LEGISLATIVE COUNCIL

Wednesday 26 March 1980

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

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute

Road Traffic Act, 1961-1979—Variation of Traffic Prohibition (Woodville) Regulations.

SELECT COMMITTEE ON CERTAIN LOCAL GOVERNMENT BOUNDARIES IN THE NORTH OF THE STATE

The Hon. C. M. HILL brought up the interim report of the Select Committee on Certain Local Government Boundaries in the North of the State, together with minutes of evidence.

Order that the report be printed.

QUESTIONS

CRIME

The Hon. C. J. SUMNER: I seek leave to make a brief statement before asking the Attorney-General a question about the incidence of crime.

Leave granted.

The Hon. C. J. SUMNER: There has, in recent years, been an increase in the crime rate in most western industrial urban societies. Although South Australia and Adelaide do not suffer to the same extent as do some other large metropolitan areas, we have not been immune from the general trend. The reasons for this increase are complex, and I do not intend to go into them today, although it certainly appears from the results of the robbery survey conducted by the offices of crime statistics that unemployment is one contributing factor. I, as Attorney-General, and the previous Labor Government were concerned about this increase in the crime rate, as was the general community. Firearms control legislation and the recent Bill relating to Crown right of appeal against sentencing were products of that concern.

There is also a feeling in the community that insufficient consideration is given to victims of crime. The previous Government increased the maximum payable under the Criminal Injuries Compensation Act to $10 000; at that time this compensation was the highest in Australia and I believe that it still is. Also, last year I announced the establishment of an interdepartmental committee to assess needs and co-ordinate Government activities in support of victims of crime. The committee was designed to assist the Government to pinpoint additional services which could be provided to victims of crime, to co-operate with voluntary or community organisations, and to make recommendations concerning changes in legislative or administrative arrangements. At the time of the election, I had asked the appropriate departments to participate in this committee by nominating a representative. The committee was asked to consider the following matters:

(1) A victims services programme, which could provide counselling, referral and information services to victims of crime or support for other agencies providing this assistance;

(2) Research on patterns of victimisation, which would provide extremely useful assistance in developing an overall programme of crime prevention;

(3) Compensation for victims; and

(4) The use of victim impact statements in sentencing, which would provide details of the physical, psychological and financial consequences to the victim of an offence with a view to determining an appropriate sentence.

As I have said, at about the time the previous Labor Government was defeated I had asked the departments concerned to nominate people to sit on that committee, and I believe it was asked to report by the end of 1979. It is now about three months since that deadline passed. Can the Attorney-General say whether the present Government proceeded with the setting up of that committee and, if it did, has the committee met and produced a report? If the committee was not set up, why was it not set up? If a report is available, will the Attorney outline its conclusions and the action the Government intends to take?

The Hon. K. T. GRIFFIN: It is correct to say that the previous Government had taken action to establish an interdepartmental committee concerned with victims of crime, but progress had not been made to the point where it was operating when I became Attorney-General. Since that time I have decided, although it has not yet been considered by the Government, that the format of the previous Government's proposed interdepartmental committee is inappropriate to consider the types of matters that affect victims of crime.

I have taken a decision although, as I say, it has not yet been approved by the Government, that the services available to the victims of crime and other facilities offered to them would be more appropriately considered by a committee that had some representation from the Government but, more particularly, representation from other agencies within the community that were directly concerned with helping victims of crime. Therefore, my proposal to the Government in due course will be for a more broadly based committee than an interdepartmental committee proposed by the previous Government. I believe too much emphasis is often placed on what the Government can and should be doing, and not enough emphasis on the voluntary facilities that are available in the community. I hope that the Government is able to combine—

The Hon. C. J. Sumner: The committee had a term of reference to co-operate with voluntary organisations.

The Hon. K. T. GRIFFIN: The Leader says that it had a term of reference that it should co-operate. That is quite a different matter from members of the community actually being members of that committee. I would like to see a committee with representation from Government agencies, but more particularly with representatives from the community, so that there will be a more direct involvement of community agencies in assessing the needs of victims of crime.

Undoubtedly, the Council is aware that in recent months Mr. Ray Whitrod has been one of the principal movers in the establishment of a victims of crime association. That association has had some initial meetings. On previous occasions in the Council, I have indicated that I have had some discussions with Mr. Whitrod, and that I have said that the Government is interested in the establishment of his association, and would like to receive periodic reports from him to establish what progress this voluntary organisation is making.

CANS

The Hon. R. C. DeGARIS: I seek leave to make a rather longer statement than usual before asking the Attorney-General a question about can deposit legislation.

Leave granted.

The Hon. R. C. DeGARIS: After a long period of debate, this Parliament enacted the beverage container legislation that we have on the Statute Books at present. The legislation has now been operating for approximately three years. I do not think there is anyone who does not agree that the legislation has had some effect upon littering, although how much has been due to the legislation and how much due to other factors is open to debate. One thing is clear: it has had a dramatic effect on certain South Australian manufacturing industries and, soon, unless some action is taken, more dramatic effects will occur. Fifty employees in the can manufacturing business may not seem to be very important, but we must begin to understand that, unless we can provide an economic climate which is conducive to profitable operation, industry will not stay in this State.

With the can-making industry, the reason it will close in South Australia can be directly related to the can deposit legislation. What we have to decide is whether it is more important to keep an industry in this State, employing 50 people with their families and dependants, or whether the can deposit legislation in its present form is more desirable. There is very little doubt that, unless some changes are made, we will lose this industry.

Under the system operating the filler of the can originates the deposit and is responsible for collecting the empty container and auditing these to ensure that the organisations redeeming the deposits are not cheating. The scrap metal coming back into the system becomes a fundamental part of profit and loss. The main can-making operation in South Australia is the production of three-piece steel cans, with a current scrap metal price of $40 a tonne, as opposed to scrap aluminium at $600 a tonne. As the filler originates and controls the return of the cans, one does not have to be a Rhodes Scholar to understand that the scrap metal becomes an important factor, acting against the use of the steel can. The present South Australian can market is approximately 65 000 000 cans a year. If one goes to an aluminium line, it would require at least 200 000 000 cans a year to make it a viable operation. The story adds up to the can industry having to be supplied from Victoria, and a small but important industry will be lost to this State.

Will the Minister indicate what investigations the Government has made in relation to the effect of the can deposit legislation on industry and employment in South Australia? What investigations have been made by the Government into the effect of the can deposit legislation on the litter stream and indiscriminate littering? Will the Government table all reports available to it on the question, both from the trade and industry and from the Department for the Environment?

The Hon. K. T. GRIFFIN: Investigations have been undertaken; some investigations initiated by the previous Government have been continued by the present Government. I am not able to give the detailed answers to the questions at present, but I will undertake to obtain the answers and bring back a reply.

DIRECTOR-GENERAL

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the title of Director-General.

Leave granted.

The Hon. B. A. CHATTERTON: On 6 November last year, the Hon. Mr. Blevins asked a question in the Council as to why the title of Director-General had been given to the head of the Department of Agriculture at the same time as his duties had been reduced by the removal of the Fisheries Division. This year the Hon. Mr. Blevins received a reply as follows:

> The Minister of Agriculture informs me that his reply to the member for Salisbury should have stated: "The proposal to change the title of the Director of Agriculture to Director-General had been in train for some time prior to last year's election. The proposal had been investigated and approved by the Public Service Board and in fact was in front of the then Minister of Agriculture for submission to Executive Council. It is pointed out that this change did not entail an upgrading of the salary of the Director-General."

I do not know whether that is best described as naive or misleading. The Minister of Agriculture is at least honest in saying that he misled the member for Salisbury in his reply in the other place.

However, when he says that the proposal to change the title of Director to Director-General was already in train, that is obviously untrue, because the former Government had no intention whatever of dividing the Department of Agriculture and Fisheries into two separate departments; so it was quite impossible for the Public Service Board to be investigating the title of the Director-General of Agriculture. It seems obvious that this is something that was wanted by people within the department and was put before the Minister quickly after the election. Not understanding what was involved, the Minister made the decision without a proper investigation. Was the proposal to upgrade the title of Director of Agriculture to Director-General of Agriculture investigated by the Public Service Board, or was it the previous proposal with just the "of Fisheries" crossed out? Also, in the reply referred to it is stated that the Minister of Agriculture submits matters to Executive Council. That was certainly not the procedure under the Labor Government, when a Minister would make a recommendation to Cabinet, which would then put things forward before Executive Council. The reply given to the Hon. Frank Blevins suggests that, under the Liberal Government, there has been a change in the procedures and that the Minister of Agriculture makes submissions directly to Executive Council. Can the Minister say whether that is the case?

The Hon. J. C. BURDETT: I will consult with my colleague in another place and bring down a reply.

FAMILY IMPACT STATEMENTS

The Hon. R. J. RITSON: I seek leave to make a statement before asking the Minister of Community Welfare a question concerning family impact statements.

Leave granted.

The Hon. R. J. RITSON: The State Government has established a family research unit with the intention of making family impact statements in relation to Government decisions. Can the Minister say what stage of development this unit has reached, what family impact statements have been made, or will be made, and how the unit operates?

The Hon. J. C. BURDETT: The idea of the family impact statement was that, when any Bill was to be introduced from the Department for Community Welfare or when any major administrative decision was to be made

that might possibly affect the family, the department was to be obliged to hold it up against an impact statement, to assess the impact on the family, as to whether it was to be for the family or against it, with an assessment of pluses and minuses. The Family Research Unit was set up by me in October 1979. One of its tasks was to prepare a draft family impact statement. The idea was along the lines of an environmental impact statement.

The Hon. Frank Blevins: Do you agree with environmental impact statements?

The Hon. J. C. BURDETT: Certainly, just as when something might affect the environment, there is the obligation to hold it up to see what the effect on the environment will be, in the same way it seemed that in the human environment it should be even more necessary to see what was the impact on the basic human unit, namely, the family. The unit has been developing a *pro forma* designed to assist officers in the assessment of the impact of Government decisions on families. This is still in draft form. The *pro forma* is currently being piloted by officers in three Government departments (Education, Health and Transport). It will be modified and refined following the outcome of the pilot exercise.

While the exact details as to the operation of Family Impact Assessment have not been determined, it is at this stage anticipated that senior officers in Government departments and authorities will undertake the assessment of proposals emanating from their department. Officers of the Family Research Unit will be available to assist in the task, or, if required, will be available to undertake the assessment on behalf of a particular department. A family impact statement, the summary product of the assessment, would then be expected to be included as part of a submission outlining new proposals for the Government's consideration.

ZEDS PROPRIETARY LIMITED

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Forests, a question regarding Zeds Proprietary Limited at Mount Gambier.

Leave granted.

The Hon. D. H. LAIDLAW: In July 1977, the previous Minister of Forests (Hon. B. A. Chatterton) announced that the South Australian Government, through the Woods and Forests Department, had bought a 55 per cent interest in Zeds Proprietary Limited, a retail hardware and building supply business at Mount Gambier, for a sum exceeding $200 000. The Scott group of companies purchased the remaining 45 per cent. As far as I can ascertain, there were no powers under the Forestry Act, 1950-1974, for the department to make such a purchase.

In February 1979, Parliament passed the South Australian Timber Corporation Act, which created a statutory timber trading corporation. Various amendments with respect to the corporation's powers were moved in this Council, and an amendment introduced by the then Minister (Hon. B. A. Chatterton) finally was accepted. It provided, *inter alia*, that the corporation may hold shares in companies outside of South Australia that trade in timber, timber products and related commodities, but must restrict its shareholding within South Australia to companies trading in timber and timber products.

This Council did not wish to see a Government-owned trading corporation setting up in competition in this State against general building suppliers. Despite the former Minister's amendment, the Auditor-General reported in his statement for the year ended 30 June 1979 that the shares in Zeds Proprietary Limited had been sold at cost by the Woods and Forests Department to the South Australian Timber Corporation. This must have occurred between March, when the Act creating the corporation was assented to, and the end of June. Zeds Proprietary Limited is a South Australian retail hardware and building supply business.

Will the Minister say whether it is correct that the Woods and Forests Department had no power to purchase a 55 per cent interest in Zeds Proprietary Limited in July 1977, and that the South Australian Timber Corporation had no power to purchase the shares from the department in 1979? If so, will the South Australian Government either pass legislation to validate this unlawful purchase or instruct the corporation to dispose of these shares?

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

CANS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement prior to asking the Minister of Community Welfare, representing the Minister of Environment, a question about cans.

Leave granted.

The Hon. J. R. CORNWALL: My question is supplementary to a question put by the Hon. Mr. DeGaris who mentioned an unnamed company. Quite obviously, the company concerned was Gadsdens. That company made a wrong decision in the marketplace some years ago to manufacture steel cans *vis a vis* aluminium cans. That error was compounded by the fact that subsequently aluminium has become relatively expensive and steel relatively cheap, so that the scrap metal value of aluminium gives it an enormous advantage, quite apart from the other qualities it has as opposed to steel. Quite clearly, the decision was a mistake.

The Hon. M. B. Cameron: In your opinion.

The Hon. J. R. CORNWALL: I suppose that my statement is a statement of opinion; most statements are. When I was Minister, this company put some pressure on me to revoke the beverage container legislation. This pressure was resisted vigorously by me and by the Government. As I have no doubt that the company is putting pressure on the present Government, I ask whether the Government will give an undertaking to resist approaches made by Gadsdens, or any other can manufacturer, to repeal or suspend the operation of the Beverage Container Act in relation to cans, and will the Minister of Environment release the can report immediately, so that the Opposition and the public can form an opinion based on fact rather than fable?

The Hon. J. C. BURDETT: I will consult my colleague in another place and bring down a reply.

WOMEN'S SHELTERS

The Hon. L. H. DAVIS: I seek leve to make a brief statement before asking the Minister of Community Welfare a question about women's shelters.

Leave granted.

The Hon. L. H. DAVIS: Several questions have been put in recent months to the Minister about women's shelters. However, one aspect that, to my knowledge, has not been covered is the welfare of children in these shelters. Will the Minister say how many children go with their mothers to shelters, and what provision is made for their welfare in these shelters?

The Hon. J. C. BURDETT: Children in women's shelters comprise a majority of the clients and all shelter staff regard their care as a priority. Over a period, an increasing number of child care workers have been employed in the shelters. At this time, only one shelter in the metropolitan area does not employ a child care worker as such. Some of the shelters have two child care workers. In the country, one shelter has a child care worker, but the remaining three shelters do not have one.

A community health nurse from the Mothers' and Babies' Health Association provides an assessment, treatment and referral service for children in the metropolitan shelters. Most of the shelters have space set aside for the care of children. This can be a room in the house, a converted garage or a shed. Some shelters have outdoor play facilities. The Women's Emergency Shelter in North Adelaide opened an activities room especially constructed for child care services last week. It is the first facility of its kind in South Australia.

T.A.B. PAY-OUTS

The Hon. J. E. DUNFORD: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about T.A.B. pay-outs.

Leave granted.

The Hon. J. E. DUNFORD: An article appeared in the *News* of 21 March under the heading "Bookies' turnover dips by $14 000 000". Some of my friends are bookmakers, and I am concerned when any person in business loses money. This headline was the result of representations which were made to the Racing Inquiry Committee and which opposed after-race pay-outs by the T.A.B. The article stated that Mr. Moore, who is the Chairman of the Bookmakers' League, was against after-race pay-out of dividends because this practice would not necessarily improve the overall position of the racing industry. That is a brief statement, and one must work out the meaning for oneself. The bookmakers have a capable consultant in Mr. Hugh Hudson, a former Labor Government Minister. Mr. Hudson made little comment in the article, but the fact that he is representing these people means that they have good representation, because Mr. Hudson knows the racing industry well.

However, I am concerned about the general public and about constituents who have been indicating to me for several years, by agitation, that they would like after-race pay-outs. For the information of the Council, I indicate that Western Australia and New South Wales have had after-race pay-outs for several years; I have not investigated the situation in other States. I am concerned about people who, all their life, have enjoyed this form of recreation. Some people go to the football and other people go to the cricket; a lot of working-class people, whom I am proud to represent, like to go to the races every week.

As a result of increased petrol prices, increased admittance fees, and because of the need of older people to renew their driver's licence each year, some people are not able to go to the course. Some of these people may bet, say, a limit of $10 a week, and they like to bet in different races. If they put $5 on two races, they might back two winners, but they have no money to bet on other races. That is the position in this State, though not in other States.

Those people are important to the racing industry, and it is more important that they gain enjoyment from those facilities than that the bookmakers lose $14 000 000, although I feel sorry for the bookmakers because of that. Mr. Smith, the Secretary of the Bookmakers' League, has little to say in the article. He stated:

> Forty bookmakers have retired in the past five years, probably because of their operations not being viable or successful.

Mr. Smith said "probably". I have not yet seen a poor bookmaker, so the word "probably" is the key; Mr. Smith did not make a direct statement.

My constituents wanted to know where I stood on this matter, and I think I have made that clear today. They also want to know where the Government stands. The Attorney-General is laughing. I suppose he knows no old folk who are in the position of those I represent and who need after-race pay-outs. Will the Attorney-General, representing the Premier, say whether the South Australian Government has any policy regarding the T.A.B. paying out winnings to punters after each race when correct weight has been notified? Is it the intention of the South Australian Government to give evidence to the Racing Inquiry Committee supporting after-race pay-outs by the T.A.B.?

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

SCHOOL BUILDINGS

The Hon. M. B. DAWKINS: On 20 February last I asked the Attorney-General, representing the Minister of Education, a question about school buildings. Does he have a reply?

The Hon. K. T. GRIFFIN: The Education Department prefers to erect solid construction buildings and will do so where school enrolments are stable. However, it is necessary to use prefabricated buildings to meet short term emergencies and also to cope with the problem of unstable enrolments in developing areas where rapid growth in enrolments is often followed by a decline to a stable level. The department is currently using building stock which becomes available as older timber schools are redeveloped in solid construction, but will continue to investigate any relocatable building system that offers economies with acceptable aesthetics.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION

The Hon. ANNE LEVY: Has the Attorney-General a reply to a question that I asked about the Young Women's Christian Association?

The Hon. K. T. GRIFFIN: The Community Welfare Grants Advisory Committee has considered all applications for ongoing funding, and these organisations have already been advised of decisions. Applications for grants for new activities are now being considered by the advisory committee, and the applicants, including the Y.W.C.A., will be informed of the amounts of any grants by the end of this month at the latest.

HOUSING LEASES

The Hon. ANNE LEVY: Has the Minister of Housing a reply to a question that I asked regarding the leasing of South Australian Housing Trust homes?

The Hon. C. M. HILL: Since 1937 the Housing Trust has conducted its real estate operations through a single accredited agent. This arrangement was made and has been continued by the trust as a proper business decision of an independent statutory authority. Like all such arrangements, the trust is subject to the scrutiny of the

Auditor-General and to his comment as to their appropriateness. I am informed that an arrangement has been made for the payment of $50 for each house when a lease agreement is signed. No amount is to be paid in respect of those houses which are inspected and judged as being unsuitable.

HILLS FIRE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General a question about the Hills fire last month.

Leave granted.

The Hon. N. K. FOSTER: I have asked a number of questions about this matter, and many of them were replied to most abruptly without any information being given whatsoever. With all due respect, Mr. President, I must say that the Government is lacking in any form of compassion for the residents of this area who have been so shabbily treated by this Government. On the day I asked my first question about this matter members opposite accused me of seeking to make political gain through the unfortunate people who were burnt out in this disastrous bush fire. In fact, it was Tonkin, his Ministers, Evans and others who flocked to the bush fire area the following morning, had themselves displayed on television, and made statements that were reported on page 1 of the *Advertiser.*

The Hon. L. H. Davis: Mr. Bannon also went there.

The Hon. N. K. FOSTER: Just shut up a minute. I have had you.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Well, pull him into order.

The PRESIDENT: Order! The Hon. Mr. Foster does not refrain from interjecting on other members, so he should accept some interjections at times. I also draw the Hon. Mr. Foster's attention, and it is not the first time, to the fact that he should use honourable members' titles when he refers to them. Hopefully, the Hon. Mr. Davis will listen to the Hon. Mr. Foster without interjecting.

The Hon. N. K. FOSTER: Thank you, Mr. President. At last you have spoken to the Hon. Mr. Davis. Personally, I never want the prefix "honourable" applied to me by any member of this Chamber on either side. Before I was so crudely and rudely interrupted I was saying that Mr. Tonkin was reported in the *Advertiser* of 22 February 1980 as saying that a great deal of aid would flow to the bush fire area, because he had been in touch with the Rt. Hon. Mr. Fraser. I wonder whether in fact he is the "Right Honourable"; it makes little difference to his integrity anyway. The Premier claimed that much assistance would be given to the people in the bush fire area, because he had discussed the matter with the Prime Minister. However, little or no aid has been forthcoming because of the categorisation of the fire in the manner that the press report indicated. Further fuel has been added to the cleaning-up operations following the fire, because it is obvious that Stirling council—which should be abolished because of its dishonesty and malpractice—

Members interjecting:

The Hon. N. K. FOSTER: All right, I challenge members opposite to call a public meeting in this area, and I will speak to anyone who turns up. We will then see what sort of treatment the local member receives. You can call the meeting any time you like during the recess, publicise it, and I will come along to be "belted" or otherwise. I openly make that challenge to members opposite, and I invite the Town Clerk, members of the council and whoever else wishes to attend.

