LEGISLATIVE COUNCIL

Thursday 6 March 1980

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

NOTICE PAPER

The PRESIDENT: I wish to inform honourable members that, because of difficulties with printing, a roneoed notice of today's proceedings has been prepared by our staff, containing all the business of the day on one sheet. If the Notice Paper is printed and delivered before today's sitting is concluded, it will be circulated.

QUESTIONS

NEW CROPS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing to the Minister of Community Welfare, representing the Minister of Agriculture, a question on new crop development.

Leave granted.

The Hon. B. A. CHATTERTON: The January 1980 edition of the *Farmer and Stockowner* contains a report on the work being done by the South Australian Department of Agriculture on a number of new crops. The article is mainly about peppermint and spearmint, and it states, among other things, that Amdel has done a study of the two crops and it is estimated that a single crop venture of 40 hectares would yield an average pre-tax return on capital invested of about 18 per cent. The article goes on to relate how the officers of the department believe this to be a very worthwhile new enterprise for this State. The article mentions a number of other reports on new crops that could be grown, including cucumbers of a certain type, dry edible beans, capsicums, and so on. In conclusion, the article states:

> Further information can be obtained from Mark Ellis, Department of Agriculture, 25 Grenfell Street.

A telephone number is given. I have contacted the department and I have found not only that Mark Ellis has been sacked from the department and is no longer working either in their section or in the department, but that the whole of the group within the Economics and Marketing Branch that worked on new crop development has been dispersed to other parts of the department to fill vacancies, wherever they have occurred. Will the Minister say why Mark Ellis, an officer in the Economics and Marketing Branch of the department, was sacked, in spite of the Government's policy that there would be no retrenchments when running down the Public Service?

Also, why has the Market Development Section of the Economics and Marketing Branch been dispersed when it is obvious from articles such as this in the *Farmer and Stockowner* that they are doing much valuable work that is of great benefit to farmers in South Australia?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

NATIONAL PARKS AND WILDLIFE SERVICE

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about the Director of the National Parks and Wildlife Service.

Leave granted.

The Hon. J. R. CORNWALL: The position of Director of the National Parks and Wildlife Service has now been vacant for an inordinately long time. Indeed, it was advertised, I think from memory, well over 12 months ago. At that time some consideration was given to a short list of applicants, but ultimately it was decided that perhaps the position should be readvertised because we believed that of the applicants, although many good people with good qualifications applied, there was no-one outstanding and, in fact, at the time I was Minister we were looking for someone with outstanding qualifications.

The position was consequently readvertised during the time I was Minister and after the appointment of the quite outstanding permanent head. From the answer to a question asked by my colleague the Hon. Mr. Creedon, it seems that there were no fewer than 52 applicants for this position. From those 52 applicants, there must surely have been someone who would be suitable to occupy the position and to be appointed to it. Why is it that more than six months later no Director has been appointed?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

PUBLICITY AND DESIGN SERVICES

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking the Attorney-General a question about the Publicity and Design Services.

Leave granted.

The Hon. M. B. CAMERON: It was with some amazement that I read in a leading Adelaide newspaper today that the former Government had photographs taken of members of its Ministry by an outside photographer. The report refers to a statement made by the Premier as follows:

> "Although photographers and staff with modern equipment and dark-room facilities were available through the Government's Publicity and Design Services these were ignored," Mr. Tonkin said.
>
> "The portrait pictures were taken by leading Adelaide photographers . . ."

The report indicates that the Leader of the Opposition in this Chamber (Mr. Sumner) was one of those involved, as also was the former Minister of Environment, at great expense to the taxpayer.

The Hon. C. M. Hill: How much was his?

The Hon. M. B. CAMERON: The paper quotes $711 for the former Minister of Environment. I was amazed to read this, because we have listened to the Leader of the Opposition speaking at length on the worth of the former Publicity and Design Services. At page 1310 of *Hansard* (28 February 1980), the Hon. Mr. Sumner stated:

> This service has provided skills for use by Government departments in their various essential publicity and promotion efforts. The service also processes all Government advertisements.

The Leader indicated that the service has various people working in it, including photographers and journalists, and he goes on to say it is economical and efficient, having recently produced a publication for an exhibition that is due to open shortly at the Art Gallery, entitled *Leonardo, Michelangelo and the Century of Genius.*

It appears from the newspaper article that, despite the fact that they had the ability to do this, they could not

reproduce the Hon. Mr. Cornwall, the Hon. Mr. Chatterton or the Hon. Mr. Sumner. Last Tuesday the Hon. Mr. Sumner again referred to the Publicity and Design Services and said:

> As I said the other day the Publicity and Design Services Division does a great deal of valuable work producing brochures for recreation and sport, information leaflets for community welfare, and promotional material of extremely high standard for the Art Gallery.

The newspaper article indicates that this expenditure was not authorised but that the former Premier, Mr. Corcoran, had said that he gave verbal approval; therefore, the new Government has no alternative but to pay the Bill.

Is it normal practice for Government Ministers to verbally authorise expenditure of taxpayers' funds without following it up with written authorisation? Was any reason given for the former Government's failure to use the Government's Publicity and Design Services for this rather extravagant exercise? What was the cost per Minister of this exercise? Was the Bill for the former Minister of the Environment the largest and, if so, how many black and white and colour prints were either taken or ordered? Does the Minister believe that this exercise was a scandalous waste of taxpayers' funds? Does the Government intend to attempt to recover part or all of the costs from the people concerned, in particular, the former Minister of the Environment (Hon. Dr. Cornwall), who, according to newspaper reports, appears to have outstripped his colleagues in this abuse of taxpayers' funds? Finally, does the Attorney-General have any information that would indicate to what use the previous Government put sections of the Publicity and Design Services which it set up and which cost nearly $600 000 a year to run?

The Hon. K. T. GRIFFIN: The Opposition's approach to this matter demonstrates a double standard. On the one hand it has advocated that the Publicity and Design Services should be retained, but in Government it was not prepared to practise what it now preaches. Perhaps the Opposition finds it politically expedient to shift from one foot to another in adopting its present attitude. Apparently the photographs to which the honourable member's question relates were taken in about April or May last year when there was a change in the Ministry. I suspect that the new photographs were part of an attempt to disclose a new image to the public. As a result, some photographic sessions were undertaken outside the Publicity and Design Services and, in fact, outside the Public Service. The colour and black and white photographs were arranged through Leo Burnett Proprietary Limited. Ordinarily, the Liberal Government has followed a practice that, where any expenditure of funds is required in accordance with proper statutory requirements, an authorisation is given in writing. I am surprised to find in this case an indication that only verbal authorisation was given, which does not appear to have been followed up with anything in writing. That is probably contrary to the audit regulations, which the Liberal Government has been careful to follow. The total cost for this photographic assignment is broken down in the following way: the Hon. Dr. Cornwall spent $711·83, as was accurately reported in the newspaper, and that apparently comprises a photography session costing $120, 80 black and white prints costing $400 and 18 colour prints costing $191·83. The former Premier Mr. Corcoran spent $593·38.

In the case of Mr. Duncan, the cost was $516·20, and that includes a cancellation fee of $40 on one appointment. For Mr. Hopgood the cost was $435·35, which includes the cost of 12 35 mm transparencies. In the case of Mr. Payne, the cost was $409·55, which consisted of 48 10 × 8 reprints at a cost of $206. For Mr. Bannon and Mr. Wright the costs were $324·63 and $171·98 respectively. In the case of the Hon. Mr. Sumner (and I am surprised that he should embark on this exercise about private enterprise) the cost was $120. The cost in the case of Mr. Abbott was $115.

I understand that no reason has been given why there was not any written authorisation for that expenditure of more than $3 500. I have not yet heard any reason, whether it be good or bad, why the former Government should not have used the Publicity and Design Services. The exercise overall is one aspect of what I would regard as a scandalous waste of funds, as the honourable member has suggested in his question. The Government, as the Premier has indicated publicly, is in a difficult situation with respect to payment of the account, which came to us after we achieved Government. However, in the light of the former Premier's statement that verbal authorisation had been given, we regrettably find that we have no alternative but to ensure that the account is met.

The Hon. C. J. SUMNER: Has the present Attorney-General or any other Minister had photographs taken or publicity work done since assuming office in September last year? Has the purpose of the photographs or other publicity been to distribute them to newspapers or other interest groups that wish to have such photographs? If so, who has done this photographic work? If no photographic or publicity material has been prepared, how does the Attorney-General respond to requests from newspapers, television stations, and other people for photographs of himself and his colleagues?

The Hon. K. T. GRIFFIN: Some formal photographs were taken on the day on which the new Ministry was sworn in at Government House and photographs were taken at the first Cabinet meeting of the new Ministry. These photographs were taken through the Government facilities, not through a private photographer. The Education Department, for one of its publications relating to government generally, has taken some photographs of the Cabinet meeting. Where Ministers have requested prints, they have paid for them out of their own pocket. The Constitutional Museum also took some photographs recently with its own facilities. The photographs were not taken privately and no prints were requested by Ministers, as far as I am aware.

The Hon. M. B. Cameron: What would have been the cost of them if you wanted them?

The Hon. K. T. GRIFFIN: I am not sure. However, if we wanted private copies we would have paid for them. I think there was one other occasion when photographs were taken on which the Government photographer undertook the work. I have not the details but, in my own case, some black and white photographs were taken recently for newspapers, and the cost was $40.

NEIGHBOURHOOD CARE

The Hon. M. B. DAWKINS: Can the Minister of Community Welfare give the Council any information regarding progress made towards implementing the Department for Community Welfare Intensive Neighbourhood Care Scheme?

The Hon. J. C. BURDETT: The Intensive Neighbourhood Care Scheme has been operating for about 12 months. It has been operating in other places for longer than that but it has been operating effectively and systematically here for about 12 months. During that time, 135 young people have been placed in Intensive Neighbourhood Care (INC) homes. The results so far

have been particularly encouraging. The scheme appears to be an excellent alternative to secure care for selected youths. Without the scheme, most of the 135 youths would have been placed in secure care. I have met personally with some Intensive Neighbourhood Care parents and was most impressed with their enthusiasm and ability for the task following training sessions conducted by the Department for Community Welfare.

It certainly was most stimulating to meet INC parents. I was amazed that people would be prepared to take on that task, in their own homes and as part of their own families, of caring for children who have been in some trouble before the law. I was pleased to find that most of them said that they considered that having these youths as part of their families for a period actually helped them in bringing up their own families.

The Hon. Frank Blevins: Were they all males?

The Hon. J. C. BURDETT: No, I am referring to youths—young people—including both male and female. From what I have seen of the scheme so far, although it has not yet been possible to assess its success rate statistically, it appears to be going very well indeed.

PERSONALISED NOTEPAPER

The Hon. B. A. CHATTERTON: Some weeks ago I asked the Attorney-General about the cost to the Government of having personalised notepaper for all new Ministers and the amount of money that was wasted when the perfectly serviceable notepaper previously used was scrapped by some Ministers. As the Attorney-General has been doing some research on expenditure by Ministers, I ask whether he has a reply to my question.

The Hon. K. T. GRIFFIN: My recollection was that the question was asked towards the beginning of last week, not some weeks ago. The matter is currently being investigated by the various Ministers' officers. The honourable member will know that the sort of detail he has requested will require contact with each Minister's office and collating, and that is not something that can be done overnight. Implicit in what he is saying is that there was waste. I indicated, when I answered partially on the last occasion, that, as far as I am concerned and as far as some, if not all, of the other Ministers are concerned, there was no waste, because the notepaper previously used within departments is still being used. In my own case, in the Attorney-General's office, the notepaper which the previous Government used is still being used, in addition to which—

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: There is new notepaper, which is my personal letterhead and which is used to answer questions to Ministers and for correspondence with judges or other persons in an official capacity. On the last occasion, I said that there was no waste, as all the notepaper will be used, whether it is personalised or formal, for the purposes of the department for which I as Minister am responsible. The honourable member's question is receiving attention, and when I have a reply I will let him know.

SUPERANNUATION FUND

The Hon. D. H. LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier as Treasurer, a question about the development policy of the South Australian Superannuation Fund.

Leave granted.

The Hon. D. H. LAIDLAW: The Auditor-General has reported that during 1978-79 the Board of the South Australian Superannuation Fund sold $1 300 000 of ordinary shares and, as at 30 June last, held no ordinary shares. Meanwhile, during 1978-79 the fund increased its investment in lands and buildings by $7 300 000 and in debentures and unsecured notes by $6 200 000. As at 30 June last, the fund had investments of $150 000 000, almost all of which were vested in fixed interest securities.

In contrast, the New South Wales State Superannuation Board has a share portfolio exceeding $100 000 000, and the Commonwealth Government Superannuation Fund holds a large number of ordinary shares. The Queensland fund is a substantial holder, and the Western Australian fund, which commenced investing in shares only two years ago, is now quite active. As honourable members are aware, the value of ordinary shares in Australia has increased significantly since 30 June last.

With regard to the private sector, the National Mutual Life Association, which is the second largest life association and which has a large business in managing superannuation funds, held at 30 September 1978 $450 000 000 out of its total assets of $2 300 000 000 in ordinary shares. The value of its shares in the S sector of its superannuation scheme rose by 9·9 per cent in the quarter from October to December last.

In view of the fact that the South Australian fund, as at 30 June last, held no ordinary shares amongst its investments and, by adopting such a policy, is at variance with most other Government and private superannuation funds; secondly, since investment in sound ordinary shares has in recent times shown considerable capital appreciation; and, thirdly, since an investment in local companies can provide a defence against unwanted takeovers by predators from overseas or other States, will the Government ask the Board of the South Australian Superannuation Fund to reconsider its present investment policy?

The Hon. K. T. GRIFFIN: I shall refer the honourable member's question to the Premier and bring back a reply.

FESTIVAL CENTRE

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Arts a question about beautification of the area close to the Festival Centre.

Leave granted.

The Hon. L. H. DAVIS: Honourable members would appreciate the considerable and excellent landscaping carried out along the banks of the Torrens River in the city area in recent years. The Festival Centre complex both complements and highlights the excellent setting.

The Hon. N. K. Foster: It could never have happened under the Liberals.

The Hon. L. H. DAVIS: I think—

The PRESIDENT: Order! The honourable member should address the Chair.

The Hon. L. H. DAVIS: In view of the forthcoming festival, I think it is appropriate to draw the Minister's attention to the unprepossessing appearance of the land and buildings to the west of the Festival Centre and beside the bank of the Torrens River. There is understandably and necessarily a car park for the use of Festival Centre staff, but there are two buildings, both inelegant, one with a sign, "S.A.R. Laundry" and a rusting roof. On both sides of the exit roads there are weeds and, in some places,

ugly fencing. It would seem that this area may be the responsibility of more than one department, and possibly of the Adelaide City Council. Could the Minister look into this matter? I believe that, with little money and some imagination, the excellent landscaping which is a feature of other areas close to the river could apply also to this area, which is seen by so many visitors to our city at festival time.

The Hon. C. M. HILL: Certainly, I shall look into the matter and take some steps to see that the area is improved aesthetically and put to better use, in some parts, than at present. I understand that a committee is looking at this section of land; I believe the Adelaide City Council has representation on that committee, and I have little doubt that the State Transport Authority is involved. I understand that the ownership of some of the land between the northernmost railway track and the Torrens Lake is in dispute in some respects. The old buildings to which the honourable member referred were facilities used for a long time by the South Australian Railways, when that department operated as a separate authority.

I commend the honourable member for having raised the matter. It is an appropriate time now, as the city is beginning to look its very best for our festival, for this matter to be looked into, and I shall do that and bring back a full report.

BREAD

The Hon. K. L. MILNE: I seek leave to make an explanatory statement before addressing a series of questions to the Minister of Community Welfare, representing the Minister of Industrial Affairs, on the subject of an equitable arrangement between country and city bakeries.

Leave granted.

The Hon. K. L. MILNE: Honourable members may recall that some two or three years ago there was a bread inquiry, which I understand was shelved for one reason or another. This dealt with the relationship of country bakeries and inroads being made by the big city bakeries, and discussed such matters as quotas, zoning and representation. Apparently it recommended that city bakeries should use country bakeries as outlets, bearing in mind the variety of bread available to the consumers.

From inquiries into this subject, I am given the impression that the major highly automated bakeries are dumping bread in country centres when it suits them, causing extreme hardship and even bankruptcy of long established country bakeries. If this situation is allowed to continue, it seems to me that small country bakeries will go out of business and people in country areas and towns will be entirely at the mercy of the city bakeries.

It is now more than two years since the bread inquiry was held and, with problems of discounting in the city and suburban areas causing grave difficulties, and with the country problem still existing, I feel that it is time that the matter was raised again. In fact, I have been approached to do this.

The State of New South Wales has, I understand, introduced a zoning scheme which is working reasonably well. In that scheme, the local baker has priority for his own type or types of bread, and other types manufactured elsewhere and not produced by the local baker are allowed into that zone through the agency of the local bakery. This seems to me eminently sensible, as the city bakeries can deliver different varieties of bread in bulk and the local baker can distribute them with his own bread, without having to do the rounds twice.

To allow country bakeries to go out of business has a detrimental effect on employment in the areas concerned and also reduces the amount of training available in bakeries. Already, apprentices are concentrated in the main highly automated push-button bakeries and are not really learning their trade. The present trend will also inevitably mean a reduction in quality and service to country consumers.

