as are prescribed.

24. (1) The board may, subject to this Act, in its discretion, grant or refuse a licence .

(2) Before granting a licence the board—

(a) must be satisfied that the applicant is a fit and proper person to hold the licence, or where the applicant is a corporation, that the officers of a corporation are fit and proper persons to be officers of a corporation that holds a licence.

The report relating to Morrison's comments states:

Clauses 23, 24, 26 and 27 of the Bill refer to the granting of licences, conditions of licences and renewal of licences, and the procedure set down is contained in many, many other similar Acts. There is nothing unusual about this style of legislation.

Mr. Morrison has conveniently omitted reference to clause 25 which refers to "certain motor body repairers entitled to licences".

It is not the intention to eliminate any person who is actively engaged in the industry of motor body repairing from having a licence and, in actual fact, clause 25 states that these people, on making due application for the licences, will automatically receive same if they are able to satisfy the board that they carried on business as a motor body repairer on 1 January 1979, and continued to carry on that business until the date of application.

Thus, clause 25 completely protects the person in the industry and makes a mockery of the allegation made by Mr. Morrison.

Mr. Morrison states that clause 37 means that a motor body repairer cannot discuss with a client the repair of his vehicle until the least six hours after the accident.

Mr. Morrison again is incorrect. The key words in that clause are "solicit any contract for carrying out motor body repairs". If the owner or person in charge of a motor vehicle wishes to discuss motor body repairs or quotation for cost of motor body repairs with anybody, including persons who would be controlled under this Act, they may do so at any time, but the reason behind this clause is to protect the shocked and bewildered accident victim from signing away his vehicle whilst not in a state to do so and subsequently subject to a heavy repair bill or quotation for costs of repairs.

The other document states:

37. No person shall, before or within the period of six hours after a motor vehicle is removed from the scene of an accident that occurred within the declared area, solicit any contract for the carrying out of motor body repairs, to that vehicle, or for the quotation of the costs of such repairs, or the revocation or variation of any such contract.

This means you cannot discuss with a client your repairing their vehicle until at least six hours after the accident.

The next item says—

40. The board may, with the approval of the Minister, make rules prescribing or providing for any matter or thing contemplated by this Part of relating to—

(a) the registration by each licensed motor body repairer or painter of each motor body repairs workshop or motor body painting workshop operated by the licence holder and the manner in which they are to be registered;

(b) the standards of construction, plant and equipment of motor body repairs workshops and motor body painting workshops;

(c) the nomination by each licensed motor body repairer or painter or a manager for each motor body repairs workshop or motor body painting workshop operated by the licence holder and the manner in which they are to be nominated;

(d) the qualifications and experience of persons who may be nominated managers of motor body repairs workshops or motor body painting workshops;

(e) the display at each registered motor body repairs workshop or motor body painting workshop of a sign setting out particulars of the licence holder and nominated manager of the workshop, the form and positioning of the sign and the nature and the form of the particulars to be set out on the sign;

(f) the standards of workmanship and quality of materials to be used in motor body repairing or painting;

(h) the employment of apprentices in a specified trade or trades at each motor body repairs workshop or motor body painting workshop that carries on its operation on a prescribed scale;

(i) a code of practice for licensed motor body repairers and painters

(j) licence application fees and licence fees;

(l) the keeping of records by licensed motor body repairers and painters;

(m) the provision of information by licensed motor body repairers and painters;

(n) the form in which quotations are to be given for the cost of motor body repairs or painting;

(o) generally, the operation of motor body repairs workshops or motor body painting workshops and conduct of motor body repairing or painting businesses by licence holders.

These above paragraphs clearly define what Item 40 says. They make the rules. All of these and any more they wish to create.

The next item is for anybody who owns a tow-truck. It reads—

68. If a licence holder or agent of a licence holder contravenes any provision of the Wireless Telegraphy Act, 1905, as amended from time to time, of the Commonwealth, or the regulations under that Act, there shall be proper cause for the Board to exercise its power under Part VI of this Act of suspending or cancelling the licence of the licence holder.

This means if you or one of your drivers or employees is caught committing an offence against the Wireless Telegraphy Act, 1905, which in itself includes hundreds of offences then you lose your licence to operate as a business.

The next item deals mainly with tow-trucks.

The comment on Morrison's report states:

Para. 15. (Ref. Clause 68 of the Bill):

This clause refers to breaches of the Wireless and Telegraphy Act and, as is commonly accepted throughout the tow-truck industry, the illegal use of wireless receivers tuned into the police, ambulance and competitors within the tow-truck industry frequencies, is one of the major causes of problems at the scene of accidents.

The reckless and dangerous manner in which tow-trucks are driven to the scenes of accidents are as a result of acquiring information illegally obtained on wireless receivers in breach of the Wireless and Telegraphy Act in an effort to beat their competitor to the scene. This also means an accumulation of far too many tow-trucks and tow-truck operators and drivers and chase cars at accident scenes, resulting in the unsightly scenes we have witnessed over the past two decades.

The ethical operators within the tow-truck industry will welcome any system that will eliminate them having to monitor illegal wireless receivers 24 hours a day to be able to compete in this industry.

The other document states:

The board may, with the approval of the Minister, make rules prescribing or providing for any matter or thing

contemplated by this Part or relating to

(a) the registration by each licence holder of each tow-truck operators yard used by the licence holder and the manner in which they are to be registered;

(b) the standards for tow-truck operators yards;

(d) the registration with the board of each tow-truck that may be used by a licensed tow-truck operator for removing motor vehicles from the scenes of accidents that occur within the declared area, the manner in which they are to be registered and the fee for registration;

(e) the establishment of zones within the declared area;

(g) the establishment of rosters in relation to each zone within the declared area of tow-truck operators who may be requested by members of the Police Force to remove motor vehicles involved in accidents that occur in that zone;

(h) application by tow-truck operators for allocation of positions on a roster in relation to a zone within the declared area;

(i) the hours of operation of licensed tow-truck operators businesses;

(k) the painting of tow-trucks;

(l) the prohibiting of advertising on tow-trucks;

(m) the display of notices on each tow-truck setting out such particulars as are prescribed and the form and positioning of the notices;

(n) the standards with which tow-trucks and the equipment carried on tow-trucks must comply;

(p) a code of practice for licence holders;

(q) licence application fees and licence fees;

(r) the keeping of records by licence holders;

(s) the provision of information by licence holders;

(t) the vehicles that may be used by tow-truck operators for the purposes of towing motor vehicles.