I have been reliably informed that the Adelaide University has instructed its personnel that they are in no way to discuss this fire or what might happen to inquiries, because it considers the matter to be a political question. Just how far will the Government's tentacles of cover-up reach into the community? Mr. President, I do not make these statements lightly. In fact, I have waited a week to check my facts. I have also been informed that contracts have been let by the local council for the cleaning up of debris, scrap metal and particularly steel, and that is being taken to the Heathfield dump. People are irate about this because they believe that the owners of the dump that started the fire (F.S. Evans and Company) including Mr. Evans, M.P. are profiteering from the unfortunate loss faced by people who have suffered through the bush fire. The value of the scrap taken to the dump and the price offered there shows a disparity as high as 125 per cent in relation to the usual price paid for such things as scrap from garages, buildings and sheds. It is no wonder that the local member of Parliament is being hissed and booed and receives no respect from members of his electorate. I will take the Hon. Mr. Hill at his word and check on Mr. Evans's property dealings in this area. I will get to the bottom of this matter and have the truth brought out publicly, which I hope a coronial inquiry will do. In addition, I understand that no aid has been forthcoming for the people of this area in the manner that was stated by the Premier. Obviously the Premier was simply trying to gain some political kudos from a matter over which he had no control.

I wonder about the sincerity of members opposite and their political Party, because the Prime Minister's father-in-law found himself in a similar situation in Victoria and special provisions were made for him to the tune of about $500 000. Is it any wonder people get angry about this? The fact is that this matter has not been properly or sufficiently reported in this Chamber.

The Hon. M. B. Dawkins interjecting:

The Hon. N. K. FOSTER: As the mumblings of Mr. Dawkins subside—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Squawking Dawkins; he is well known. Are you going to get up about that?

The Hon. M. B. DAWKINS: Mr. President, I rise on a point of order and ask that that comment be withdrawn.

The PRESIDENT: The Hon. Mr. Dawkins has asked the Hon. Mr. Foster to withdraw his remark.

The Hon. N. K. FOSTER: What remark does the honourable gentleman wish me to withdraw?

The PRESIDENT: I am almost certain that it was the Hon. Mr. Foster's reference to the Hon. Mr. Dawkins as "squawking Dawkins". I ask the Hon. Mr. Foster to withdraw that remark.

The Hon. N. K. FOSTER: I unreservedly withdraw that remark. The Hon. Mr. Dawkins should have been prudent enough not to have mentioned this matter, so it would not have been reported. However, I thank the honourable member for mentioning it, because it has now been reported.

The Hon. J. C. Burdett: Complete disrespect!

The Hon. N. K. FOSTER: You should talk about disrespect.

The PRESIDENT: Order! Will the honourable member ask his question?

The Hon. N. K. FOSTER: Will the Minister inform the Council of contracts let by Stirling council for the purposes of clearing fire damaged or other buildings?

Secondly, I ask whether financial assistance, by way of grants, loans, etc., has been made to the Stirling District Council or F. S. Evans and Co. Ltd. by any area of

Government or any department or body of the Government. Thirdly, is the F. S. Evans dump receiving scrap from any of the operations referred to in the first part of this question, and to what extent is that company profiteering from the misfortune of fire victims through recycling and the amounts paid for scrap received at the Heathfield dump? Fourthly, I ask the Minister to provide a copy of the Adelaide University direction that personnel should not become involved in discussions on the fire because of its political nature. Finally, will the Minister inform this Council as to the reason why no aid, financial or otherwise, has been made following the statement by the Premier, Mr. Tonkin, on 22 February 1980 on page 1 of the *Advertiser* declaring the fire to be in the category of a national disaster?

The Hon. K. T. GRIFFIN: It is unfortunate that the Hon. Mr. Foster has ranged so far and wide. In the statement preceeding his questions he made a series of allegations under the privilege of this Council which by implication were meant to have some adverse affect on the Stirling council, a member of this Parliament in another place, the Adelaide University and various other persons.

The Hon. L. H. Davis: He wouldn't say it outside the House.

The Hon. K. T. GRIFFIN: He can try one day. The fact is that a number of the matters he raised had not been substantiated by any evidence at all. An attempt is being made, by innuendo, to cast aspersions on a number of those bodies, all of which are providing some service to the community in one form or another. The honourable member has made some criticism of the Premier, his Ministers and a member in another place for having received television and newspaper coverage on the day after the fire. He suggested that that was improper. I suggest that the Leader of the Opposition in another place received a similar sort of coverage. One can expect that, with a disaster of this kind, the media would be interested to know what the Government and the Opposition intended to do and what their attitudes were to the disaster and the effect that it had. I would suggest that, if the honourable member is suggesting that the Government should not have had any media coverage, he ought to level his criticism more at the media than at the Government. Naturally enough, the media are interested in this and are entitled to give the Government and the Opposition coverage as a result of the disaster.

The honourable member has also suggested that the Stirling council should be abolished. I am not sure on what basis he is making that suggestion. The fact is that so far as this Government is concerned, the Stirling council will not be abolished. This Government strongly supports the involvement of local government in the community, and the Stirling council has responsibility, along with many other councils, for activities in the Adelaide Hills. There is no suggestion at all (and I refute any suggestion) that the Stirling council ought to be criticised for the activities which it is performing under the coverage of the Local Government Act.

The honourable member has asked a number of questions, one of which related to contracts let by the Stirling council. I suggest that it is not a province of the Government to make inquiries into the Stirling council. The honourable member ought to direct his questions to that council for the sort of answers for which he is looking. The Hon. Mr. Foster also asked whether any financial grants had been made to the council and F. S. Evans and Co. Ltd. I would be surprised if such grants had been made as the result of the bush fire. However, I will check to ensure that that has not occurred. The honourable member has suggested that there has been some profiteering in regard to the clearing of scrap metal. I suggest that that is an improper assertion and one which cannot be justified by any evidence at all. I might pose the question to the honourable member as to what he thinks ought to happen to the scrap metal and debris from the fire and whether it ought to be dumped at some other location or left at the site of the fire.

With regard to the Adelaide University, it is not my province to inquire as to what direction it may have given to its personnel. It may be a perfectly proper direction if one has been given. It is for the university and its council to determine the propriety of any such direction. The Hon. Mr. Foster also raised the question of aid following the Premier's announcement that this was a disaster area. The honourable member appears to have conveniently forgotten one fact; that is, that immediately after the fire the Government announced that it was making an initial grant of $100 000 to the Lord Mayor's Bushfire Relief Appeal. The appeal was consistant with other initiatives taken as the result of other serious fires in past years. The disbursement of those funds is the responsibility of the Lord Mayor's Bushfire Relief Appeal Committee. So far as other Government aid is concerned, it is my understanding that the facilities of the Government and its employees have been made available just as they were made available after the Port Pirie flood and the Port Broughton storm last year. Government personnel, vehicles and facilities were made available to assist in emergency accommodation and relief, clearing debris and other related matters immediately after those disasters. It is my understanding that the same facilities have been made available as the result of the Adelaide Hills bush fire.

I repeat what I said on the day after the fire: the Government acted quickly and responsibly and recognised that it was a disaster area. Emergency relief was the prime need at that time. The Government has taken the initiative of supporitng the Lord Mayor's Bushfire Relief Appeal. If the honourable member believes that there are other matters which need attention, it is his right and responsibility to draw them to the attention of the Government.

The Hon. N. K. FOSTER: Will the Minister inform this Council, before its rising in April, of the assessment of the police investigations carried out in the bush fire area and the total contributions made, including the Government grant of $100 000 (which the Attorney-General makes sound like $100 000 000)? I ask the Minister to make every endeavour to have that information available, as many people are still without proper shelter and are living in caravans with the onset of winter almost upon us.

The Hon. K. T. GRIFFIN: I will not make available the assessment of the police investigations as a result of the fire. I have previously indicated that the coronial inquiry is the proper place for investigations on any matter of complaint of the nature to which the honourable member refers. With respect to the details of funds, anyone who is in need of emergency assistance or any other assistance has had the opportunity which has been made publicly known on many occasions since the bush fire, to make application to the Lord Mayor's emergency relief fund. If people have not done that, then I would suggest that they do so, even though I understand that the time for making those applications has passed.

BUILDING COMPANY FAILURES

The Hon. C. W. CREEDON: I seek leave to make a statement before asking the Attorney-General a question about house building companies.

Leave granted.

The Hon. C. W. CREEDON: This morning's paper told us that Goldcrest Constructions Pty. Ltd. has gone into liquidation, leaving debts of more than $1 000 000. The report states that it was thought that directors had gone on a holiday to overcome the trauma of going into liquidation. No doubt they went on a nice holiday wallowing in the lap of luxury, unfortunately forgetting about would-be houseowners and those whose houses were partly completed. The company liquidator was not much help either. I am not sure whether he was plainly not a diplomat or plainly heartless, because the report states:

> The liquidator, Mr. W. J. M. Ewing, of Touche Ross and Co., said yesterday most of the owners of partly-built Goldcrest houses would have to "fight their own battles" to have their houses completed.
>
> Mr. Ewing said there was no possibility of the liquidators "setting foot on any of the properties" to complete the houses.

This building company is not the only one involved in such skulduggery. Two other companies that have come to my attention are P. Ali and Sons, which went into liquidation to the tune of about $500 000, yet now Mr. Ali is the licensee of the Bridgeway Hotel at Pooraka. Some months before his building company went into liquidation he acquired that hotel lease and one wonders whether the purchase of that hotel lease might not have been the cause of his building company's going broke.

The second company was Madrid Investments of 685A South Road, Black Forest. That company went into liquidation recently, and as yet there has been no meeting of creditors. One of the principals of that company, a John Peterson, bought during the last 12 months and is now operating the John Harvey Gallery Restaurant in Salisbury. This same man, John Peterson, together with a Mr. Meldrum, who was a director of Trak Pak, a transportable house company that went into liquidation about 18 months ago, are already trading as Brachouse Pty. Ltd. from the South Road, Black Forest, premises.

Many building companies have gone into liquidation, and usually before the dust has settled they have a new licence and a new company is established. How can these people or companies continue to obtain a licence to build houses, and what action will the Government take to ensure that they cannot hold a building licence? Will the Government take the necessary legislative action to deprive these people of their private wealth in order to compensate those whom they deprive?

The Hon. K. T. GRIFFIN: As a result of the newspaper publicity this morning, I have requested the Corporate Affairs Commission to give me a report on the position with the company named in this morning's report. So far as a liquidator is concerned, whilst the honourable member suggests that he was not much help, the fact is that there are statutory responsibilities laid upon liquidators of companies, and those statutory responsibilities do not enable them to embark on the charitable activity to which the honourable member referred. I will consult my officers with respect to those difficulties and bring down a reply.

PROFESSIONAL SERVICES

The Hon. C. J. SUMNER: Has the Minister of Community Welfare a reply to the question I asked on 21 February about professional services?

The Hon. J. C. BURDETT: The reply is as follows:

> No, the Chairman of that committee has not been replaced. The Policy Division no longer exists. The committee has not met since the election, and there are no current plans for it to continue.

PITJANTJATJARA LAND RIGHTS

The PRESIDENT: Prior to the Hon. Mr. Sumner's moving his motion, I draw the attention of members to the fact that 13 words in paragraph 1 *(b)* of the motion have been deleted. The words are "and praying His Excellency to support its passage through both Houses without delay". The honourable member agrees to the deletion.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

> 1. *(a)* In the opinion of this Council, the principles embodied in the Pitjantjatjara Land Right Bill, as introduced in the House of Assembly on 22 November 1978, but with the amendments recommended in the report of a Select Committee of that House on the Bill, should be enacted into law without delay.
>
> *(b)* An Address be presented to His Excellency the Governor, praying His Excellency to cause a Bill dealing with Pitjantjatjara Land Rights to be introduced into Parliament as a matter of priority in this session, in the same terms as introduced in the House of Assembly on 22 November 1978 but with the amendments recommended in the report of a Select Committee of that House on the Bill.
>
> 2. A message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence to Part *(a)* thereof and further requesting that it send an Address to His Excellency the Governor in the same terms as the Address of this Council.

The Hon. K. T. MILNE seconded the motion.

The Hon. C. J. SUMNER: This procedure involving my motion before the Council on the subject of the Pitjantjatjara Land Rights Bill has become necessary because you, Mr. President, ruled out of order the Pitjantjatjara Land Rights Bill that I had introduced as a private member's Bill earlier this year. That Bill was in the same terms as the Bill introduced by the Labor Government in another place in November 1978, but with the amendments agreed to by a Select Committee of another place. The Bill was not proceeded with last year, because an election intervened.

The Hon. M. B. Cameron: It was not our election.

The Hon. C. J. SUMNER: That would be obvious even to the Hon. Mr. Cameron. I did not agree with your ruling, Mr. President, and my motion of dissent to your ruling, Sir, was defeated when the Liberals and the Australian Democrat representative, the Hon. Mr. Milne, supported the laying aside of the Bill, that is, by supporting your ruling.

The Council has made that ruling and we must accept it, although we did not agree with it at the time it was made. This motion now is the only alternative available to the Opposition, given that the Council accepted your ruling, Mr. President. The procedure follows directly on from your ruling and follows the precedent that was indicated by Mr. Speaker Ross in 1884 in his ruling in another place on the Working Men's Holdings Bill, which was referred to by you, Mr. President, in your ruling and which was referred to by me in the motion that I moved to dissent from your ruling.

The procedure that I am adopting today follows as a matter of course from your ruling, Mr. President, because your ruling was based initially on the statement of Mr. Speaker Ross in 1884, who stated:

> If a private member desires legislation in the direction

> contemplated by this Bill, his proper and constitutional course would be to make resolutions affirming the principle and address the Governor, praying His Excellency to recommend the House to make provision by Bill, to give effect to the resolutions.

That is exactly what I have done in this motion, paragraph I *(a)* of which asks the Council to express a favourable opinion on the Labor Government's Pitjantjatjara Land Rights Bill, and that it should be enacted into law without delay. Paragraph I *(b)* of the motion asks that an address be presented to His Excellency the Governor, with the request that His Excellency cause a Bill dealing with Pitjantjatjara land rights to be introduced into Parliament as a matter of priority.

So, two stages are involved: the opinion of the Council favourable to Pitjantjatjara land rights, and an address to the Governor, asking him to cause a Bill to be introduced. The address is made to the Governor as the titular head of the Government in this State and is, in effect, an address that the Governor would have to convey to the Government of the day via Executive Council.

The second part of my motion is not specifically referred to in the ruling by Mr. Speaker Ross to which I have referred but is in addition to it and suggests that a message be sent to another place requesting its concurrence in our support for the Pitjantjatjara Land Rights Bill, with a further request that, if they see fit, they should also present an address to His Excellency the Governor in the same terms as the address from this Council.

Honourable members will also be aware that there is on the Notice Paper a motion that the Hon. Mr. Milne intended to move. I believe that the procedure that we have adopted is the preferred one, however. The Hon. Mr. Milne's motion would merely have called on the Government to introduce a Pitjantjatjara Land Rights Bill and asked that a message be sent to another place requesting its concurrence therein.

In essence, that motion is a similar one, with which I have no quarrel. However, as your ruling, Sir, was based on previous rulings given in this matter, and as the ruling by Mr. Speaker Ross referred to an address by the Council to the Governor, that is the preferred procedure. That is all I say.

I do not believe that there is any substantive difference between the motion that I have moved and that which the Hon. Mr. Milne put on the Notice Paper yesterday. However, I am pleased to see that, because there is merely a difference in the procedure to be adopted (and we believe it to be the correct procedure, in view of your ruling, Sir), the Hon. Mr. Milne has seen fit to second the motion which I have moved and which contains the important matter of presenting an address to the Governor.

We need to look at the history of this Pitjantjatjara Land Rights Bill in the Council. Honourable members will recall that, the day after we returned following the Christmas break, I gave notice of my intention to introduce, as a private member's Bill, the Pitjantjatjara Land Rights Bill, which was the Labor Government's 1978 Bill. On 21 February I moved the first reading of that Bill, to which the Council acceded. On 26 February I gave the second reading explanation of the Bill, and debate thereon was then adjourned for some days. The Government was not prepared to respond to the Bill.

On 5 March we had your ruling, Sir. On 6 March we had the motion of dissent that I moved to your ruling, and on that day the Bill was laid aside. It is most regrettable that the Bill was before the Council for some two weeks before it was rejected, and that the second reading explanation had been given over a week (I think probably eight or nine days) before the action was taken to reject the Bill.

It is regrettable also that the Government was not in a position to respond to the Bill before it did. Unfortunately, it gives the impression that the Government deliberately delayed and avoided debating this Bill in the hope that it would be laid aside as indeed it was laid aside.

I give notice that the Opposition will want this motion debated and voted on before Parliament rises on Wednesday next. Parliament will then rise for a recess of about two months until we resume in, we understand, June. It would be completely inexcusable if the Government was not able to respond to this motion by next Wednesday before Parliament rose. The Government had some two weeks to consider the Bill after it was introduced in the Council, but it failed to do so.

Notice of the Bill was given on 20 February, and it is now 26 March, some five weeks later. The Government has therefore no excuse whatsoever for not being able to respond to the motion at least by next Wednesday. The Opposition therefore wants to alert members, particularly Government members, to the fact that it requires this matter to be disposed of by Wednesday next.

This delay or avoidance has been characteristic of the Liberal Government's handling of Aboriginal land rights matters. Its actions have been characterised by delay and double dealing—delay because the Bill was initially introduced in another place in November 1978, nearly 18 months ago. That Bill was before the Parliament formally from November 1978 to August 1979, when Parliament was prorogued for the election.

The Hon. R. C. DeGaris: Whose fault was that?

The Hon. C. J. SUMNER: We all know that an election was called by the Labor Government in 1979.

The Hon. R. C. DeGaris: You aren't blaming anyone else for that, are you?

The Hon. C. J. SUMNER: I am merely suggesting that the matter was before the Parliament for some nine months, from November 1978 to August 1979, and, further (and I will explain this to the honourable member), a Select Committee was set up in another place to examine the provisions of the Bill.

I say that there has been delay because in some way or another this Bill has been before us since November 1978, and that another characteristic of the Government's approach has been double dealing. I say that advisedly. It is a serious accusation to make, but it is borne out clearly by the facts.

When the Bill was before Parliament from November 1978 to August 1979, a Select Committee was set up in the House of Assembly, which included two Liberal Party members—the present Minister of Aboriginal Affairs (Hon. H. Allison) and the member for Eyre (Mr. Gunn). Those two members deliberated, with the Labor Party members of the committee, on about 14 occasions from November 1978 to August 1979. They received representations from a broad cross-section of the community, and they recommended some amendments to the Bill.

It must be pointed out that the present Minister of Aboriginal Affairs at that stage supported the second reading of the Bill in the House of Assembly. He was a member of the Select Committee, and he agreed with the amendments to the Bill suggested by the Select Committee. The report to the House of Assembly from the Select Committee was unanimous, recommending support of the Bill with some amendments. The Minister of Aboriginal Affairs agreed completely with that report. The role of the Minister has been particularly shoddy; before the election, he voted for the recommendations of the Select Committee and for the Bill, but after the election, when he was appointed Minister, he did nothing

but delay the introduction of this Bill.

Let us consider other matters that have occurred since the election. First, during the election, the Pitjantjatjara Land Rights Bill was not a great issue. The Liberal Party did not make this a subject of its election policy, and the matter was not given great publicity. That is not surprising, because everyone expected that it would be a bipartisan policy because of the attitude of Liberal Party representatives earlier in 1979. During the election campaign, it was thought that this would be a bipartisan policy, and there was good reason to believe that—the Liberal Party did not say that it would not introduce the Bill and that it would renege on the commitment the present Minister had given on the Bill.

Everyone in the Parliament and in the community had the right to assume that what the Liberal Party stated before the election about this issue would stand after the election. Unfortunately, we on this side, and the community generally, were fooled by the deceitful attitude of the Liberal Party. I find it surprising that Liberal members now propose a review of the Pitjantjatjara Land Rights Bill, when nothing was said about this matter during the election and when, through its representatives on the Select Committee, the Liberal Party had specifically supported the Bill.