Unless something is done, and done quickly, South Australia will end up with the chaotic situation in existence in Victoria, where the large automated bakeries are using their margins (and they must have margins to be able to discount like they do) to periodically dump bread, when it suits them, into particular areas at artificially lower prices, thus doing untold damage to established local bakeries. Will the Minister say, first, what the Government is doing to protect the smaller bakeries, particularly in country areas? Secondly, is the Government investigating legislation to implement the recommendations of the bread inquiry to which I referred, particularly with regard to the distribution of city-baked bread through local bakeries to at least leave them a living? Thirdly, will he consider implementing, as a matter of urgency, a scheme similar to that operating in New South Wales, or some other appropriate scheme?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

LOCAL GOVERNMENT FINANCE

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Local Government a question about the share of income tax from the Federal Government being provided to local government.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will know of the Federal Government's election promise in 1977 to increase local government's share of the personal income tax collection to 2 per cent within the life of the Parliament. Councils generaly have welcomed this proposal and have been looking forward to the full implementation of the scheme, which has been partly implemented over the three-year period. I understand that late last month the Federal Government said it would implement the final stage of the promise. Is this correct and, if it is correct, when will it come into effect? Can the Minister indicate the benefit to local government in South Australia?

The Hon. C. M. HILL: It was announced that Federal legislation had been introduced for the purpose of increasing the percentage to 2 per cent, as promised, from the previous 1·75 per cent. I understand that the Bill has been passed and that the increased allowance to local government throughout Australia will occur from 1 July 1980. It will mean $80 000 000 to local government throughout the country; that is, an increase from $222 000 000 to $302 000 000. In South Australia, local government has received from that total in this current year $19 300 000, and the amount is expected in the new financial year to be $23 000 000, an increase of about $3 700 000.

Local government will be pleased indeed that this promise from the Commonwealth Government has been fulfilled. It will mean that the provision of services by local government to communities will be even further improved as a result of this injection of new revenue to local government. Regarding the distribution of the money in

this State, that is done through the South Australian Grants Commission, which considers each council's situation and comes to its decision. In due course the various councils in South Australia will be advised of the specific amounts that they will receive.

HILLS FIRE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Local Government a question about local government affairs.

Leave granted.

The Hon. N. K. FOSTER: First, I indicate clearly that I will be referring to a letter that has been sent to me. A copy is available for your perusal, Mr. President, to show that it is clearly signed and that the responsibility for it is accepted by the writer. Further, I want to indicate clearly to the members of the Government who have been spreading malicious rumours and have been asking my colleagues on this side of the Chamber what land interests I have in the Mount Lofty Ranges that I emphatically and categorically deny owning any land in Australia other than the house I am buying in which I live and on which I am still paying off a mortgage in the eastern surburbs. Government members need not think that, because I am continually raising this subject of the Hills fire, I have any self-interest in that area. Yesterday, Mr. President, you expressed some concern about a matter and, if I have been the cause of some concern to you, I apologise to you personally, but I do not apologise to the two authors of the procedure adopted yesterday in Question Time; nor do I apologise to the Attorney-General in regard to what I said about the question of whether or not he would have had officers in the Corporate Affairs Commission sacked if I had disclosed their names.

The PRESIDENT: I accept the apology, but I draw the honourable member's attention to the leave he has obtained.

The Hon. N. K. FOSTER: I draw to the attention of the Minister the following letter that I have received:

> Dear Mr. Foster,
>
> In reference to the article in the *Advertiser* this morning, headed "I don't believe dump charges", may I first thank you and say how refreshing it is to have someone in our Parliament who is interested in finding out the truth. A number of points are raised in the article and, if I may, I will deal with them one at a time.
>
> I was a councillor on Stirling council from 1973 till 1975. At that time it was certainly true that Stan Evans stood over and bullied Stirling council and I am certainly willing to give evidence to this effect. Evidence which comes to mind on this matter includes:
>
> (1) Councillor Gooden told me in 1974 that he had received a letter from Stan Evans which he felt was intimidatory.
>
> (2) On the 26th November 1974 Stan Evans wrote to Stirling council in an attempt to intimidate councillors Thoneman and myself.
>
> (3) In answer to a question asked in council in 1974 the clerk said that Stan Evans rang him every morning to see how things were going.
>
> (4) In answer to a question asked in council in 1974 the clerk said that Stan Evans was negotiating on behalf of F. S. Evans and Sons.
>
> (5) In 1975 Stan Evans issued a stop writ on me.
>
> (6) In 1975 Stan Evans issued statements that the people who complained about him were socialists.
>
> (7) In 1974 it can be proved that Stan Evans leant on Stirling council in relation to a subdivision of land previously owned by Mr. Ted White of Heathfield.
>
> (8) While I was in council we received continual complaints of the dump being burnt on fire ban days.
>
> Since leaving council I have no reason to believe that these stand-over tactics have ceased and I am certainly willing to give evidence to this effect. This would include:
>
> (9) A statement made to me, since the fire, by a fire officer that he was often bullied by Stan Evans.
>
> (10) A letter to council (5 September 1978 copy enclosed) written by Stan Evans *"Member for Fisher, Opposition Whip, Shadow Minister of Housing, Tourism, Recreation and Sport."* This letter was clearly intimidating since much of the land referred to is owned by Stan Evans and his family. I.e. he has used his political position to benefit his business interests. In fact, paragraph 4 is about the second half of the land sold to the Engineering and Water Supply by Stan Evans or his wife, for the Heathfield sewerage works.
>
> So clearly the standover tactics and bullying can be proven by anyone willing to investigate.
>
> In reference to your anonymous letter, if this letter is the same as the one being widely circulated in the Hills (copy enclosed) then all I can say on this is two points and they are:
>
> 1. Everything in this letter can be substantiated by anyone willing to investigate; and
> 2. I can understand completely why people of the Stirling district are frightened to give their name and it has nothing to do with whether the allegations are of substance or not. Look at what happened to Mrs. Harvey and it is clear she was telling the truth.

She was the woman who claimed she had telephoned and told the authorities about the fire. An attempt was made to make her look foolish and it was suggested she did not telephone anyone. The letter continues:

> As to the question about making application to the coronial inquiry then all I can say is that I will, today, give a copy of this letter and its enclosures to the people making the inquiry. Our fear is not that these people will or will not whitewash the whole thing but that the Government most certainly will. How can the Liberal Government allow the truth to be made public when this will mean the end of the Liberal Government? The Attorney-General has already made the decision to stand behind Stan Evans so what chance do we ever have of hearing the truth?
>
> As to your allegations that Stirling council is attempting to buy the dump for up to $250 000, councillor Hurren has told me, since the fire, that council is attempting to do just that.
>
> Finally, let me close with one point. It has been reported in the press that the Aldgate C.F.S. saw smoke in the direction of the dump and went to investigate at 11 a.m. on the day of the fire. It was further reported that since the gate was locked they did not enter and check but drove away. Now, if you go and look at the dump you will see that this is not what it seems. There is not a great gate and fence to keep you out. There is a gate which is not normally locked but an average sized man could step over it and the fence is in most places non-existent. Why didn't they walk up and have a look? Most people would have on a red alert fire-ban day, wouldn't they? Why is the Aldgate C.F.S. covering up?
>
> Everything I have said in this letter I can prove. You have my permission to use it and the fact that I wrote it in whatever manner you wish.

That letter is signed by John Walmsley. It is now obvious why Mr. Tonkin quite bluntly refused to have Mr. Evans as a Minister.

The PRESIDENT: Order! The honourable member has had a reasonable time to explain his question.

The Hon. N. K. FOSTER: Mr. President, other

members have had a longer time than I have had. However, if you wish me to abort my question I will accept your ruling! Mr. Tonkin kept Mr. Evans out of the Cabinet because he knew about Mr. Evans' shortcoming within his electorate. There is no doubt about that at all. Therefore, Mr. Tonkin is as guilty as Evans; this matter has been covered up, and Evans has been protected within the framework of the Parliamentary system. I will not quote from the quite lengthy letter that Evans wrote to the Stirling council—

The PRESIDENT: Order! I point out to the honourable member that I have already told him that if he is going to refer to a member in another place he should follow Parliamentary procedure.

The Hon. N. K. FOSTER: Evans mentioned me yesterday, but was not spoken to by the Speaker.

The PRESIDENT: Order! The honourable member has had reasonable time to explain his question. What is the question?

The Hon. N. K. FOSTER: The power of the Minister to authorise an investigation into the affairs of a local council is contained in the Local Government Act Amendment Act (No. 2), 1975, at section 42. A petition is defined in section 40 of the original Act. The powers of the Governor, referred to in section 40, also come within the meaning of the Act. Therefore, will the Minister, pursuant to the powers granted to him under the appropriate section of the Local Government Act Amendment Act (No. 2), 1975, abolish the Stirling council, because it has not acted in an appropriate manner or in the interests of the people within its area? Will the Minister treat this matter as a matter of urgency, because the fire season has not yet ended and the Stirling District Council's inadequacies in the recent fire could be repeated?

The Hon. C. M. HILL: In view of the honourable member's submission today I see no reason at all to hold any inquiry into the affairs of the District Council of Stirling, let alone take steps to abolish that council. Apart from the honourable member's references to the District Council of Stirling, the matters he has raised in regard to the unfortunate fire will be investigated by a coronial inquiry that will be set up, and that is the proper place for those matters to be discussed.

FAMILY DAY CARE

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about family day care.

Leave granted.

The Hon. J. A. CARNIE: I am sure that most honourable members in this Chamber have received as I have, favourable reports on the family day care programme. I hope that those areas not presently covered by this programme will be covered in the reasonably near future. Is it intended to extend family day care programmes to cover areas not already being served?

The Hon. J. C. BURDETT: The Department for Community Welfare is currently running 13 family day care operations—12 in the metropolitan area and one at Whyalla. These programmes are providing full-time or part-time care for 1 240 children. However, there is still a need to provide this facility for families in some country areas. In fact, a new programme is about to commence in Murray Bridge, and it is hoped that funding can be obtained to extend the programme now operating from the Stirling office to encompass the entire Adelaide Hills area.

EMERGENCY ASSISTANCE

The Hon. BARBARA WIESE: My question, which is in two parts, is directed to the Minister of Community Welfare. First, what disbursements of special or emergency assistance were made by each of the metropolitan offices of the Department for Community Welfare during the years 1977-78 and 1978-79? Secondly, how many applications for such assistance were received, and how many were approved?

The Hon. J. C. BURDETT: It is obvious that, because this question refers to statistical matters over several years, I will have to make inquiries and bring down a reply for the honourable member.

CONSTITUTIONAL MUSEUM

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Constitutional Museum.

Leave granted.

The Hon. L. H. DAVIS: On 4 March it was publicly announced that a sponsorship committee had been established to raise funds for the Constitutional Museum. What is the function of and the reasons for establishing this committee? What progress is being made in refurbishing the Constitutional Museum?

The Hon. C. M. HILL: Several days ago it was announced that a sponsorship committee had been established to assist the Constitutional Museum Trust with its funding activities. Honourable members will recall that the Government of the day made an announcement last year saying that all the funds sought by the board to be used for restoration and establishment purposes could not be found by the present Government. It was then suggested to the board that a certain figure was available, but the balance might be sought and obtained from the private sector.

I take this opportunity to commend the board for its response to that suggestion. The board responded by setting about in a very positive way to obtain money from the private sector by establishing a sponsorship committee. That sponsorship committee was launched early this week, and I believe it is proper that I should record the names of its members. The Chairman is Sir Walter Crocker, whom I publicly thank for offering his services in this way; Dr. Norman Etherington, who is the Deputy Chairman; Barbara Boden, who is the Secretary of the board; Mr. Peter Benson, who is from radio station 5AA; Mr. Simon Galvin, who is from the News group; Dr. Peter Cahalan, who was the Director of the Museum; Mrs. Ruby Litchfield, who, as honourable members would know, served on the Festival Centre Trust; Mr. John Massey, who is from Safcol; Mr. John Seppelt; and Mr. Mark Skinner. This group of people is attempting to raise $200 000.

In answer to the second part of the honourable member's question, the original concept of the museum remains the same; that is, it will preserve and interpret South Australia's political heritage. The museum was expected to be open during this Adelaide Festival of Arts, but the opening has had to be deferred because of difficulties with its construction and other matters. The museum will now be opened on 28 July this year. I wish the committee every success and I hope that the general public will be very generous when approached for donations for this worthy cause.

CRIME

The Hon. J. E. DUNFORD: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about crime, violence and penalties.

Leave granted.

The Hon. J. E. DUNFORD: I see that the Hon. Mr. Davis is laughing. I wonder whether he is thinking back to the election, when Mr. Webster said, in a report in a newspaper, "If you want your streets to be clean and want your women and children to walk free at night time, vote for Webster."

The PRESIDENT: Order! Does the Hon. Mr. Dunford wish to make an explanation?

The Hon. J. E. DUNFORD: Yes.

The PRESIDENT: If so, he should make it.

The Hon. J. E. DUNFORD: A report in last night's *News* contains the headline "Our violent city". I will not read the whole report, because you would be shocked, Mr. President, but part of it states:

> A grazier, 43, last night became the twenty-first victim of robbery with violence in Adelaide and the metropolitan area over the past month.

What happened to this grazier last night? I would not mind if he was from Kangaroo Island, but he probably is from around Kimba and is one who pays award rates.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: The report also states:

> Last night's victim was robbed by two men armed with a cut-throat razor. The thieves also removed his trousers and shoes before leaving him stranded and bashed at Thebarton.

They stole only $20 in cash, as well as his watch, trousers and shoes. I am sorry for this grazier.

The Hon. M. B. Cameron: Someone has been apprehended.

The Hon. J. E. DUNFORD: Yes, an unemployed bouncer. When my father-in-law was travelling from Perth to Adelaide about two years ago, he saw two young fellows who had the boots of their cars up and were waving frantically for help. My father-in-law was 72 years of age and was coming here to do some shearing. The young fellows knocked him down. They held a cut-throat razor at his throat and said they would let him go if he gave them $1 000. They tied him to a tree and went off. One of them was sentenced to six months imprisonment and the other was given a bond. My father-in-law still relives the moment when that cut-throat razor was at his throat. The report in last night's *News* also states:

> In the 15 robberies with violence, many of the victims have been punched and kicked by attackers. Some have been threatened with knives.

The Liberal Party has always said, "Vote for us for law and order, and we will clean up crime." I believe that I know the reason for crime, but I will go into that later. The matter of whether a person has a reason to commit a crime does not mean that he ought to go free. Since the Liberal Government has been in office, there has been an increase in the amount of crime in the streets. Women cannot walk around the lovely parks at night, let alone walk in Rundle Mall. At 10.30 a.m. today a senior officer of the Police Department being interviewed by Mr. Cordeaux on radio told Mr. Cordeaux that at 7.30 p.m. yesterday a young girl was delivering newspapers in Kensington, near the Norwood Technical School, in order to make some money for herself. Most likely she was earning money to help her parents. She was accosted by three people, thrown into a car, stripped, and raped. Then the three people went off. A police inspector said today that this was an indictment of our society. The Government is responsible for our society. Last year, when I was in Jamaica, I spoke on the issue of crime at a conference attended by representatives of about one-quarter of the world's population.

The PRESIDENT: Order! I draw the honourable member's attention to the time. If he wishes to ask his question, he should do so now.

The Hon. J. E. DUNFORD: I will not tell the Council all that I said at that conference but, briefly, I said that it would be a good idea if people went to the Soviet Union and China and saw what was happening there.

The PRESIDENT: Order! Call on the business of the day.

COMPANIES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Companies Act, 1962-1979. Read a first time.

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

That this Bill be now read a second time.

Its purposes are to provide for the admissibility of documents produced from microfilm records, to empower the Corporate Affairs Commission to act as a delegate of the National Companies and Securities Commission, and to make a number of minor amendments to the principal Act.

In the near future the Corporate Affairs Commission will introduce a system under which microfilm records will be made of documents lodged with it. When a copy of a document is required for use as evidence in court or for any other purpose, a copy will be made from the microfilm record and not from the original document. To avoid the possibility of any argument that this is not a copy of the original document, and therefore not admissible under section 12(5) of the principal Act, a definition of "copy" will be included in section 5 of the Act.

Another similar problem relates to the production of records in pursuance of the order of a court. Under the new system of filing it will be impracticable to produce the original document and the Bill therefore enacts a new subsection (5a) of section 12 which provides that the Commission may produce to the court a copy obtained from the microfilm of the document concerned. Production of such a copy will satisfy an order for the production of the original document.

The States and the Commonwealth have entered into a co-operative scheme for the purpose of enacting uniform laws relating to companies and the securities industry throughout Australia. It has been agreed that each State will enact uniform laws for the purpose in their respective jurisdictions and that the laws of each State will be administered by one body named the National Companies and Securities Commission. The enabling legislation establishing this Commission has already been enacted by Federal Parliament.

It is intended that the National Commission will delegate its powers and functions under each State Act to the appropriate authority in each State. In South Australia it is intended that the Corporate Affairs Commission administer the new laws, when they have been enacted, as the delegate of the National Commission. To enable the Corporate Affairs Commission to do this it is necessary to give it express power. Clause 20 of the Bill has been included for this purpose. The other provisions of the Bill

make various other minor amendments to the text of the principal Act. 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 corrects a reference to a section number in section 3 of the principal Act. Clause 4 inserts into the definition section of the principal Act a definition of "copy". "Copy" is defined to include "reproduction", which in turn is defined in such a way as to include copies made from microfilm. Clause 5 removes paragraph 9 (1) *(a)* from the principal Act. This paragraph provides that a person who was registered as a company auditor under the repealed Act may be registered as a company auditor under this Act. The "repealed Act" is the Companies Act, 1934, and this provision is obviously no longer necessary. Clause 6 enacts new subsection (5a) of section 12 of the principal Act. The purpose of this subsection is to provide that production of a copy of a document produced from microfilm will satisfy an order for production of the original document.