Once again rules and regulations nailing you to the floor of how you may or may not operate your business and telling you you have to spend a lot of money to set up fencing or other requirements for storing of vehicles whether or not that fence is to be ten feet high or one hundred feet high.

The comment on Mr. Morrison's report states:

This clause again refers to rules and Mr. Morrison has gone into great detail of frightening members of the industry that they will have to spend huge sums of money to set up fencing and other requirements for storing vehicles and whether or not the fence is to be 10 or 100 feet high. As usual, Mr. Morrison is exaggerating and it would be deemed prudent now to have secure premises whilst storing vehicles for which the industry receives payment under the Prices Act and, in actual fact, it will eliminate the situation where tow-truck organisations have been know to leave valuable vehicles parked unattended and illegally on roadways for long periods of time. In acutal fact, just to cite one case, such a vehicle was impounded by a council within the metropolitan area and eventually was recovered at Sims Metals in a 4 x 4 cube.

That deals with clause 71. I can understand Mr. Morrison's concern when fed wrongful information by the Hon. Mr. Burdett. In regard to clause 90 his report states:

The next part of the Bill deals with investigations, inquiries and appeals. This says—

90. (1) The board may, upon the application of any person made in the prescribed manner, or of its own motion, inquire into the conduct of any licence or permit holder.

(2) If after conducting an inquiry under subsection (1) of this section the board is satisfied that proper cause exists for disciplinary action, the board may do one or more of the following—

(a) reprimand the person in relation to whom the inquiry was held;

(b) impose a fine not exceeding $5 000 on that person;

(c) suspend the licence or permit for a period imposed by the board, or until the fulfilment of a condition imposed by the board, or until the further order of the board;

(d) cancel the licence or permit and, in addition, disqualify the person either temporarily or permanently or, until the fulfilment of a condition imposed by the board, or until the futher order of the board from obtaining a licence or permit under this Act.

(3) *(a)* There shall be proper cause for disciplinary action if—the licence or permit was improperly obtained;

(b) the licence holder or permit holder, or any person acting with the authority, or under the instructions, of the licence holder or permit holder or in addition, in the case of a licence holder being a corporation, any officer of the corporation, or any person acting with authority, or under the instructions of any officer of the corporation—

(i) has contravened any provision of this Act;

(ii) has contravened any condition of the licence or permit;

(iii) has been convicted, or is guilty, of any offence involving dishonest, threatening or violent behaviour; or

(iv) is guilty of any fraudulent, dishonest or discreditable conduct, or any neglect of duty.

The most disturbing part about this is a fine not exceeding $5 000 or suspension of your licence meaning you can no longer carry on business until further order of the board or cancelling your licence until the further order of the board. It says in 3 *(b)* that you are in trouble even if a peson acting on your authority or under your instructions or, in the case of the corporation, an officer of that corporation or person acting with authority which means in simple facts not only do you lose your licence if you do the wrong thing but your business is in jeopardy if anyone else acting on your behalf or under your instructions does the wrong thing.

Mr. Morrison then refers to what his advice has been. The comment on his views is as follows:

The need for the board to be able to take strong measures with regard to inquiries conducted to their licensees is, unfortunately, necessary due to the minority element within the industry and there is not the slightest doubt that the ethical and the majority of the industry will not in any way, shape or form worry about the board having wide powers of inquiry as they will not have been breaching ethical procedures in the past.

It is only the minor hooligan element that would fear the board. The comment continues:

There is also mention made by Mr. Morrison that if an organisation, being a corporation, is disciplined, all members of that corporation shall be subject to discipline, which is common and eliminates "sleepers" hiding behind a manager who, in actual fact, is only a "puppet".

The constitution made reference to the undesirable element of the industry in the past and has made some attempt, although it is not correctly drafted, to clear the industry of that particular element. Paragraph 18 of the other document states:

. . . in the case of licence holder, being a natural person, he is an undischarged bankrupt, or is bound by any subsisting composition or deed or scheme of arrangement with or for

the benefit of his creditors or, being a corporation, has insufficient funds for the payment of its creditors.

The comment on Morrison's report states:

Clause 90 is a safeguard to members of the public and at the same time persons with whom members of this industry are conducting business, if they become an undischarged bankrupt or are in difficulty for funds for payments of its creditors.

As Mr. Morrison is fully aware, there are persons within the industry who have, in actual fact, gone into the hands of the liquidator and have been unable to pay their outstanding sums of money due for materials and parts acquired, but are still actively functioning under another business name, even though they still owe money themselves to creditors. In actual fact, one such organisation accelerated purchasing prior to being placed in the hands of the liquidator and it is obvious that he was aware that that particular organisation was in financial difficulties.

Everybody will agree that that applies in many areas and is very necessary. Paragraph 19 of the other document states:

(1) The board may, upon complaint by any person, or of its own motion, conduct an investigation and, if it considers is necessary or desirable, an inquiry, in order to ascertain whether any licensed motor body repairer or licensed motor body painter has carried out any motor body repairing or motor body painting in a proper and workmanlike manner.

(2) A complaint under this section must be made within the period of twelve months after the completion of the work to which it relates and in the prescribed manner.

Paragraph 20 states:

If after conducting an inquiry under this Part, the board is satisfied that the motor body repairing or motor body painting has not been carried out in a proper and workmanlike manner, it may order the licence holder to carry out such remedial work as may be specified in the order within such time as may be so specified.