After the election there was a deputation by the Pitjantjatjara people to the Premier because the Aborigines had heard that the Government would not proceed with the Bill. There was a great fanfare, and the Premier promised full consultation with the Aborigines about the Bill. However, without consultation or reference to the Pitjantjatjara people, or anyone else, from what I can gather, the Government approved mining exploration in the non-nucleus lands and proposed that a sacred sites committee be set up. Potential members of that committee were not asked if they would serve, and, indeed, one potential member said that he would have nothing to do with the committee. There was absolutely no consultation, despite the Government's previous commitments, in relation to approval for mining exploration in non-nucleus lands and the setting up of a sacred sites committee. It was interesting to note that, in answer to a question in the House of Assembly yesterday, the Minister of Aboriginal Affairs said that the sacred sites committee has not even been set up. That is another example of the Government's confusion in this matter. It promised consultation but, without consultation, the Government proposed the setting up of a committee and, for some reason, then decided not to go ahead with this proposal. The Government has done all that it can to delay debate on this issue for as long as possible. I believe that it is time for the Government to declare its stand.

I understand that the Minister of Aboriginal Affairs raised some legal doubts about the Bill. I believe that the raising of these doubts acted as a smokescreen. If there are any technical doubts about the drafting of the Bill, they could be examined. The Government is trying to raise a smokescreen behind which it can attack the principles in the Bill. The Crown Solicitor's opinion was used unjustifiably; the Government tried to use his opinion to throw doubts on the principles of the Bill, when in fact his doubts related only to the technical drafting of the Bill.

The Government then wheeled out a judge (but was not prepared to state his name) who made comments about the Bill. His comments were purely about matters of policy, and one would not have thought that they had any substance regarding the technical drafting matters in the Bill. Members of this Council, as well as any judge, are in a position to decide matters of policy. In any case, I believe that the opinions about the Bill are incorrect. I have consulted senior counsel about this matter, and I believe that there are no problems with the Bill's proceeding in its present form.

The Hon. K. T. Griffin: Have you consulted the Aborigines?

The Hon. C. J. SUMNER: The Aborigines fully support this Bill.

The Hon. K. T. Griffin: You haven't consulted them, have you?

The Hon. C. J. SUMNER: The Attorney-General staggers me sometimes. He knows that this Bill was introduced in Parliament in November 1978 with the full support of the Aboriginal people. The Attorney-General knows that Aboriginal people gave evidence to the Select Committee, and that a rally at Elder Park about a week ago was attended by Labor Party spokesmen, Australian Democrat spokesmen and a large number of Aboriginal spokesmen, who all called for the introduction of the Labor Party's Pitjantjatjara Land Rights Bill. The Attorney-General also knows that there was full consultation with the Aboriginal people before November 1978 by way of the working party, as well as other consultation. It is ludicrous for the Attorney-General to ask whether we have spoken to the Aboriginal people. I am sure that he is now sorry for his interjection.

I have spoken to senior counsel about drafting problems of the Bill, and I have been informed that, in his opinion, there are no problems. If there are technical problems in the Bill, they can be dealt with in this Council. The fact that the Government is prepared to throw around a Crown Law opinion is, to my mind, a smokescreen. The Government cites technical problems as a means of attacking the policy behind the Bill. It is a great pity that the Pitjantjatjara people and other Aboriginal people in this State are at the end of the bungling and dithering of this Government. I have pointed out previously that the Government has dithered and bungled, and it continues to do so.

We had an example of this in the case of the planning and development legislation now before the Chamber, when, at the third reading stage, the Hon. Mr. Burdett introduced virtually a completely new Bill, following three about-turns over this matter before that. Another example relates to the public access to Select Committee hearings, about which the Government made another about-turn. The Government also did an about-turn over the question of shopping hours, the Football Park lights, the Bank of Adelaide, and Moore's. In all these matters the Government adopted a certain position at one stage, and then dithered and changed its mind. I believe it is a great pity that the Pitjantjatjara people, who virtually received guarantees before the election that this Bill would proceed, now find themselves at the end of this Government's dithering. It is time for the Government to come clean and declare its true position.

I will not go through the full reasons behind the Pitjantjatjara Land Rights Bill, but instead I refer honourable members to the second reading explanation that I gave in this Chamber on 26 February this year (p. 1185 of *Hansard*). Honourable members can also refer to the material from the Pitjantjatjara Land Rights Working Party that was set up before the introduction of this Bill, and to the Select Committee report. At this stage, there is no great merit in debating the substantive matters contained in this Bill at any length. Instead, I refer honourable members to my remarks in my second reading explanation. That speech provides a full explanation of the rationale and philosophy behind this Bill.

I believe it is time for the Government to state its attitude, because we have had enough evasion and

prevarication. I believe that, if the Council passes this motion, the Pitjantjatjara people will gain some support for their cause through a resolution of this Council. As I have already said, I am pleased to see that the Hon. Mr. Milne has agreed to second this motion. The passage of this motion will salvage some of the honour of this Parliament, because at least one House will be supporting the Bill after the prevarication and double dealing of the Government in relation to this issue.

The Hon. K. L. MILNE: I believe that the Leader of the Opposition was prompted to introduce his resolution largely as a result of a letter I wrote to him on 10 March asking him to second a motion that I proposed to move in somewhat similar terms to the motion now before us. In part, my letter reads as follows:

> I have been most perturbed at the reports I have had of your criticism of me in the last few days over the Pitjantjatjara Land Rights Bill. I emphasize to you now what I have already said—both Robin Millhouse and I, and indeed the Australian Democrats as a Party, want to see the Pitjantjatjara Land Rights Bill, in the form recommended by the Select Committee passed speedily through Parliament and brought into operation.
>
> When the Council meets again on 25 March I propose to give notice of the following motion:
>
> This Council calls on the Government:
>
> 1. immediately to introduce the Pitjantjatjara Land Rights Bill, in the form in which it was introduced in the House of Assembly on 22 November 1978 but with the amendments recommended in the Report of the Select Committee on the Bill in that House; and
> 2. to support its speedy passage through both Houses and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.
>
> I write to ask that you second the motion and that you and your colleagues will support me in moving it.

In the event, the Hon. Mr. Sumner did not agree to second my motion, but decided to introduce a motion that in effect is virtually the same as mine.

The Hon. R. C. DeGaris: With respect, it is a great deal different.

The Hon. K. L. MILNE: It is possibly more accurate. It would be impossible now for me to move my motion, which is on the Notice Paper, and I will not do so, but I am glad to second this motion. I have publicly made clear that my attitude, and that of the Australian Democrats, is that we will support the Pitjantjatjara people by supporting the Bill introduced by the Hon. Mr. Sumner, unless the Pitjantjatjara people change their minds about what they want, and I hope that everyone else will do the same.

Rightly or wrongly I have supported your ruling, Mr. President, that the Hon. Mr. Sumner had no right to introduce the Bill in the way he did. I believe that this is a much better way to keep this matter current and, in fact, it is roughly what I wished to do myself. Of course, what has resulted is that the Government can, if it wishes, delay the introduction of its own Bill until next September or later. The Government gave an undertaking to introduce its Bill in the next session, but I now realise that this could be a long time away. On the other hand, the Government is having further discussions with the Pitjantjatjara people and their advisers. My Party and the public are concerned that the Government could use this delay to change the rules to suit the large vested interests in the mining industry. That would be a disaster, and I trust that the Government will resist that temptation. I support the motion.

The Hon. K. T. GRIFFIN (Attorney-General): I am most surprised that the Leader of the Opposition should seek to make a Party political issue out of the question of Aboriginal land rights. Apparently, the Leader does not seem to appreciate that the very real problem in seeking to make this issue a partisan political issue is that in the long term it may well prejudice the legitimate claims of the Pitjantjatjara people. The Government takes the view that it should not allow that partisan approach by the Labor Party, and to some extent by the Australian Democrats, to influence the decisions that will be taken in consultation with the Pitjantjatjara people.

I am appalled that the Opposition would seek to involve the Governor in this matter in something more than his constitutional role as the representative of the Queen in South Australia allows. The Leader of the Opposition placed some emphasis on the fact that the Governor was the head of the Government. However, the Leader does not seem to appreciate that, in a constitutional monarchy, the Governor is not the head of the Government. To involve the Governor in a Party political approach to Aboriginal land rights—

The Hon. C. J. Sumner: I said the titular head of the Government.

The Hon. K. T. GRIFFIN: The honourable member said he was the head of the Government. The fact that the Leader seeks to involve the Governor in this way—

The Hon. C. J. Sumner: What else could I do? That was the President's ruling.

The Hon. K. T. GRIFFIN: We will not debate that matter now, because the President's ruling was appropriate in the context of the Bill that the Leader of the Opposition sought to introduce. That was an attempt to gain some political mileage without appreciating its consequences for the Pitjantjatjara people. The Leader said that that Bill was rejected by this Council. The Leader may choose to categorise what happened in whatever fashion he likes, but the fact is that your ruling, Mr. President, was that the Bill should be laid aside because of the constitutional problem it faced in being introduced into this Chamber as a private member's Bill. I do not wish to spend any time debating this matter, because I believe there are more important questions involved in this very important issue. I point out that the previous Government appointed a working party in March 1979, and that working party took until April 1978 to make its report.

The Hon. C. J. Sumner: The working party was appointed in 1977.

The Hon. K. T. GRIFFIN: The working party was appointed in March 1977 and reported to the Government in April 1978. It then took the Government about six months to introduce a Bill in November 1978.

Thus it recognised that there were some difficult questions of law in the concept presented by the working party that had to be converted into legislation to come before this Council. It is correct to say that the House of Assembly appointed a Select Committee but it took until May 1979 to report. Again, we have the passing of another six months from the date when the Bill was introduced to the date when the Select Committee reported to the House of Assembly. Then, surprisingly perhaps for the Leader, it took another four months until the election. During that time, when it was within the power of the then Government to bring it on for debate in the House of Assembly, it did not do so. In fact, it was constantly put towards the end of the Notice Paper and not dealt with, since that Government itself could see some difficulties with the Bill as it was then drafted.

Another important point (and the Leader would have recognised this had he done his homework) is that the

Pitjantjatjara Land Rights Bill does not implement all the recommendations of the working party. There are significant departures from the recommendations of that working party in the legislation which came before the Parliament.

The Leader will recognise, from reading *Hansard* reports of the debate in another place, that difficulties were expressed by Crown Law officers as well as by others. In those circumstances, the report of the working party made some recommendations that the previous Government did not seek to implement in the Bill. So, the previous Government, as is shown by that example, and as is shown by some references to a Crown Solicitor's opinion quoted in another place, had some misgivings about the technical aspects of that Bill. That was, among other things, one of the reasons why that Government did not proceed with the Bill with some expedition.

We now have the situation in which the Leader of the Opposition is criticising the Government, after we have been in Government for only six months, because we have not yet adopted a Bill from the previous Government's regime to deal with land rights. In that time the Government has undertaken a number of negotiations and consultations with the representatives of the Pitjantjatjara people. The point to be made is that this Government, as the Government of the day and the Government of the State, is entitled to review all the policy initiatives of the previous Government. We undertook, before the election and subsequently, to review this Bill in consultation with the Pitjantjatjara people. We undertook to do that as expeditiously as possible. The Government found that it was a matter of some difficulty because of other aspects which impinged upon the Bill.

We had consultation with the Pitjantjatjara people last year, but more particularly when the Pitjantjatjara Council came to Adelaide in February this year. The Premier took the initiative and went to Victoria Park Racecourse to meet them, and the Minister of Aboriginal Affairs did likewise. Subsequently, the executive of the Pitjantjatjara Council met with the Premier in his office. Two weeks ago the Pitjantjatjara Council executive, plus several others and its own lawyer, met with Ministers and officers of the Government to pursue the negotiations which were taking place. As the Premier indicated on the day following that conference in conjunction with the representatives of the Pitjantjatjara Council, substantial progress was made at those discussions. It was agreed that the nature of the discussions and the agreements made should, on both sides, be kept confidential. That is what we have honoured in the period since then.

Last week the legal adviser for the Pitjantjatjara Council met me and officers of the Crown Law Office, and it has been agreed that towards the end of April, when we have been able to take further advice and instructions and have had an opportunity to initiate some further drafting both in the Crown Law Office and with the Parliamentary Counsel, we will exchange notes and meet again.

It has already been announced that the Pitjantjatjara Council and its executive will come to Adelaide on 1 May for a further round of discussions with the Government. The Premier has also announced that, in the middle of May, he expects that he and several of his Ministers will go to the North-West and again meet the Pitjantjatjara Council and others of the Pitjantjatjara community. The present Government's position was made quite clear before the election and subsequently—we have a commitment to give to the Pitjantjatjara people freehold title to certain land. We have indicated that there are legal difficulties at present with the previous Government's Bill, and we are consulting with the Pitjantjatjara people to remedy those defects.

That is not an easy matter to push along. If the Leader of the Opposition has had any experience in discussing matters with the Pitjantjatjara people, he will realise that there are two difficulties. First, the Pitjantjatjara have a consensus approach to decision-making and the consensus cannot necessarily be obtained overnight. The process of consultation embarked on amongst members of the community can often take months to resolve before decisions on that consensus basis are reached. The other difficulty is one of language and culture. The Leader should realise that it is often difficult to convey concepts and legal technicalities across cultural and language barriers.

The Hon. Frank Blevins: Why did you say one thing when in Opposition and another thing now?

The Hon. K. T. GRIFFIN: We are not saying anything different.

The Hon. C. J. Sumner: What was Mr. Allison doing last year?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I am saying (and obviously this hurts because the Opposition does not want to admit it) that only a slow and steady process of consultation will enable consensus among the Pitjantjatjara people to be reached. The Leader is locked into a position of criticising the Government for what he says is delay. He cannot admit that that process of consensus, which is a desirable objective, is not something that can be achieved overnight.

The position is that we are having negotiations and consultations with the Pitjantjatjara Council. We are taking into account language and cultural differences. We want to cross those boundaries and achieve a consensus between the Pitjantjatjara people and the Government that is acceptable to the whole community. I am confident that that will be achieved. The difficulties of consultation can be overcome largely by patience on all sides. I have personally had some considerable contact with the Pitjantjatjara people, particularly those at Ernabella and Fregon. Only too well do I know that it requires patience to be able to understand their viewpoint.

The Hon. Frank Blevins: Why did you change your opinion overnight?

The PRESIDENT: Order! The Hon. Mr. Blevins has asked that several times.

The Hon. Frank Blevins: I just want an answer.

The PRESIDENT: If the honourable member will listen he will probably get the answer. I do not intend to allow him to continue to interject.

The Hon. K. T. GRIFFIN: The difficulties are quite obvious if one has had some close contact with the Pitjantjatjara people. Anyone who has had contact with the working party and others responsible for some consultation or the development of ideas in this area will recognise that patience and a genuine desire to understand and respect their position will achieve the consensus that we are looking for in Government.

I have indicated that the content of the negotiations so far with the Pitjantjatjara Council and its legal adviser is the subject of an arrangement between us that will remain confidential until the consensus has been reached and a proper proposal is available to be presented to the Government. In addition to keeping the Pitjantjatjara representatives informed, the Government has also been in consultation with other representatives in the community, such as those who have a special interest in and association with the Pitjantjatjara community.

I refer to some branches of the churches that have become involved because they are anxious to be mediators between the Government and the Pitjantjatjara people, if

that becomes necessary, and they are anxious to understand both the Government's point of view and the view of the Pitjantjatjara people.

The Hon. C. J. Sumner: Do you accept the principles in the Labor Bill?

The Hon. K. T. GRIFFIN: I do not know whether the Leader has been listening, because I suspect that he has not. I have already said that the Government clearly stated before the election and subsequently that it has a commitment to freehold title for the Pitjantjatjara community for land in their area. I do not know how much further I can go in trying to make clear to the Opposition and others that it is not a matter that can be resolved overnight.

The Aboriginal people, their advisers, the working party, and many others acknowledge, as did the former Government, that the Bill that the former Government introduced was defective in many respects. The initiative of the Government is directed towards resolving those difficulties to ensure that, when the Government presents its Bill to Parliament, it is in a form that is clear and precise, recording accurately, fairly and reasonably the result of the consultations between the Government and the Pitjantjatjara community.

Some suggestions have been made that the Government is playing for time, yet it took the former Government 2½ years to move from appointing a working party to a point where an election was called without that Government having its Bill brought before Parliament for debate. I am saying that it is not possible for this Government to achieve the sort of consensus that we believe is important in the short period of time since we have been in Government.

The Government has indicated that it will introduce during the next session its own Bill, which will record the consensus between the Government and the Pitjantjatjara community. We expect it will be early in the session but surely, for those who might have some concern about that, a mere telephone call to the Pitjantjatjara advisers will inform them that those persons, too, are anxious to see that the Bill is in a proper and adequate form. I suspect that Opposition members have not taken the trouble to consult with the Pitjantjatjara advisers, because they want to try to make some political capital from the fact that the Government has a continuing consultation arrangement with the Pitjantjatjara people, and will itself bring before Parliament a Bill that is more appropriate and more adequate in reflecting the aspirations of the Pitjantjatjara people, than is the former Government's Bill.

Our attitude is that we prefer not to foist our ideas on the community but to seek to achieve a consensus, and we will be working towards that in introducing our Bill to Parliament during the next session. The Opposition's approach to this matter, as I have said, is mischievous, and seeks to make a partisan political issue out of something that should be above partisan politics.

While the Government will not be prejudiced in its attitude towards the claims of the Pitjantjatjara people by the Opposition's attempts to make political mileage out of it, the fact remains that there is still the possibility that problems could occur amongst ordinary members of the community. I believe, and the Government believes, that it is an important issue which should be above Party politics. It is an issue that should be resolved by agreement, which should demonstrate to the community at large a recognition of the claims of Aboriginal people in the context of their living within a nation such as Australia. There are other remarks that I would like to make at the appropriate time. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ENVIRONMENTAL PROTECTION (ASSESSMENT) BILL

The Hon. J. R. CORNWALL obtained leave and introduced a Bill for an Act to provide for the examination and assessment of certain undertakings with a view to ascertaining their effects upon the environment; to ensure as far as practicable that adverse environmental effects are avoided or minimised; and for other purposes. Read a first time.

COUNTRY FIRES REGULATIONS

Order of the Day, Private Business, No. 1: The Hon. J. A. Carnie to move:

That the Country Fires Regulations, 1979, made on 13 September 1979 under the Country Fires Act, 1976, and laid on the table of this Council on 11 October 1979 be disallowed.

The Hon. J. A. CARNIE: As the Joint Committee on Subordinate Legislation has decided to take no further action to disallow these regulations, as shown in the minutes tabled on 6 March, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is intended to strengthen the retention and protection of the national and conservation parks of South Australia. The Bill specifically prohibits all agricultural pursuits other than grazing or beekeeping in the parks system. Under an existing provision of the Act, all or any part of a dedicated park can be undedicated only by a resolution of both Houses of Parliament. Notwithstanding that provision, however, section 35 (3) of the present Act gives the Minister of Environment very wide discretion for permitting many forms of activity in dedicated parks. It authorises the Minister to issue a licence over any portion of a park entitling a person to exercise any rights of entry, use or occupation as specified in the licence. It is clear that under the existing legislation farming under licence can be permitted by the Minister.

This is certainly against the spirit and concept of setting aside undisturbed areas of land to be preserved in perpetuity for passive recreation, inspiration, education, scientific study, and preservation of ecosystems. It is completely inappropriate in 1980. At a future time it will be necessary to examine the whole range of uses that are presently permitted or are proposed to be permitted in parks. Given the present Government's attitude to development at any cost, the issue of mining licences will certainly need to be closely monitored. However, to ensure the speedy passage of this Bill, the Opposition has not elected at this time to broaden the proposed restriction beyond agricultural pursuits.

Grazing has been purposely exempted. We believe that grazing should not and must not ever be permitted in dedicated parks in the arid zone of South Australia because of their delicate and fragile ecosystems. However, it is conceded that grazing under stringently controlled

conditions may be necessary as an aid to fire prevention measures in a small number of very special circumstances in the higher rainfall areas of the State. This should be regarded only as a temporary and limited management tool because of the acute shortage of field personnel that currently exists in the National Parks and Wildlife Service. The policy should be continuously monitored.

It is clearly recognised that most parks are contiguous with land where farming or grazing occurs. Because of this, a wide range of carefully supervised and controlled activities, consistent with the preservation of native flora and fauna, are necessary to control vertebrate pests and pest plants. This Bill does not restrict those activities in any way. Indeed, the Opposition will enthusiastically support any reasonable measures proposed by the Government to improve control of weeds and vermin. We look forward to the implementation of this aspect of their pre-election environment policy.

The Opposition also recognises the need for apiarists to have access to some parks. There is specific exemption in the Bill for beekeepers to continue to operate under licence. Recently, there was some confusion between Government Ministers concerning policy with regard to farming in some of the State's conservation parks. This Bill has been introduced to clarify and codify the attitude of this Parliament. It provides an opportunity for all honourable members to indicate whether they genuinely support the retention and protection of our national parks system. I appeal to members to expedite its passage.

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

NATURAL DEATH BILL

Adjourned debate on second reading.
(Continued from 5 March. Page 1429.)