Clause 7 replaces subsection (3a) of section 21 of the principal Act. This subsection provided that an alteration of the memorandum of association of a company would take effect seven days from the date of the resolution or order making the alteration. This provision was inserted by the Companies Act Amendment Act, 1979, but it has been found to create problems in the administration of the Act. The new subsection provides that a resolution or order altering the memorandum will take effect on registration by the Commission or at the expiration of seven days after lodgment with the Commission, whichever occurs first. The registration of resolutions and orders of this kind is given first priority by the Commission and delays rarely, if ever, occur. However, if a delay of more than seven days does occur the company lodging the resolution will be protected by the new provision.

Clause 8 makes amendments to section 26 of the principal Act consequential on the removal from that section, in 1979, of the references to "private company". Clause 9 amends section 54 of the principal Act, which by subsection (7) provides that officers of a company that are in default under the section are guilty of an offence. The amendment provides that the company itself will also be guilty of an offence under the section if default occurs. This brings the section into line with other similar provisions. Clause 10 makes clerical amendments to section 77 of the principal Act. Clause 11 removes subsection (2) from section 79 of the principal Act for the sake of uniformity with interstate legislation. Clause 12 removes two transitional provisions from section 127 of the principal Act. These provisions have served their purpose and are no longer required. Clause 13 removes subsection (7) of section 157 of the principal Act. This provision has no application in South Australia.

Clause 14 substitutes the word "subsection" for "section" in section 218 (1) *(aa)* (i) of the principal Act. Clause 15 changes subsection (3) of section 223 of the principal Act so that a person who applies before the Supreme Court for the winding up of a company must lodge notice relating to the proceedings with the Commission. Clause 16 makes a drafting amendment to section 309 of the principal Act. Clause 17 amends subsection (9) of section 346 of the principal Act to relate the reference to paragraph *(f)* to subsection (1) of section 347.

Clause 18 amends section 382 of the principal Act to streamline the machinery whereby informations and complaints are instituted and prosecuted under the Act. At the moment paragraph *(b)* of subsection (1) of section 382 enables the Commissioner or an officer or employee of the Commission authorised by the Commissioner to lay an information or make a complaint under the principal Act. The requirement that the officer or employee be authorised by the Commissioner creates problems of a practical nature in the administration of the office of Commission and the prosecution of the offence in court. The amendment, by removing the requirement for authorisation, avoids the need to prove the authorisation in court. Paragraph *(b)* adds a paragraph to subsection (4) of the section that will facilitate proof of the fact that the information or complaint has been laid or made by the Commissioner or by an officer or employee of the Commission.

Clause 19 substitutes a reference to the Commission for a reference to the Registrar in section 384 of the principal Act. Clause 20 empowers the Commission to act as a delegate of the National Commission. New paragraph *(b)*, inserted by this clause, empowers the Commission to authorise any person to exercise a power or authority or perform a function or duty delegated to the Commission by the National Commission. This is necessary because the Commission's functions and powers are exercised through its officers. Clause 21 replaces paragraph 5 (4) (i) of the ninth schedule in order to achieve uniformity with interstate legislation.

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

REDCLIFF BOUNDARIES

The Hon. C. M. HILL (Minister of Local Government): I move:

> That it be an instruction to the Select Committee on Certain Local Government Boundaries in the North of the State that it be empowered to prepare two separate Addresses to His Excellency the Governor.

Honourable members will recall that the Council established a Select Committee in an endeavour to achieve alterations to local government boundaries in the North of the State so that all proposed industrial activity in the Redcliff area and other nearby areas might eventually be established within the one local government area. In the existing situation it would appear that, if development was undertaken, separate developments and, indeed, a single development might cover different local government areas. An endeavour was therefore made to vary the boundaries in the North so that the objectives to which I have referred might be achieved.

The Council appointed three members from each side, and the Select Committee has been working very well indeed. We visited Port Augusta and took considerable evidence. We now find, however, that it would be in the better working interests of the committee, and it would be possible for us to achieve the best result, if we were permitted by the Council to prepare two separate reports so that two separate addresses to His Excellency the Governor could follow from those two reports.

The committee is not very far from completing the first of these reports, which will be the more important of the two. One last problem exists on which we have to deliberate for some further time, and for that purpose we seek the opportunity to leave this rather difficult matter until later and bring down a separate report in regard to that matter.

Motion carried.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the South Australian Waste Management Commission Act, 1979. Read a first time.

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

That this Bill be now read a second time.

The main function of this small amending Bill is to ensure that the South Australian Waste Management Commission established under the principal Act has power to establish and operate bank accounts. Although the general provisions under which the Commission is established are expressed in terms which are arguably wide enough to authorise establishment and operation of bank accounts, the Government feels that the matter should be put beyond doubt. The Bill also rectifies a small printing error which has been noted in the principal Act.

Clause 1 is formal. Clause 2 substitutes the word "section" for an incorrect usage of the word "Act" in section 7 of the principal Act. Clause 3 repeals section 40 of the principal Act, which gives the Commission power to invest, and substitutes an expanded provision dealing with the Commission's funds. This provides that moneys received by the Commission shall be paid into a fund and applied by the Commission in the furtherance of its objects. The Commission is also empowered to invest, and to establish and operate bank accounts.

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

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

The main purpose of this Bill is to provide the South Australian legislative component of a nation-wide scheme to change the name of the Church of England in Australia to the Anglican Church of Australia. In order that this change of name may take place, it is necessary that legislative amendments of the kind proposed in this Bill be passed in each State, for although the Church is not, in any sense, an "established" Church in this country, as is its counterpart in the United Kingdom, it has, nonetheless been the subject of various enactments, including, in this State, the Church of England in Australia Constitution Act of 1961.

Where appropriate, then, this amending Bill will substitute reference to the Anglican Church of Australia for the existing terminology in the principal Act and all other Acts presently in force. The Bill also provides for this substitution in any current proclamation, order-in-council, rule, regulation, by-law or notice, and in any declaration, canon, regulation or resolution of synod or licence issued by a Bishop, and finally, in certain specified documents. There will be some cases where it is not appropriate that the old usage be changed (for example where the reference relates to the Church as it existed in the past). The Bill anticipates this, and provides, in effect, for the retention of existing terminology in those instances. The Bill also contains a provision to ensure that the body presently known as the Church of England in Australia Trust Corporation has corporate status under the law of this State. 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 the name of the Church in the long title to the principal Act. Clause 4 recasts a portion of the preamble to the principal Act in order to accommodate changes of name. Clause 5 recasts section 1 of the principal Act, which sets out its short title, so that future citations may be made in accordance with the new name of the Church. Clause 6 substitutes the new name of the Church for the old in section 3 of the principal Act, which deals with the legal force and effect of the Church's Constitution.

Clause 7 repeals section 5 of principal Act, which was concerned with various forms of the church's name at the time when the principal Act was passed, and substitutes a new section 5 which changes the name of the Church, and provides for substitution of the new name for the old in other Acts, proclamations, orders-in-council, rules, regulations, by-laws, notices, declarations, canons, regulations or resolutions of synod, licences issued by Bishops, and any writing or document, whether made under an Act or by the synod of any diocese of the Church or otherwise, that creates, varies, affects, evidences or extinguishes any right, title, interest, power, authority, liability, duty or obligation. The new provisions are not intended to affect the name of any association, whether incorporated or unincorporated, and they take into account that old usage should remain in certain cases, for example, where reference is made to the church as it existed at a point of time, prior to the proposed change of name.

Clause 8 substitutes reference to the Anglican Church of Australia for the existing reference to the Church of England in Australia in section 6 of the principal Act, which is concerned with the administration of customary oaths. Clause 9 amends reference to the name of the church in section 8 of the principal Act, which deals with the power of the Diocese of Adelaide to withdraw from the Constitution.

Clause 10 enacts a new section to the principal Act, designated section 9. This section is designed to remedy a possible flaw in the existing legislation, whereby the body corporate now to be known as the Anglican Church of Australia Trust Corporation (formerly the Church of England in Australia Trust Corporation) may not have enjoyed proper corporate status under the law of this State. The new section ensures that this be put beyond doubt, and is to be deemed to have come into operation upon the commencement of the principal Act. Clause 11 substitutes reference to the Anglican Church of Australia for the existing reference to the Church of England in Australia in appropriate instances in the Constitution of the church, which appears in the schedule to the principal Act.

The Hon. G. L. BRUCE secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It sets out a series of amendments to the Road Traffic Act,

1961-1979, the most significant of which provides for the compulsory use of restraints for children under the age of eight years in moving motor vehicles. At its meeting in February 1979, the Australian Transport Advisory Council acknowledged the vulnerability of children in the event of motor vehicle accidents, and endorsed proposals making it compulsory for them to wear suitable restraints. The Advisory Council's recommendations place the onus on the driver of the motor vehicle to ensure that any child under the age of eight years who is in a moving motor vehicle is wearing a suitable and properly adjusted restraint, or that, if no restraint is available, the child is occupying a rear seating position. New South Wales, Victoria, Western Australia and Tasmania have enacted legislation in accordance with the Advisory Council's recommendations, and the Government is of the view that similar provisions ought to be introduced in this State.

The Bill also deals with several other matters. A court decision handed down last year in a case arising out of an alleged contravention of the speed restrictions enforced in the vicinity of schools has made it necessary to ensure that the portion of road subject to the restriction is clearly defined by signs facing the driver at both the beginning and the end of the restriction. This Bill contains provisions which will achieve this. There are also amendments which will enable public authorities placing signs indicating the maximum permissible speed where roadworks are in progress to set any speed limit, rather than the 25 km/h which is presently set down in the Act, and which has proved impracticable in rural areas where the open road speed limit of 110 km/h applies. Finally, there is an amendment in this Bill to provide that traffic lights shall not be regarded as operating if they are merely displaying a flashing yellow light, and consequently, the normal give way rule shall apply. The present position here is ambiguous; if a traffic light displaying a flashing yellow light is considered to be not operating, as in the case of a malfunction, the give way rule applies; if it is considered to be operating, the rule does not apply.

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 20 of the principal Act, which is concerned with signs indicating that works are in progress on a road. Subsection (2) is recast to permit speed limits to be specified on those signs. The amendment also inserts a new subsection (4), providing that a person shall not drive at a speed greater than that indicated by the signs when travelling on a portion of road to which the signs apply. Clause 4 amends section 49 of the principal Act, which deals with speed limits. The amendment substitutes a new subparagraph *(c)* in subsection (1) for the existing provision, providing for a speed limit of 25 km/h on portions of road between "School" and "End School Limit" signs. This amendment also strikes out paragraph *(e)* of subsection (1), which provides for a speed limit of 25 km/h on portions of road between signs indicating that roadworks are in progress. This is consequential on the amendments in clause 3.

Clause 5 inserts a new subsection (6) in section 63 of the principal Act, which is concerned with giving way at intersections and junctions. The new provision makes it clear that traffic lights which are merely displaying a flashing yellow light shall not be regarded as operating. Clause 6 inserts a new section 162ac in the principal Act setting out the requirements for child restraints. The section provides that a person shall not drive a motor vehicle unless the requirements of the section are complied with. These are that, if a child is travelling in a motor vehicle fitted with a child restraint of a prescribed kind, it shall occupy the position fitted with the restraint, unless that position is occupied by another child. If there is no child restraint in the vehicle, or if there is one which is occupied by another child, the child must be accommodated in the back seat, if there is one. It is a defence to a charge against these provisions if the defendant can prove special reasons justifying non-compliance.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

The purpose of this small amending Bill is to raise the percentage allocation from the Highways Fund under section 32 (1) (m) (i) of the Highways Act, 1926-1979, in respect of road safety services provided by the Police Department. At present a contribution equal to 6 per cent of the fees received by the Registrar of Motor Vehicles by way of motor vehicle registration fees is applied for this purpose.

The reduction in registration fees, following upon the recent introduction of an *ad valorem* licence fee in relation to the sale of motor spirit and diesel fuel, will result in the income from registration fees being reduced by some $10 000 000 per year. In order to maintain the contribution at approximately the existing level, the percentage levy will have to be increased to 7½ per cent.

The reduction in registration fees came into effect early in October of last year; consequently it will be necessary for this amendment to have retrospective effect to that time.

Clause 1 is formal. Clause 2 provides that the proposed Act shall be deemed to have come into operation on 1 October 1979. Clause 3 amends subparagraph (i) of paragraph (m) of subsection (1) of section 32 of the principal Act by substituting a reference to 7½ per cent for the existing reference to 6 per cent.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

MARKETING OF EGGS ACT AMENDMENT BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Legislation establishing statutory authorities of various kinds usually contains provisions exempting the members from civil liability that may arise in the course of carrying out their statutory functions. A provision of this kind does not, however, exist in the Marketing of Eggs Act, and the members of the South Australian Egg Board have expressed some anxiety about its absence from their legislation. The present Bill therefore exempts the members of the board from personal liability that may arise in the course of carrying out their official functions and provides that any liability that would, but for the exemption, lie against a member shall lie instead against the Crown.

Clause 1 is formal, and clause 2 confers an immunity from liability upon members of the South Australian Egg Board in the terms outlined above.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

EGG INDUSTRY STABILISATION ACT AMENDMENT BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The principal purpose of this amending Bill is to make provision for the variation of hen quotas for poultry farmers during the year, in accordance with fluctuations in the demand for eggs. At the present time the Act provides for one 12-month season, for which each licensed farmer has a hen quota. This cannot be varied within the season. There are clearly recognised fluctuations in the demand for eggs during these seasons; in spring to early summer there tends to be an over supply of eggs, while in winter there is a corresponding shortage. The existing legislation gives the South Australian Egg Board no flexibility to accommodate these market conditions.

These amendments will overcome this problem by allowing the Minister to fix licensing seasons for any period; thus seasons of less than 12 months may be set, each with appropriate hen quotas. The effect of these proposals is in line with interstate practice, and would enable the board to pursue vigorous and imaginative policies which it has developed for the marketing of eggs.

In addition to the main amendments necessary for this proposal, the Bill effects several consequential changes to the principal Act, and removes or modifies provisions of the Act which have become wholly or partially obsolete.

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 4 of the principal Act which defines certain expressions used therein. The amendment removes the definition of "first licensing season", which is no longer needed, and substitutes for the existing definition of "hen quota" a new definition of that term which is more simple and more appropriate in view of the central amendments proposed in this Bill. The definition of "licensing season" is also recast to fit the new scheme and the definition of "the appointed day", which related to the first licensing season and which is, therefore, unnecessary at the present time, is removed. This clause also deletes subsection (5) of section 4 which also related to the first licensing season, and substitutes a new subsection (5) which comprises the central provision of these amendments. The proposed subsection (5) empowers the Minister to fix any period as a licensing season by notice published in the *Gazette*, and to vary or revoke any such notice.

Clause 4 amends section 15 of the principal Act which is concerned with the issuing of seasonal licences to poultry farmers. The amendment substitutes reference to "the prescribed fee" in relation to licences for the existing reference to "the prescribed annual fee . . ." and inserts a new subsection (1a) which, in effect, will enable the board to issue licences for two or more seasons in a year, while only requiring applications and fees on one occasion during that year. Clause 5 effects a minor consequential amendment to section 17 of the principal Act.

Clause 6 repeals section 23 of the principal Act which deals with the calculation of hen quotas, and substitutes a new and less complex provision which is now appropriate in view of the removal of reference to the first licensing season from the principal Act. The new section provides that unless it is varied, the hen quota for a poultry farmer in any licensing season shall be the same as for the last preceding season. Clause 7 provides for a corresponding modification of section 24 of the principal Act which is concerned with the variation of hen quotas for poultry farmers. Clause 8 amends section 42 of the principal Act which is concerned with the Licensing Committee's annual report. The amendment ensures that only one report will be required each year, notwithstanding that there may now be more than one licensing season in that period.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

PRESIDENT'S RULING

Adjourned debate on motion of Hon. C. J. Sumner:

That the ruling of the President be disagreed with.

(Continued from 5 March. Page 1433.)

The PRESIDENT: Before calling on the Hon. Mr. Sumner, I want to make a statement. In making my ruling that the Pitjantjatjara Land Rights Bill be withdrawn, I have been guided by the longstanding practice of this Parliament and the rulings that have been given in the past on similar Bills by Presiding Officers of both Houses. In 1884, Mr. Speaker Ross ruled that the Working Men's Holdings Bill be laid aside as it was a Private Member's Bill, received from the Legislative Council, and dealing with alienation of Crown Lands. In so ruling, Mr. Speaker Ross stated:

> It is contrary to precedent and to constitutional usage. Up to 1874 it had been the regular practice to regard Crown Lands Bills as money Bills, and as such they were presented to the Governor by the Speaker at the bar. Since that date this practice and custom has been allowed to fall into disuse, but such Bills have invariably originated in the House of Assembly . . . It is, therefore, contrary to the uniform practice of this Parliament that a Bill dealing with the alienation of the Crown lands of the province should originate in the Legislative Council; and, so far as my researches extend, the same practice has been strictly adhered to by the Parliaments of New South Wales and Victoria. This Bill, the Working Men's Holdings Bill, should therefore have been introduced in this House, and properly, if at all by the Government.

In 1891, President Ayers stated, concerning the Park Lands Resumption Bill, that if he considered that the Bill dealt with the public estate, he would not hesitate to apply the principle established by the Speaker in 1884. In this instance, the Bill was not considered analogous to the Bill of 1884. It was, however, referred to a Select Committee.