That is self-explanatory. Regarding clause 91, the comment on Morrison's report states:

. . . allows the board, upon complaint of any person or its own motion, to conduct an investigation, and I cannot see that there can be any criticism of that particular clause.

Special mention is made of subclause (3) of clause 91, as follows:

. . . the board may, after due inquiry and if satisfied that a motor body repairer has not carried out work in an appropriate workmanlike manner, order the licence holder to carry out such remedial work. It is assumed that any businessman would wish to keep his customers happy, but in instances where it is obvious that the consumer is not getting a fair go, this person must have the right to have the work done in such a manner for which he has paid and his vehicle restored to pre-accident condition.

That would cover the fears of the industry. Clause 10 (21) deals with inquiries and Mr. Morrison states that any inquiry can be determined by the board. The comment on his report states:

Reference is made to procedures at an inquiry and that they shall be determined by the board. This is nothing novel and is contained in other similar Acts. The intention is to conduct inquiries in an manner which will alleviate a lot of unnecessary verbage and get to the question of the problem and the practical issues involved, as in comparison to being "bogged down" by unnecessary procedure. Again this is for the advantage of the industry and it is assumed would save unnecessarily high counsel fees for proceedings that may go on and on for days.

Regarding clause 22, the other document states:

In any hearing the board shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and it shall not be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

The next reference in the comment is to paragraph 23, referring to clause 93, and it states:

Clause 93 solely refers to the powers of the board whilst conducting an inquiry and, again, it can be said that this legislation is far from being anything unique and is contained in many other Acts including Commercial and Private Agents Act, under which a section of this industry already operates.

It also ensures that behaviour of persons before the board is decorum and surely persons within this industry with any ethics would not object to such matters being included in legislation so as to control the "hooligan element".

Dealing with paragraph 24 (clause 94 (2) of the Bill), the comment on Morrison's report states:

Mr. Morrison states that if the board, after due consideration, fines one of its licensees they may suspend the licence until such fines are paid. This is solely a default clause which is contained in all similar legislation and, in actual fact, in criminal matters is substituted with default of imprisonment, as in comparison to this form of legislation.

Regarding paragraph 25 (clause 100 of the Bill) it states:

Licences shall not be transferable for a number of reasons and Mr. Morrison is quite dramatic in saying that the business is not worth anything for resale due to this section. The endeavour is to have fit and proper persons operating within the industry and not to have the latter controlled by a minority element who subject the ethical people to undue stress and strain.

In another State of Australia a minority element has taken over a section of this industry in that State by fear tactics and have placed their own unofficial fee of $10 000 on tow-truck plates that are transferrable, if they deem that person may have a set of plates for a tow-truck.

Similarly this applies to the motor body repair industry and loss assessor industries and it is obvious that the transfer of a licence should not be from individual to individual or from a business to a person or corporation, who is not fit and proper and also not in possession of the necessary skills to perform the work in a workmanlike and efficient manner.

This is also provided on fishing licences. A person disposes of a boat, but the licence is another matter. This is a better set-up than the one that obtains in Tasmania, where licences are traded in a ruthless and unscrupulous way. The comment then deals with paragraph 26, regarding clause 103 (1) and 103 (2), and states:

This allows the board, by notice in writing to require a licence or permit to be returned to the board which, again, is common in many similar pieces of legislation and, in actual fact, allows for the board to have the return of the licence or permit and to take possession of licences or permits that have been suspended or cancelled or for varying or revoking conditions on the licence.

The varying or revoking of the conditions on a licence or permit may be to the advantage of the licence holder, not in the negative as Mr. Morrison appears to be thinking.

Morrison's report continues:

The next item is—

107. No liability shall attach to—

(a) the board;

(b) any member of the board;

(c) any inspector;

(d) the Secretary or any person acting at the discretion of the board; or

(e) the Appeal Tribunal,

for an act or omission by it or him done in good faith for the purpose or purported purposes of exercising or performing any power, function or duty conferred on it or

him by or under this Act.

The comment on clause 107 states:

This clause states that no liability shall be attached to various persons associated with the function of the board for any act or omission done in good faith and is contained in many Acts. It solely protects the individual. There is nothing to suggest that the employer and those individuals cannot be sued, nor would it be suggested that strong disciplinary action would not be taken against any member or officer of the board if they acted in an unethical manner. As usual, Mr. Morrison's summary of this section is one-sided and completely wrong, as he states that similar legislation was tossed out last November in the amendments to the Motor Vehicles Act. For his information, Section 98 *(p)* (10) of the Motor Vehicles Act was passed and is virtually the same as clause 107.

Morrison's report continues:

The next item is—

108. (3) An apparently genuine document purporting to be signed by the Secretary stating that any person named in the document is or is not, or was or was not at any specified time, the holder of a licence or permit under this Act shall be accepted as proof of that fact in the absence of contrary evidence.

109. Where a person convicted of an offence against this Act is a corporation, every officer of the corporation shall be guilty of any offence and liable to the same penalty as is prescribed for the principal offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence by the corporation.

The first paragraph in case you cannot understand it revokes the onus of proof which means you are guilty until proven innocent. The second paragraph means if one of you gets into trouble in a corporation you all get into trouble unless you can prove you could not have prevented the breach of the Act.

The comment on clause 108 states:

Clause 108 is solely an evidentiary provision which eliminates a lot of unnecessary production of licences by a person or an officer of the board, at considerable expense in proving that a certain person was or was not licensed. It solely states that production of such licences or documents, purporting to be signed by the Secretary stating that a person was or was not licensed, shall be proof. It is common legislation and again Mr. Morrison is way off-beam.

The reference to clause 109 states:

His reference to clause 109 states that if one member of an incorporation gets into trouble, unless you can prove you could not have prevented the breach of the Act, then the other member of that incorporation is also in trouble. This is correct and is aimed at the "sleeper" hiding behind a "puppet" manager.