The Hon. R. J. RITSON: It is not the province of the doctor to administer to his patient the doubtful privilege of dying twice. That is a dictum that was written about 100 years ago by a famous physician whose name I cannot quite recall. It is in the spirit embodied in those words that I support the second reading of this Bill.

I should like to discuss the Bill under four main divisions: first, matters of principle; secondly, matters of application of the Bill as it appears to me; thirdly, matters of what the Bill might do and how it might, if altered a little bit, fulfil what I take to be the intentions of its author; and, fourthly, I should like to talk about Pandora's box. I hear a few titters around the Chamber. I should like to say, however, that I do not know Pandora but, if it is proved that I do know her, we are just good friends.

I deal, first, with matters of principle. Having reread the Hon. Mr. Blevins' second reading explanation, I find that I have a great deal of common ground with him on matters of principle. I agree wholeheartedly that, in the care of the dying, it is an important principle that the patient himself has rights to determine the manner of dying and the manner of management. That is agreed.

Reference was made to my obvious dislike of over-regulation. Here again, I agree with the Hon. Mr. Blevins that this matter is not one of over-regulation. When I have spoken of the evils of over-regulation, I have really been referring to the evils of raising great buildings and bureaucracies at great expense in order to non-overcome small ills. However, this Bill does not do any of this. It does not prescribe penalties, appoint inspectors or grant licences, and I agree that it does not involve over-regulation.

I also agree that this Bill has nothing whatsoever to do with euthanasia. The euthanasia lobby often likes to put its foot in the door by describing the killing of people as active euthanasia and the refusal or withholding of treatment as passive euthanasia.

This is absolute garbage, and I think we can take it as common ground that this Bill has nothing to do with euthanasia. The right of a person to accept or refuse any treatment is fundamental and the supporters of euthanasia, as far as I am concerned, can stay out of this.

Having dealt quite non-critically with the matter of principles, I would now like to explain what I think is the area of application of the Bill as it stands. If one looks at the definitions at the beginning of the Bill, one finds that by necessary implication the Bill will apply entirely to unconscious persons. Although this is not specified in those terms in the Bill, it was strongly implied in the second reading explanation. Of course, a conscious person can revoke the declaration at any time and so the final arbiter in an unconscious condition is the immediate last word of the patient. Obviously, the declaration would be resorted to only in a state of unconsciousness of the patient. Further, I find that, looking at the definition, recovery is defined as any remission of the symptoms or the effects of the illness. Presumably, any lightening of unconsciousness would constitute such remission. Irrecoverability of consciousness is a necessary ingredient and, under the definition of terminal illness, there is a requirement for death to be a state which is imminent and from which there is no reasonable prospect of a temporary or permanent recovery.

One finds that extraordinary measures are restricted to measures that maintain the operation of bodily functions. To me, that excludes measures like the giving of penicillin and oxygen, but includes things like artificial respiration and renal dialysis. Reading all those things together, it seems that the only situation to which this Act, as it stands, will apply is a situation of deep, permanent, total, irrecoverable unconsciousness requiring respiratory assistance. That, in technical terms, amounts to brain death.

This matter has been investigated in recent years (and I stress the word "recent") by a number of eminent medical bodies. With your permission, Mr. President, I will make available to honourable members copies of reports of the conference of the Royal Medical Colleges of the United Kingdom.

The PRESIDENT: Have they been circulated?

The Hon. R. J. RITSON: I have not circulated the documents. I have given the documents to the Clerk and I seek your permission to have them circulated.

The PRESIDENT: They may be put in members' boxes.

The Hon. R. J. RITSON: Thank you, Sir. In addition to the reports of the conference of the Royal Medical Colleges of the United Kingdom, there is a copy of an internal memorandum from the department of neurosurgery at the Royal Adelaide Hospital. These reports come to grips with the fact that the normal sequence of the process of death could be interrupted and frustrated. That is the sequence of events, and, traditionally, the process was regarded as beginning when the heart stopped. After a couple of minutes of lack of circulation, the brain would die and with the death of the brain, respiration would fail. Other organs like the kidneys would die an hour or two later. The skin lives for a couple of days. One can keep a piece of cut skin as a graft for a couple of days. Bodies in the morgue will grow a 5 o'clock shadow.

There is a continuous process of dying. The colleges analysed this process and concluded that the point of brain damage is the point of no return in the process of dying.

The colleges devised a system of diagnostic criteria whereby one could be certain that this point of no return had been reached. One can see, as I describe the process, how different this is from euthanasia.

The conclusion of the colleges (as in the documents distributed) is that, when the point of no return has been reached, further attempts to maintain the appearance of life by artificial respiration and the maintenance of bodily functions are fruitless and that relatives should be spared the anxiety and anguish of sterile hope.

I like to think that there is some common ground and that honourable members agree that that is the application of the Bill as it stands. In his second reading explanation, the Minister referred to general problems of the anguish of dying, suffering, and the situation of people having tubes in every orifice. I will now examine the Bill in terms of what it does not do, because I rather suspect that some compassion and understanding of the suffering of the dying initiated the introduction of this Bill. I believe that the Bill, as it stands, is in accordance with current medical practice. Four or five years ago people who were medically, if not legally, dead in terms of this definition of brain death were kept legally alive by anxious doctors unnecessarily, thereby causing anguish and sterile hope.

If one looks at the dates of publication of the documents that I have distributed, one will see that the earliest date of publication is 1976 and the latest is 1979. Considering that there is always a time lag between the publication of such papers by experts and their general acceptance as common practice by the medical profession, I rather suspect that some of the incidents that gave rise to the need for this Bill may predate the publication of this paper. I would go so far as to congratulate the Hon. Mr. Blevins on his independently and simultaneously coming to the same conclusions as the Royal colleges. It is my professional opinion, as neither the best nor the worst of doctors, that, if we investigate this Bill as it stands, we will find that it does nothing more than echo what is current medical practice and it will probably change nothing. I do not object to the passage of the Bill in its present form because I would be pleased to see the Bill restate the rights of a patient to have his wishes incorporated in his mode of treatment. I would be pleased to see an official restatement of the distinction between what is proposed here and euthanasia.

As I have said, I doubt whether this Bill, seen in its narrowest view, namely, dealing with when to switch off the respirator, would change anything very much. It is my belief that the patients who would be granted rights under this Bill are already receiving those rights, as are patients who do not make a declaration. If one examines the patient-doctor relationship, one finds every day that conscious patients are granted the right to refuse not only extraordinary measures to prolong their lives in the case of terminal illness, but also the right to refuse ordinary measures of treatment of lesser illnesses. Patients are also granted the right to refuse lifesaving treatment.

As an example, I will give an anecdotal account of an incident that occurred in South Australia about 10 years ago when a patient refused a blood transfusion on religious grounds. The anaesthetist respected the patient's wishes, even though catastrophic blood loss had occurred. During the operation the patient became unconscious, and the doctor did not immediately transfuse the patient but respected the wishes he expressed whilst conscious. The doctor did all else that he could, but the patient died. I believe that the matter was reported to the Coroner, but no action was taken. Whilst that does not constitute a binding legal precedent, I believe that we must accept that, *de facto* if not *de jure*, patients have a right to express a desire not to have certain treatment. That right should be respected not only in the face of patient protest, but also after a patient becomes unable to communicate.

I believe that right is invaluable, because it means that a patient can avoid suffering. However, this Bill has nothing to do with avoiding suffering. By necessary implication the Bill deals with unconscious people, and unconscious people do not suffer. It is the anxious doctors, relatives and inheritors who suffer, but not the patient. At that stage the patient is past suffering. However, I would like to see patients avoid suffering in certain circumstances.

The thorny problem in medicine is not when to switch off the respirator that is connected to a patient, but when does a doctor not resuscitate a quadraplegic, or when do you not treat cardiac failure in an elderly diabetic who has gangrenous legs. Such treatment will produce some relief. If the doctor's treatment of the cardiac failure is successful and the diabetic patient survives, he is simply made fit to have his legs amputated and then go into a nursing home and get bed sores. In the absence of any declaration, a doctor would certainly be conservative in a thorny area such as that. A doctor would have no hesitation in switching off a respirator connected to a brain death patient, with or without this Bill. However, a doctor would have every hesitation and worry as to his position if he did not carry out remedial treatment of an intercurrent disease. In the example I have mentioned the doctor could be criticised by the patient without legs and with bed sores. The patient would probably say, "Doctor, why did you not let me die when I was in heart failure; that would have been a better and natural way to go."

In order to understand the effect of treatment of disease one must understand the natural course of the untreated disease. There are many patients who have incurable diseases such as widely disseminated tumours and who, if a doctor did not interfere, would die of pneumonia or urinary infection, etc. By giving these people antibiotics and various other treatments doctors deny these people the privilege of dying naturally. If such people died later, after a doctor had resuscitated them, it is sometimes worse than the way they would have died had the doctor not treated them at all. I believe that at present patients already have the rights outlined in this Bill. Perhaps some patients are not educated enough or encouraged enough by members of the medical profession to exercise these rights.

Perhaps at times members of the profession hesitate to tell a patient that he is dying, thereby denying the patient the right to choose whether to be treated for intercurrent disease or not. I believe that a declaration would be of more value in this area than in the narrowly defined terminal situation. Can honourable members imagine the tragedy faced by a patient who has fully discussed his position with his doctor? The patient might have an incurable disease with only a few months to live and it is his wish that, if he became unconscious, he should not be treated. During a particular night he might lapse into unconsciousness but his doctor might be off duty. Another doctor might come into the ward and, in ignorance of the patient's wishes, resuscitate him. In a situation such as that, a declaration might overcome that problem.

I believe such a declaration could have a wider scope. I believe that this matter should go to a Select Committee, so it is not important for me to expound all these examples in any detail. However, I wish to prise open the lid of Pandora's box just a fraction of an inch and look at some of the possible problems. Clause 4 of this Bill, in a rather cryptic way, implies some form of legal immunity for doctors by providing:

> This Act does not affect the legal consequences . . . in the

case of a patient who . . . has not made a declaration under this Act.

That implies that a doctor is immune when a declaration is made. I do not know what sort of immunity would be needed if the doctor had acted in good faith and was correct in his action. I believe that the doctor, in the ordinary common law situation, would not be liable at all. The only occasion when a doctor might need immunity would be when he was wrong. There are certainly examples in the United States of specific immunity against tortius actions, particularly concerning doctors stopping at road accidents. It could be argued that some people act more objectively when they are not acting in the shadow of a law suit. I do not know whether that is intended or not; that would be up to a Select Committee to decide.

Any immunity granted should certainly not be criminal immunity. I would not like to see any doctor escape the consequences of a negligent, incompetent or wicked decision that amounted to manslaughter or worse. In section 3 (2) reference is made to the word "duty" as follows:

. . . it shall be the duty of that medical practitioner . . .

I do not know what "duty" means. This is not a penal statute, so obviously it is a common law duty. What should the remedy be? If the remedy was an order or an injunction to withdraw treatment, that may be satisfactory. However, if the remedy was a law suit for damages, what would the damages be? Who would sue whom? Would a medical insurance company sue the doctor for the cost of a patient's extra days in hospital when his life was unnecessarily maintained on a life support system?

At first sight, the Bill is a simple one. However, I have the feeling that some of the words are ambiguous and many of the words are loaded. It is important for the Bill to go to a Select Committee for that reason. There are social effects also with the Bill. For the last few years doctors have had the technological ability to manipulate the date of death. It has never seemed a problem or been tested in any way because it has been in the hands of people who are professional and who have no interest in manipulating the date of death. It is increasingly common for people to have large amounts of term life insurance which expire at a certain date. If a person is in a terminal life support situation and he is two weeks away from the lapsing of his $200 000 term life insurance by virtue of age, it could be terribly important for some anxious inheritor that father should die before that birthday in two weeks. I worry about injunctions flying around for that sort of reason. I will not take the time of the Council to go through this any more, only to say that I see many such problems. However, I believe, understand and agree with the principles that have moved the honourable member to introduce this Bill. It is in that spirit and in the expectation that this Bill will go to a Select Committee that I support its second reading.

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

ROAD TRAFFIC ACT REGULATIONS

Order of the Day: Private Business, No. 6: The Hon. M. B. Cameron to move:

That the regulations made on 8 March 1979 under the Road Traffic Act, 1961-1979, in respect of the weighing of vehicles and laid on the table of this Council on 24 May 1979 be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

SUPERANNUATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The Bill makes two amendments to the Superannuation Act which were part of three recommendations of the Public Actuary and the Superannuation Board following the actuarial investigations of the South Australian Superannuation Fund as at 1 July 1974 and 30 June 1977 and makes a number of other miscellaneous amendments to the Act.

The recommendations referred to were that the fund should in future bear 5 per cent of the cost of cost-of-living supplements (which is presently borne entirely by the Government), that there should be some increase in the pensions of contributors who choose to retire between ages 55 and 60 and that there should be some increase in the pensions payable to contributors who entered the scheme at older ages and retire at ages between 60 and 65. The first recommendation will be given effect to by means of a change to the Regulations under the Act which will be made shortly and this Bill gives affect to the other two recommendations. The combined effect of the implementation of the three recommendations is a reduction in the cost of benefits under the Act borne by general revenue.

The Bill increases the pension of a person who retires, other than on grounds of ill-health, between the ages of 55 and 60. The following table shows how the amendments will affect the pension of a person who chooses to retire at the age of 55 years. I seek leave to have the table inserted in *Hansard* without my reading it.

Leave granted.

PENSIONS

	Pension at age 55 as a percentage of final salary	
	Present Act	Proposed Amendment
Contributors who entered prior to 1 July 1974	37·0	45·5
New entrant age 30 at entry	37·0	45·5
New entrant age 35 at entry	26·7	36·4
New entrant age 40 at entry	16·7	27·3
New entrant age 45 at entry	7·4	18·2
New entrant age 50 at entry	—	9·1

The Hon. K. T. GRIFFIN: The report of the Public Actuary indicated that the pensions currently available to such persons are significantly less than those which are justified on the basis of "actuarial equivalence" and this amendment remedies that anomaly. I should emphasise that the benefits proposed do not involve the Government in any overall increase in cost compared with the situation where the contributors retire at the normal retirement age of 60. At present an insignificant number of contributors choose to retire before attaining age 60 and, although the proposed amendments may have some effect in encouraging earlier retirement, they are not expected to contribute significantly to the overall costs of administering the State superannuation scheme.

Secondly, the Bill increases the pension payable to a person who entered the superannuation scheme after the age of 30 years but retires after attaining 60 years of age. The following table shows how the proposed amendments affect the pension of such a contributor. I seek leave to have the table inserted in *Hansard* without my reading it.

Leave granted.

FINAL SALARIES

New entrant age at entry	Percentage of final salary payable as pension on retirement at age 65 Present Act	Proposed Amendment
30	73·33	73·33
35	66·67	70·00
40	55·56	66·67
45	44·44	55·56
50	33·33	42·67
55	22·22	28·89

The Hon. K. T. GRIFFIN: The amendments will only affect a minority of contributors and are therefore again not expected to have a major effect on the cost of the State superannuation scheme. Further amendments proposed by the Bill affect the South Australian Superannuation Fund Investment Trust. They deal with the investment management costs of the Trust, its constitution and its liabilities to State taxes. In March 1978, the Commonwealth Superannuation Act was amended to provide that the trustees of the Commonwealth Superannuation Fund would not be liable to taxation under the law of the State in respect of property held by them except where the regulations under the Commonwealth Act specifically stipulated that they should be so liable. As a result of this legislation the State has already lost a considerable sum in revenue. It appears that the Commonwealth Minister of Finance might be influenced to make a regulation remedying this situation if the property investments of the trustees of State superannuation funds were also liable to tax. The Bill therefore provides that the South Australian Superannuation Fund Investment Trust may be subjected to such liability. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 permits the cost of carrying out prescribed functions connected with the administration of the trust to be paid out of the fund. It is intended that the costs incurred in managing the investments of the fund should in future be borne by the fund. Clause 3 is consequential upon clauses 2 and 5.

Clause 4 relates to the constitution of the Investment Trust. In the past it included the Under Treasurer and the Public Actuary as members. The amendments provide that if for some reason either of these officers is unable to serve as trustee his place may be taken by a person nominated by him and approved by the Treasurer. The nominee must be an officer of the Public Service. Clause 5 provides that the regulations may subject the trust to liability for State taxation. Clause 6 inserts the new provisions dealing with a contributor who enters the superannuation scheme after the age of 30 years but who retires after attaining the age of 60 years. Clause 7 deals with the pension of a contributor who retires between the age of 55 and 60 years. Clause 8 inserts schedules that are required for the purposes of clauses 6 and 7.

The Hon. ANNE LEVY secured the adjournment of the debate.

BOATING ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The main purpose of this Bill is to introduce provisions to the principal Act which will enable greater and more effective control to be exercised over water sports on the River Murray. With the increased popularity of water skiing, in particular, it has become desirable to zone areas of the river in order to regulate or indeed prohibit particular activities. While the existing legislation provides some scope for regulation of this kind, it does not permit the establishment of zones by administrative direction from the Director of Marine and Harbors. The Government is of the view that the regulation of water sports will be more efficient and effective if the Director is empowered to do this. Following the establishment of the zones by administrative act, the Governor will make appropriate regulations relating to water sports within them.

The Bill also removes subsections (1), (2) and (3) of section 9 of the principal Act, which provided for a specific regulation-making power relating to aquatic activities. In the light of the central amendments proposed in this Bill, these provisions are no longer necessary.

Clauses 1 and 2 are formal. Clause 3 strikes out subsections (1), (2) and (3) of section 9 of the principal Act. Clause 4 provides for an amendment to the evidentiary provisions in section 36 of the principal Act, consequential on the central amendments of the Bill. Clause 5 amends the regulation-making power contained in section 38 of the principal Act by recasting subsection (2) to enable the Governor to limit the operation of regulations to zones established by the Director, and by inserting a new subsection (2a) empowering the Director to establish zones on waters under the control of the Minister.

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

ENVIRONMENTAL PROTECTION COUNCIL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1618.)

The Hon. J. R. CORNWALL: The Opposition is prepared to give this Bill qualified support through the second reading stage. There are amendments in my name that will be moved in Committee. During my brief stewardship in environment the present and future functions of the Environment Protection Council were two of the many matters that were under my scrutiny and review. It is true, as the present Minister of Environment said in another place during debate on this Bill, that I discussed a wide range of matters with the Environment Protection Council. On the other hand, I had many discussions with many people ranging from the Coast Protection Board to the Cleland Conservation Trust. What I was doing at that time was to rapidly assess priorities for both improved administration and legislation programmes, across the board. It was a matter of some concern to me and to members of the council that they were no longer functioning as effectively as they did in their early years.

It is possible to point out what excellent work was done and what was achieved in that earlier period by the E.P.C. Amongst other things, it was on its recommendation that guidelines for the environment assessment procedure, which have been used most successfully since 1974, were set up. After a lengthy and amicable discussion that I had with council members, I asked them to consider the various points that had been raised, to further discuss them at the next meeting, and to set down their ideas on

paper for further consideration.

The letter they wrote to me after their next meeting was used by the present Minister in the debate in another place as some sort of principal justification for introducing this strange Bill before Parliament. I want to make two things clear at this time. The actions proposed in the Bill were certainly never contemplated by me at any stage. In fact, I would have been ashamed to be associated with them, for reasons that I will explain as the debate develops. The second point is that any Bill to change the E.P.C. would never have been introduced by me before environment protection legislation was on the Statute Book.

Clearly, the most important core legislation for the effective functioning of the Environment Department was undoubtedly the environment protection legislation. It is unfortunate that the priorities seem to have been turned around by 180 degrees.

I have considered and discussed a wide range of options for the E.P.C. One option considered was that, once formal environment protection legislation was effectively functioning, there would possibly be no further need for the E.P.C. That was discussed at one end of the spectrum, and at the other end was consideration of the idea of considering a full-time chairman who could act as an environmental advocate. These were the ranges across the board that I had open to me. No formal policy or proposition had been made for submission to Cabinet, and the whole matter was still quite open.

I want to make clear that I do not want to be associated in any way with the Bill. This allegation was developed in another place based on discussions that I had with the E.P.C. and based on a letter, which was quoted in another place and which the E.P.C. wrote to me in August. As I stated, the environment protection legislation would have been number one on my legislative priorities. Of course, there were many other matters that had been on the long finger in the Department for the Environment for a considerable time; matters such as off-road recreational vehicle legislation had high priority on the list.

My predecessor in the environment portfolio for the whole period of his office had been frequently criticised by the present Minister of Environment for not introducing a whole range of initiatives. The Hon. D. C. Wotton supported all these initiatives when he was in Opposition. He made statements supporting them and promised the numerous conservation bodies in South Australia that, if he were Minister, things would be different, that he would have all this legislation through with great dispatch and efficiency! Of course, now he is driving the train, what is the position? Where are all the great initiatives, where is all the legislation, and how is the morale about which the Minister spoke so much when in Opposition?