In 1902 President Stirling made a statement concerning a private member's notice of motion for leave to introduce Bills amending Crown Lands Acts, and he upheld the principle that the practice of Parliament is undoubtedly opposed to the introduction of any Crown Land legislation by a private member, and stated that the argument is the stronger when the question of the revenue from Crown lands is involved. Blackmore also states on page 196:

> It has been ruled that a Bill dealing with the Public Estate

must be introduced by the Government.

I now draw honourable members' attention to May 19, edition, page 230, which states:

> The Speaker's rulings, whether given in public or in private constitute precedents by which subsequent Speakers, members, and officers are guided. Such precedents are collected and in course of time may be formulated as principles, or rules of practice. It is largely by this method that the modern practice of the Commons system has been developed.

I fully understand the Hon. Mr. Sumner's action in opposing my ruling, and I might say that, if our roles were reversed, I would probably take the same action. However, I place the matter in the hands of the Council to resolve whether or not my ruling should be upheld.

The Hon. C. J. SUMNER (Leader of the Opposition): The reasons given by you yesterday, Mr. President, in your ruling that the Pitjantjatjara Land Rights Bill should be laid aside are simple. You stated that the Bill deals with the public estate and seeks to alienate Crown Lands. You say it is contrary to the practice of Parliament that the Bill should proceed in this Council, as a Bill of this kind should not be introduced by a private member.

The essence of your ruling is that a Bill dealing with Crown Lands should not be introduced by a private member. I submit to the Council that your ruling is wrong and that the Council should exercise its prerogative to overrule that ruling. The ruling results from an inadequate consideration of past practice and, in particular, fails to take account of the law on money Bills in the South Australian Constitution Act which was changed in 1913. While from the statement that you have provided to the Council this afternoon it could be said that there is some superficial support for the ruling in the handbooks prepared for the use of the House of Assembly and the Legislative Council by a former Clerk of the Parliament, Mr. E. G. Blackmore, in 1889, the ruling and those statements take no account of developments in the law since the amendment to the Constitution Act.

As I said, in particular, the ruling takes no account of the amendments to the South Australian Constitution in 1913. Although there was a second edition of Blackmore in 1915, that edition makes no reference to the 1913 changes to the South Australian Constitution Act to which I have just referred. Therefore, I believe that undue reliance on Blackmore in this instance leads to a mistaken view of the procedure that should be followed.

To arrive at a correct conclusion, it is important to return to the original rulings made by the Presiding Officers; first, in the House of Assembly, the one that you, Mr. President, have referred to—the ruling of Speaker Ross—and the other two rulings in this Chamber at a later time. Before considering those rulings it is important for the Council to look at what Blackmore said. Blackmore was a former Clerk of Parliaments who prepared initially in 1889 a handbook for the use of members of both Houses on the practice and procedure to be followed, and produced a second edition in 1915. That handbook has no authority, as such. It has authority only in so far as it reports the decisions and rulings of a President or Speaker. Those rulings, as you have correctly stated, Mr. President, do form a body of precedent, custom and usage that the Chamber can follow.

The authority of any statement in Blackmore is nothing more than his view of what the custom and precendent was at that stage, and is not really much more than a collection of the rulings that had been made at that time when the handbook was prepared in 1889. What did Blackmore say? It is clear that your ruling, Mr. President, has been based on the statement by Blackmore in the handbook prepared for use by Council members in 1889 and in the second edition published in 1915. At page 196 of the 1915 edition it states:

> It has been ruled that a Bill dealing with the public estate must be introduced by the Government.

It then refers to the minutes of proceeding of the Legislative Council in 1891 and 1902, two rulings to which you have referred in your statement to the Council today, Mr. President. It is important for the Council to look behind that statement and to return to the original ruling because, without consideration of the original ruling, the Council cannot assess the validity of the proposition as stated by Blackmore. In the second edition of the House of Assembly handbook, Blackmore had this to say:

> And again, in 1884, the Working Men's Holdings Bill was laid aside, on the question for second reading, as a Bill dealing with the public estate, seeking to alienate Crown Lands, and as such should have originated in the House of Assembly and by the Government, not by a private member.

That was apropos the statement:

> Should any such Bill appear to be one which ought to have originated in the House, the House will not entertain it.

That statement is contained in the House of Assembly handbook and refers to Bills that ought to originate in the House of Assembly, but in fact originated in the Legislative Council, and therefore they were not entertained. I have referred to two statements that Blackmore prepared in his handbook in 1889. Mr. President, all of the rulings that you have referred to that were made by Presiding Officers of both Houses of Parliament have their genesis in the ruling of Speaker Ross in the House of Assembly in 1884, and you have quoted part of that ruling. It is important that we look more closely at that original ruling because, as I have said, everything else flows from it:

> Up to 1874 it had been the regular practice to regard Crown Lands Bills as money Bills, and as such they were presented to the Governor by the Speaker at the Bar. Since that date this practice and custom has been allowed to fall into disuse, but such Bills have previously originated in the House of Assembly.
>
> The one exception—the Leases Validating Act of 1876—is not an exception in principle, as it did not institute legislation, but was simply for the purpose of removing doubts as to the legality of certain leases. It is, therefore, contrary to the uniform practice of this Parliament that a Bill dealing with the alienation of the Crown lands of the province should originate in the Legislative Council and, so far as my researches extend, the same practice has been strictly adhered to by the Parliaments of New South Wales and Victoria.
>
> This Bill, the Working Men's Holdings Bill, should therefore have been introduced in this House and properly, if at all, by the Government.

Because that Bill was initiated in the Legislative Council, Speaker Ross held that the Bill should be laid aside. The Working Men's Holdings Bill relates to blocks of Crown land, which are referred to as the public estate by the Speaker, and those two terms are interchanged during the debate on that Bill. The ruling by the Speaker on that Bill also stated:

> The object of the measure is to enable blocks of the Crown lands, i.e., the Public Estate, to be surveyed and occupied, and cultivated by working men for a period of three years under licence, with building and residence conditions. Satisfactory fulfilment of the latter entitles the holder to a 21-years' lease of the land, with right during the currency of the term to purchase the land in fee simple.

That was more or less the full ruling in so far as it relates to

today's decision. The important thing I want to emphasise in that ruling is the statement, "Up to 1874 it had been the regular practice to regard Crown Lands Bills as money Bills."

I now turn to the ruling made in 1891 in the Legislative Council by President Ayers, to which ruling you have also referred, Mr. President. I do not wish to refer to that ruling again in any great detail, except to say that that ruling was clearly based upon a decision taken by Speaker Ross in his ruling of 1884. The minutes of proceedings of the Legislative Council on 7 October 1891, when this ruling was made, show that the ruling was in reply to a question. That ruling and question are as follows:

> The Hon. Mr. Baker, pursuant to notice, asked the President whether or not the Park Lands Resumption Bill is in order, and will call his attention to the ruling of the Speaker of the House of Assembly in 1884 on the Working Men's Holdings Bill?
>
> The President replied—I have carefully examined the Park Lands Resumption Bill, and the ruling of the Speaker to which my attention is called. If I considered this Bill dealt with the Public Estate I should not hesitate to apply the principle established by the Speaker and endorsed by the House of Assembly.

That is the principle established by Speaker Ross in 1884 in relation to the Working Men's Holdings Bill. The ruling of President Ayers in this Council is clearly based on the original proposition put forward by Speaker Ross in the House of Assembly.

The final ruling that I wish to refer to was in this Council by President Stirling on 6 August 1902. Mr. President, you have also referred to this ruling. In part, that ruling was as follows:

> I find that the practice of Parliament is undoubtedly opposed to the introduction of any Crown land legislation by a private member, and the argument is the stronger when the question of the revenue from Crown lands is involved.

The ruling continues:

> I am fortified in the view I have taken by the ruling given by Sir Henry Ayers, on 7 October 1891, when he was President of the Legislative Council.

President Stirling then went on to quote the 1891 ruling that I have just referred to. I believe that they are the three rulings that are relevant to this matter. It is clear that the latter two rulings of Sir Henry Ayers and Sir J. L. Stirling were clearly based on the original ruling made by Speaker Ross in 1884. For the purpose of my submission, the important thing is that all three rulings were made before 1913.

I have not been able to find any rulings on this subject since that year. I believe that 1913 is a critical year in relation to this argument because it was then that the South Australian Constitution Act was amended. Until 1913 the South Australian Constitution said little about money Bills, although section 40 of the original Constitution of 1857 was framed in the same terms as section 59 of the present Constitution which reads:

> 59. It shall not be lawful for either House of the Parliament to pass any vote, resolution, or Bill for the appropriation of any part of the Revenue, or of any tax, rate, duty, or impost, for any purpose which has not been first recommended by the Governor to the House of Assembly during the session in which such vote, resolution, or Bill is passed.

When the rulings to which I have referred were made, that section was the only section that provided any guidance on the question of what was a money Bill, or what practice should be followed in Parliament with respect to money Bills.

I submit it was in that context that those rules were made. Further, in 1913 there was a very significant amendment to the Constitution Act, in the sense that it dealt with the procedures and practices that should be followed by the Houses of Parliament in relation to money Bills. Not only did it detail the procedures that should be followed but it went so far as to define a money Bill or a money clause. These provisions are now contained in sections 60 to 64 of the present Constitution Act and are all contained under the heading "Money Bills". Section 60 (4) contains this definition of a money Bill:

> "money Bill" means a Bill for appropriating revenue or other public money, or for dealing with taxation, or for raising or guaranteeing any loan, or for providing for the repayment of any loan:

The definition of a money clause is as follows:

> "money clause" means a clause of a Bill, which clause appropriates revenue or other public money, or deals with taxation, or provides for raising or guaranteeing any loan or for the repayment of any loan:

In other words, the definition of a money clause is substantially the same as that of a money Bill, except that one case deals with a whole Bill and the other with a clause in a Bill of a more general nature. It is important to note that sections 60 to 64 are all contained in the one Part of the Constitution Act and all under the heading "Money Bills". It is also important to note that section 61 provides:

> A money Bill or a money clause shall originate only in the House of Assembly.

That is clearly the practice by which we now abide in this Parliament, as we are compelled to do by the Constitution Act. However, when referring to a money Bill, we look at the definition and see that it does not refer to Crown lands or to the public estate. The important point is that this definition of a money Bill or a money clause does not contain any reference to Bills dealing with Crown lands being money Bills, yet the whole basis of the three rulings on this issue that derive from the statement by Speaker Ross in the House of Assembly in 1884 is that Bills dealing with Crown lands were regarded then as money Bills.

Now we have a specific definition in the Constitution Act that states explicitly that money Bills refer to certain things but do not refer to Bills dealing with Crown lands. Our Constitution Act overrules the practice, procedure or Standing Orders of the Parliament. That is clear. A law passed by both Houses and assented to by the Governor has dominance over any custom, procedure or Standing Order. That the Constitution Act defines money Bills and excludes reference to Crown land follows, I believe, the maxim of interpretation *expressio unius est exclusio alterius*. That is, the Legislature has expressly defined money Bills and said that certain things are to be treated as such. Therefore, by implication, those things not mentioned are excluded; that is, Bills dealing with Crown lands.

Further, in sections 61 to 64 of the Constitution Act, Parliament has created a code in relation to money Bills. I believe that those sections purport to lay down everything that should govern the procedure in the Parliament generally in relation to money Bills. In creating this procedure, Parliament has excluded rules of convention and custom and the sorts of rulings to which you have referred, Mr. President, and which applied before the enactment of this code in 1913. There has been no ruling on this point relative to Crown lands since 1902.

I believe that the Act of 1913 altered the previous practice and usage in a way that seriously affected the validity of the previous rulings, and, in particular, it is quite clear that the original ruling by Speaker Ross in 1884 had as its basis the fact that Crown lands Bills were generally regarded as money Bills. We now have a specific

provision in our Constitution Act that means that money Bills do not include Crown lands Bills within the definition. I believe that that considerably alters the practice that obtained before the introduction of the section in our Constitution relating to money Bills. In further support of my argument, I say that we should look at Standing Orders. I believe that nothing in our Standing Orders supports the ruling or prohibits the introduction of this Bill and our proceeding with it. The only one that could conceivably have some effect is Standing Order 1, of which most members will be aware and which provides:

> In all cases not provided for hereinafter or by sessional or other orders, the President shall decide, taking as his guide the rules, forms and usages of the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland in force from time to time so far as the same can be applied to the proceedings of the Council or any Committee thereof.

Where Standing Orders do not explicitly cover a situation, we have recourse to the practice of the United Kingdom Parliament. Everyone in this Council resorts in such situations as this to May's *Parliamentary Practice*. That is usually cited in these cases as being the bible, if you like, of Parliamentary practice in the Westminster system, as it is a book that has been in publication for a number of years and contains what is often considered to be an authoritative statement on the rules that relate to Parliamentary practice. However, in this case, on perusing May, looking at the United Kingdom precedents to help us out, we do not find any assistance. The fact that there is no discussion of this issue lends support to the argument that the rulings are of dubious validity.

A further argument is based on the manner in which this Council deals with Bills containing money clauses. It is possible to introduce in the Council a Bill that contains a money clause, but the clause is printed in erased type. It does not form part of the Bill officially but, when the House of Assembly gets the Bill, that place is aware of the overall context of it. We have in Standing Order 278 a practice by which to deal with money clauses if they are contained in a Bill introduced in this Council. If this Pitjantjatjara Land Rights Bill is laid aside, a Bill dealing in part with Crown lands, which is what this Bill does, would be in a more disadvantageous position than a Bill dealing in part with revenue matters and containing money clauses.

It is possible for a Bill containing money clauses to be introduced in this Council, provided that they are in erased type. If this ruling is correct, it would be difficult to introduce a Bill dealing with Crown land matters.

The Hon. L. H. Davis: By members of the Opposition?

The Hon. C. J. SUMNER: Yes. We have not had any adverse ruling on that. Certainly, there is the practice that Bills can be introduced in this Council containing clauses in erased type. Such clauses do not form part of the Bill. The rationale for the ruling is that Crown lands Bills are like money Bills. It would be illogical for Bills with Crown land clauses to have more restrictions on them than Bills with money clauses. The ruling that has been made in this case does that. One of the rulings referred to the situation in the States of Victoria and New South Wales. I have attempted to ascertain the position in those States. In Western Australia, a Standing Order specifically deals with the position and states that no Bill which affects Crown lands shall be considered without a Governor's message. The position in Western Australia is therefore quite clear. A Standing Order covers the situation and a Governor's message to the House is necessary. In this case no Standing Order covers the position. In New South Wales, the Clerk advised me that there was no Standing Order governing the position. However, he was of the opinion that a public Bill introduced by a private member in the Upper House was in order unless it involved an appropriation of money.

In Victoria, in the House of Assembly, such Bills require a Governor's message. In Victoria the Constitution Act does not contain the same kind of code and definition of money Bills as our Act contains. Finally, if there is some concern that the Government has no say in this matter over the Crown lands for which it has responsibility, we can refer to clauses 12 and 13(6), which require a proclamation by the Governor, obviously acting on the advice of the Government of the day, to actually vest the lands in the Pitjantjatjara people—in the case of clause 12 (the nucleus land) and clause 13(6) (the non-nucleus land)—if the procedure relating to the tribunal has been gone through. The Bill itself does not divest the Government of Crown lands; it merely provides the procedure whereby the Government, by proclamation, can divest itself of the Crown lands and give them in fee simple to the Pitjantjatjara.

The Hon. R. C. DeGaris: You are divesting from one group to another.

The Hon. C. J. SUMNER: It transfers land by proclamation. According to clause 12, those Crown lands held by the Government can be transferred to the Pitjantjatjara. The Bill itself technically does not actually carry out the transfer of Crown lands. The Government must still act on clauses 12 and 13(6). An opportunity still exists for the Government to be involved in the divestment of the Crown lands for which it has responsibility. The consideration of the Bill in this Council does not take away the Government's rights in the matter. My latter arguments are all of a supporting nature.

I now come back to the principal argument, which relates to the effect of the South Australian Constitution Act amendments made in 1913. I emphasise that they are amendments made after the rulings of 1894, 1891 and 1902. Those amendments undermine the basis of the rulings, because they specifically define money Bills and do not refer to Bills affecting Crown lands. A code has now been established relating to money Bills. It is competent to introduce a Bill in this Council containing money clauses in erased type under our Standing Orders. It would be odd if a Bill affecting Crown lands could not be introduced. No Standing Order prohibits this Bill's proceeding. The previous rulings, because of these amendments to the Constitution Act and the creation of this code in the sections dealing with money Bills (sections 60 to 64) are of dubious validity. For that reason primarily, and with the other reasons as a minor back-up to the principal argument, I ask the Council to disagree with the President's ruling and thereby allow this Bill to proceed.

It is a very important Bill and is significant to the people of South Australia and the Aboriginal people of the State, particularly those who live in the north-west area of the State. It would be a great pity if this Bill were to be thrown out at this stage, particularly when one considers that the Bill was introduced into the House of Assembly late in 1978. A Select Committee of the Lower House looked at the Bill, and meetings were held over some four months. The Hon. Mr. Allison and Mr. Gunn were members of that committee.

The PRESIDENT: Order! We will not enter into the merits of the Bill. The honourable member is debating my ruling.

The Hon. C. J. SUMNER: I completely agree with you, Mr. President. I do not believe that I was infringing, as I am not debating the merits of the Bill. I am stating that it is a significant Bill which has been before this Parliament for

some time.

The Hon. J. C. Burdett: Not before this Parliament.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett is becoming very pedantic in his Ministerial old age. The Bill has been before the Parliament—

The Hon. M. B. CAMERON: I rise on a point of order. I believe that any reference to the Bill to which this ruling refers is quite out of order. If the debate is going to be opened up to that extent, we will seek the same indulgence. I do not believe that the honourable member has leave to discuss the Bill.