That, Mr. Chairman, is the summary. I regret having been forced to take this action by the unscrupulous procedure adopted by the Leader in foreshadowing that there was to be a Select Committee, thus denying the right of the House to a second reading explanatory stage, as is normal with a Bill. I wish to conclude this tedious and onerous task.

The Hon. C. M. Hill: It has been a very tedious speech.

The Hon. N. K. FOSTER: I agree. It was hardly a speech; it was the viewpoint of the association that was given false premise by the people in the Opposition, particularly Mr. Chapman in the Assembly, who went off half-cocked and ill-advised. He informed these people regarding a particular matter. I hope that they will take note of what I have said regarding what is the correct interpretation of the Bill and of the way in which it will apply to the benefit of their industry. A part of the industry has been unsafe. I can sympathise with those who are genuine in the industry and who have been unfairly dealt with by some sections of the press.

The cartoon in, I think, the *News* sought to categorise everybody in that industry—tow-truck operators, repairers and what have you— as vultures preying on members of the public. That was not a fair and reasonable attribution of character to many people in the industry.

Some unfortunate incidents have occurred in the industry since it was learnt that legislation was to be introduced, some aspects of the industry believing that the legislation was unnecessary. However, I remind honourable members that, whenever a problem exists in any industry, a basis must be established on which an inquiry can be instituted.

The legislation relating to the industry involves the establishment of a board, and no restrictions will be placed on that board or on any individual in the industry. I am certain that many people in the industry have already made representations to Mr. Lean, who chaired the inquiry, and that Mr. Lean works on a personal basis with those people, as a result of which he has a greater understanding of the problems facing the industry.

The Government will not shirk its responsibility to protect the public. Many representations have been made to members on both sides of the Council regarding the unscrupulous practice of tow-trucks racing to get to the scene of a traffic accident first and to catch a poor, unfortunate victim.

[Midnight]

This behaviour is almost parallel with the ugly practice that was evident in the building industry in Sydney for many years. If subcontractors wanted furnishings and fittings lifted in cranes to floors high up in tall buildings, the crane drivers became so despicable that they would charge a considerable sum to lift the material. However, because of union co-operation, that practice has been stamped out. This matter was the subject of an inquiry, in which the Arbitration Commission played its part. The inquiry would probably have continued for much longer but for the unfortunate death of His Honour Mr. Justice Aird, whose full-scale inquiry was set up in about 1973.

For the benefit of the Hon. Mr. DeGaris, I remind the Council that many ordinances relating to this type of matter can be found in the Australian Capital Territory. Before the Hon. Mr. DeGaris makes his last-ditch attempt to have a Select Committee appointed, he should perhaps study those ordinances. Members opposite have hang-ups about Select Committees, thinking that all matters should be the subject of such inquiries. However, in the public interest, there is no reason to delay the passage of this Bill.

Nobody in the industry was concerned that there was going to be a mad competition between numbers of tow-trucks operated by any particular one organisation against a smaller organisation. I am quite sure that many of the truck drivers to whom I have spoken at accident scenes live in the close proximity to the area of the accident, and have gone away bitterly disappointed that they have not been able to get any business at the scene of the accident because the pressure of competition was such that it was uncompetitive and unfair. I am sure that people in the tow-truck industry who have been required to operate under those business circumstances and who have to listen to a radio for 24 hours a day, seven days a week, must consider that there has got to be a better and more equitable way of making a living within this industry and that they should not have to resort to shady business

operations to do so.

The Hon. C. M. Hill: We agree with you on that point.

The Hon. N. K. FOSTER: That is what I wanted from you. The whole bulk of the Bill is aimed at this. The procedural measures in the Bill, which I had to deal with so tediously this evening, are no different from the provisions in almost every other Bill, from weights and measures to industrial legislation, from Federal to State, from State to State, and at local government level. Wherever you find legislation to make an industry more equitable, for the people who pursue a particular livelihood in a particular industry, you will find a penalty.

It does not do any credit to the Opposition to steal from that Bill some of those particular areas which are regarded as being lawful, and to inflame people in the industry by telling them they will get a worse deal out of it than prevails in the industry today.

The Bill will establish a board. There are many people in the industry who know the structure of the board, know the people on the board personally, and will be able to go to the board and acquaint it with the facts of the industry.

There is no necessity for a Select Committee because that would delay that board for up to six months. With the passage of this legislation, that board will be able to carry out its exact role and function in the real and proper interests of the industry. It is not good enough to go through the expense, the problems and the inconvenience to members of the public who would want to give evidence to the Committee, when those members of the public can well acquaint the board with problems or complaints. The board will be there primarily to protect the public and to cure ills within the industry.

Because of the composition of the Council not necessarily on Party lines but on the basis of numbers, it would be foolhardy for any member here not to say it is a numbers game. Mr. President, your responsibility is a very heavy one, and it is only you who can make that decision. I put it to you that, before my speech was made tonight, as tedious as it might have been, you may not have been able to see the opinion of the association on the one hand and the opinion given on the Bill on the other. In the interests of the public this measure should be carried tonight, and as a last-ditch hope I ask that some reason and hope and sanity prevail on the part of the Opposition, and that it should withdraw the motion in regard to the Select Committee.

I commend the Bill to the Council. Some alarmist attitudes have been expressed toward it, and some people in the industry have been grossly maligned. Actually, a small percentage of those people may be guilty. This Bill gives people in the industry every right to defend their position in their own industry and to take a more active part in the equitable distribution of work in the industry. At the same time the Bill sets standards that protect the public.

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

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2978.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. The Minister's second reading explanation was given at 1.30 a.m. on 28 February, and that explanation occupied 18 typewritten pages. It was incorporated in *Hansard* without the Minister's reading it and, for once, it was written specifically for this Council. It was not the same as the explanation given in the House of Assembly. I compliment the Government on having written an explanation especially for this Council; that is a privilege that we rarely get. As a result of conferences in the mornings and sittings in the afternoons, it has been difficult for me to digest the explanation in the time available. In his explanation the Minister says:

> The Bill proposes to limit the warranty on old cars to those 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.