The present position is that he is busy breaking promises. I should like to give the Council a couple of recent examples. The former Director-General of Urban and Regional Affairs (Mr. John Mant) indicated to the new Government that he wished to return to private enterprise, but he did not want to leave the new Minister or his department in the lurch. He realised that the new Government would want to make administrative changes, particularly because of a rumoured amalgamation between the Environmental and Planning Departments, and he offered to stay through the transition period. He was assured that no such amalgamation was contemplated. As recently as three months ago the Minister circulated a memo to all staff in both departments reassuring them that he did not propose to amalgamate the two departments.

The Hon. J. C. Burdett: What has that to do with this matter?

The Hon. J. R. CORNWALL: I will link up my remarks. Now he has a Cabinet submission not only proposing amalgamation but giving precise dates and details about how that will be achieved. The man who promised so much is said by his own departments to be handling the amalgamation with what has been described as incredible ineptitude. In Opposition, the Minister projected an image of a small "l" Liberal and concerned conservationist. However, his only legislative achievement for the first 12 months is this Bill now before the Council. I hope I have linked up this matter to the satisfaction of the Minister.

This Bill is superficial; it is cosmetic at best, and at worst it may well politicise and stack the E.P.C. with Government appointees. At present no full-time facilities are provided for the council to carry out its work, and of course no full-time facilities or staff are envisaged in the Bill. Therefore, it will continue very much to be a part-time body without staff, meeting perhaps once a month, and for these reasons it will naturally achieve very little.

The council has no full-time staff, no full-time resources and, although the present members are extremely well qualified and conscientious, they feel that they are not achieving a great deal because of these limitations. The sort of people who are members of the E.P.C., permanent heads of departments, the managing director of a large company, a university professor, and so forth, are people with limited time, and this body represents an enormous commitment. Indeed, if they can manage to attend a monthly meeting for two or three hours they are doing a first-class job. In those circumstances, there are enormous limitations on what they can achieve in a 12-month period.

If the Government were serious about having the sort of independent watch-dog control that it talks about, for some strange reason, in the second reading explanation, clearly it would have done something about appointing a full-time chairman and providing the E.P.C. with resources to allow it to get on with the job. In these circumstances it is complete nonsense to suggest that the Bill will ensure that the council's operations are independent of the Department for the Environment, enabling it to fulfil a watch-dog function.

The other matter is that, if the Government were serious with this Bill, it would have given the council a greater deal of autonomy. I have already remarked that I am most disappointed about the priority that the Minister appears to have with regard to his legislative programme, that in fact this will be the only piece of legislation, as far as I can gather, that will be forthcoming from the Department for the Environment for the entire Parliamentary session in the first 12 months in the life of this Government. That is most disappointing.

One other statement in the second reading explanation should be mentioned before I allow the Bill to proceed, although I am anxious for the Bill to be dealt with in Committee, because many of my comments are reserved for that stage. In his second reading explanation, the Minister said:

> The Government recognises that the nature of environmental problems is becoming more complex.

Perhaps that is unexceptionable, but what follows causes me some alarm, namely:

> In the next few years, the balance between economic and environmental factors will change in accordance with fundamental social changes.

That concerns me considerably, because it is loosely worded and can be taken in a number of ways. I suppose that it is a statement of fact: that the balance not only will change but also has changed and is changing. However, it is a question of in which direction that change is moving.

Given the development-at-any-cost mentality of the present Government and the unfortunate attitudes that are apparent in some of the senior Ministers in relation to environmental matters and protection of the environment (I refer to the blase and gung-ho approach that those Ministers seem to have in relation to many of these areas), I am concerned about what that sentence to which I have referred might mean.

I hope that at some stage during the debate some Government member might be able to clarify for me exactly what is meant by the statement that the balance between economic and environmental matters will change. It may well be that that is a statement of good intent and of the Government's intention to take serious note of environmental matters, and that those matters will be given a priority that they ought to be given. That is essential to the well-being not only of South Australia and the nation but also of mankind. One must always see the balance between environmental and economic matters, and it may well be that the Government is moving very much in the wrong direction in this respect. I should therefore like to receive an assurance from Government members regarding this matter. I have on file amendments on which I will speak in Committee.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution. Not much of it pertained to the Bill, so I will confine most of my remarks to the Committee stage. Certainly, the Minister is most concerned about the environment.

The Hon. J. R. Cornwall: It is not the Minister but the Government that worries me.

The Hon. J. C. BURDETT: The Minister and the whole Cabinet (therefore the Government) are most concerned about the environment, and, when the Minister in his second reading explanation spoke of the balance, he meant that the balance would be in favour of the environment. There is no doubt about that.

The Hon. J. R. Cornwall: Are you sure of that?

The Hon. J. C. BURDETT: Yes.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

The Hon. J. R. CORNWALL: I was in the process of looking for my amendments, having given notice that they were on file. I had not realised that you, Sir, had put through all the clauses. I therefore ask that the Bill be recommitted. The amendments have been on file for a couple of weeks.

The CHAIRMAN: I had no indication of that, except that during his second reading speech the honourable member said that he had amendments. Certainly, there is none at the table. I can only suggest that the honourable member move that the Bill be recommitted. Does the honourable member wish to do so?

The Hon. J. R. CORNWALL: Yes, Sir. I move:

That the Bill be recommitted.

The CHAIRMAN: Is the motion seconded?

The Hon. J. C. BURDETT: Yes.

Bill recommitted.

Clauses 1 and 2 passed.

Clause 3—"Environmental Protection Council."

The Hon. J. R. CORNWALL: My amendments are all consequential. Should they be considered separately or as a whole?

The CHAIRMAN: If the honourable member considers that they are consequential, he may speak to them as a group.

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

Page 1—

Line 18—Leave out "nine" and insert "ten".

My other amendments are as follows:

Page 1—

Line 25—Leave out "representative of" and insert "person nominated by".

Page 2—

Lines 3 to 8—Leave out all words in these lines and insert paragraphs as follow:

(e) one shall be a person nominated by the Australian Mineral Foundation, Incorporated;

(f) one shall be a person nominated by the United Farmers and Stockowners of South Australia, Incorporated;

(g) one shall be a person nominated by the Local Government Association of South Australia, Incorporated;

(ga) one shall be a person nominated by the United Trades and Labor Council of South Australia;

The amendments seek to give the Environmental Protection Council the degree of automomy of which I spoke in the second reading debate. If the Government has a genuine commitment to environmental matters (and the Minister of Community Welfare has assured me that all 13 Cabinet members have), I imagine that it should not have too much difficulty in accepting these amendments.

I am trying by my amendments to raise from nine to 10 persons the membership of the council. The Opposition is then seeking to have five of those 10 people nominated by the various bodies concerned. For example, the Bill states that one shall be a representative of the Conservation Council of South Australia. That person will be appointed by the Governor, which really means that he will be appointed by Cabinet on the Minister's recommendation.

Although there is nothing unusual about this in many other circumstances, I submit that in environmental matters is it tremendously important that people are seen to be unbiased, to take a line that is well above politics, and not necessarily supporting the Government or Opposition of the day, or indeed anyone else. It is most important that such persons have a degree of autonomy.

I therefore submit that it would be much better to have, for example, someone from the Conservation Council of South Australia who was nominated by that council rather than someone who was virtually handpicked by the Minister and approved by the Government. It seems to me that it would be far more likely that we would therefore get someone from the Conservation Council of South Australia who was genuinely dedicated to and above politics in these matters.

That person would be selected by his own body and his own peer group. Clearly, the selection would be well above politics, because the conservation council is not a political or *quasi* political body in any way. In fact, it is essential, if it is to function efficiently, that the council should be absolutely free from favour and above politics; it must be able to criticise all political Parties without fear or favour. In those cricumstances, it seems that the people of South Australia would be better represented on the conservation council by a person nominated by his peers, who would be concerned about the environment and not about the politics of certain matters.

The same remarks could be applied to all other categories. Certainly, it is highly desirable that, rather than the Minister's selecting a person who has knowledge and experience in the manufacturing or mining industry, it would be better for a person to be nominated by the Australian Mineral Foundation Incorporated. That body represents the mining industry generally. Surely, it would be better for a person to be nominated by his own peer group.

Paragraph *(f)* states that one representative shall be a person with knowledge of and experience in rural industry. That definition opens up great difficulties, because presumably a farmer or a grazier could be a friend of a member of the Ministry. There are real dangers, because a temptation is involved. A natural temptation would be involved even if the Labor Party was in office. The Government can hand-pick its representatives for the E.P.C. and, human nature being what it is, the Government will pick a person who is known to be a supporter of the Liberal Party. The Government would be stupid to do otherwise. The amendment overcomes the difficulty by providing that one of the representatives shall be nominated by the United Farmers and Stockowners of South Australia.

Members interjecting:

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: There is no use in members opposite carrying on. The fact is that everyone in the Department for the Environment knows that there is no sympathy at all among the heavyweights in the Cabinet.

The Hon. C. M. Hill: What do you mean by that statement?

The Hon. J. R. CORNWALL: Exactly what I said, and I will repeat it. People like the Hon. Mr. Hill have no regard for the environment, and that fact is known. The Minister of Agriculture was a Minister for less than three minutes when he visited the mallee country and suggested farming in conservation parks.

The Hon. J. C. Burdett: He was disgracefully misreported.

The Hon. J. R. CORNWALL: He was not misreported, let alone disgracefully misreported. The fact is that the Minister went on A.B.C. radio (you can obtain the transcript of what he said) and said clearly that he favoured farming in conservation parks. There was a kerfuffle, but that is what he said. What about the Deputy Premier?

The CHAIRMAN: Order! There is nothing in the amendment about the Deputy Premier.

The Hon. J. R. CORNWALL: I am trying to develop a *bona fide* point: if the Government is serious about environmental matters, it should accept nominees from all of these bodies. The United Farmers and Stockowners of South Australia is not known to be a radical left-wing body. A nominee from that body would hardly be likely to set about doing things that are totally against the Government's line. That body would not want to set society on its head. There would be no exception to the Government's accepting a nominee from the United Farmers and Stockowners of South Australia. The Government would be seen as genuinely concerned.

The same argument applies to paragraph *(g)*, which provides that one member shall be a person with knowledge of and experience in local government. There is a real danger that one of the Hon. Mr. Hill's mates will be nominated, although I am not suggesting that that will necessarily happen. The Hon. Mr. Hill is a reasonably honest gentleman from time to time but the Government is leaving itself open to temptation, and I always try to remove temptation from people like the Hon. Mr. Hill. That gentleman is inclined to waver about temptation. I would like to see this provision amended, if only to protect the Hon. Mr. Hill, because at times I have quite warm personal feelings towards him.

The Government should accept the amendment by which a person is nominated by the Local Government Association, which represents all councils throughout South Australia. Surely, that amendment is unexceptional. It is hardly likely that a radical, who is completely out of tune with Government thinking in this area, would be nominated; a reasonable person would be nominated. We are always hearing that local government has to be given more responsibility, that power must devolve to local government, and that planning matters must go back to local government; local government is close to the people. I have heard the Hon. Mr. Hill say that so many times that it is like a broken record. He now has an opportunity to show the Government's confidence in local government generally. If the Government has just a little confidence in local government, it should accept a nominee from the Local Government Association instead of a person with knowledge of and experience in local government. That definition is so broad that it opens up the whole field and, as I said, it introduces an enormous temptation. Government members are only human, and a person who is known to sympathise with Liberal Party policy rather than being sensitive to environmental matters will be popped in, and the whole purpose of the Bill will then be defeated.

The Opposition seeks to insert a new paragraph *(ga)* as follows:

> One shall be a person nominated by the United Trades and Labor Council of South Australia.

That paragraph should be inserted because the United Trades and Labor Council of South Australia represents in excess of 100 000 members of the South Australian work force right across the board—manual workers, farm workers, in fact the whole spectrum of the work force. This body represents people in a wide range of areas who, in their daily lives, are in constant contact with the human environment. These people represent an enormous resource, and some of them are known to be dedicated environmentalists, and could contribute a lot.

This person would be one representative of a total of 10, so it could hardly be said that, from a political point of view, that representative could be perceived as a plot to insert radicals into the council in order to subvert the genuine aspirations of the conservative Government of the day. I urge the Government to accept the amendments because, in so doing, it would be accepting that five officers be nominated by peer groups and the other five appointed by the Minister. The Government will maintain a reasonable balance and will be seen to have some sort of commitment to an independent Environmental Protection Council, which will be free, to a degree, to act without political pressures from the Government of the day.

If the Minister is serious when he says that he and his 12 colleagues are dedicated to protecting the total environment of South Australia, he really should not have much difficulty in accepting my amendment. In fact, the amendment is very mild and reasonable. Earlier, I said that I was not happy with the Bill in general, because I do not believe that it goes far enough. After all, this body will meet for only an hour or two once a month. Some of the members will not be able to attend on every occasion, anyway, because its members have to work to make a living.

The Hon. J. C. Burdett: Are you saying that it will have nothing to do?

The Hon. J. R. CORNWALL: I am not saying that. I have been through this about three times. If the Minister had been listening—

The Hon. J. C. Burdett: If it meets for only an hour or two a month, does it really matter?

The Hon. J. R. CORNWALL: Of course it matters. The Minister has said that he has an enormous commitment to environmental causes and to protecting the environment, and that his 12 colleagues have the same commitment. How can he equate that with his statement, "Does it really

matter?" Of course it really matters. I ask the Minister for a genuine reply. Is he saying that his Government will pop a few people on to the council, and that in fact it will only be a cosmetic affair? Will the Government ensure that it has control of the majority of E.P.C. members by the Minister's recommending to Cabinet those people who are politically tame? In that event the Government would be treating the council as a bit of a joke. On the other hand, does the Government want the council, as was stated in the second reading explanation, to genuinely act as a type of watch-dog? If the Government adopts the latter view, it would accept the proposed amendment.

Unfortunately, even with this amendment I do not accept that the Bill will be adequate. Because the council is a part-time body (and apparently the Minister could not cotton on to this), it will meet only once a month, it will not have a full-time chairman or secretary, and it will not have any resources or facilities, except as determined by the Minister. Most certainly the council will not have the time to dedicate itself to environmental matters. I expect that the same types of problem that presently exist will persist and there is a strong possibility that they will only be exacerbated by this Bill. Nonetheless, the Opposition, so as not to be unduly obstructive, is trying to improve the Bill by suggesting that five of the 10 members of the proposed Environmental Proctection Council should be nominated by their own peer group, instead of being handpicked by the Minister. Particularly because this is an environmental Bill, I believe that, if the Government has any sort of commitment to environmental matters, it should accept the amendments.

The Hon. D. H. LAIDLAW: There is one aspect of the amendment to which I object to. Paragraph (e) provides that one member of the council should be a person with knowledge of and experience in the manufacturing or mining industry.

However, the Hon. Mr. Cornwall proposes in his amendment that that person should be nominated by the Australian Mineral Foundation, Incorporated. If that amendment were carried, I presume that there would no longer be a representative of the manufacturing industry on the council. To exclude people from the manufacturing industry is quite extraordinary, and I oppose the amendment.

The Hon. J. C. BURDETT: The Government opposes the amendment. I propose to confine my few remarks to the amendment and to the clause in the Bill, something that the Hon. Dr. Cornwall did not do. There are two types of body that can be set up through a Bill, or in any other way. One is a body which ought to be representative and which has a duty to be representative, and the other is a working body that should be selected on the basis of the expertise and skills that a person can contribute to the job in hand.

The Minister and the Government had a genuine commitment to the preservation of the environment, and we regard this council as important. The Government believes that this council has a job to do and, because of that, its members should be selected for their expertise, and not simply because they are representatives of a trade union or some other body. The members should be selected because of the skills they bring to bear in their work, because it is a working body. Clause 3 of the Bill provides for new section (5a), which defines the various members of the committee and their expertise. They are not representing a specific organisation, but have a specific job to do. The proposed membership of the council is as follows:

(a) one shall be a person with knowledge of biological conservation;

(b) one shall be a person engaged at a university in teaching or research in a field related to environmental protection;

(c) one shall be a representative of the Conservation Council of South Australia, Incorporated;

(d) one shall be a person having a special interest in environmental protection;

(e) one shall be a person with knowledge of and experience in manufacturing or mining industry;

(f) one shall be a person with knowledge of and experience in rural industry;

(g) one shall be a person with knowledge of and experience in local government;

(h) one shall be an officer of the public service of the State with knowledge of and experience in environmental protection; and

(i) one shall be an officer of the public service of the State with knowledge of and experience in public health.

As the Hon. Mr. Laidlaw said, under the amendment manufacturing industry would be excluded. This will be a group of people who have some particular knowledge, expertise and experience to make up a body that can protect the environment, as is the Government's objective. Such a group would be far better than a representative body, which is better suited to other kinds of organisations.

The Hon. Dr. Cornwall seemed to be worried about the temptation to the Government. I do not believe that it is at all likely that the Government will yield to temptation in this area. As it has demonstrated in this Bill, the Government will appoint people who have knowledge, experience and ability to carry out the work in question. The South Australian Heritage Act, under which the South Australian Heritage Committee was formed, is an analogous advisory body set up by the former Government. That Act specified only that the committee should consist of 12 members nominated by the Government. When in Opposition, the Government recognised that it is not appropriate to specify particular organisations in legislation, because to do so limits flexibility. The previous Government took that stand in that Bill, which was much wider than this Bill, because it nominated 12 persons. This Bill is far more explicit and far better because it better specifies the skills that its members should have. I oppose the amendment.

The Hon. R. C. DeGARIS: I am rather surprised at the amendment moved by the Hon. Dr. Cornwall, particularly when one looks at the original Bill that was passed in 1972. I turn to the point very validly raised by the Minister that in certain circumstances there is a need for boards or councils appointed by Statute to be representative bodies. There are other councils of this type where the board is appointed for a totally different purpose. The members of those boards are appointed with expertise in the particular field in which they will be operating. I now refer to the second reading explanation of the Hon. T. M. Casey when this Bill was first introduced to Parliament in 1972. The Hon. Mr. Casey stated:

> The intention of the Government with this Bill is to create a body with wide powers to investigate, advise and report on the overall condition of the environment throughout the State, the efficiency or effectiveness of measures being taken or proposed to be taken to protect the environment, the possible dangers to the environment of any proposed developments, to warn of potential environmental deterioration which it may foresee, and to recommend action to overcome or correct anything affecting the environment adversely. In the opinion of the Government, which has asked for and received advice from many individuals and organisations, it is not advisable, or even possible, to restrict

the council in its considerations to only some aspects of the environment.

Later, the Hon. T. M. Casey also stated:

> The membership of the proposed eight-man council should contain a wide and balanced range of expertise and experience. To this end, it is intended that four senior public servants who are already responsible for much of the environmental protection of the State should be members, with four other members, one with knowledge of industry, one with knowledge of conservation and two generally qualified in any field of knowledge. In this way, it is expected that the council will be competent to consider and report on all the multifarious aspects of the environment and its protection.

No objection was raised at all by the Council, when that Bill went through, to the eight-man council that was established. Four of those members were public servants as stipulated in the Act and the other four were appointed by the Governor. They were not representative of organisations.

The Hon. J. R. Cornwall: The public servants weren't appointed by the Governor—that's the whole point. Four of that eight-man council were automatic. They were senior public servants. We could not do other than have them on the council.

The Hon. R. C. DeGARIS: Have you read the Bill?

The Hon. J. R. Cornwall: Of course I have read the Bill. They were members *ex officio.*

The Hon. R. C. DeGARIS: There were four members stated in the Act. They were directors of various departments.

The Hon. J. R. Cornwall interjecting:

The CHAIRMAN: Order!

The Hon. R. C. DeGARIS: When the first Bill went through, there was no opposition to the question that those people being appointed were being appointed with expertise and not nominated by any organisation. Regarding the Hon. Dr. Cornwall's claim about political appointments, I can only suggest he is saying that from his experience of the Government he was in.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr. Bruce.

The Hon. G. L. BRUCE: I rise to support the amendments, as they strengthen the Bill. To say that what has happened in the past should happen now is not what we are here for. I take exception to the argument that we have a representative in the mining industry and that they can pick the best one. The amendment does not say that. Clause 3 *(a) (e)* provides:

> One shall be a person with knowledge of and experience in manufacturing or mining industry.

We are going to get one or the other there. As we have specified mining, the exception has been taken that manufacturing has been left out. It could still be left out, as the Bill now stands. The person should be nominated. The Minister is saying that the people from these bodies are not going to put up the best people to represent them, but that is completely wrong. People will be shuffled around because of political affiliations. It does not matter what Government is in power. If a person is a representative of a body, that takes it out of the field that Government can shuffle these people around, regardless of whether or not they are doing a good job. We will still have power and control over people on that body. I do not know why the Government is opposed to this. The people will be the best people in the field from that body. The Government is providing for people willing to toe the Party line. It is necessary to have people of independent thought.