The PRESIDENT: I uphold the point of order.

The Hon. C. J. SUMNER: I expected you, Mr. President, to uphold the point of order. I was not referring to the Bill as such; I was referring to its passage in this Parliament. It would be a pity if this Bill were to be thrown out unceremoniously from this Council, given its past history, given the Parliamentary consideration of it, and given that Liberal members of the Lower House Select Committee supported the Bill in its totality. It would be a pity if the Bill was thrown out of this Parliament on the basis of two rulings made last century and one in 1902.

The Hon. M. B. Cameron: Does that make it wrong?

The Hon. C. J. SUMNER: Not necessarily.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: It would be a pity if the Bill were to be thrown out of this Council on the basis of those rulings made all that time ago, the most recent of which was in 1902, and which I believe now are of doubtful validity. I ask the Council to support the motion which, if carried, would enable the Bill to be reinstated on the Notice Paper and to proceed in the normal way.

The Hon. K. T. GRIFFIN (Attorney-General): There is no argument but that the principle which the Bill of the Leader of the Opposition is seeking to establish is an important one. There is no doubt that the procedural matter before us at the moment does not in any way prejudge the substance of that Bill. I think that must be made quite clear. The substance of that Bill is not in debate at the moment, it is not in question, and it does not pre-empt the honourable member's opportunity to debate the substance of land rights for the Pitjantjatjara people when the Government introduces its own Bill, most probably in the next session, after consultation with the Aboriginal people.

There is no reflection on you, Mr. President, or the Clerks that there is presently difficulty with a Bill which the Leader of the Opposition has introduced. It is unfortunate, but understandable, that the defect in the Bill was not detected earlier, but it is not a criticism either of you or of the Clerks. We do not often find an Opposition seeking to pre-empt a Government on a matter of significant policy that involves, in this case, authorising the vesting of a substantial parcel of Crown land in a corporation to be established by the Bill. We do not often find a private Bill coming before the Council. It is not uncommon to have a private member's Bill before the Council, but on many occasions those Bills are properly categorised as public Bills. I shall deal more with the distinction between those sorts of Bill later.

When the Leader gave notice of his intention to introduce the Bill, took it through its first reading, and gave his second reading explanation, it seemed rather strange that a private member, whether on the Government side, the Opposition side, or the cross benches, could introduce a Bill which sought to alienate Crown land. I remember that, about 10 years ago, I had difficulty of a similar sort with a private Bill. I acted for the Presbyterian Church, which was seeking to have enacted by Parliament a trusts Bill which dealt with the private rights of both members of the church and congregation and other bodies within the church.

Under the Joint Standing Orders of the Houses of Parliament relating to private Bills, there was no doubt, either in my mind or in the minds of members of Parliament at the time, of the Government of the day, or of the officers of this House that, because the Bill dealt with private rights, it was a private Bill which would have to be introduced, unless the Government adopted it, under the Joint Standing Orders of the Houses of Parliament relating to private Bills. Finally, the Government did adopt the Bill, but that did not change the nature of it from a private Bill to a public Bill. In fact, it then came within our Standing Order 267. It was a hybrid Bill, and went to a Select Committee of this Council. Although the Government adopted it, it did not become a public Bill.

It is important to distinguish between a public general Bill, or a public Bill, public Bills of restricted application, and private Bills, and it is important not to confuse a private Bill with a private member's Bill. If anyone has taken the time to look at the indices at the back of the annual volumes of State Statutes, one would see indices which cover a table of public general Acts, a table of private Acts, and a table of public Acts of restricted application. In the index of private Acts, there are a number which have been enacted from the mid nineteenth century until about 1967 or 1968. After that time, the Government adopted the practice that, where there was a useful purpose to be served by supporting a Bill, as it has done in the Bill which came to this Chamber today in relation to the Church of England, it would support the Bill and ensure the conduct of its passage through both Houses.

That has not changed the nature of those Bills. In fact, the Government adopted the Presbyterian Trusts Act in 1971. It adopted, for example, a private Bill to deal with the Parkin Mission in 1968, and all of them, although they were supported by the Government, were in fact private Bills and appear so in the schedule attached at the back of each annual volume of the State Statutes. The Joint Standing Orders of the Houses of Parliament relating to private Bills deal quite specifically—

The Hon. C. J. SUMNER: On a point of order, Mr. President, I have listened with great interest to what the Attorney has to say, but am at a loss to see what it has to do with the ruling, which is on the basis that this was a Bill which dealt with the public estate, seeking to alienate Crown Land as such, and should not be introduced by a private member. That was the basis of the ruling—not that it was a private Bill and should have been introduced in some other manner into this Council, but that it was, as you said in your ruling, Sir, a Bill dealing with the public estate and for that reason it should not be introduced by a private member. I do not believe that the remarks of the Attorney, interesting though they may be, are pertinent to the actual ruling.

The PRESIDENT: I wonder whether the Hon. Mr. Sumner would have liked me to expand on my ruling. I think I could have covered a wider area had I sought to do so. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: The Joint Standing Orders of the Houses of Parliament relating to private Bills clearly identify what may be private Bills. For the benefit of those who might not have looked at them, Joint Standing Order 1 states:

1. The following shall be Private Bills:

A. Bills, not introduced by the Government, whose

primary and chief object is to promote the interests of an individual person, a company, a corporation, or a local body, and not those of the community at large.

B. Bills authorising individuals or a company to compulsorily take or prejudicially affect lands not being Crown or waste lands.

C. Bills, not introduced by the Government, authorising the granting to an individual person, a company, a corporation, or a local body, of any particular specified Crown or waste lands, whether such person, company, corporation, or local body shall or shall not be named in the Bill.

The Leader of the Opposition has suggested that there is a distinction associated with authorising this Government to vest lands in the corporate body which is established by the Bill; it does not actually vest those lands but relies upon the proclamation of the Governor.

I suggest that that is a specious argument, because Standing Orders clearly refer to "Bills not introduced by the Government, authorising the granting to an individual person . . . any particular specified Crown or waste lands".

The emphasis in the Joint Standing Order is on the authorisation: it is not the acquisition but the authorisation for it. I submit to the Council that the Bill that has been the subject of the ruling clearly provides authority for the Government to vest land in a body corporate to be established by the Bill. Clearly, the Bill is a private Bill. There is provision in Standing Order 2 to change the status of those Bills if they are introduced by the Government. Joint Standing Order 2 provides:

The following shall not be Private Bills, but every such Bill shall be referred, after the second reading, to a Select Committee of the House in which it originates:

A. Bills introduced by the Government whose primary and chief object is to promote the interests of one or more municipal corporations or local bodies, and not those of municipal corporations or local bodies generally.

B. Bills introduced by the Government authorising the granting of Crown or waste lands to an individual person, a company, a corporation, or a local body.

In the Joint Standing Order there is a clear distinction between a private Bill, which is not introduced by the Government, and material dealt with in a Bill introduced by a private member and not by the Government.

The provision in the Standing Order is clear. If this Bill or something similar to it gave the authority for the vesting of lands in a body corporate established by the Bill, it would be a Government Bill. It would not be a private Bill, although it would be required to go to a Select Committee of this Council as a hybrid Bill. That is taken up by our own Standing Order 268.

If the present Bill is introduced otherwise than by the Government it must go through a complex procedure designed to ensure that not only the Government but also members of the community at large and those whose lands may be affected by the Bill have an opportunity to know that the Bill is before the Council and that it is going before a Select Committee.

We must not take it one step further than that because, once it is established that the Bill is a vital Bill, the matter upon which you have ruled, Mr. President, then becomes relevant.

It is a question then whether a private member is competent to introduce a private Bill dealing with the public estate, and the authorities that you have indicated in your explanation, Mr. President—

The Hon. C. J. Sumner: It is specifically provided for in the Standing Order you have just read out.

The Hon. K. T. GRIFFIN: It is not. If the Leader were listening he would understand.

The Hon. C. J. Sumner: Standing Order 1c specifically provides for that.

The Hon. K. T. GRIFFIN: Standing Order 1c provides:

Bills, not introduced by the Government, authorising the granting to an individual person, a company, a corporation, or a local body, of any particular specified Crown or waste lands, whether such person, company, corporation, or local body shall or shall not be named in the Bill.

The Hon. C. J. Sumner: That means a private member can do it.

The Hon. K. T. GRIFFIN: The Leader can read *Hansard* if he cannot follow the point that I am making. My point is this: we rely upon the Joint Standing Order relating to private Bills to establish the nature of the Bill that is before us. I submit that we have established that it is a private Bill. If it is a private Bill, regardless of the next point to which I am referring, it has to follow the procedure laid down in the Joint Standing Orders of both Houses of this Parliament relating to private Bills. That procedure has not been followed.

Regardless of that, having established that it is a private Bill, we then move to the next point upon which you have made your ruling, Mr. President, and that is whether a private Bill may be introduced by a private member affecting the public estate. That is taking it one step further from that to which the honourable member was addressing his mind earlier.

The evidence is clear in the authorities that you have stated, Mr. President, both President Ayers' ruling in 1881 and President Stirling's ruling in 1902, that a private member may not introduce a private Bill affecting the public estate. The public estate in that context was the alienation of Crown lands. The question of whether or not this comes within the description of a money Bill is irrelevant, because the 1913 amendments to the State Constitution Act did not affect the description of a money Bill in the 1856 Act so as to change the nature of the ruling of Speaker Ross in 1884. The provisions in the Constitution Act in 1855 and 1913 are similar in context.

The question of a money Bill is, in my submission, a red herring and it ought not influence the Council in making its decision on this matter. The question is whether a private Bill, which has been categorised as such under the Joint Standing Orders, may be introduced by a private member where it affects the public estate. The evidence is clear and the precedent is clear that that may not be done.

I want to repeat what I stated earlier, that the substance of the Bill on which your ruling has been made, Mr. President, is not in issue at present. That is irrelevant to the matter now under debate. Honourable members will have an opportunity to debate the concept of that Bill, whether it be in the form of a Bill which the Leader of the Opposition has introduced or in the form of a Bill that the Government will introduce in another place after consultation with the Pitjantjatjara people, and there will be every opportunity for members, both in another place and in this Council, to express their views on the arrangement which is reached with those people and to amend the Bill if they do not believe that the Bill adequately reflects the agreement that has been made with the Pitjantjatjara people.

I state categorically that, whatever happens to this Bill if your ruling is upheld, Mr. President, as I believe it should be, there will be every opportunity for honourable members to have their say on the question of the Pitjantjatjara land rights or any other form of land rights for Aboriginal people.

As I said at the beginning of my remarks, when the Leader sought to introduce this Bill he was in fact pre-empting a public commitment by the Government to consult with the Pitjantjatjara people. The Hon. Mr. Sumner has sought to introduce a Bill which, he will see at the appropriate time, does not adequately reflect all of the requirements and questions in relation to the Pitjantjatjara people, nor does it deal with their rights. I believe that there is adequate and ample precedent why your ruling should be upheld, Mr. President, although it dates back to the early 1900's.

I believe it would be a dangerous precedent for the Council to vote against your ruling, because that would allow the introduction of a practice that is quite contrary to all of the long-established practices of this Council. Further, it would open up a prospect for both this Council and the House of Assembly to consider matters that should not properly come before Parliament as private members' Bills in the nature of private Bills. For those reasons, I urge members of the Council to support your ruling, Mr. President.

The Hon. R. C. DeGARIS: I rise to add my views to this interesting proposition. The Leader, the Hon. Chris Sumner, has moved disagreement with your ruling, Mr. President, which says that it is not competent for the Hon. Mr. Sumner to introduce the Pitjantjatjara Land Rights Bill, 1980, into this Council. In general, I support the view that this Council should have the right to introduce Bills of this nature without constitutional restriction. I also make it clear that, as far as the Pitjantjatjara Land Rights Bill is concerned, its proposals have absolutely nothing to do with the decision we must make on your ruling, Mr. President.

In the modern political scene this Council is elected on full adult franchise. When the voting system is changed, as has been promised by the Government, this Council will be the most democratically elected Chamber in Australia. Many of the restrictions imposed in Parliament should be reassessed, because it is difficult to justify the placing of any undue restrictions upon the rights of this Council to act as it sees fit in the public interest in this modern day.

The facts in relation to this matter have been stated clearly, reasonably and concisely. The Hon. Mr. Sumner said that you have ruled, Mr. President, that a Bill dealing with the public estate or Crown lands must be dealt with in the same way as a money Bill. The Attorney-General has looked at the very complex question relating to the rights of individual members in relation to private or hybrid Bills. This Council must also consider the matter in this context, because it is a private or hybrid Bill. I do not believe that honourable members are confused about that point following the Attorney-General's remarks on that issue.

It is quite easy for the public to confuse a private Bill with a private member's Bill (a private member's Bill is a public Bill introduced by a member who is not a Minister). The Attorney-General has quoted the definition of a private or hybrid Bill from Standing Orders. Honourable members need only to refer to their Standing Orders to see what that term means.

When this Bill was before the House of Assembly last year it declared that the Bill was a hybrid Bill, so there is no need to go any further on that point. Mr. President, I have no doubt that you would declare that this is a hybrid Bill. A private member has ways and means open to him to introduce a private Bill. However, that process, as outlined by the Attorney-General, is long and difficult, and it is usual procedure for the Government to introduce such Bills.

The Hon. C. J. Sumner: Why don't we suspend Standing Orders?

The Hon. R. C. DeGARIS: It is possible to suspend Standing Orders in that regard.

The Hon. K. T. Griffin: Not the Joint Standing Orders, though.

The Hon. R. C. DeGARIS: I am just coming to that point. There are certain Standing Orders that cannot be put aside. I believe that a great deal of caution should be used in suspending Joint Standing Orders in relation to private Bills. I believe that, unless a Bill runs the gauntlet of the involved procedures laid down for a private Bill introduced by a private member, it should not be introduced. That point should be borne in mind, and although it has already been dealt with by the Attorney-General, it was not touched on by the Hon. Mr. Sumner. Perhaps the Hon. Mr. Sumner has a reason for that. The procedures necessary to introduce a hybrid or private Bill by a private member are laid down for all members to see.

The Hon. C. J. Sumner: If that is worrying you, why don't you move for the suspension of Standing Orders?

The Hon. R. C. DeGARIS: It is quite ridiculous to suggest that I should suspend Standing Orders in that regard. My second point is that, following the granting of responsible Government in 1856, an arrangement took place between the two Houses as to the relative responsibilities of each House in relation to financial matters. At that stage no constitutional provisions covered this matter and to all intents and purposes each House had equal powers on all matters upon the granting of responsible government. However, it was quickly seen that such a proposition would lead to constant financial frustration. Therefore, in 1857 an agreement was reached known as the compact of that year in which rules were agreed between the two Houses for money clauses and what they meant; on the question of taxation, duties and imposts; and powers that would be exercised by each House. This compact worked extremely well and was largely drawn from the views of the English Parliament. To a greater or lesser degree, that compact is followed in all Australian Parliaments.

Because of the success of that particular compact or agreement, in 1913 it was incorporated in our Constitution as a constitutional amendment, so what we are dealing with in the Constitution is exactly the same as the rulings given in 1884, and the position is not as the Hon. Mr. Sumner has said regarding the constitutional amendment in 1913. The rulings given in 1884 were on exactly the same agreement as the amendment in the Constitution in 1913. One can read that in any constitutional authority, including Blackmore, and I think it is also in Gordon Combe's book *Responsible Government in South Australia*. The position is quite clear.

The Hon. C. J. Sumner: Why didn't they put in the bit about Crown lands?

The Hon. R. C. DeGARIS: It does not matter whether there is anything in the Constitution about Crown lands. The point is that the compact was an agreement reached that solved the problem of arguments between the Houses. If the President's ruling is disagreed to, you will find things happening that you do not understand at this stage. I can imagine what the result would be if the Australian Labor Party was in Government in the House of Assembly and this motion was moved by a Liberal member.

I refer again to the compact of 1857 and emphasise that it was written into the Constitution Act. As far as the question of Crown lands was concerned, the ruling of 1884 was based on exactly the same question as the amendment to the Constitution Act in 1913. In this case, the

precedents adopted by previous Presidents and Speakers should be followed and the only reason for changing those precedents is that the rules are changed by a Constitution Act amendment, not by disagreement to the President's ruling.

The Hon. N. K. Foster: That can be used as a vehicle towards it.

The Hon. R. C. DeGARIS: I know that and I will come to that matter. If there is a disagreement to the President's ruling, all the precedents and rulings of previous Presidents and Speakers in this Parliament will be suddenly thrown aside, without there being anything to replace them. Recently, we had before us a Bill to amend the Wrongs Act. A ruling was given by the High Court on a certain issue and, to change the position, we decided to do it by Statute.

If there is to be any change in the long list of rulings given from 1856 until the present time, the only satisfactory way to make it is by alteration of the Constitution, not by disagreement to the President's ruling. Disagreement to the President's ruling would create a position that would be almost disastrous. There is a number of precedents and rulings, some of which you have quoted, Mr. President, and I will list them in *Hansard* so that people can look at them. They are as follows:

1884, Votes and Proceedings, page 256;
1891, *Hansard*, page 1429;
1891, Votes and Proceedings, page 163;
1902, Votes and Proceedings, page 39;
1917, *Hansard*, page 761.