Those amendments were placed on file at 11.10 p.m. on 28 February, and I have not been able to digest and assess them. The explanation states that consultations have already begun. They had only begun at that stage and apparently they have been concluded with some sections of the industry in the meantime. A feature of this part of the session has been the enormous number of Bills that either authorise Government intrusions into the private sector or impose stringent controls on that sector—let alone the earlier part of the session. Bills in one or other of these categories that are on the Notice Paper of one House or the other include the Motor Body Repairs Industry Bill, the Unauthorized Documents Act Amendment Bill, the South Australian Timber Corporation Bill, the Trade Standards Bill, the Seeds Bill, the Abattoirs and Pet Food Works Bill, the Abattoirs Act Amendment Bill, the Dairy Industry Bill, the South Australian Overseas Trading Corporation Bill, and the South Australian Hotels Commission Bill. Also, messages are to be dealt with on the Companies Act Amendment Bill and the Door to Door Sales Act Amendment Bill. The Contracts Review Bill has recently been laid aside.

The Government cannot keep its long nose out of other people's business. It has caused enormous damage to the private sector, and is seeking to do more. When will it learn to keep its hands off the private sector, unless there is some real abuse which makes interference necessary? The parent Act, unlike parts of the Bill itself, was one of the better examples of this Government's consumer protection legislation. The Second-hand Motor Vehicles Act was the parent Act.

There was real abuse and people were being taken down, although only a few operators were responsible for this. The consumers were unable to protect themselves, consumer organisations were unable to protect them, and supplier organisations were unable to control their black sheep. In those circumstances, the Government quite properly stepped in. In this case, the legislation did not go much beyond what was necessary to remedy the abuse.

Moreover, while it did increase the cost to the dealer, and therefore ultimately to the consumer, it did not do this to the same extent as do some other pieces of consumer protection legislation. The Attorney-General, in other contexts, has been talking about the desirability of Acts of Parliament being readily understood by the man in the street. I agree with this, with the proviso that certainty must be the prime consideration in the draftsmanship of Bills.

In the Children's Protection and Young Offenders Bill, the Attorney-General wished to refer to legal practitioners practising before the courts as lawyers, not as counsel or solicitors, on the grounds that the man in the street would not understand the latter term, and yet in this Bill he defines "vehicle" as being a motor vehicle, a caravan, or a motor boat. In the rest of the Bill, the word "vehicle" is to include not only a motor vehicle and a caravan but also a

motor boat. The man in the street, I suggest, scarcely regards the term "vehicle" as including a motor boat, and does not expect a 20-foot runabout powered by a 200 h.p. Mercury outboard to come charging along King William Street, making the right hand turn into North Terrace—stopping at the traffic lights, of course!

Artificial definitions of this kind which do violence to the understanding of the man in the street do not commend themselves to me. The Bill provides for the extension of the same licensing system as has been specifically designed for cars to caravans and also to boats. Because of the differences in the skills required for properly advising on types of craft and motors required by purchasers, as distinct from those regarded for advising on the type and weight of caravans and those required for the sale of motor vehicles, and about which the general public are much better informed, and for other reasons, the licences for motor boats and those for caravans should be kept separate from those for motor vehicles.

There has been no uniform set of standards for the design or construction of boats or conversion of motors to marine use in the past. A very large proportion of the present stock in trade of second-hand motor boats would not conform to any recognisable standard. It is unfortunately the case that a large number of former boat builders are no longer operating, and also that many boats are home built or kit-constructed. All these boats have no measurable standard of construction, and that is entirely different from motor vehicles which have all been strictly controlled in design and manufacture, and from caravans, which mostly have been manufactured by large companies.

Accordingly, to require dealers to give warranties on craft which are of unknown make, manufacture, age, and standard is grossly unfair. Where boats have been built to proper standards, on their resale as second-hand boats proper warranties should be given, but not otherwise.

There is particular difficulty with boats in view of the enormous diversity in sizes and types of boats, compared with cars or even caravans, and even within a category a competent expert cannot warrant that a boat will be seaworthy for two or three months after inspection unless he is aware of the standards and designs of manufacture.

The assessment of past use of boats and caravans is difficult. With boats and motors, far more than with motor vehicles or even caravans, the conditions and extent of use are the crucial factors in assessing the state of secondhand equipment, and not only the age or distance of travel. All matters relating to odometers are inapplicable, and no satisfactory alternative simple means is available for the assessment of what is a proper standard of repairs to attain for a boat or motor. I do not think that the need for this legislation has been as clearly demonstrated for caravans or, particularly, boats, as it has been for motor vehicles. However, I am not opposed in principle to the licensing of secondhand caravan dealers and boat dealers or to making such dealers provide information and warranties appropriate to the articles they are respectively selling.

I believe that there ought to be separate licensing systems and separate provisions as to warranty. The drafting of amendments to provide such a system is a matter not only for the draftsman but also for administration. In the drafting of the licensing provisions, the Government, having the advice of its administrative staff available, is in a beter position to move the necessary amendments than is the Opposition. I would ask the Minister, when replying, to say whether he will consider moving amendments to set up separate systems. If he will not do so, when I have had time to assess the amendments already on file, I will do it.

In regard to boats, I say that appropriate warranties should be given, but they should be restricted to vessels and motors that can be properly indentified as having been built to a standard and are of known pedigree. That is not possible for existing secondhand boats, but it can be achieved for boats to be manufactured in the future in accordance with standards which are likely to be implemented and which, I understand, are likely to receive statutory recognition shortly in at least two States.

To grant one form of licence to cover car dealers, caravan dealers, and motor boat dealers would expose motor boat dealers to direct competition from car dealers with what is considered would be an inevitable change in standards of advice available to respective purchasers. Separate forms of licence should, in any event, be required to show that the people selling motor boats at least specifically hold themselves out as competent to do so. The Minister's second reading explanation states:

> 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.