The Hon. N. K. FOSTER: I rise to support the amendment. I do so because I support the remarks of the previous speaker. The Government has been rather unconvincing on this matter. Harking back to what has happened with the previous Government as well as Governments before that, we must come down on the side of the fact that there have been serious problems within that department experienced by Parties of both political complexions. Misfits have been placed in that department by the previous Labor Administrations and by previous Labor Ministers. I am not going to mention names. It would be unfair for me to do so, but each and every one of us in this building is aware of the terrible problems that beset a Government when it wants to shift the head of a department once that person has been so appointed. It will cost a mint to push a person sideways. It will cost a bundle to leave him there and do nothing. Either way it will cost the public a lot of money.

The Hon. J. C. Burdett: How does it relate to the Bill?

The Hon. N. K. FOSTER: Of course it relates to the Bill. Where is your brain? The matters raised by the Hon. Mr. DeGaris this afternoon were nothing more than the old catchcry, "You did certain things; therefore, we ought to do something. We ought to consider doing our thing". Members opposite can jump and rave as much as they like. Clause 3 *(a)(a)* provides:

> One should be a person with knowledge of biological conservation.

How will the Government give John Coulter a job under that clause? He is an expert, is he not?

Members interjecting:

The Hon. N. K. FOSTER: That hit members opposite right on the nose. The interjections support that. The honest people in the environment will not get a chance. There was a letter to the Editor in this morning's *Advertiser* written by a servant of a Minister regarding the question of conservation. Is she likely to be appointed? The clause provides that one shall be a person with knowledge of biological conservation and I have dealt with that matter. Public controversy is around at the moment. A matter of court procedure is to be taken against a person eminent not only in this country but world wide in respect to that section and in regard to the qualifications of people about whom the Hon. Mr. Burdett has spoken in this Council this afternoon. Why should I accept that clause in the light of the public criticism that has already been made in regard to a person who would be fitted to met the letter and the spirit of that clause, were it one that was carried out and the appointment made honestly. Paragraph *(b)* provides:

> One shall be a person engaged at a university in teaching or research in a field related to environmental protection.

I could take honourable members to the Campbelltown High School and show them students who are doing much more about the matters touched on by the Bill than is being done by people in universities. Work among such people is much greater than the work often done by their seniors. Is there any wonder about the support for the amendment?

The amendment provides that one shall be a person nominated by the Australian Mineral Foundation. That is over generous. I would not have a bar of that organisation. I would not give its representative a seat on the toilet! It is dishonest and spends millions of dollars on false propaganda. Indeed, B.B.C. and A.B.C. programmes depict this organisation in a similar manner to that determined by the Swedish people only a few hours ago of not being worthy of support for more than 25 years. Sweden has 25 years to get its nuclear plants out of it. Paragraph *(c)* in the Bill provides:

> One shall be a representative of the Conservation Council

of South Australia, Incorporated.

What is the position of Dr. Coulter on that body? He would not get a guernsey from the Government even if he were the best qualified person in the world. Paragraph *(d)* in the Bill provides:

> One shall be a person having a special interest in environmental protection.

Paragraph *(e)* in the Bill provides:

> One shall be a person with knowledge of and experience in manufacturing or mining industry.

Here is a conflict of interest. Although I do not agree with the amendment regarding the Australian Mineral Foundation, it is a better provision than paragraph *(e)* in the Bill. The Hon. Mr. Laidlaw holds about 137 directorships and is the duke of industrialists in the southern hemisphere. He might ask about manufacturing industry, but is he telling members on the Government side of the Committee that, if one wants to divorce manufacturing from mining on the basis of board representation, this provision is ridiculous?

Paragraph *(f)* in the Bill provides for a person with experience in the rural industry. Will that position be given to McFarlane or McTaggart? Who put up the fence to keep out the Aborigines? Why does the Opposition object to these provisions? Few of the people involved have an honest approach. Cries have been made for the closure of Aboriginal areas; it has even been suggested that burning would be better than allowing Aborigines to remain in Aboriginal areas. The situation should be examined. In the amendment, paragraph *(f)* provides:

> One shall be a person nominated by the United Farmers and Stockowners of South Australia, Incorporated.

Can members opposite deny the influence that they exert on that organisation? Why does this matter scare Government members? It is because they already have someone picked out. I refer to the track record of the trade union movement and the manufacturing industry. Paragraph *(g)* in the Bill provides:

> One shall be a person with knowledge of and experience in local government.

That provision is so wide that one could push a waggon through it. The Government is defining nothing. Will it appoint Roy Martens under that provision, that great friend of the Liberals? How wide is the Government casting its net? Why are not all the qualifications expressed in respect of that clause that the Hon. Mr. Burdett boasted about in his speech earlier this afternoon? Why does not the Local Government Association have the right to nominate, say, an engineer from the Coast Protection Board or some other qualified person? Even with this provision the Government has failed to recognise the needs of local government, given the geographical area involved. I refer to the growth in recent years of areas close to the metropolitan area, say, in Meadows, in the past three years and the associated changes. What about the changes in respect of Kanyaka, about which the Minister of Local Government is familiar? He knows that what is suitable for one area is not necessarily suitable for another.

I would allow for a much wider representation. Certainly, I am opposed to the limited clause provided. In the Bill, paragraph *(h)* provides:

> One shall be an officer of the Public Service of the State with knowledge and experience of environmental protection.

The Government should pay heed to the experience of the Federal Government and other States regarding environmental protection and what goes along with it. I should have liked to provide for the appointment of an Aboriginal member. It is Aborigines and they alone who should have the sole and only right to determine the future of their land. Paragraph *(i)* deals with a member experienced in public health. Paragraph *(ga)*, moved by the Hon. Dr. Cornwall, provides:

> One shall be a person nominated by the United Trades and Labor Council of South Australia.

Why not? Why has the Government not included a member from that organisation for representation on the council?

I want to disabuse Government members regarding some of the black bans imposed by trade unionists. The next time that Government members go to the Rocks area of Sydney, they will be able to say with much conviction that the things that can be seen there exist because of the environmental bans imposed by trade unions. For instance, the Argyle Centre, Circular Quay, and the overseas terminal would not exist had it not been for environmental protectionists within the trade union movement. That movement has been approached by conservation-minded people, who have asked it to take action in relation to certain projects, but in certain cases the trade unions have plainly refused to do so. However, where there has been a resident action group such as that at Woolloomooloo, those involved have had the support of gifted trade union people. The Garrison Church, for example, in Sydney would be rubble if it were not for environmental groups.

The previous Liberal Premier is on record as saying that Edmund Wright House in Adelaide was not worth saving. Also, if it were not for the trade union movement, car parking would have been allowed on every park area in the city. I hope that the Australian Railways Union will have something to say about the preservation of the Adelaide Railway Station because, although it is not a pretty building, it is unique.

The trade union movement has an unblemished record in relation to the conservation of many areas not only in South Australia but also in Sydney Cove and places adjacent thereto. I refer also in this respect to certain places at Robe with which the Hon. Mr. DeGaris would be conversant but which would not exist had it not been for trade unions. I have raised in the Council matters relating to the last area of sandhills in the St. Vincent Gulf area but have not, unfortunately, received any reply thereto stating that they will be preserved. Indeed, those sandhills are being dug up south of Carackalinga and north of Normanville. Also, the area of the Fleurieu Peninsula south of Normanville has had hanging over it for 50 years a planning development that could still be acted on.

The CHAIRMAN: Order! The honourable member must refer to the Bill.

The Hon. N. K. FOSTER: I am talking to the Bill, Sir, and I suggest that Government members should accept the amendments, which have been moved in good faith.

The Hon. J. R. CORNWALL: If this Bill goes ahead as it is without amendments, it will make the Environmental Protection Council quite irrelevant. If the Government intends to get rid of the council because it will be an annoyance and will interfere with its plans, why does the Government not have the courage to say so? The Government is making the council irrelevant.

The Minister of Community Welfare has this afternoon sat in the Chamber chortling and chuckling with the Hon. Mr. Cameron about how the Opposition's turn has now come. They allege that the Labor Government made political appointments to various boards and councils. If it did so (and I am conceding nothing), it was wrong. However, two wrongs never make a right. To sit there and chortle on a matter as serious as this does Government members no good at all, and they ought, individually and collectively, to be ashamed of themselves.

I heard nothing from Government members to convince me that this Bill is anything more than a cosmetic irrelevance. At least the Opposition's amendments try to do something and to retain an Environmental Protection Council which will be able to make some sort of recommendations, which will be able to produce an annual report, and which will be able to work with the support of departmental officers, because that is where the technical expertise comes from, not from the council.

The Minister of Community Welfare said that this was a working body, but that is absolute nonsense. It is not a working body but an advisory body, and it does not have to be comprised of persons with doctorates of philosophy. The council's members are not required to be technical experts. Where, for instance, would one put a person like Mr. Vern McLaren, a South-East farmer with no technical qualifications who is an executive member of the World Wilderness Foundation? That gentleman has brains and is one of the most outstanding environmentalists in Australia. Indeed, he acts on the world scene. This is not a working body and, had the Minister taken the trouble to look at the principal Act, he would realise that. In 1977-78 (the last year for which I have a report), the council met nine times for two or three hours.

The Minister says it was a working body but no intention was expressed in the Bill, in the second reading explanation, or in the debate in both Chambers to indicate that the Government will make this a working body. There is no provision for any permanent staff. The original Act is not changed at all; only the membership of the council is changed. The Minister has the hide to pull a confidence trick. The council will be no more a working body after this Bill is passed than it was before the Bill's introduction, and members opposite know that. If they do not know that, they should not be in this profession.

Clearly, the Bill does not make the council a working body. Fifty per cent of the original Environmental Protection Council were elected *ex officio*. The Government of the day had no power to do anything about that. Four of the eight members automatically went on to the Environmental Protection Council, regardless of who they were and regardless of the political colour of the Government of the day. The Government can appoint to the council its political stooges, but the other 50 per cent of the membership should be nominated by peer groups. As the Hon. Mr. Foster stated, the United Farmers and Stockowners of South Australia is not a radical body. The amendments seek to make the Bill workable and will retain the confidence of the department and the public. The amendments are mild. The only valid criticism that I have heard was made by the Hon. Mr. Laidlaw. I respect that honourable member, particularly in regard to matters like this, because he is an honourable gentleman who is above reproach. He is one of the leading industrialists in the southern hemisphere.

The Hon. D. H. Laidlaw: What have I done wrong?

The Hon. J. R. CORNWALL: Absolutely nothing. The honourable member had some reservations about the part of the amendment that specifies a nominee of the Australian Mineral Foundation. I would be only too happy to confer with the Hon. Mr. Laidlaw and his colleagues about this matter.

[Sitting suspended from 6.6 to 7.45 p.m.]

The Hon. J. R. CORNWALL: It surprises me that nothing transpired during the dinner adjournment, because I expected that the Government might accommodate the Opposition in relation to these amendments. Strangely enough, I was not approached by any member of the Government. My final plea to the Government is along the same lines that I outlined earlier this afternoon. The amendments proposed by the Opposition are very mild, and, by normal standards, I believe they are a trifle conservative.

This Bill should not pass in its present form because, as I have said, I believe quite strongly that it will make the Environmental Protection Council totally irrelevant in respect of environmental protection in South Australia.

The Hon. J. C. BURDETT: The Government still opposes the amendments. The Hon. Dr. Cornwall suggested that some Government members made allegations that the previous Government had stacked various bodies. There were only three speakers on this side—the Hon. Mr. DeGaris, the Hon. Mr. Laidlaw and myself, and none of us made that allegation. I simply reiterate the simple point that I have made throughout this debate, a point which has been lost in the ramblings of the Hon. Dr. Cornwall and the Hon. Mr. Foster. This body depends on the expertise of its members, and not on the representation of members of various organisations, such as the Trades and Labor Council or any other organisation. This Bill is reasonable and sensible and does what it is supposed to do, which is to set up a body of people who know what they are doing. I oppose the amendment.

The Hon. J. R. CORNWALL: I point out to the Minister that the council is not a working party; it is an advisory body that meets from time to time. It is not an on-going body of professionals, and I cannot stress that point too much. It is an advisory body.

The Hon. J. C. Burdett: It is not a representative body.

The Hon. J. R. CORNWALL: Of course it is. The Government's half-baked Bill intends it to be a representative body, because its members will be drawn from various organisations in the community. If that does not constitute a representative body, rather than a working party, I do not know what does. This body is not a working party. I repeat once again that the amendments are very mild and conservative, and I commend them to the House.

The Hon. N. K. FOSTER: It is not very often I take umbrage at what people call me, because I have a pretty good crack of the whip when I want to have a go at members opposite, especially the Hon. Mr. Dawkins. However, when the Minister starts talking as he did tonight, I feel I must get to my feet and point out once again the folly in the Government's opposition to these amendments. The Hon. Dr. Cornwall was very charitable toward the Government's Bill. The form of his amendments ensured that there would be some common-sense approach to this measure by the Government. The Bill, as it stands, denies proper local representation on the council, which is very vital to conservation.

Does the Government, through this Bill, believe that local interests are paramount in the control of such bodies as the Black Hill Trust? I mention that body because it is an example of the measures that the previous Government and this Government have been involved in. The previous Government was involved in the setting up of the Thorndon Park Reservoir as a conservation and recreational area. However, that was done away with by the local member through her position in the Cabinet. Further, what is the Government's attitude towards the Fleurieu Peninsula sandhills, and what mining limitations will be applied to mining interests such as the A.G.M. company (which is now known as Consolidated Industries) and its almost indiscriminate mining of sand?

The CHAIRMAN: Order! This afternoon I believe the Hon. Mr. Foster made a very good contribution to this

debate. I point out to the honourable member that at this late stage of the debate we are dealing with the Hon. Mr. Cornwall's amendment.

The Hon. N. K. FOSTER: The two matters I have raised are contained in the Bill. Is the Minister prepared to inform this Council whether the Government will consider local issues in the two areas to which I have referred in relation to the appointment of academics to the council?

The Hon. G. L. BRUCE: I take exception to that part of the Bill that proposes that the Minister will appoint the members of this council. New subsection (5a) provides:

> On and after the commencement of the Environmental Protection Council Act Amendment Act, 1980, the council shall consist of nine members appointed by the Governor . . .

The Governor would act on the authority of the Minister. The sole control of that clause would come back to the government and the Minister responsible for the environment.

The Hon. J. C. Burdett: Not the Minister exclusively.

The Hon. G. L. BRUCE: I would think that the main thrust with the appointment of these people would be through the Minister's recommendation. New subsection (5a) *(f)* provides:

> One shall be a person with knowledge of and experience in rural industry.

That means that any farmer at all is able to go on the committee. The United Farmers and Stockowners of South Australia would represent the main interests of people on the land. A nominee of that organisation would do his best to express the views of that body, speaking on behalf of farmers generally. As the Bill is now worded, any farmer could be appointed and he might represent only himself. The amendments do nothing to detract from the Bill.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton and C. W. Creedon. Noes—The Hons. D. H. Laidlaw and R. C. DeGaris.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J. R. CORNWALL: Mr. Chairman, I seek your guidance on whether I should move subsequent amendments, now that my first amendment has been lost. Is there any point in proceeding?

The CHAIRMAN: The fact that the honourable member's first amendment was defeated should not affect his attitude to his next amendment. If he wishes to move it, he should do so.

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

> Page 1, line 25—Leave out "representative of" and insert "person nominated by".

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1619.)

The Hon. ANNE LEVY: The Opposition supports the Bill, which was planned for and drafted by the former Labor Government. The Bill is mainly concerned with protection of meteorites which can legitimately be considered part of the State's heritage. While thousands, if not tens of thousands, of meteors enter the earth's atmosphere every day, most are burnt up as they pass through the atmosphere.

Even so, many meteorites do fall to earth and, if found, are of intense scientific interest. It has been said, to misquote a well known tag, "many fall, but few are found". Meteorites will only be found accidentally by stumbling over them and, of course, to the untrained eye, they might not be recognised even if they are seen. There is one recorded case in South Australia, from about 60 years ago, of a meteorite having been seen as it fell and then having been collected. But generally the finding of meteorites is rare and accidental.

The stony meteorites are particularly hard to recognise, except by experts. The iron meteorites, which consist of an iron-nickel alloy, are more distinctive and hence likely to be spotted by an untrained individual, and there are several recorded cases of a farmer finding one when his plough struck a metallic object, in a paddock previously cleared of rocks.

The Bill before the Council excludes tektites from the protection afforded to meteorites in general. Tektites, as my geological friends inform me, are small glassy bodies, probably formed by consolidiated gas in the upper atmosphere or a bit beyond. They do not come from outer space, as do many meteorites, and, as there is a tektite belt which crosses South Australia over the Nullabor Plain, many have been found there. The South Australian Museum has probably the best collection of tektites in the world today, and hence does not wish to lay claim to any more which may be found. It is interesting to note that similar legislation in Tasmania does not exclude tektites from State ownership and protection, as tektites are rare in Tasmania. However, Western Australia, like South Australia, has many tektites already collected and studied, and hence its legislation, like ours, excludes tektites from its provisions.

Meteorites are indeed of intense scientific interest—geologists call them "the poor man's space probe". They are studied for what they can tell us about the origins of the solar system and the galaxy in which we find ourselves. About a decade ago there were suggestions from meteorite study that perhaps life on earth was of intergalactic origin, brought to earth by meteorites. Certainly, carbonaceous material has been found in meteorites, but later studies have suggested that this is not organic or cellular in nature, or that where organic material is found it has been picked up in the earth's atmosphere or after impact.

Certainly, such theories no longer have much currency, although organic molecules have been detected spectrophotometrically in space, and at present life is presumed to have a terrestrial origin even though the exact mechanism of its origin is not yet fully understood.

Regarding meteorites in South Australia, the Bill provides that they will become the property of the Museum Board, which can thus protect them for future generations to study and observe. It is not proposed that meteorites currently held by individuals or organisations will be taken from them and this, of course, is of particular importance to the geology departments of the universities, which have small meteorite collections for student study and staff research. I understand there has been full consultation and collaboration between the museum and the Geology Department of the Adelaide University regarding the provisions of this Bill, and that co-operation in research work is expected to continue. The museum has

recently been happy to provide very small samples from its two to three dozen meteorites for chemical analysis by a research student at the university, and the resulting thesis on the chemical composition of all known metorities in South Australia is a valuable contribution to knowledge which the museum can draw on.

There are also meteorites in private hands in South Australia, and while these are not to be taken from their owners they must be registered and examined by the museum within the next 12 months so that their scientific value can be evaluated and their whereabouts followed from now on. It is not generally realised that meteorites can have considerable monetary value, particularly if exported to the U.S.A. A piece of a rare type of meteorite can fetch in the tens of thousands of dollars. As we do not wish to see our scientific and cultural heritage exported in this way, it is highly desirable that a register of known meteorites be kept in South Australia and that their sale be monitored by permission first being sought from the museum, and their export will thus be prevented. Any further meteorites found will become the property of the museum, and hence of the State, and so their preservation will be assured.

One point which occurs to me and on which I would welcome comment from the Minister is whether this legislation should extend beyond meteorites to other items of scientific and geological interest, such as fossils? We currently have three fossil reserves in South Australia, and it is illegal to remove fossils from these areas. But fossils may occur in many other places, and probably do so throughout the State. Some of these fossils, such as those of extinct diprotodons, are of great scientific and cultural interest, and can well be regarded as being part of the State's heritage, which should be preserved and protected for future generations. Perhaps they, too, should be made the property of the museum in order to achieve this aim.

The Bill deals with one important matter apart from the protection of meteorites. It will enable the museum to borrow money with the approval of the Treasurer, without necessarily being a drain on Loan Account funds. The ability to borrow up to $1 000 000 a year, with the approval of the Treasurer, is a power which has been given in recent years to many statutory bodies, to the great benefit of the people of this State. When the museum has this power it will be able to make a gradual start on implementing the Edwards Plan for the museum. I understand it has its priorities already drawn up for renovations and restorations of its facilities. One of the first steps will be to renovate the old further education building behind the museum, over which the museum now has tenure. This will certainly help relieve the tremendous space problems which the museum now has.

There is one final comment I should make on this Bill. Clause 8 is printed in erased type, as part of it deals with financial matters and hence it is classified as a money clause which cannot be introduced first into this Council, according to the Constitution Act. Yet the first part of clause 8 amends section 18 of the parent Act, and this has nothing to do with money at all, being a clause dealing with proceedings under the Act. I would suggest to the Minister that as a matter of principle clause 8 should have been subdivided into two clauses, in the drafting of the Bill; one dealing with amendments to section 18 and the other dealing with section 19. Then the provision dealing with proceedings could have been printed in normal type and formally dealt with by this Council at this stage.

Only the clause dealing with money would then have to be put in erased type, and dealt with at a later stage by this Council. It would seem desirable to have as much as possible of a Bill dealt with in this Council when a Bill is first introduced here. I would suggest to the Minister that he should see that drafting in future avoids the absurdity of our not being formally able to deal with a matter well within our competence. I support the second reading.