I refer members to those rulings and decisions on the point that we are discussing now. One recent case that I would like to quote occurred in 1952. It concerned the Port Augusta Sub-branch R.S.S. & A.I.L.A. (Purchase of Land) Bill, which dealt with the alienation of Crown land. A mistake was made, as Parliament is likely to make mistakes, and a Bill introduced by the Government went through this Council. It was not in the same category as this Bill, which is a private Bill introduced by a private member, and that raises another point with which the Attorney-General has dealt. In the case of the other Bill, the Liberal Government introduced it, through a Minister, and, when it got to the House of Assembly, it was realised that an error had been made. A Minister had introduced a Bill in this Council relating to Crown land. Speaking in the House of Assembly, Mr. O'Halloran, then Leader of the Labor Party, said:

> I do not object to the new clause, but its introduction shows a most slip-shod method of handling Government business in this Parliament. The Bill was introduced in another place and obviously it had to contain financial provisions. Then it was discovered that, because of the Constitution, the financial provisions could not be inserted there, so we get this request to pass a new clause, inserted in erased type. In future House of Assembly Ministers should have more regard to the constitutional rights of this Chamber. Unfortunately, we have not as many as we should have, but they should have some regard to the few rights we possess and not allow a Bill with financial implications to be introduced in another place. I realise that the local branch of the R.S.L. desire the Bill to pass and I will not object to the new clause being inserted, but I issue this warning on behalf of the Opposition that this kind of procedure will not be tolerated in the future.

Here we have the Leader of the Labor Party, a private member, introducing a private member's Bill which must go to a Select Committee and which is governed by other Standing Orders that are quite restricted as far as rights are concerned about wanting to disagree to the Speaker's ruling. It has been Parliamentary practice and usage that Bills dealing with the alienation of Crown lands require a Governor's message, and as such cannot be introduced in the Legislative Council. Mr. President, there are two points. The question of a private member introducing a private Bill or a hybrid Bill is one upon which you are forced to rule and, clearly, in my opinion, the Bill has not been correctly presented, and should be laid aside. Secondly, previous precedent, under the compact of 1857 and its interpretation over a period of 120 years, requires that the Bill be laid aside.

Having said that and suggested to the Council that your ruling should be unanimously supported, I return to one of my original statements, namely, that I have a great deal of sympathy for the Hon. Mr. Sumner's motion. In the modern context, many of the restrictions placed upon this Council by history need re-examination. I look forward to working with the Labor Party to ensure, first, that those constitutional restrictions are removed from this Council and, secondly, that restrictions in regard to private members who want to introduce Bills are removed. It is a strange twist of fate that the Labor Party has for years argued for a further erosion of the powers of this Council and a further erosion of the powers of private members, and it now seeks to disagree to a ruling given by the President, who is only upholding the agreed compact of 1857, which the A.L.P. has always argued grants too much power to the Legislative Council.

The Council has only one option: to support the constitutional position both in fact and in usage. I hope the A.L.P. will support any inquiry which I may suggest very shortly into the questions I have raised so that the powers that the Hon. Mr. Sumner is seeking to improve by way of disagreement with the President's ruling may be properly enshrined in the Constitution of this State.

I close on a significant point. Could a backbench member of either Party in the House of Assembly introduce this Bill? The answer is "No", unless Standing Orders in that House were suspended to allow him to do so. If we want to create a tremendous confrontation between the two Houses, which have operated with reasonable harmony for 120 years, the way to do it is to disagree with your ruling, Mr. President, because it will confer, not only on this House but also upon every member, a power that does not exist for members in another place. With a great deal of conviction, I believe that your ruling should be supported. I emphasise that that has nothing to do with the Bill or the contents of the Bill before us in any way whatsoever. I hope that those who wish to disagree with your ruling will work with me or any other member to see whether, under the constitutional position, some of the decisions made in 1857, when the powers of this Council were reduced, can be put back to where they may logically belong in a modern context.

The Hon. N. K. FOSTER: I support the motion. Mr. President, I believe that, had the position been reversed, you would have found yourself in the role that the Hon. Mr. Sumner has played in this Council this afternoon. You are unable, as I see it, to cite an example in the British Parliament that can reinforce your ruling. Quite simply, the reason for that is that we are in a unique position in regard to Crown lands. The British people have not had their land seized and been denied the right to live on that land.

Mr. DeGaris became somewhat emotional in an attempt to give further weight and emphasis to his argument, with which I do not disagree. However, I take him to task on the very grave inability that confronts us in effecting the sort of constitutional change to which he referred. Mr.

DeGaris has spent the last two, three or four years on constitutional committees and conventions. The Constitutional Change Committee in the late 1950's produced an extremely fine document on which neither Party federally has taken advice or acted at the more recent constitutional meetings held in various States. You, Mr. President, have relied on colonial thoughts and on views of the dead, although I realise your position in that regard.

Another matter that has been overlooked is that, whilst almost all of those members who have supported you in this debate have based their argument purely and simply on a private member's Bill being introduced, we should have regard to the large group of disadvantaged people within the State who stand to benefit from that Bill and whose plight has been a subject of Government legislation in the Lower House. It is not a matter that has not been aired—

The PRESIDENT: Order! I do not want the honourable member to touch on the merits of the Bill, about which I myself have certain thoughts. The question before the Chair is my ruling.

The Hon. N. K. FOSTER: I have not dealt with the contents of the Bill, and I hasten to apologise to you, Mr. President, if, in mentioning the Pitjantjatjara people, you take it as debating the Bill. I have not dealt with the clauses of the Bill and do not intend to. Although we have been told that Bills dealing with money matters and Crown lands, etc., can be introduced only by the Government, the unique position that arises here is that the matter involved in this private member's Bill has already been the subject of a debate in the Lower House, within the framework of the Constitution of this State, and a majority voted—

The Hon. K. T. Griffin: It didn't go through.

The Hon. N. K. FOSTER: It got beyond the second reading stage. I ask you, Mr. President, whether that aspect of the private member's Bill was taken into consideration when you made your ruling.

The debate has not been carried on in bitterness towards your ruling, Mr. President. It has been on the basis of Parliamentary procedural argument and submission. It is not the case, as the Hon. Mr. DeGaris implied, that we would be in a grave area of conflict and danger if we did not uphold your ruling, and that we would tear the place asunder. I do not think that that would be the case. I think the Hon. Mr. DeGaris agreed with me, Sir, that your ruling could be a good vehicle towards bringing about some form of constitutional change.

The PRESIDENT: The ruling I gave was gauged by previous precedent. I have no more power than any other member has to alter the Constitution or the Standing Orders. The interpretation I have placed on the Bill and its introduction, and the ruling I gave, were a summary of the instructions or precedents set. To alter that would be a procedure not within my jurisdiction.

The Hon. J. C. BURDETT (Minister of Community Welfare): Throughout the whole of his speech, the Hon. Mr. Foster referred to a private member's Bill. That was not the point taken by the Attorney-General or by the Hon. Mr. DeGaris, who were referring to a private Bill, not to a matter of who introduced it, whether a Minister or a private member, but to the private nature of the Bill, which is quite a different matter.

The Attorney-General correctly pointed out that the index at the back of the Acts sets out public Acts, public and general Acts, public Acts of restricted application, and private Acts. The reference has been to the fact that this is a private Bill intended to produce a private Act. It is not a matter of who has introduced the Bill, which is a different thing. Whether it was introduced by a Minister or a private member is not a matter that the Attorney-General or the Hon. Mr. DeGaris talked about. There is no suggestion of taking away the rights of private members. It is a matter of the nature of the subject matter of the Bill, and the subject matter of this Bill is Crown land. Such a Bill can properly be introduced only by the Government.

The Hon. K. L. MILNE: The Hon. Mr. Foster was talking about colonial thinking and the views of the dead, and so on. He may well be right, but what the Hon. Mr. DeGaris was putting—and I am persuaded by it—is that this is not the way to rectify it. It should be properly considered, not piecemeal, but by a Select Committee or some other inquiry. Like most of us, I am in a dilemma. It seems from the discussions that the Bill should not have been introduced as a private Bill. I think we all have to bear some of the blame. If it ought not to have been brought in here, someone should have picked it up earlier.

Having accepted that, I want to remove the debate and my part in it entirely and absolutely from the contents of the Bill. We have heard learned speeches, and lengthy ones, on the subject of the motion. If we are not careful, with so much verbiage we are likely to forget what we are trying to do, which is to come up with some revolutionary, overdue, humane legislation setting a proud precedent in Australia, and we must not let such a small mistake get in our way.

With that in mind, my decision is much easier. Let us rectify the mistake according to the existing rules, without escalating the whole thing into a major problem and causing more work and worry for everyone, because it need not be a major problem. It is not worth making a tremendous fuss about it.

I stand, in the matter of the Bill, where I stood previously. I want to see a Bill introduced in terms similar to the Bill in question, unless the Pitjantjatjara people tell me that they have changed their mind. I would think that many of us feel the same way. I want the Government to give me an assurance that it will bring in its own Bill, and that I will have the right to try to amend it, without any delaying tactics whatever. I think the Government should assure the public of that, because, outside this House, the reason why the Bill has been rejected will be misunderstood, and no amount of explanation will make it clear. We will all be criticised, and if we can minimise that, in the interests of the people on whose behalf we hope to work, let us do that. If we do not adhere to this precedent, the whole matter will grow out of all proportion; the Bill would be thrown out in another place, and we would be back to square one.

The Hon. R. C. DeGaris: I don't think it would get into the House.

The Hon. K. L. MILNE: There would be another ruling; that would be interesting. The quickest way in which to get the legislation through this Council is to support the ruling of the President. That is the best way to help the people we are trying to help. Let us stop talking about precedents and get on with it.

I now intend to support your ruling, Sir, on the understanding that the Government will bring in its Bill as quickly as possible. I realise, Sir, that the Government is discussing this matter with the Pitjantjatjara people. That is fair enough, but I ask that this should not be made an excuse for delays, in the interests of the Government, the Opposition, and ourselves. I reserve the right to try to amend that Bill, to keep it as close as possible to the Bill

that may be rejected, and to keep the promise that I made to the Pitjantjatjara people.

The PRESIDENT: Order! I do not want to restrict the Hon. Mr. Milne, who is making a very good speech, but I did not give any other honourable member an opportunity to express his point of view on that matter.

The Hon. K. L. MILNE: In that way, I have an opportunity to keep faith with them and with the Australian Democrats, whose policy it is.

The Hon. C. M. HILL (Minister of Local Government): In view of the concern expressed, quite properly, by the Hon. Mr. Milne, I think I should give him the assurance he seeks and confirm what the Attorney-General has said. The Government gives an undertaking to introduce a Bill—

The Hon. N. K. Foster: In its original form?

The Hon. C. M. HILL: Not at all. The Government gives an undertaking to introduce a Bill on the question of land rights for the Pitjantjatjara people. It will be introduced in the next session of Parliament. At present, as honourable members know, consultation is taking place between the Pitjantjatjara people and the Government, and that consultation will be carried on until agreement is reached between those people and the Government. When that Bill is introduced, I give the honourable member a further assurance that he and every other member of this Parliament will have every opportunity to speak to it and debate it.

The Hon. C. J. SUMNER (Leader of the Opposition): First, I should comment on the fact that the Hon. Mr. Milne has sought assurances from the Government that the Pitjantjatjara Land Rights Bill will be introduced in the next session. The Hon. Mr. Hill has given some kind of assurance. The staggering thing about this Bill is that it has been around in this Parliament since October 1978.

The other simple fact is that the Minister of Aboriginal Affairs, the Hon. H. Allison, was a member of the Select Committee in another place that deliberated on this Bill over a long period and agreed with the proposition that the Bill should pass, with some amendments, but substantially in the manner introduced by the former Government when it was introduced in October 1978.

The Hon. J. C. BURDETT: On a point of order, Mr. President. This is not dealing with the matter of your ruling.

The PRESIDENT: I thought that this would stem from the leniency that I extended to the Hon. Mr. Milne. I know that the Hon. Mr. Sumner knows that he should not cover that.

The Hon. C. J. SUMNER: These comments were made by the Hon. Mr. Milne in the course of the debate when he sought an assurance from the Minister. You allowed the Hon. Mr. Hill to give certain assurances, Mr. President. He dealt with the question of when a Bill would be introduced, and it would be grossly unfair of you, Sir, not to allow me to comment on the matters raised. Mr. President, you freely allowed one member in this Council to blatantly transgress against the Standing Orders, although you had warned every other speaker in the debate, including the Hon. Mr. Foster. You yourself, Mr. President, intervened on the Hon. Mr. Foster. Honourable members opposite took a point of order on the Hon. Mr. Foster.

The PRESIDENT: Order! I also intervened during the speech of the Hon. Mr. Milne. I ask that you do not continue a debate on the Pitjantjatjara Land Rights Bill. This afternoon's debate has been conducted in a fairly gentlemanly style in the best Westminster tradition and now the Hon. Mr. Sumner wants to break it down. In his summing up I think he ought to concentrate on my ruling.

The Hon. C. J. SUMNER: I certainly intend to concentrate on your ruling, Mr. President, but I would also like the opportunity of commenting on what the Hon. Mr. Milne said in the debate. As you are perfectly aware, Mr. President, what the Hon. Mr. Milne has said in the debate has now become a subject in the debate and the subject of discussion before the Chair. Not to allow me to comment on it would be a gross exercise in favouritism towards one particular section of this Council. You would not have administered Standing Orders in the manner in which they should be carried out, and I therefore believe I am quite within my rights to comment on the matter that the Hon. Mr. Milne raised in his speech.

The PRESIDENT: We may be of a different opinion and, since I have the upper hand in this situation, I will give the ruling on just how far you will comment on the Hon. Mr. Milne's statement regarding his query. I ask the Hon. Mr. Sumner to refer to the debate as he initiated the matter himself.

The Hon. C. J. SUMNER: I certainly intend to refer to the debate and I intend to reply to the various points that have been made. You, Mr. President, seem to be preventing me from replying to the points made by the Hon. Mr. Milne. As the vote is obviously critical in this question, not to allow me to reply to what he has said and the arguments that he has put would be a gross reflection on my right to put to the Council the arguments in relation to this Bill. What this vote means, if my motion is not carried, is that this Bill, which has been before Parliament since October 1978, the Government having known about it and approved of it—

The Hon. J. C. BURDETT: On a point of order, Mr. President. It is quite irrelevant what leniency may or may not have been extended to another member. That has nothing to do with it. The point is that at this stage any discussion on any Bill is entirely out of order. The fact that you may have allowed one or two members to stray has nothing to do with it. My point of order is that the Leader of the Opposition is trying to debate something that has nothing to do with the motion before the Council.

The PRESIDENT: The Hon. Mr. Burdett has certainly made a point of order, and I intend to uphold it.

The Hon. C. J. SUMNER: As I said, the position is that assurances from this Government on whether or not it will introduce this Bill are clearly not worth very much.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: It is worth while pointing out that the next session of Parliament will not start until late July or early August and will probably proceed until some time—

The Hon. J. C. BURDETT: I rise on a point of order, Mr. President. The question of when is the next session of Parliament has nothing to do with your ruling given yesterday, which is what we are now debating.

The Hon. C. J. SUMNER: It seems that members opposite are intent upon taking points of order to try to stop me from having my say in this debate, and trying to stop me from legitimately replying to the comments made in the course of the debate. The simple fact is that honourable members opposite do not want to know about the Aboriginal land rights Bill. They have not wanted to know about it.

The PRESIDENT: Order! The Hon. Mr. Sumner will remark on the various speeches in the debate that were made concerning my ruling. No-one wants to know his opinion on the contents of a Bill.

The Hon. C. J. SUMNER: In conducting this debate, Mr. President, I believe you have behaved in a manner that has been completely prejudicial, completely bi-partisan to members on this side of the Council. You have not administered the Standing Orders in the way that they ought to be administered.

The Hon. J. C. Burdett: You have reflected on the Chair.

The PRESIDENT: Order! I realise how competent a lawyer the Hon. Mr. Sumner is and just how able he is in attempting to circumvent the proceedings in making accusations against the Chair. I do not intend to have him reflect on the way that I have conducted the debate. There seemed to be no contention in the debate until we came to the summing up. I ask the Hon. Mr. Sumner to withdraw those remarks concerning the conduct of the debate.

The Hon. C. J. SUMNER: I withdraw the remarks about the conduct of the debate. I am disappointed that, because of objections by members opposite and your ruling, I am not permitted to reply to comments made during the debate by the Hon. Mr. Milne and the Hon. Mr. Hill, both of whom referred to matters that technically were not within the relevance of the motion that I have moved. At your suggestion, Mr. President, I will withdraw the remarks, and I merely make the point that I am being prevented from replying to comments made by the Hon. Mr. Milne and the Hon. Mr. Hill because members opposite have taken points of order and because of your ruling, which in this case I believe is different from that which applied to the other side.

The PRESIDENT: I have no wish to restrict the honourable member from making his comments, but what the honourable member was doing was expanding on the comments to the point of debate. The honourable member had his opportunity during his speech to handle the matter of my ruling, which I think the honourable member did very competently. The honourable member now wishes to enter into the matter of the content of the Bill.

The Hon. C. J. SUMNER: I think I had made my point on that matter. As I am not permitted to reply to the Hon. Mr. Milne, I will reply to the Attorney-General. As I raised in the point of order when he was debating the matter, I feel that he has introduced something that is irrelevant to the reasons given for your ruling and to the substance of what you had to say as to why you ruled that this Bill should be laid aside. You said that the Bill was one dealing with public estates seeking to alienate Crown land and, because of that, the Bill should not be introduced by a private member. The Attorney-General, however, went off on another tack and talked about private Bills, as opposed to private members' Bills.