That is a remarkable sentence, anyway, because I have been informed by that association that it received no written invitation. There was one telephone conversation, but it could not in any sense be said to be any sort of confirmation. The second reading explanation continues:

> This is being overcome—

the lack of consultation with the Boating Industry Association—

> and we are confident that the regulations, when they are published, will have been throughly discussed and will be entirely satisfactory.

The second reading explanation states that this is being overcome. I do not know how it is being overcome, because it had not been overcome at 8 o'clock this evening. For the reasons I have suggested, it is necessary that there be fundamental amendments to this Bill. It is not satisfactory to set out different categories by regulation: the different categories must be set out in the Bill, and this will require radical surgery which, I suggest, would be best undertaken by the Government. It will be necessary to license individual persons and managers rather than simply licensing businesses, as is done now. For those reasons I suggest that serious consideration will have to be given to the amendments in the Committee stages, a consideration which I cannot see being undertaken in the dying stages of this session. I support the second reading.

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

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2884.)

The Hon. R. A. GEDDES: This Bill has been amended

to bring it into line with Federal legislation and that in other States, as the previous Act was not quite strong enough to look after the problems that have occurred in modern times. What would happen if a vessel or road tanker spilled oil; what would happen if waters were affected by oil? The previous Act did not cover these problems, hence this Bill. Australia can count itself lucky that the type of accidents that have occurred in the English Channel and in other seas around the world, in which 100 000-tonne tankers have piled themselves up against the rocks and spilled their cargo of oil into the ocean and on to the beaches and created massive pollution problems and damaged the environment, have not been experienced in this country. It is necessary to be prepared for these disasters.

The Bill is comprehensive in ascertaining where the blame should lie if accidents occur, and covers all aspects that the Government can possibly consider. The present Act does not stand for discharge of oil from oil rigs refineries, pipelines, or vehicles and there is no action that the Minister can take, or require others to take, to prevent spillage. Several clauses of the Bill cause me some concern. Clause 7 *(d)* provides that a person shall not be liable to pay any costs if he is a master of a ship and an accident is caused by neglect or failure of any Government or other authority in carrying out its functions in relation to the provision or maintenance of lights or any other navigational aid. That is self-explanatory and, if the navigational lights or other aids in the Port River or coming into Port Stanvac are, for some reason, not working, it shall be a defence for the master of that ship against any possible fines that may be imposed. The Bill also covers road tankers and other road vehicles that may move flammable fluids on the road.

If traffic lights at an intersection were not working and a tanker had an accident and a massive spillage of oil occurred into an inland creek or reservoir and caused pollution, according to this Bill, the owner or person in charge of that vehicle would be liable. If it is good enough for a master of a ship to be exempt from the fine if the navigational aids should fail, it should be good enough, if an accident occurred on roads that are a Government responsibility, that the person should have a defence for that type of problem.

I have an amendment on this matter. Section 7c (3) *(a)* calculates the fine levied in the case of negligence by a person, and provides:

> an amount calculated by multiplying the amount of one hundred and twenty dollars by the adjusted net tonnage of the ship or $12 600 000, whichever is the lesser amount.

That is a large sum. Section 7e (1) provides:

> Any amount recoverable by the Minister pursuant to section 7 or 7a of this Act in respect of a ship or vehicle shall be a charge upon that ship or vehicle.

Subsection (3) provides:

> Where a ship or vehicle that is being detained pursuant to this section is moved from any place without the consent of the Minister, the master of the ship, or the driver of the vehicle, as the case may be, shall be guilty of an offence.
>
> Penalty: Ten thousand dollars.

The master of a ship would be far more capable of determining the rights and wrongs in relation to the need of moving his vessel than the Minister, despite the need for the Minister's consent.

The driver of a vehicle, however, should not be classed in the same category as the master of a ship. The owner of the vehicle should be equally liable in these circumstances, so that the onus is not just on the driver, who most certainly does not know much about the Act. One hopes that as time goes by people will learn more about the terrible problem that oil spills create in the sea. I remember stories of the Sargasso Sea in the Atlantic, which was once full of seaweed but is now, according to reports, full of waste oil from tankers whose skippers have cleaned their bilges out in the salt water because it was cheap and convenient to do so.

The oil in that water accumulated over the years and ocean currents carried this polluted water to the Sargasso Sea. Huge areas of the ocean have been polluted that were previously natural feeding and breeding grounds for fish, containing hundreds of varieties. Australia has been remarkably lucky in this regard. Our ocean currents and prevailing winds seem to carry oil away that has been dumped by unscrupulous tanker skippers who clean their bilges in the open sea. The exception is the Great Barrier Reef, where the unique natural resources hold a fascination for many people and need protective legislation. I appreciate the opportunity given me to study the Bill and, with the exception of the two suggested amendments, I support the second reading.

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

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2981.)

The Hon. C. M. HILL: This short Bill contains only four clauses, and deals with the Government's seeking the right for the South Australian Film Corporation to widen its involvement from its present role of producer to one of financier, and encourage other producers to come to South Australia. This expected trend could increase the number of feature films made here by producers other than the corporation. The Bill will allow the corporation some further sophisitication in its involvement in the total film industry in South Australia.

It is essential that, if such investment of public money takes place, proper commercial arrangements be made regarding security, profit sharing, and matters of that kind. In his explanation, the Minister states that such proper arrangements will be made.

The clauses give the authority responsibility in this area. I have a high regard for the South Australian Film Corporation, those on its controlling body, and its senior personnel. I believe that they will act responsibily in this matter if they extend their activity so that this new film work can be achieved. I support the second reading.

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

WHEAT INDUSTRY STABLIZATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2979.)