The Hon. C. M. HILL (Minister of Arts): First, I commend the Hon. Miss Levy for her very well prepared speech in this debate. I also thank the Opposition for its support of the Bill. I have noted the points that the Hon. Miss Levy has brought to my notice, particularly the matter of protection of fossils. I will have discussions with the Director at the Museum that may well lead to action being taken and the matter being discussed at one of the regular conferences with Directors and Ministers from other States, to see whether the matter of uniformity can be examined. We work as best we can with other States so that the whole of Australia conforms to controls of this kind.

Regarding the honourable member's reference to the Edwards Report and improvements at the Museum, I can only state that the exact priorities have not yet been decided. It may well be that the honourable member's suggestion will gain first priority. The Government will set its priorities after it receives the Edwards Report, which will be brought down by the end of June.

Regarding drafting, I have not had an opportunity to talk over with the Parliamentry Counsel the points that the honourable member made. Certainly, as the Bill was prepared it was necessary to put the whole clause in erased type, because Standing Order 278 does not allow for part of a clause to be so treated. It may well be, as the honourable member has said, that the clause could originally have been drafted as two separate clauses.

In thanking the Council for supporting the measure, I am sure that scientific research in this area will be improved as a result of the Bill, and that means that the legislation will be extremely effective in this general area of science.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Offences."

The Hon. N. K. FOSTER: Will the Minister say whether or not sacred sites are in some respects outside the ambit of this Bill?

The Hon. C. M. HILL: I may need time to check the heritage legislation.

The Hon. N. K. Foster: I think you would.

The Hon. C. M. HILL: The point that the honourable member has made relates to Aboriginal heritage. As this Bill reads, it is possible for a person who is authorised by the board (and I stress that) to enter any land for the purpose of searching for, examining and removing meteorites. At the same time, I should point out, in case the honourable member has any fear that subclause (2) covers the matter of unreasonable entry, that people must give reasonable notice to the owner or occupier of the land concerned.

Incidentally, the Bill deals with private lands, which are defined earlier therein as being lands alienated from the Crown by grant in fee simple, or by lease or licence. Perhaps in due course I could look into the point made by the honourable member regarding Aboriginal sacred sites and advise him by letter.

The Hon. N. K. Foster: I should appreciate that.

Clause passed.

Clause 8—"Proceedings."

The CHAIRMAN: I point out to the Committee that this clause is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such

clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill, and this will be done.

Title passed.

Bill read a third time and passed.

CANNED FRUITS MARKETING BILL

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1619.)

The Hon. F. T. BLEVINS: The Opposition supports this legislation but has some reservations. Basically, the Bill seeks to introduce a system of probationary licence plates into South Australia and to impose special restrictions on drivers who have to display P plates. The Bill also seeks to broaden the scope of the consultative committee, which has certain powers to place drivers on probation or direct the Registrar to suspend a licence when it feels that this is appropriate.

The Opposition supports this Bill more in hope than anything else. The aim is to encourage, by the use of a little legal force, good driving habits in the first year of a driver's holding a licence. It is assumed that, having been forced to drive in a particular way for a year, responsibility will be instilled into a new driver in his approach to driving that he night not otherwise have. That, to me, is a very doubtful proposition. I say it is doubtful because no-one has been able to come up with any figures to show that it is anything other than wishful thinking. I would have thought, Sir, that with a proposition such as this, which has been in operation in all other States for a number of years, figures would be available to show that it actually had some positive effect. If figures are available, the Opposition has not been able to find them.

The only study carried out on P plate drivers was one carried out in New South Wales in 1970, where researchers examined P plate drivers involved in accidents over a period of five years—two years immediately preceding the introduction of P plates, one interim year, and two full years after their introduction. The survey found that there was a slight reduction in the mean accident ratio from 1·953 for the years before 1964-65 to 1·713 for the period after 1967-69 and that this difference was statistically significant. However, the report cautions that the data used was of doubtful consistency, so that the results were, therefore, inconclusive.

Whilst we support every measure that could in any way assist in road safety, the Opposition quite frankly is not convinced that this measure will do anything to assist in that area at all. We would be a lot more enthusiastic if the Government had demonstrated that this P plate provision would have some significant effect. The Government has not done this; it has only made an assertion that it expects that it will. The Opposition hopes, along with the Government, that this proposal will have some effect on the road toll in this State, and improve the driving habits of new drivers.

A further reason for the lack of enthusiasm by the Opposition for this Bill is the proposal in clause 4 which limits the P plate driver to a maximum speed of 80 km/h. Not only does the Opposition not like this proposition, but we in fact suspect that it may even be dangerous to have one particular group using the roads at a speed much less than all other road users, with the exception of cyclists. It means, Sir, that cars travelling behind a P plate driver will be involved in more overtaking manoeuvres than are required now; everyone knows that overtaking is potentially a dangerous manoeuvre, and I cannot see how a speed restriction of this nature, which will increase the number of overtaking manoeuvres, will increase road safety. It seems to me it might do precisely the opposite. I hope I am wrong, Mr. President, and that is why the Opposition is not opposing this clause as a whole, although we will be trying to amend this clause to solve what we see as another problem relating to this particular restriction of 80 km/h. I shall come back to that proposition.

Regarding the 80 km/h speed restriction, the Opposition has been contacted by the R.A.A., which has the same reservations as we have regarding this provision. The R.A.A. states:

> The major feature in the announcement at variance with association policy is the imposition of a speed limit of 80 km/h. Objections to special speed limits have been made because of the impediment to free flowing traffic and the increase in overtaking which is occasioned on rural roads. However, it must also be recognised that inexperienced drivers may find emergencies more difficult to overcome at higher prevailing speeds. It may be inadvisable for the association to oppose the speed limit provision. A compromise would be to express doubts on the score of the difficulties for other traffic and to suggest a review after some months of operation if the provision is included in the scheme.

The Opposition goes along with those comments, in particular the suggestion that the question of the 80 km/h be reviewed after some months. I am sure that the Government would not want any provision to continue when it could not be justified on the evidence.

The Opposition cannot stress too strongly its reservations about this provision. We believe that some States have not introduced this speed restriction and we would hope that this Government will monitor the new provision very carefully and be prepared to come into line with those States that do not have these restrictions if it is found that the restrictions serve no purpose or are even counter-productive.

We can all remember the debate not so long ago (I think in 1976), when a provision similar to this applied to motor cycles carrying pillion passengers. I think the difference then was that motor cycles carrying pillion passengers had to travel at some 30 km/h less than other traffic; that was the maximum speed. This was found to be not only totally unnecessary but also dangerous, and was subsequently removed. I suspect that, if there is an investigation into this provision after it has been in operation for a few months, then this speed restriction will go the way of the speed restriction relating to motor cycles with pillion passengers.

Mr. President, apart from the general criticism we have of the Bill, one particular point we want to make is in relation to clause 5. All members will have been contacted by the R.A.A., which expresses concern about the automatic cancellation of a probationary licence or learner's permit where the holder contravenes a probationary condition. The R.A.A. suggests that the Bill should provide for judicial discretion in relation to cancellation under section 81b (2) *(a)*. The point that the R.A.A. makes is that in an emergency situation it may be necessary, and indeed it may be highly desirable, to exceed the 80 km/h to prevent an accident occurring, and if that can be proved then the probationary licence holder should not automatically have his licence cancelled. At the

moment, Sir, an appeal against cancellation can be upheld only on the grounds of hardship under section 81b (7).

In essence, Sir, it was submitted that, in proceedings in relation to a charge of contravening a probationary condition, the court be given the power to order that a probationary licence or learner's permit not be cancelled if it is satisfied by evidence given on oath that an offence is trifling or that any other proper cause exists. The Opposition supports that proposition, and I will be moving an amendment to that effect.

I want to make only one further comment. When the present Government was in Opposition it made a song and dance about every amount of Government expenditure which it (the present Government) thought was unnecessary. It constantly accused the Labor Government of wasting the taxpayers' money by legislating for measures that incurred some costs and also, in the eyes of the Liberals, usually involved over-regulating and interfering in the lives of citizens.

What an astonishing turnaround now, Mr. President. Here we have a Bill of doubtful value, to say the least, and one which is going to increase the size of the bureaucracy and incur considerable costs to the taxpayer. Where now are the principles that the Liberals espoused when they were in Opposition? The cold hard reality of government appears to have changed their minds.

Mr. President, the Opposition supports the second reading of this Bill. We do so, as I have said, more in hope than anything else, and hope to improve the Bill in Committee.

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

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 March. Page 1620.)

The Hon. J. E. DUNFORD: Mr. President, I have much pleasure, on behalf of the Opposition, in supporting this Bill, which authorises the making of regulations controlling the manufacture, installation, maintenance and repair of machines, equipment, containers and devices in or in connection with which dangerous substances are kept or used. The principal Act in these provisions was designed to control the storage, handling, conveyance and use of dangerous substances in the interests of safety. However, recently when the need arose to regulate the installation of liquefied petroleum gas conversion apparatus in motor vehicles it was found that the Act does not include provision for authorising and making necessary regulations.

I agree with the Minister of Industrial Affairs that the Government should extend the ambit of the general Act dealing with the safety aspects relating to dangerous substances, and it should be enlarged so that regulations may be made regulating the installation of liquefied petroleum gas conversion apparatus and any similar matter as the need arises.

Clause 1 is formal. Clause 2 provides that the measure may be brought into operation by proclamation. Clause 3 provides for the amendment of section 30 of the principal Act, which empowers the making of regulations. The amendments in certain new paragraphs authorise regulations requiring persons manufacturing, installing, repairing or maintaining machines, equipment, containers or devices, or in connection with which dangerous substances are kept or used, to have received training and to hold permits to be issued by the Chief Inspector.

I enthusiastically endorsed the second reading, as I said previously, because the history of the Australian Labor Party, with the support of the trade union movement over many years, has always considered that safety in the community is of paramount importance. The public ought to be protected, and those consumers who decide to convert their cars to liquid gas should be able to drive with the safe knowledge that there is no danger to themselves or to their families in having a weekend outing, travelling to work and so forth. Without these regulations and without the power to make regulations we would be leaving the public open to the chance of dangerous explosions, death by explosions and so forth. It is not very often that I congratulate the Government on amending Bills, but I would like to bring to the notice of this Council that, had we remained in Government, these amendments would have been moved by the Australian Labor Party in another place.

I know that Mr. Wright, the ex Minister of Industrial Affairs spoke very strongly in support of this proposition on 6 March 1980 (page 1534 of *Hansard*). Mr. Wright made severe criticisms of the Federal Government when he stated that the Federal Government had increased the price of liquid petroleum gas by no less than 2 cents a litre, and followed by a further increase of 7·4 cents a litre. This, of course, does not encourage people to convert their cars, and I mention this briefly, because it has been of concern to me that because of the expense associated with the conversion and the continuing increase and uncertainty in the price of liquid petroleum gas that many workers in that industry have lost their employment.

It was wonderful to think that just over 12 months ago people were having their cars converted. Now, the reverse is the position. I mention this and trust that the message may go through to the Government that the consumer and the public are generally inclined to convert their cars to the use of liquefied petroleum if there is some stability in relation to prices. I trust that the amendments to this Bill proceed expeditiously through this Council.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution to the debate and for the complimentary things he said about the Minister for introducing the Bill.

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

STATUTES AMENDMENT (PROPERTY) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936-1975; the Real Property Act, 1886-1979; and to make consequential amendments to the Crown Lands Act, 1929-1978, and the Pastoral Act, 1936-1976, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to make amendments to the Law of Property Act, 1936-1975, and to the Real Property Act, 1886-1979, and consequential amendments to the Crown Lands Act, 1929-1978, and the Pastoral Act, 1936-1976.

The Bill makes two amendments to the Law of Property Act, 1936-1975. The first is the abolition of the doctrine of *interesse termini*. This doctrine was developed centuries ago by the common law of England and is based on the premise that a lessee does not acquire any legal or equitable estate in the land subject to the lease until he has entered into possession. *Interesse termini* expresses the summation of his rights and liabilities during the period

prior to entry into possession. The doctrine still applies in South Australia although few people are aware of its existence and most lessees and lessors would be astonished to learn that the terms of their lease did not apply until the lessee entered into possession. The doctrine was abolished in England in 1925 and has been abolished in most other States of Australia. It is clearly appropriate that it be abolished in this State.

The other amendment to the Law of Property Act, 1936-1975, relates to easements created without a dominant tenement. The general law requires that an easement, if it is to be valid, must exist for the benefit of the owner of particular land, called the dominant land or dominant tenement. The land that is subject to the easement is called the servient land. Public authorities such as the Engineering and Water Supply Department, the Electricity Trust of South Australia and Local councils require easements to fulfil their various functions. Easements of this sort usually consist of a narrow strip of land extending for miles and giving the authority the right to lay drainage pipes or erect power lines or do whatever else is necessary in the exercise of its function. The long strip of land passes through the properties of many people and is made up of many individual easements.

Obviously these authorities do not own dominant land adjacent to the servient land of each of the many individual owners along the course of the easement. In order to reconcile easements of this kind with legal principle a fiction has sometimes been adopted that they are for the benefit of the land on which the head office of the relevant authority is situated. This fiction, however, rarely accords with reality, and it would seem more appropriate to establish an independent statutory basis for easements of this kind.

Part III of the Bill amends the Real Property Act, 1886-1979, in relation to a problem that often arises in the Registrar-General's office. Cases arise in which the person entitled to an easement cannot be found or his identity is unknown and no use has been made of the easement for many years. Not only is this extremely inconvenient for the owner of the servient land who may, for instance, wish to build on part of his land that is subject to the easement, but it also results in the perpetuation of entries in the Register Book that are clearly no longer relevant. In some cases entries in the Register Book show that the last proprietor was registered last century. The Bill provides a procedure whereby the Registrar-General, after publishing and serving a notice of his intention, can remove an easement from the Register Book if he believes that the person entitled is unknown or cannot be found and has abandoned his interest in the easement.

Another amendment made by this Bill to the Real Property Act, 1886-1979, is designed to streamline procedures for the registration of Crown leases. At the moment section 93 of the principal Act requires a Crown lease to be executed in triplicate. One copy is held by the Registrar-General as part of the Register of Crown leases, one is held by the lessee and the other is delivered to the Minister of Lands. Because of the ease of obtaining photocopies of a lease the Minister of Lands no longer needs to hold a copy permanently in his records. The advantage of dispensing with this copy is that it will avoid the necessity of producing the copy to the Registrar-General for endorsement every time that a dealing is to be registered on the lease. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the Parts into which the Bill is divided. Clause 4 is formal. Clause 5 inserts section 24b into the Law of Property Act, 1936-1975. This section abolishes the doctrine of *interesse termini*. The new provision applies to leasehold interests whether created before or after the commencement of the amending Act. Clause 6 inserts section 41a into the Law of Property Act, 1936-1975. This section provides for the creation of easements that are not appurtenant to other land if the easement is created for the benefit of the Crown or of a public or local authority constituted by an Act. Paragraph *(b)* provides that one easement may be appurtenant to another easement. This is of particular importance where an authority has easements over a number of properties and the easements abut end to end forming a narrow strip for the purpose of establishing transmission lines, water reticulation or sewers.

Clause 7 is formal. Clause 8 inserts section 90a into the Real Property Act, 1886-1979. This section will enable the Registrar-General to remove from the Register Book an easement where the registered proprietor is unknown or cannot be found. Clause 9 by subclause *(b)* removes from section 93 of the Real Property Act, 1886-1979, the requirement that a copy of a Crown lease must be returned to the Minister of Lands for the purpose of filing in the Lands office. Subclause *(a)* makes a consequential amendment.

Clauses 10 to 13 of the Bill amend sections 192 to 195 of the Real Property Act, 1886-1979. These sections are found in Part XVII of the Act which deals with proceedings for ejectment of people in wrongful possession of land. At the moment section 192 provides that a summons under this Part shall be heard by a Judge in chambers. The volume of business handled by the Judges of the Supreme Court is so great that it is imperative that it be reduced whenever possible. Applications for orders of ejectment can be quite adequately handled by Masters of the Court. It is proposed that Rules of Court be made so that this jurisdiction will in future be undertaken by the Master. However, it is considered necessary that the references to a Judge of the Court be removed from Part XVII and be replaced by references to the Court before the proposed Rules are made.

Clause 14 is formal. Clauses 15 and 16 make amendments to sections 52 and 66a of the Crown Lands Act, 1929-1978, that are consequential on the amendment made by clause 9 of the Bill. Clause 17 is formal. Clause 18 makes an amendment to section 42c of the Pastoral Act, 1936-1976, that is consequential on the amendment made by clause 9 of the Bill.

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

WILLS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wills Act, 1936-1975. Read a first time.

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

That this Bill be now read a second time.

This short Bill is consequential upon the recent abolition of succession duty in this State. It is very common to find provisions in wills that depend for their operation upon valuations made for the purpose of assessing succession duty or accepted by the Commissioner of Succession Duties for that purpose. For example, a will might confer an option to purchase property from the estate at the

succession duty valuation or, where a gift is charged with a further gift, the amount of the further gift might be determined by reference to a valuation, made or accepted for the purposes of assessing succession duty, in relation to the former gift. Now that succession duty has been abolished such references will, of course, become obsolete. The purpose of the Bill is, therefore, to provide that a reference to such a valuation shall, where the valuation is not required by law, be read as a reference to a valuation made by a competent valuer. The Bill will operate retrospectively from the 1st day of January 1980, that is to say, the day on which the abolition of succession duty came into effect. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the Bill shall be deemed to have come into operation on 1 January 1980. Clause 3 enacts new section 39 in the principal Act. This new section provides that a reference to a valuation made or accepted for the purpose of assessing succession duty or any other form of death duty shall, where the valuation contemplated by the reference is not required by law, be construed as if it were a reference to a valuation made by a competent valuer.

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

CROWN PROCEEDINGS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Crown Proceedings Act, 1972-1977. Read a first time.

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

That this Bill be now read a second time.

This Bill proposes an amendment to section 7 of the principal Act, the Crown Proceedings Act, 1972-1977, that is designed to ensure that the Crown may, where it is the successful party to proceedings, recover costs in respect of court fees without being required to actually pay the fee to itself as is presently the case.

The Bill also proposes an amendment to section 12a of the principal Act which provides for cases where the right of the Crown to legal representation is restricted. The amendment is designed to make it clear that the Crown may be represented in proceedings in, for example, the small claims jurisdiction of the local courts by any officer or servant of the Crown, not only by officers of the Public Service of the State within the meaning of the Public Service Act, 1967, as amended. This doubt has been raised by the Police Department where it has been the practice that police officers appear in the small claims courts in matters relating to the Police Department. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 7 of the principal Act by inserting a new subsection providing that the Crown shall not be required to pay any fee or charge for commencing or taking any step in any proceedings, but shall be entitled to costs in respect of any such fees and charges as if it were required to pay and accordingly paid such fees and charges.

Clause 4 amends section 12a of the principal Act so that it provides that the Crown or the Attorney-General may be represented in proceedings of a kind in which legal practitioners may not appear by any officer or servant of the Crown not holding legal qualifications who has been authorised to appear on behalf of the Crown or the Attorney-General.

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

BUILDERS LICENSING ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Builders Licensing Act, 1967-1976. Read a first time.

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

That this Bill be now read a second time.

The Government is presently carrying out a comprehensive review of the Builders Licensing Act, 1967-1976, and it is anticipated that fairly extensive amendments to that Act may result. However, it is apparent that certain modifications should be introduced without further delay, and it is for that purpose that this Bill has been prepared. It provides for diverse amendments, which are as follows.

It is proposed that there be a standing Deputy Chairman of the Builders Licensing Board of South Australia who, like the Chairman, shall be a legal practitioner, as the Government considers that it is desirable that the board be chaired by a person of legal experience at all times. The provisions relating to the appointment of deputies or other members of the board have also been recast to ensure that those deputies are subject to the same requirements, and appointed by the same procedure, as the members for whom they deputise. In order to further facilitate the functions of the board, the quorum will be reduced from four to three.

It is also felt that the Act ought to provide for the voluntary surrender of licences granted by the board, and that where this is done, or where a licensee dies before the expiration of his licence, there should be some mechanism for a discretionary refund of part of the licence fee where this seems equitable. The proposed amendments will provide for this.

In recent times, it has become apparent that applications for licences under the Act ought to be required to satisfy the board that they have sufficient financial resources to carry on business in a proper manner as builders. These amendments make provision for this.

At the present time the board has power to order remedial work to be carried out in respect of defective work by licensed builders, but not by a builder who is unlicensed. Some builders have been known to allow licences to lapse to take them outside the jurisdiction of the board in this respect; thus the board may not have jurisdiction in the very cases where it is most needed. These amendments will extend the provisions of the Act to cover a builder who is not licensed, but who ought to be. The new provisions will also enable the board to order remedial work to be carried out either by the builder responsible for the defective work, or by some other licensed builder approved by the board. The second alternative is designed to accommodate situations where a builder responsible for defective work is not licensed, or where the board believes that he is unable to carry out remedial work in a proper and workmanlike manner.