For some reason, members opposite think that they have a monopoly on wisdom in this area—a monopoly on what the Standing Orders mean. The Hon. Mr. Burdett even intervened to give us a little lecture about the difference between a private Bill and a private member's Bill—as if we did not know the difference. This little excursion into irrelevancy by the Attorney-General, I believe, should not deter the Council from voting for the motion of dissent as I moved it. It was interesting to note that one of the things to which the Attorney-General referred, I believe, turns the argument back on himself. He quoted from the general rules under the Joint Standing Orders, and referred to Joint Standing Order 1, which states:

> The following shall be private Bills . . .
>
> C. Bills, not introduced by the Government, authorising the granting to an individual person, a company, a corporation, or a local body, of any particular specified Crown or waste lands, whether such person, company, corporation, or local body shall or shall not be named in the Bill.

That is a Joint Standing Order adopted by this Council and by the House of Assembly in 1912, after those rulings, incidentally, upon which you have placed so much reliance, and it specifically states that there can be private Bills authorising the granting to an individual person of any particular specified Crown or waste lands.

Surely, if the Standing Order refers to Bills that authorise grants of Crown lands to other people, it is competent for a private member to introduce it, because it says that Bills not introduced by the Government authorising the granting of Crown lands to individuals, are private Bills. The Standing Order then sets out the procedure in relation to the introduction of private Bills. Joint Standing Order 1C specifically refers to Bills that authorise the granting of Crown lands to an individual or group. A private Bill is not introduced by the Government, while a public Bill is introduced by the Government. Therefore, the fact that that Standing Order, which was passed in 1912, refers to Bills that can be introduced authorising the granting of Crown Lands to individuals surely means that it is competent for a private member to introduce such a Bill. The introduction of such a Bill must be done after certain procedures have been followed. If that is a problem for the Government, the Clerk, or you, Mr. President, I am perfectly happy to move for the suspension of Standing Orders to overcome that problem.

The Hon. K. T. Griffin: Joint Standing Orders cannot be suspended.

The Hon. C. J. SUMNER: The Attorney-General is quick off the mark, but that can be done and has been done in this Council. The Attorney-General has not been a member for very long, as honourable members know, and he is inexperienced and not quite up with what happens on every point. In fact, the Levi Park Act Amendment Bill, which was introduced in this Council in 1976, was not treated as a hybrid Bill in the lower House. It came to this Council and President Potter ruled that it was a hybrid Bill and would have to go to a Select Committee, because of the Joint Standing Order relating to hybrid Bills. The Council suspended that Joint Standing Order to allow the Levi Park Act Amendment Bill to pass this Council without its having to follow the procedures set out in Joint Standing Order 2.

I am perfectly prepared to move that Joint Standing Orders be suspended if honourable members feel that there has been some formal defect in the introduction of this Bill or if we have not followed Joint Standing Orders. Mr. President, I make that offer to you, and I believe you should look at that Standing Order with a view to withdrawing your ruling. This Standing Order was passed in 1912, which is some years after the rulings to which you have referred, Mr. President, and it implies that a private member can introduce a Bill granting Crown lands to an individual. That fact is implicit in the Standing Orders: it is stated in them. If the procedure followed in introducing this Bill is incorrect, I am prepared to move a motion suspending Standing Orders. The Hon. Mr. Milne will then be able to support the suspension of Joint Standing Orders. He will then get his way; the Bill will properly be before the Council to be debated.

The Attorney-General's excursion into Joint Standing Orders has actually destroyed his argument, and the points that he made were irrelevant to your original ruling, Mr. President. There is now no doubt in my mind that Joint Standing Order No. 1 quite clearly allows a private member to introduce a Bill of this kind. That Standing Order must be taken to have over-ridden—

The PRESIDENT: It must also be taken into consideration with about eight other Standing Orders that apply to Joint Standing Order 1.

The Hon. C. J. SUMNER: Mr. President, I did not realise that there could be interjections from the Chair. I think we have probably established a new precedent here today. That might well be something we can bear in mind for the future—interjections from the Chair. With due respect, Mr. President, I am not sure how I ask for protection from interjections from the Chair.

The PRESIDENT: I am only trying to help you.

The Hon. C. J. SUMNER: If it is possible, Mr. President, I ask for your indulgence. I appreciate the point you made, but I have covered that point by saying that, if there is a problem with those other Standing Orders, we can suspend them, just as we did half-way through the passage of the Levi Park Act Amendment Bill in this place in 1976.

The Hon. J. C. Burdett: It is a matter of Parliamentary usage and practice, not Standing Orders.

The Hon. C. J. SUMNER: The problem is that the Hon. Mr. Burdett thought he should have been Attorney-General but did not get the job.

The Hon. J. C. Burdett: I did not think that at all, as a matter of fact.

The Hon. C. J. SUMNER: He was shadow Attorney-General. He just cannot resist the temptation to interfere in matters that he really does not know much about.

Members interjecting:

The Hon. C. J. SUMNER: Mr. President, are you going to give me protection from these people? I cannot get protection from you, or from anyone.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: Mr. President, you raised the point that my reference to joint Standing Order 1 ought to be taken into context with other Standing Orders which refer to the introduction of Bills. All I am saying is that it is competent for this Council to suspend Standing Orders relating to the introduction of a Bill if it feels that the Bill has in some way not complied with the formalities in its introduction. Let us suspend Standing Orders; we have done it before.

The Hon. J. C. Burdett: But it is a matter of Parliamentary practice and usage, not of Standing Orders.

The Hon. C. J. SUMNER: I am finding it difficult to follow the Minister's argument that it is a matter of practice and usage, when in the Standing Orders it is quite clearly implied that a private member's Bill can, in fact, be introduced to transfer Crown land. The power is there. I believe that that Standing Order gives support to my argument. I am indebted to my learned friend, the Attorney-General, for giving it so much prominence during his speech. Apart from the fact that it was irrelevant to the main reasons for your ruling, it in fact supports the proposition I was putting, which is that the old rulings have now been supplanted by Joint Standing Order 1C and, more particularly (and this was the thrust of my previous argument), by the amendment to the Constitution Act in 1913.

I believe that the public of South Australia, the Australian community, the world community and the Aboriginal people in this State and this country will be absolutely staggered to think that a Bill of this significance and importance, one that has been before the Parliament for so long, has been thrown out because of a ruling on a minor technicality, a ruling that was supported by Liberal members in this place. Let us not forget that.

The Hon. L. H. DAVIS: I rise on a point of order, Mr. President. The Hon. Mr. Sumner is again transgressing the rules of debate by referring to the Bill when he should be debating the motion.

The PRESIDENT: The Hon. Mr. Sumner.

The Hon. C. J. SUMNER: It would be interesting to know, Mr. President, whether you would uphold a point of order against interjections from members opposite, particularly the Hon. Mr. Burdett, who has been parroting away at everything I have said. I think the people will be staggered to know that a Bill of this importance has been thrown out unceremoniously on a ruling so dubious and so technical as to pale into insignificance when we consider the significance involved in the measure.

It was a technicality of a minor kind. I believe that the arguments that I have put are valid, as the Hon. Mr. DeGaris almost conceded. The Bill, which has been before Parliament since 1978, will be thrown out and, possibly, another Bill will not be introduced until next year.

The Council divided on the motion:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, C. J. Sumner (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. Anne Levy. No—The Hon. R. J. Ritson

Majority of 1 for the Noes.

Motion thus negatived.

The PRESIDENT: My ruling has been upheld. The Bill is laid aside.

Bill laid aside.

WHEAT MARKETING BILL

In Committee.

(Continued from 5 March. Page 1438.)

Clauses 1 to 13 passed.

Clause 14—"Notification of offer to purchase wheat."

The Hon. J. C. BURDETT: During the second reading debate, three questions were raised by the Hon. Mr. Dawkins, one of which related to clause 14. The Hon. Mr. Dawkins asked who paid handling costs concerning seed wheat. The answer thereto is that this matter is outside the operation of the board and is a matter for mutual agreement between the growers concerned.

Clause passed.

Clause 15—"Unauthorised dealings with wheat."

The Hon. J. C. BURDETT: This was the second matter referred to by the Hon. Mr. Dawkins. He asked whether it was possible for there to be a relaxation in relation to farm-to-farm movement of wheat. The answer is that this matter has to be looked at by the board in individual cases, and the board would view very leniently the movement of wheat from part of the same farm property to another part, irrespective of distance.

The Hon. M. B. DAWKINS: That reply is not completely acceptable, because the clause refers to movement from farm A to farm B. Nevertheless, as the Minister says that the board will look leniently at this situation, I do not intend to raise any further objection to the answer, because the legislation itself is a very great improvement. I therefore accept the answer given by the Minister.

Clause passed.

Clauses 16 to 25 passed.

Clause 26—"Proper care to be taken of wheat owned by

board."

The Hon. J. C. BURDETT: This was the third matter raised by the Hon. Mr. Dawkins in his second reading speech. I think it is fair to summarise his question as follows: When Co-operative Bulk Handling Ltd. cannot handle grain in any season, who pays for treatment on a farm? The answer with which I have been supplied is that the department is satisfied that it is most unlikely that C.B.H. will not be able to handle grain, so that this is considered to be a hypothetical question. The department has informed me that, if this situation does occur, if farmers wish to hold grain on farms, pending an opening rain so as to determine what they will do with it, the C.B.H. will send inspectors, and any treatments in that case will have to be paid for by the farmer.

The Hon. M. B. DAWKINS: I agree with the Minister that the eventuality is most unlikely. I said in my second reading speech that the provision of storage facilities by C.B.H. is very good indeed. Nevertheless, the provision is there, and the question I asked was to cover that. Whilst the answer is not entirely satisfactory, it is acceptable to me. I thank the Minister for the trouble he has taken in the past 24 hours in obtaining these answers.

Clause passed.

Remaining clauses (27 to 32), schedule and title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1434.)

The Hon. J. R. CORNWALL: It is a pity that this Bill comes on at such a late hour. It is a matter near and dear to me, and I would have liked to speak at some length. However, I will keep my remarks as brief as possible for a matter of such great importance.

This is one occasion on which the Legislative Council will have to perform a role which the Hon. Mr. DeGaris and the antedeluvians opposite have always claimed that it should perform. As no *Hansard* pulls are available of the House of Assembly debate on the Bill, it is not possible to refer to that debate to ascertain what arguments were advanced for or against the legislation when it was debated in the other place. For this reason, I look forward to a debate in which Government members will be able to take the traditional non-Party stance in deciding matters put before the Council during the course of the debate.

In its present form, the Bill is a complete non-event. However, I give notice to the Council that I intend to introduce substantial and sensible amendments, which are on file in my name and which will achieve what all concerned groups in the community are seeking. This legislation was conceived in great haste; the measure was announced virtually five minutes before midnight prior to the Norwood by-election. The concept of the Bill was apparently given Cabinet approval on Monday 11 February, but the news that the approval had been given for some reason was released only very late on the evening of Thursday 14 February. Even at that time, it was specifically embargoed so that the only media outlet was the *Advertiser* on Friday 15 February. In this way, the Government ensured that no electronic media could carry the story or any controversial comments associated with it. It also ensured that no newspaper could carry any criticism until the morning of the by-election itself.

The press announcement appeared in the *Advertiser* on Friday 15 under the heading "Government to curb shop centres". That heading, the statements by the Minister (Mr. Wotton) in the article, and this Bill, which is before us as a result of that announcement, are all very clumsy and are an unsuccessful attempt at some sort of deception.

Let us examine what the Bill does not do. First, it does not impose any further controls on shopping developments in areas zoned "shopping". For such areas, whether the proposal to develop is for an area of 450 square metres, 4 500 square metres, or 45 000 square metres, no additional restriction or even a five-minute pause is envisaged in the Bill. Indeed, if any proposal comes before a local council that meets local planning regulations and requirements under the Building Act, the council is obliged to pass it. If the requirements of the Planning and Development Act are met, the local council cannot even delay the proposal. If it does, the developers can take the matter to the Planning Appeal Board, where they must win.

Let us have a look at two specific examples. On 10 January, the *Advertiser* reported as follows:

> The Marion Shopping Centre will be almost doubled in size if a New South Wales property developer's plan is passed by Marion council.

I stress the Marion council. The report continues:

> It is understood that Sydney-based Westfield Developments Proprietary Limited plans to expand the shopping centre. The proposal involves a new department store, more speciality shops and a six-storey office block. Marion Shopping Centre has 34 941 square metres of floor space.
>
> The proposed extension would add 28 000 square metres with 4 800 square metres of office space. The Lloyds store on the western boundary would be relocated. Car parking, which totals 2 096 spaces, would be increased to 3 727 spaces.

Whether the Marion council believes the expansion is desirable or not, it can do virtually nothing about it. As I said, the area is zoned "shopping" and, provided that the developer meets the requirements of the planning and development regulations which apply in that area and complies with the Building Act, the development must proceed. The council cannot stop it.

The second example was the one to which I have referred in the Chamber in the past two days, in which the local regulations were met, as far as the Burnside council was concerned, for a shopping development which was to proceed on land adjacent to the Hon. Mr. Hill's property on Kensington Road. At the November meeting of the council, because those requirements had been met, the council, whether or not members thought it was desirable for the area, because the things that were before them complied with the regulations, simply had to pass the proposal. Had it not been for a well-informed, well-educated, and reasonably affluent section of residents who were smart enough and had enough money to brief a solicitor who gave them the advice that they could take out a Supreme Court injunction, that proposal would have gone ahead.

The Bill further exempts proposals outside shopping centres of less than 450 square metres, so again, for those areas, it does nothing. To recap: for all the areas inside shopping zones, areas that are zoned shopping, the Bill does nothing at all. At present, that comprises 90 per cent of all applications. For areas outside shopping centres, for applications to build or extend less than 450 square metres, the Bill does nothing and attempts to do nothing.

It is pertinent to examine what the Bill does purport to do. It restricts for a period of 10 months the development of shops outside zoned shopping areas. These developments are only a small percentage of the total applications for approval. Even leaving that aside, it is interesting to

examine the extent of the restriction. Certainly, it is not a freeze or a moratorium on development or on the processing of development applications. Under the proposal before us, the position will be that, if the council agrees to rezone, and if the Government agrees to that rezoning, the retail development can still proceed, despite the proposed new section 36c.

It has been claimed consistently by the Minister that this amendment will bring us into a position similar to that existing in Victoria. When the Minister makes that claim, it is clear that he does not know or does not understand the Victorian situation. I have said previously that the Victorian position is far from ideal, and it is piecemeal, like a lot of other decisions taken in Victoria. Unfortunately, it is also subject to political pressures, but it is a better situation than what is proposed for South Australia.

Overall retail planning approval in the City of Melbourne is subject to scrutiny by the Melbourne Metropolitan Board of Works. Applications, whether for rezoning or otherwise—and the "otherwise" refers to areas with an existing shopping zone classification—are processed by the local council and submitted to the Melbourne Metropolitan Board of Works. If the board concurs with the proposal, it goes to the Town and Country Planning Board for further scrutiny, and then to the Ministry of Planning.

Outside the metropolitan area, all councils know that if they do not adhere to the Ministry of Planning guidelines they will be subject to an interim development order, which removes their power to act in a retail planning matter, and hands the matter directly to the Town and Country Planning Board and the Minister of Planning.

Let me give a striking example of how phoney this Bill is, to illustrate that it does nothing at all. Probably the largest proposal the Government has before it at the moment, the jewel in its development crown, is the proposal by Myers to build a regional shopping centre at Salisbury, adjacent to Parabanks on land bounded by Wiltshire and Mary streets, Park Terrace and Commercial Road. Among other things, it will involve the demolition of about 50 houses. This is the big one that has been spread around the traps, the $25 000 000 development.

Despite the general acceptance that a proliferation of shopping development in South Australia is not benefiting retailers or the community, it appears that the South Australian Government and the Salisbury Council are encouraging a retail development that totally contradicts planning logic. Salisbury, which at present has approximately 110 specialty shops within the town centre, including the Parabanks shopping centre plus a number of supermarkets, will soon have a further 30 shops and a Woolworths discount department store once the Parabanks extensions are complete. At that point of time the "John Street centre" will have an area of approximately 34 000 square metres, which makes it a regional shopping centre in size.

The property consultants for the Parabanks centre (Collier, Duncan and Cook) have recently completed a retail study which indicates that by the end of 1980 Salisbury will have sufficient shopping facilities. In fact, some spending from outside of the area will be required to justify the extent of shopping that is already being provided. However, the Government and the council have indicated tacit support for the development of the Myer shopping centre, which will be at least as large as Parabanks, and probably bigger. It is proposed for the site I spoke about earlier, which is about 100 metres from the existing Parabanks and John Street shopping centres.

It is difficult to imagine how such an extraordinary situation can develop. However, for the Myers proposal to be possible it is necessary for a school to be purchased from the Government. This is at present being used as a college of advanced education. Sources associated with Myers claim that negotiations have now been finalised for the purchase. I am sure that the Hon. Mr. Hill could tell us about that. This, of course, would be unusual in itself, as it is normal Government policy to call for tenders or to sell by auction, to give the community at large a chance to purchase. This avoids any possibility of accusations against the Government with its property disposals. Apparently in this instance a private deal is being done with Myers.

Rezoning of the land would be required to allow shopping development, as it is at present zoned for residential use. However, I believe it has been indicated that, in principle, the Salisbury council and the Government, after having received advice from the Department of Regional and Urban Affairs, are not opposed to this taking place. That is the nub of the whole question. It is quite contrary to recent statements made by the Minister of Planning, Mr. Wotton, who has indicated that the Government will not allow retail development to occur in areas not zoned for that purpose.