The Hon. R. A. GEDDES: I rise to speak on this Bill with reluctance. It is designed to instruct the wheatgrowers of South Australia (in fact, of Australia) what variety of wheat they can grow and what variety of wheat they can deliver. It will take away much of the pioneer spirit and much of the experimentation for which South Australian

farmers have been noted for generations. Also, it will spoil conversations in public, because how often has a wheat farmer after harvesting gone to the saleyard, hardware store or social and talked about the wheat he is growing and the type of wheat his neighbour is growing and, if he was convinced that his neighbour's wheat was better than his, ordered a few bags of seed to experiment with during the next season.

This Bill will bring everything into the package game. The Agriculture Department will send an antiseptic type note stating that growers in certain zones will be allowed to grow certain types of wheat and that, if they do not sell that type of wheat, there will be a dockage for selling wheat that is not suitable. I wonder just how far this type of modern business will get us in the end. The men and women who have contributed to the cultivation of new breeds of wheat have done a remarkably good job.

The growing of wheat in the location where the farmer lives is the point we have to watch, because South Australian soil types vary, often from paddock to paddock. Rainfall varies vastly from property to property, and within properties. With such a limited wheat area, South Australia has a number of problems which are unique and more or less known only to the farming community. They are not understood to quite the same extent by the plant breeder or geneticist using the experimental field plots of, say, Waite Research Institute or Roseworthy Agricultural Research College.

Only a few years ago rust was affecting wheat in certain areas of the northern part of the State. This comes back to what I was saying earlier about variations in soil types and rainfall. The country near Nectar Brook and Port Germein, north of Port Pirie, has always had a greater incidence of rust than have many other areas of the State. The farmers there have been importing seed wheat from New South Wales for a number of years. In New South Wales the rust problem has been far greater than on the average in South Australia. When it has been proved in New South Wales that a certain wheat is doing well and is rust-resistant, it has been imported into the Baroota area (as it is called), good yields have been obtained from it, when neighbours' wheat, or wheat in the general area, has been riddled with rust.

All these things will be denied the farmer who grows New South Wales wheat. So, a wheatgrower will be able to sell only with a dockage. I therefore reluctantly support the conception of the Bill.

The Wheat Board has stated that we can sell our product overseas only if we have a better product. The board must therefore be able to show overseas buyers that this is our type of f.a.q. wheat and that we can guarantee it. This is yet another result of progress: competition among the world's wheat trading nations has resulted in the production overseas of wheats that compete with and, indeed, are possibly better than ours. The only way in which we can guarantee our market is to be able, as far as possible, to guarantee a true selection of wheat.

I have been told about two men in New South Wales who have discovered that one can recognise grains of wheat by selection or observation, and that one can tell the parentage of the wheat by this method. The two men concerned have published a book which has been accepted across Australia and which will help silo operators. The illustrations contained in the book are so clear and the definitions so understandable that a silo operator with very little training will be able to recognise the type of wheat that will be delivered.

Because of the amount of business before the Council, the Minister was not able to read his second reading explanation to the Council. However, the Minister has told me that it is intended that the legislation will come into force during the 1980-81 season. So, there is a small leeway during which the Wheat Board and the department will be able to launch an education programme.

I refer now to a drafting error in the Bill, clause 4 of which relates to licensed receivers— the licensed receivers of the type that you, Sir, will recall have all gone. Now, firms like South Australian Co-operative Bulk Handling Limited are involved. Clause 4 provides:

> A licensed receiver may enter into agreements with the board for the purposes of section 40 of the Commonwealth Act.

My study of the Commonwealth Act suggests that it should be section 19, which deals with the licensing of receivers, section 40 dealing with receivers being able to claim expenses in connection with operating their silos. However, I do not wish to move an amendment, because this legislation is complementary to the Commonwealth Act and State Acts that have been or are being introduced right across the land. With the exception of clause 4 I cannot find anything wrong with the Bill, although it provides regulatory powers which I am sure all wheatgrowers will learn not to like in future years. Clause 6 requires *(a)* growers "to furnish returns relating to the varieties of wheat that they have sown or propose to sow or propose to deliver in a particular season and the areas of land sown or to be sown with each variety"; and *(b)* persons "delivering wheat to licensed receivers to declare the variety of that wheat and to permit samples to be taken".

Those two provisions will make it difficult for the farmer to go about his business in the way to which he has been accustomed in the past. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Licensed receivers."

The Hon. B. A. CHATTERTON (Minister of Agriculture): As I have not had an opportunity to check on the matters raised by the Hon. Mr. Geddes concerning the reference in this clause to the Commonwealth section, I seek leave to report progress.

Progress reported; Committee to sit again.

WATER RESOURCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2982.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill. I recall that on the last occasion that a Water Resources Bill was before us in 1976 I congratulated the Hon. Mr. Foster on his contribution to the debate. I wish I could do the same kind of thing today. The Bill proposes amendments to definitions of terms used in the principal Act designed, according to the Government, to remove ambiguities. The amendments to the definitions also extend the application of the legislation to publicly owned artificial water channels. The Minister's second reading explanation states:

> 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. The 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 utilisation 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.

Not only does that bring in the question of artificial channels but also it puts in a definition of "public authority" , as follows:

"public authority" means—

(a) the Crown;

(b) any council, or any body corporate that is by virtue of any Act deemed to be, or vested with the powers of, a council, within the meaning of the Local Government Act, 1934-1978; or

(c) any prescribed body corporate established by or under any Act:;

I raise the question of the standing of the South-Eastern Drainage Act and also the fact that the Millicent council really has the freehold title to the drainage system in the area. What is the application of this Bill in connection with those drainage channels? I appreciate that the Minister's second reading explanation refers to the Bolivar Sewage Treatment Works, but the Bill is much wider than that. It could take in the question of the total control of the drainage area of Millicent and Tantanoola. If the Government is taking control over those waters, the district council would not be happy. The question of what is brought under the whole umbrella of water use needs clarifying.

Other provisions in the Bill deal with the Minister's powers to grant licences to take water from a watercourse without having to receive applications for the licences. Also, the Minister may revoke or suspend or vary the conditions of a licence if the licence holder has breached the conditions of the licence. It is stated that certain points are clarified in connection with the appeals tribunal. The Law Department has concurred that those points should be clarified, and I have no objection to that. I should like the Minister's opinion on the question of the application of the Bill to a district council that is responsible for and owns a drainage system and maintains it. Apart from that, I support the Bill.