Let us be clear about this. All that has to happen is for the council to agree to the rezoning for the Government to go along happily with it, and whether we have proposed new section 36c or not these new major developments can continue. They may be held up for a month or two or three, but nonetheless new proposed section 36c will do nothing at all to stop it proceeding.

Along with the rest of South Australia, the Salisbury area has had a fairly minimal population growth over the last few years and therefore can obviously not support a duplication of existing shopping facilities. In fact, it will not be until May of this year that the first discount department store for the area will open, and therefore to consider a second discount department store within the near future within 100 metres of the existing one, or the one that will exist then, appears absurd. Any further development of such retail facilities within the Salisbury area would also have a very depressing effect upon the Elizabeth town centre, which has been acknowledged as the regional centre for the area.

The planning and retail development within the Salisbury Council area has been subject to a number of wrangles over a period of time, and in fact the Salisbury council held up extensions to the Parabanks centre for two years, partly on the grounds that it considered inadequate demand existed within the area. During that time numerous planning studies were done, one of which recommended rezoning of the land between Wiltshire, Church and Anne Streets and Park Terrace to retail. This land has now been proposed for use by Myers.

There is an interesting sideline to this, Sir, namely, that the consultant who advised the council to rezone this land subsequently bought a parcel of land in this area through one of his companies, in anticipation of rezoning taking place.

I should like briefly to give some figures that have been provided to me by Collier, Duncan and Cook, a firm of international property consultants, as every member would know. Members of that firm are property advisers and managers who are of very high standing and have a tremendous reputation in the community.

The Hon. R. C. DeGaris: I didn't think you liked land agents.

The Hon. J. R. CORNWALL: I am talking not about land agents generally but about Collier, Duncan and Cook, a very reputable firm of property consultants, not to be confused with a number of local firms. I should make it

quite clear that I do not dislike all land agents; some of my best friends are land agents.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: I might mention, as a matter of interest to the Hon. Mr. Hill, that my father was a land agent for many years and he retired only about two years ago. Indeed, unlike Mr. Hill, he still holds a licence.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: I now refer to the retail space available in the Salisbury local government area, including the Parabanks extensions. The total area for food sales is 17 891 square metres, and for non-food sales it is 31 719 square metres, making a total of 49 610 square metres. Against that, we must look at current per capita retail spending. The per capita estimate for retail spending for the year ending December 1979 was $749 for food and $639 for non-food items. These are the sorts of figures which the Government should have and which the advisory committee that I asked the Government to set up some months ago would have been able to come up with across the board, not simply for one area. However, the Government has not seen fit to set up that committee.

The Salisbury local government area population estimate as at December 1979 was 85 000 and, adopting a 20 per cent spending leakage factor, the calculations were as follows: for food items an annual sales turn-over of $50 932 000 could be expected. The required turn-over to support food shops was estimated to be $2 700 per square metre. Hence, an area of 18 864 square metres of food could be supported.

For non-food items in the Salisbury local government area, a turnover of $43 452 000 could be expected. Based on a required turn-over of $1 700 per square metre for non-food shops to be viable, an area of 25 560 square metres is derived. Thus, the total area of food and non-food shops that would be viable and happily supported, assuming a 20 per cent leakage factor, would be 44 424 square metres. The existing area is 49 610 square metres.

So, it can be seen that there is at present an over-shopping factor at the Parabanks and district area of about 10 per cent. If the Myer proposal proceeds (and there seems to be every indication that this Government is hellbent on its proceeding) that factor will rise to somewhere between 50 per cent and 100 per cent. In other words, something like 50 per cent of the businesses in the area will become non-viable. They will not be able to survive, and they will go to the wall. Despite the importance, the seriousness of this matter, and indeed the devastating effect that this is likely to have, the Premier has so far refused to make an appointment to see and even to talk to one of the principals of Collier, Duncan and Cook about the matter.

It is clear from what I have said, that this Bill does nothing. It is a cheap subterfuge, a confidence trick to buy a little time. Neither the Opposition nor any right-minded citizen is prepared to cop it.

No-one denies that this crisis was well under way before the present Government came into office. I make that statement quite openly. I repeat that significant steps were under way to deal with that crisis. I have a good deal of sympathy with the present Minister in relation to this problem. In his first six or seven months in office he has been presented with an enormous problem. I will go even further and say that at this particular moment, as much as I enjoyed my time in the Ministry, I would not like to be sitting in his seat.

The Hon. M. B. Cameron: Ha, ha!

The Hon. J. R. CORNWALL: For the Hon. Mr. Cameron's benefit, I said "at this particular moment". I would be quite happy to do so in the very near future, but at this time the Minister has tremendous problems, and I sympathise with him. Having said that, I point out that none of this is an excuse for the "do nothing" approach adopted by the Government. The Government is literally fiddling while an explosion of retail developments and proposed retail developments threaten the existence of hundreds of successful and well-conducted small businesses in Adelaide and in provincial cities such as Mount Gambier and Port Pirie.

Further, the Government is presiding over the destruction or threatened destruction of large areas of the suburban environment. It is also presiding over the destruction or threatened destruction of hundreds of perfectly good houses. Indeed, it is not going too far to say that, unless it takes firm and positive action now, it may well be presiding over the dismantling of a significant part of the quality and fabric of suburban life as we now know it.

Once again, I repeat that the Opposition is not opposed to reasonable, rational and co-ordinated retail development. Although I have said that many times before, I believe I should say it again for the record. By its very nature, retailing is a dynamic process in a mixed economy. There will always be a degree of birth, progress, regression and replacement. However, the Opposition is implacably opposed to a system which has lurched wildly out of control, relies on the extreme form of economic cannabilism instead of reasonable competition in the market place, and which ruins so many people, so many communities, and so much of our environment.

The Hon. J. C. BURDETT (Minister of Community Welfare): The Opposition's proposal would introduce a moratorium on all shopping developments throughout this State. I believe the Hon. Dr. Cornwall said that the *Hansard* pulls from the debate in another place were not available; in fact, most of them are.

The Hon. Frank Blevins: From last night?

The Hon. J. C. BURDETT: No; Tuesday, of course.

The Hon. J. R. Cornwall: I was not able to get hold of any pulls, but that did not stop me from making a brilliant speech. What's the point?

The Hon. J. C. BURDETT: I simply make the point to the Hon. Dr. Cornwall that the pulls were on my table yesterday morning, and I expect that they were on every other member's table as well. The entire second reading debate and most of the Committee debate is available. The Hon. Mr. Payne, speaking in another place, made it quite clear that the Opposition proposed a moratorium on this matter.

The Hon. J. R. Cornwall: I have made that quite clear, too. The amendment is on file.

The Hon. J. C. BURDETT: The amendments that the honourable member has on file are exactly the same as those debated in another place on Tuesday night. In speaking to his amendments the Hon. Mr. Payne said:

> They say that what needs to be done in this matter is to halt the entire operation for as short a time as is consistent with being able to cause the situation to be examined and for the Government to come forward then with considered proposals.

The Government has made clear that a moratorium on retail development in Adelaide would be an excessive and Draconian measure. However, the Opposition's proposal goes further than that, because it will place an unnecessary restriction on shopping developments in country areas of this State.

The Opposition proposal would prevent minor exten-

sions to existing shops. It would prevent construction of corner shops, even in new and developing areas where there is a clear need for local retail facilities, and it would prevent development of shops in areas where councils have specifically planned and zoned for shopping development. Its proposal would have a disastrous effect on employment in the building industry, which is already severely depressed. And, of course, the amendment would be retrospective in its application, since it would apply to all developments, even measures which as of today have not received final planning and building approval.

It would stop development for which applications have previously been made in good faith and for which approval in principle may have already been given by councils and, of course, on which money may have been spent. By contrast, the Government's proposal is reasonable and avoids unnecessary restrictions.

The Hon. J. R. Cornwall: It does nothing at all.

The Hon. J. C. BURDETT: It does.

The Hon. J. R. Cornwall: Tell us what it does.

The Hon. J. C. BURDETT: The honourable member has heard that explained. The Government's proposal deals with the real problem of major shopping developments which break council zoning and ignore the intentions of the planning policies. Under the Government's proposals, the major shopping developments outside zoned centres could not proceed without a formal and public rezoning process. This process provides an opportunity for a thorough assessment of the likely impacts of any new development and it will give councils, and the Government, a measure of flexibility to adapt retail policies to particularly local circumstances.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Davis continually interjects, thus provoking the Hon. Mr. Foster.

The Hon. J. C. BURDETT: I am sure the Hon. Mr. Davis would not do that. This Bill is designed to accommodate development of shops outside zoned shopping centres and is an interim measure designed to retain the *status quo* while detailed policies are worked out and put into effect.

Bill read a second time.

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

That Standing Orders be so far suspended as to enable the Council to continue sitting after 6.30 p.m.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Major shopping developments in non-commercial zones."

The Hon. J. R. CORNWALL: I move:

Page 1—

Lines 14 to 18—Leave out definition of "floor area".

Lines 19 to 25 and page 2, lines 1 to 10—Leave out definition of "major shopping development" and insert definition as follows:

"shopping development" means—

(a) the construction of a shop or group of shops;

(b) the extension of a shop or group of shops; or

(c) a change in use of land by virtue of which the land may be used as a shop or group of shops:

Page 2, lines 11 to 25—Leave out definitions of "non-shopping zone" and "planning authority".

The Opposition is seeking, as the Hon. Mr. Burdett has said reasonably accurately, to impose a six-month moratorium. He was not quite accurate in saying that we were going to stop things for which approval had been given. I point out, in this respect, that, in the amendment, new subsection (3) of section 36c provides:

This section does not prevent the carrying out of a shopping development where every authorization, approval or consent required in respect of that development under—

(a) this Act or planning regulations;

and

(b) the Building Act, 1970-1976, and the regulations under that Act,

had been obtained before the commencement of the Planning and Development Act Amendment Act, 1980.

Members interjecting:

The Hon. J. R. CORNWALL: There is no point in talking about moratoriums and freezing unless one is going to do that. That is the whole thrust and the sort of thing everyone in the community is concerned about. Concerned groups and persons include consumers, traders, the Mixed Business Association and, until it was nobbled yesterday, the Local Government Association.

The Hon. J. C. Burdett: Who nobbled them?

The Hon. J. R. CORNWALL: Murray Hill, possibly.

Members interjecting:

The Hon. J. R. CORNWALL: It is extraordinary that a hand-delivered letter dated 5 March was suddenly produced in both Houses yesterday. I have never known such a wide range of people to be concerned. They even include senior international property consultants such as Collier, Duncan, and Cook. Residents throughout the metropolitan area and in places such as Mount Gambier are alarmed at the chaos being caused by the shopping explosion. I could give dozens of examples. The Hon. Mr. Burdett has made some play about the matter of preventing a corner delicatessen from being constructed. If the Minister is concerned, why is he not doing something to stop differential pricing and unfair discounting in the bread industry? If he was concerned, he would be doing something to help the struggling delicatessens.

Anyone who at present is considering building a corner shop or delicatessen would be going into very stormy and difficult waters by proceeding, and I would be happy to have a moratorium for six months so that such people could reconsider their position. The reason for imposing this moratorium is not that we want to restrict for the sake of restricting. We are not opposed to development; we want rational co-ordinated development.

There is a dearth of information in Adelaide about long-term development and viability and profitability for existing business. People in all the centres that have opened recently, such as Colonnades and North Adelaide Village, are having an extraordinarily difficult time. There has been an explosion in the number of bankruptcies among people with small businesses, and it is obvious that a deliberate move is being made by a small number of large retailers to corner the limited market available. Those retailers do not care what happens to the thousands of small business men.

These are the people who thought they could trust the Liberal Party. They voted for the Liberal Party at the last election. Now they are amazed and absolutely dumbfounded at what is going on. We saw a microcosm of this in the Norwood by-election. The traders, through the way they gave their support and the advice they gave to their customers, showed that they knew where their best interests lay. I am concerned about those people, not the big stores like Myers. It is about time this Government had the guts to stand up to the developers.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: The Victorian Government has been in power for a long time and has had a lot of experience in government. Members of the Victorian

Government are not novices who keep tumbling into traps. The Victorian Government realised that it had to start imposing controls over the chaos that was developing. What did Myers do in retaliation? It said, "If you take certain action, we will move the national headquarters of Target from Geelong, and 450 permanent jobs with it." Myers threatened the new Minister of Planning, Lou Lieberman. To Lou Lieberman's eternal credit, he replied, "That is a matter for you to decide. I am not going to be stood over. Do that if you want to." Of course, Myers crumbled. At some stage, you novices opposite will have to learn that development for the sake of development is not necessarily a good thing.

We cannot destroy the suburban environment and create bitumen jungles all over the metropolitan area and continually kowtow to big business. I know that big business supported the Liberal Party and put it in office, but surely the debt is not so great that the Government has no consideration for the small business people, who are traditionally supposed to be Liberal Party supporters and whom the Liberal Party professes to look after.

My amendment does nothing more or less than say, "Let's hold for six months, draw breath, and, more important, find out what is the position." That is why we proposed a Select Committee.

It would have been better for the Government to say, "Yes, we need much more information. The paper that has been put out by the Department of Urban and Regional Affairs does not go far enough. We already know about traffic flows, the growing of trees on the periphery, and all other matters that town planners carry on about." The Government should want to know the overall effect on the suburban environment, what the energy impact will be, how much natural gas, oil and electricity will be used, how much fuel is needed for air-conditioning 365 days a year, and how dramatic an effect it will have on adjacent businesses. I previously cited a classic case—the proposal for Salisbury, which will have a devastating effect.

Surely, any moderate, competent Government would say, "Yes, it is a good idea. It is supported by the vast majority of the population, right across the board. It sounds like a good idea."

This is a hot potato. Admittedly, the Government owes a big debt to some of the people in Rundle Mall. It has to look after Myers and some of the big developers, but surely we can find a way through this. Let us hold for six months. This will not destroy the construction industry overnight, because the lead time is from 18 months to three years. It is nonsense to say that development will stop overnight.

The Government should, if there is so much speculative capital about, look at useful areas to which it could be diverted. Employment could be provided; let us not forget that the Government came into power on a promise of providing jobs. The Government should ensure that capital is diverted to useful areas. I must appeal to the common sense of members of the Government.

The Hon. N. K. Foster: They haven't got any.

The Hon. J. R. CORNWALL: The honourable member may be right. A sixth-month moratorium will not stop building from proceeding.

Let us have this six-month moratorium. Let us set about sensibly finding out where the areas are where development ought to be proceeding, where the areas are where development ought most certainly not be proceeding, and let us stop this chaotic situation within the community. We are regarded by intelligent investors and speculators in the Eastern States as the last frontier. This Government is regarded as the original group of hicks from the sticks who can be conned by people like Westfield and Myers. The Government should stand up and, for the first time in six or seven months, try to be seen to act like a Government.

The Hon. J. C. BURDETT: The Government cannot accept the amendments, as they would destroy the whole purpose of the Bill, and doubtless were intended to do so.

The Hon. J. R. Cornwall: The Bill has no purpose.

The Hon. J. C. BURDETT: Yes, it has. Its purpose is to contain the development of shops. In the meantime, the Government has put out a discussion paper, from which it hopes to get feedback. Most of the matters pertaining to this amendment have been canvassed, both in the second reading debate and also in connection with two other matters related to it, which were debated yesterday. The amendment proposes a complete moratorium, whereas the Government intends to contain the development of shops outside zoned shopping areas. The amendments are very sweeping indeed and are not selective. They do not make sense because they do not differentiate between major and minor proposals for shopping areas. They do not differentiate between zones. They apply to the whole State.

What I said in my second reading reply was entirely accurate. I said that the amendment is retrospective in its application, in that it would apply to all developments which, as of the date when the proposed Bill or amendment came into effect, had not received final planning and building approval. The Hon. Dr. Cornwall admitted that that was the effect of the amendment. The Government Bill applies to applications made after 15 February—the date when the proposal was announced. This is what Bills of this kind usually do: they let applications proceed if they have been made before the proposal is announced.

Applications made after the Government's plan has been announced are caught. That is logical if one acts in good faith and in accordance with existing law. If one prepares an expensive plan within the law at the time, then the application can be dealt with. This amendment will (and this has an entirely retrospective effect and is something this Council has been concerned about for some time) allow applications (which have been made and are in the pipeline and where money has been spent but final approval has not been given) to be caught. Basically, the Bill contains development where it needs to be contained. The amendments provide for a total moratorium, and I oppose them.

The Committee divided on the amendments:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Pairs—Ayes—The Hons. C. W. Creedon and Anne Levy. Noes—The Hons. M. B. Dawkins and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. J. R. CORNWALL: I move:

Page 2, line 41—Leave out definition of "zone".

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris,

K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Pairs—Ayes—The Hons. C. W. Creedon and Anne Levy. Noes—The Hons. M. B. Dawkins and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. J. R. CORNWALL: I move:

Page 3, lines 1 to 8—Leave out subsections (2), (3) and (4) and insert subsections as follows:

(2) Subject to subsection (3) of this section, a person shall not carry out a shopping development.

Penalty: One hundred thousand dollars.

(3) This section does not prevent the carrying out of a shopping development where every authorisation, approval or consent required in respect of that development under—

(a) this Act or planning regulations; and

(b) the Building Act, 1970-1976, and the regulations under that Act,

had been obtained before the commencement of the Planning and Development Act Amendment Act, 1980.

(4) This section shall expire on the 31st day of August, 1980.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MOTOR VEHICLES ACT AMENDMENT BILL

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

ADJOURNMENT

At 7.4 p.m. the Council adjourned until Tuesday 25 March at 2.15 p.m.