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

CHIROPRACTORS BILL

Returned from the House of Assembly with the following amendments:

No. 1. Insert new clause as follows:

14. (1) The board may borrow money from the Treasurer or with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act.

(2) The Treasurer may guarantee any liability incurred with his consent under subsection (1) of this section.

(3) Any liability incurred by the Treasurer under a guarantee given under subsection (2) of this section shall be satisfied out of the General Revenue of the State which is hereby, to the necessary extent, appropriated accordingly.

(4) Any sum paid by the Treasurer under subsection (3) of this section shall, when moneys are properly available for the purpose be repaid by the Board to the Treasurer and, when so repaid, shall form part of the General Revenue of the State.

No. 2. Clause 19, page 6, lines 32 and 33—Leave out "for the period of three years immediately preceding that commencement" and insert "from on or before the first day of February, 1979, until the date of his application".

Consideration in Committee.

Amendment No. 1:

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

That the House of Assembly's amendment No. 1 be agreed to.

This amendment was to insert a new clause 14, which relates to borrowing by the board. This could not be done in this place, because it was a money clause.

Motion carried.

Amendment No. 2:

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

That the House of Assembly's amendment No. 2 be agreed to.

This amendment relates to the grandfather clause. The original Bill provided that chiropractors whose main source of income as at 1 February was from chiropractic could be covered by the provisions of the grandfather clause. In this place, we amended the Bill. I do not know how the other place knew of the contents of the original Bill, but, by some coincidence, the Bill as now amended by the other place is as it was in its original form. We believe that a person whose main source of income was being derived from chiropractic as from 1 February should be able to continue in business.

The Hon. J. A. CARNIE: I oppose the motion. This matter was canvassed fully in the second reading debate and in Committee. At this late hour I will not canvass it again but I reiterate the reason why I moved the amendment that was passed in this place. I fully accept that a man who is earning his living in a certain way has some rights, but so also has the public.

The well-being of patients must take precedence over people who may not have been in practice for long. It has always been an axiom, particularly in the medical field, that there are two ways in which one can qualify. One method by which a person can become qualified is that he shall have completed a prescribed course of instruction to bring him up to a certain standard accepted by the board. The other way covers people who have in good faith been earning their living by practising their profession. This matter has been canvassed fully, and I believe strongly in it. A person must either be trained or have experience: it must be one or the other. If a person has been practising for less than three years and believes that he or she is competent, the person has access to go to the board and say, "Examine me and test my competency." If the board finds the person competent, the person is registered. I ask the Committee to oppose the motion.

The Committee divided on the motion:

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

The CHAIRMAN: There are 10 Ayes and 10 Noes. To allow this matter to be considered further I give my casting vote to the Noes.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendment is desirable for the registration of chiropractors.

ALSATIAN DOGS ACT AMENDMENT BILL

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

Second reading.

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

That this Bill be now read a second time.

It proposes three amendments to the principal Act, the Alsatian Dogs Act, 1934-1965. The Bill proposes an amendment designed to enable the principal Act to be applied by proclamation to part only of a council area that is contiguous to the outer districts. The principal Act at present provides that the Act may only be so applied to the whole of a council area. Recently, a large area of pastoral land was annexed to the City of Whyalla and, being pastoral land, it is appropriate that the Act should continue to apply to that land while it is obviously not appropriate that the Act should apply within the city proper.

The Bill proposes an amendment to the principal Act that is designed to make it clear that the Act does not apply in relation to police dogs that may be engaged in search or rescue operations within the outer areas of the State or to any other dogs that are being used for official purposes.

Finally, the Bill proposes an amendment to the principal Act that is designed to empower the Minister or his delegate to grant a permit to a person who is travelling with an Alsatian dog to have the dog in his possession while travelling through the outer areas of the State. A number of major highways pass through the area of the State to which the Act applies, and it is only reasonable that it should be lawful for persons who are using the highways and who own Alsatian dogs to take their dogs with them. I seek leave to have the explanations of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 3 of the principal Act by providing that the Act may be applied by proclamation to part of a council area that is contiguous to the outer districts. The clause provides that the Act shall not apply in relation to Alsatian dogs owned by, or being used for the purpose of, the Crown. The clause also empowers the Minister or his delegate to grant a permit to a person who is travelling with an Alsatian dog to have the dog in his possession while he is travelling through the part of the State to which the Act applies. Provision is made for the permits to be conditional. Clause 3 provides for an amendment that is of a consequential nature only.

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

MEMBERS' DISCLOSURE OF INTERESTS

Adjourned debate on motion of the Hon. R. C. DeGaris (resumed on motion)

(Continued from page 2944.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I am sorry that we do not have at this hour a vigorous debate on this motion. I am pleased to put this matter to the vote, because it is absolutely important to Parliament that the question of the declaration of pecuniary and other interests, as well as the question of a code of ethics of members of Parliament, if they are to be adopted, should be inquired into by members from both Chambers, and a report made to both Chambers.

This has been a process in every other Parliament that has entered into this matter. The only legislation in Australia is in Victoria, which adopted in its legislation the report of its joint Select Committee. It is important that we should follow that course and that such a committee be established. I would like the support of the Government, which is keen to introduce such legislation, to pass this motion and express our view that this matter should be inquired into and a report made to Parliament.

The Council divided on the motion:

Ayes (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.

Noes (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.

The CHAIRMAN: There are 10 Ayes and 10 Noes. For the matter to be further discussed, I give my casting vote for the Ayes.

Motion thus carried.

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

> That a message be sent to the House of Assembly transmitting the resolution and seeking its concurrence thereto.

Motion carried.

ADJOURNMENT

At 1.18 a.m. the Council adjourned until Thursday 1 March at 2.15 p.m.