At present there is no general provision in the Act relating to the service of notices and other documents. The Government believes that this is unsatisfactory, and consequently the Bill includes a new section dealing with this matter. The proposed section provides, *inter alia,* that licensed builders will be required to notify the board of an address at which service of notices and documents may be effected.

The Bill also effects some minor modifications to certain sections of the Act dealing with the Builders Appellate and Disciplinary Tribunal and the Supreme Court, to ensure that decisions of the board, which are subsequently upheld or modified, are properly enforceable. 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 inserts a definition of "legal practitioner" into section 4 of the principal Act, to ensure that a person holding judicial office can be appointed as Chairman or Deputy Chairman of the board. Clause 4 amends section 5 of the principal Act, which deals with the board, by inserting a new subsection and recasting one of the existing subsections, to make provision for the appointment of a standing Deputy Chairman who, like the Chairman, shall be a legal practitioner of not less than five years standing. Clause 5 amends section 7 of the principal Act by reducing the quorum of the board from four members to three, and providing that the quorum must comprise the Chairman or Deputy Chairman, a person with substantial knowledge of the building industry and a person representing the interests of those on whose behalf building work is carried out.

Clause 6 inserts new provisions into section 14 of the principal Act, which deals with licences generally, to provide that licences may be surrendered, and that where a licence is surrendered, or a licensee dies during the term of a licence, the board may, at its discretion, refund a portion of the licence fee. Clauses 7, 8 and 9 amend sections 15, 15a and 16 of the principal Act which, in turn, deal with general builder's licences, provisional general builder's licences and restricted builder's licences. The amendments provide that, in each case, applicants for licences must satisfy the board that they have sufficient financial resources to carry on business in a proper manner under licence.

Clause 10 modifies section 18 of the principal Act, which is concerned with powers of investigation, by recasting and expanding the provisions relating to remedial work so that the board is given appropriate powers of investigation and authority over both licensed and unlicensed persons. The new provisions will enable the board to order remedial work either by the defaulting builder himself, or by someone else, at the defaulting builder's expense if the board feels that the latter is not capable of carrying out the work in a proper manner. This clause also contains a series of minor amendments to section 18 which are consequential on the central modifications. Clauses 11 and 12 effect minor amendments to sections 18a and 18b of the principal Act which are consequential on the amendments to section 18. Clause 13 amends section 19i of the principal Act, which is concerned with appeals to the Builders Appellate and Disciplinary Tribunal from decisions of the board. A new subsection is inserted, providing that it shall be an offence to fail to comply with an order of the tribunal.

Clause 14 amends section 19j of the principal Act, which deals with the tribunal's powers of inquiry. The section is modified to ensure that disciplinary action can be taken if builders fail to carry out remedial work ordered by the board, the tribunal or the Supreme Court. At present the section only covers orders of the board. Clause 15 provides for a minor consequential amendment to section 21 of the principal Act, which is consequential on the amendments of clause 16, which inserts a new section into the principal Act, numbered 26a, dealing with service of notices and documents. The new section will require licensed builders to notify the board of an address for service, and service to that address, either by certified or registered mail, or by deposit with a person over the age of 16 years, will be deemed effective service for the purposes of the Act. The section also makes provision for personal service, which also applies to unlicensed persons.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 25 March. Page 1638.)

The Hon. M. B. DAWKINS: I wish to discuss briefly this Bill which I believe improves the existing Act. I am glad the Opposition has seen fit to support it to some extent, too, but I do regret the foreshadowed amendment that they have placed on file.

The Hon. N. K. Foster: Who is "they"?

The Hon. M. B. DAWKINS: I do not take any notice of inane interjections, and interjections are out of order, anyway. One point that I wish to commend relates to clause 3, which provides that the maximum speed past roadworks may be determined according to the work being done and the relative need for restriction; it is not necessarily a mandatory 25 km/h, as at present.

This is a good proposition, particularly in areas where road works may extend for several kilometres. Speaking of kilometres, I remember the Hon. Jessie Cooper giving honourable members a lecture on pronunciation. She said, "You do not say kilowatts or kilograms, so why say kilometres!" She was talking about the correct pronunciation of "kilometres". Unfortunately the Hon. Jessie Cooper is no longer here to keep our English as correct as it used to be.

Returning to the Bill, some roadworks may extend for a considerable distance over many kilometres and it is often ridiculous for an arbitrary limit of 25 km/h to be applied over the whole distance. It may well be necessary to apply such a limit over portion of that distance, and apply a higher speed limit, say, 40-50 km/h or even in some cases 60 km/h, over another section that is partly completed, especially when, at the time the vehicle is passing, no actual work is in progress.

This provision enables this change to be undertaken by the authority of the board and would overcome what is in some cases an unnecessarily restrictive limitation, especially as in many cases it is largely ignored, although where there is a higher limit such as that which I have outlined, that might not be the case.

In supporting clause 3 I believe it to be an improvement on the present position. If there is to be an amendment, I hope that notice will be taken of the comments I have made. Clause 4 replaces subsection 1 *(c)* of section 49, and more clearly sets out the provision as to limits past schools, and also inserts a consequential amendment to subsection 1 *(e)* of the same provision.

Clause 6 inserts new section 162ac into the principal Act and refers to child restraints. It provides that, where a

child travels in a car fitted with an approved child restraint, the child must occupy that position. If there is no child restraint in the car or if it is occupied by another child the child must occupy the rear seat of the vehicle. This provision is in the interests of child safety and, although it may indicate some control or restriction over the rights of individuals, it is nevertheless in the interests of child safety. The word "child" is clearly defined in subclauses (3) and (6). This is a provision which is necessary and which I fully support.

As I said earlier, if there is to be an amendment to clause 3, I hope there will be some provision made for a more realistic speed limit on those parts of reconstructed roads which are not being worked on when vehicles are using that part of the road. Such a provision would be a definite improvement to the Act, particularly in respect of country areas where reconstruction can be carried out over many kilometres at one time. I have much pleasure in supporting the Bill.

The Hon. N. K. FOSTER: I rise to support the Bill in principle, but I wish to make some comments in the debate in view of the comments made by the previous speaker, who seems to think that the lives and safety of workers on certain stretches of the road must be measured in kilometres an hour. I refer to the suggestion of road work warning signs being placed at one end of designated areas and extending some miles to the other end. In his speech the Hon. Mr. Dawkins displayed absolute ignorance about the conditions applying.

The Hon. M. B. Dawkins: You are displaying your spleen.

The Hon. N. K. FOSTER: I am not displaying my spleen—I am telling the honourable member what an idiot he is.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The honourable member has had no experience whatever. Is he aware that workers have been known to jump over the safety rail on bridges on which they are working when idiots come tearing through at speeds of 40 km/h?

When the Hon. Mr. Carnie raised in the Council (and I commend him for the way in which he did so) the closure of a road in the St. Peters area, did the Hon. Mr. Dawkins interest himself in the number of Engineering and Water Supply Department and other workers who are injured in these circumstances? He has not interested himself in the number of people who have been injured seriously and who have had to jump into a trench in a certain part of Hackney Road. Each morning, at least two workers have been injured during the peak hour rush. Traffic should have been halted in that area of road, which carries east-bound traffic. The suggested detours were not taken by many people. The Hon. Mr. Dawkins is supposed to be a responsible member of the Government, but he has criticised a proposed Opposition amendment that is designed to protect people who work on the roads.

The Hon. M. B. Dawkins: Are you sure that it's not going to be withdrawn?

The Hon. N. K. FOSTER: That may happen; I do not know what pressures will be brought to bear on members merely because they want to get away from this place as quickly as possible. If the amendment is to be withdrawn, I want to know on whose authority that is to happen. I am sure that they will not get my agreement to its withdrawal. It grieves me to hear a person like the Hon. Mr. Dawkins, who knows nothing about the purport of this Bill, get up and say what he has said. I ask the Hon. Mr. Dawkins whether, in the third reading debate, he will reply to a report entitled "Unsafe child 'love-seat' recall", which relates to General Motors-Holden's recalling thousands of child safety seats that crack and fall off under stress.

Does this Bill impose any standard, or give any right to prosecute a manufacturer who produces unsafe seats? The Hon. Mr. Dawkins does not say a word about that. Rather, he blabbers about some areas of child safety, but does not seriously consider the manufacturer of these child safety seats who has been forced to recall them because they crack and fall to bits. His argument has fallen to bits, and the honourable member should do better when he speaks in the third reading debate.

The Hon. M. B. CAMERON: I should tell the Hon. Mr. Foster that Government members might listen to him occasionally if he did not take the abusive stance that he takes when he speaks. The honourable member does not put forward a case, but just hurls abuse. Perhaps if he put a case honourable members might listen to him.

The Hon. J. E. Dunford: You aren't bad.

The Hon. M. B. CAMERON: At least I do not sink to the levels to which the Hon. Mr. Foster sinks.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster has just resumed his seat after spending some time debating the Bill, and he would be courteous if he allowed the Hon. Mr. Cameron to speak.

The Hon. M. B. CAMERON: It is clear from the comments made by the Hon. Mr. Foster that he has not read the Bill or the amendments that have been placed on file. Otherwise, he would know that workers will be protected, as they should be, by a speed limit of 25 km/h when they are working on a job. That is fair enough, and sometimes I consider that that speed limit is too high.

The Hon. Frank Blevins: You haven't read the Bill, then.

The Hon. M. B. CAMERON: The Hon. Mr. Blevins has on file an amendment that would restrict speeds past all roadworks to 25 km/h. Like me, the honourable member lives a long distance from Adelaide, and I am sure that from time to time he must travel on stretches of road on which there are no workmen and where it would be ridiculous to have a 25 km/h speed limit.

The Hon. Frank Blevins: I always obey it.

The Hon. M. B. CAMERON: That is very good, and so do I. However, this makes it a slow journey. I hope that the Hon. Mr. Blevins will see reason and not proceed with his amendment, because he must know that it is not the intention behind the Bill to impose a 25 km/h limit where there are no workmen. This Bill is a sensible move by the Government, and I am sure that, despite what their colleagues in another place might have done, Opposition members will support it.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their contribution to this Bill, and I am pleased that the Opposition has indicated that it is prepared to support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Signs indicating that works are in progress on a road."

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

Page 1—

Line 12—Leave out "subsection" and insert "subsections".

After line 18 insert subsection as follows:

(2a) The maximum speed to be indicated by signs placed on a road in pursuance of this section shall be—

(a) in relation to a portion of a road on which works are in progress—a speed not exceeding 60

kilometres an hour; or

(b) in relation to a portion of a road on which men are working—a speed not exceeding 25 kilometres an hour.

My first amendment is really consequential on the second amendment, which intends to insert an additional new subsection that is designed to provide more flexibility than presently exists in the Bill. The Government proposes that the maximum speed be indicated by signs placed on the road in pursuance of this section. When work is in progress, the speed should not exceed 60 km/h and, in relation to a portion of road on which men are working, the speed should not exceed 25 km/h.

We acknowledge that there needs to be some flexibility and that, when persons are working on a road (as a number of honourable members have already said), 25 km/h might be an excessive speed and that it might be more appropriate to keep it to 10 km/h. Yet, when persons are not working on a road but roadworks are in progress, a speed of 25 km/h past those roadworks may be much too slow, particularly in country areas where a number of kilometres of roadworks may be in progress. To require persons to keep to a maximum speed of 25 km/h over such a long stretch of road would be an imposition and would not serve any useful purpose in preserving the roadworks.

We are seeking, with the subsequent amendment which will follow this one, to provide flexibility to enable road conditions to be taken into account in the placing of signs and in fixing speed limits past workmen or work in progress.

The Hon. FRANK BLEVINS: The Opposition supports this amendment. In his contribution to the second reading debate, the Hon. Mr. Cameron accused the Hon. Mr. Foster of not having read the Bill, but I suggest that perhaps the Hon. Mr. Cameron has not done so; to be charitable, perhaps he has not had time to study it. The clause as originally drafted was appalling, and I was surprised to hear the Hon. Mr. Dawkins attempt to defend it.

The Hon. M. B. Dawkins: I also spoke about amendments.

The Hon. FRANK BLEVINS: A little bit later, yes. As originally drafted, the clause could have meant the lifting to 110 km/h as the maximum permitted speed where men were working.

The Hon. M. B. Cameron: Could have, not would have.

The Hon. FRANK BLEVINS: That was in the Bill, and I can only assume that that was what was intended; otherwise, why was it there? However, I am pleased that good sense has prevailed. Certainly, that did not happen in the other place, where the Minister could not be persuaded to make a sensible amendment, but the Attorney has seen fit to do so here.

Where men are not working at the precise spot involved, although roadworks are in progress, the speed limit can be decided by the workers and the supervisors on the job. If they agree that the appropriate speed is something between nil and 60 km/h, they will have the right to impose that limit. Where workers are at the spot, the maximum will be 25 km/h. However, there will be some flexibility. If the workers and the supervisors, the responsible people on the job, believe that 5 km/h is the safe speed, they will be able to impose that limit. It is important that the Opposition should retain this principle. The workers are doing necessary roadworks, a hard and difficult job for very little money, and they should not also have imposed on them the additional hazard of vehicles hurtling past at dangerous and ridiculous speeds.

The Hon. M. B. Cameron: They'll still do it.

The Hon. FRANK BLEVINS: Then all I can say is that the provision must be policed more effectively. If not, there will be more industrial disputes. Since this issue has arisen, the unions have been contacted, and the A.G.W.A., the A.W.U., and the F.E.D.F.A. have said that, if there is any loosening of the provisions of the Bill, they will have to see that their members are protected. I suggest that this law and order Government should introduce a little law and order in this area. It should not say that, because the provisions are not being adhered to, they will be eased. That is not the way to go about things. I hope the Government will see that the provisions of the legislation are enforced.

The Hon. M. B. DAWKINS: I support the amendment, as I endeavoured to indicate during the second reading debate. I mentioned a speed of 25 km/h where people were working, and I said that it could be increased to 40 km/h, 50 km/h, or even 60 km/h when the occasion demanded. I could not refer at that time to the amendment which I knew was on file and which I was under the impression the Hon. Mr. Blevins was going to support, as he has done. I tried to indicate that in my second reading speech, but obviously the Hon. Mr. Foster did not listen. I could not mention the amendment directly at that time, but I now give it my full support.

The Hon. J. E. DUNFORD: This important Bill deals with road safety and the lives of the workers on our roads, particularly men who work for the councils, for the Highways Department, and the Engineering and Water Supply Department. During the period when I was union secretary, I knew of at least two deaths on the roads—one at Berri and one in the Adelaide Hills—and there were probably more. Many Highways Department employees are responsible for the painting of white bridges.

The Hon. M. B. Cameron: They don't put the signs far enough away.

The Hon. J. E. DUNFORD: That is true. As organiser and secretary of the union, I have been talking to men who have had to jump off bridges, spraining an ankle, because of cars driving past at high speeds. I am impressed by the amendment, which talks about not exceeding 60 km/h where no workmen are engaged and a speed not exceeding 25 km/h where there are workmen. It could be a lower speed, because in the Hills there are blind corners, and cars travelling at high speeds endanger the lives of the workmen. In the 10 years during which I travelled in the country, wherever I pulled up to talk with workmen this topic was raised.

This is the second occasion when I have supported an amendment put up by this Government. Although I do not like doing that, I have an obligation. The Attorney takes an attitude different from that of his colleagues in another place. They must have known that our concern up here was much stronger, and they have moved these amendments to get the kudos. We identify ourselves with the remarks of previous speakers, and I commend the amendment to the Committee.

The Hon. M. B. CAMERON: I support the amendment. I was well aware that the amendments were on file and that the Attorney was to move them, so I knew that the Bill would be a sensible measure when its passage through this place was completed.

I agree that problems are associated with traffic passing areas where men are working on the road. I do not think that there has ever been sufficient policing of signs indicating the presence of workmen on the roads. The Government should take some action to enlighten members of the community about their responsibilities towards people who work on the roads.

Often, when travelling in the country, I have noticed the carelessness of road workers in relation to the placement

of their signs. Road workers should ensure that their signs are placed at an adequate distance from the actual roadworks. The signs should also be sufficiently well placed so that they do not fall over as a result of the movement of passing traffic, because a lot of these signs are flattened by the heavy transport trucks that pass by. Many times the workmen are not aware that their signs have tipped over. I believe the Minister should draw these matters to the attention of the Highways Department and the Police Department.

The Hon. K. T. GRIFFIN: I am pleased that the Opposition is supporting this amendment. It is not correct to allege that the Government is not concerned about speed limits. It was never the Government's intention to allow an excessive speed past areas where persons were working on roadworks. I believe this is a sufficiently important matter to indicate the maximum speed limit in the Bill. I note that the Hon. Mr. Blevins has suggested that this measure is in some way associated with a law and order attitude. The Hon. Mr. Blevins will have ample opportunity to demonstrate that attitude this week and next week when the breathalyser legislation comes before this Council.

Amendment carried.

The Hon. FRANK BLEVINS: In view of the amendment that has just been passed, I will not proceed with my amendment.

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

After line 18 insert subsection as follows:

(2a) The maximum speed to be indicated by signs placed on a road in pursuance of this section shall be—

(a) in relation to a portion of a road on which works are in progress—a speed not exceeding 60 kilometres an hour; or

(b) in relation to a portion of a road on which men are working—a speed not exceeding 25 kilometres an hour.

Amendment carried; clause as amended passed.

Remaining clauses (4 to 6) and title passed.

Bill read a third time and passed.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1639.)

The Hon. M. B. DAWKINS: I support this short Bill which raises the percentage allocation of the Highways Fund, under section 32(1)*(m)(i)* of the Highways Act, with reference to the road safety services that are provided by the Police Department. The present contribution of 6 per cent is to be raised to 7½ per cent. This is necessary because the income from registration fees was reduced by about $10 000 000 a year as a result of legislation passed last year. In his second reading explanation in another place the Hon. Mr. Wilson said:

> 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.

As this reduction came into effect last October it is necessary that this legislation have retrospective effect to that time. The increase to 7½ per cent will provide that the contribution for this necessary part of the service provided by the Police Department will be of the same order as that provided before the *ad valorem* licence fee resulted in the overall reduction to which I have already referred. I have pleasure in supporting this Bill.

The Hon. K. T. GRIFFIN: I thank honourable members for their consideration of the Bill and for their indication that it will be supported.

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March Page 1630.)

The Hon. BARBARA WIESE: The Opposition supports the second reading of this Bill. We are very pleased that a major recommendation of the Guerin committee is finally being implemented. However, there is no doubt that if it was to be implemented by the Government, it should have been introduced into Parliament last year. The Government has wasted far too much time through its indecisiveness and interference in the running of the Health Commission. The Government has interrupted the steady progress which began under the previous Labor Government and which was continuing smoothly and efficiently until the present Minister, the Hon. Jennifer Adamson, took over.

The history of this Bill dates back to the publication of the Parliamentary Public Accounts Committee report into the Health Commission and health services in South Australia. That was an important and thorough report and the fact that it took so long to produce meant that some of the deficiencies it highlighted were already being rectified by the time it was completed.

Nevertheless, the report identified important changes that were needed in order to improve the administration of our whole system. Soon after the report was published in February 1979 the Government set up a top-level committee under the Chairmanship of Bruce Guerin to recommend to the Government what action should be taken. It was appropriate therefore that Mr. Guerin should have subsequently been appointed as Executive Commissioner and Chairman of the Commission's executive committee to, among other things, bring about the changes required to remedy deficiencies that had been identified.

The Government was fortunate indeed to have been able to secure the services of Mr. Guerin in that task. He was considered to be one of the most competent administrators in the Public Service. One of the distinct advantages of his appointment was that he came from outside of the commission and could therefore bring a high measure of objectivity to his task. That is often only possible with someone who has not been directly involved in the organisation and decision-making processes under review.

During the ensuing months Mr. Guerin grappled enthusiastically with his task, and by the time the Government changed in September he had achieved a great deal. However, no-one, including Mr. Guerin, would have claimed that his work was completed. Indeed, it was not, and the fact that this Bill is before us today indicates clearly that it was not complete. It therefore came as a shock to many people that Mr. Guerin was dismissed in November last year.

The Minister claims that she had nothing to do with his dismissal and that it was the Health Commission acting alone that decided that he was no longer required. It was difficult for members on this side to accept that this was so, particularly as the Premier later admitted that he had prior knowledge of the dismissal. If it was so that the Minister

did not know, I believe she ought to have been asking some fairly penetrating questions of members of the commission. After all, they were making some very fundamental changes to the administrative arrangements of the commission and she should have known about it.

I do not wish to discuss in any detail the circumstances of the dismissal, only to say that the way in which the extraordinary meeting of the commission was called, deliberately excluding Mr. Guerin, who had attended previous meetings, was underhanded and deplorable. Shortly after Mr. Guerin's dismissal the Premier said, "He (Mr. Guerin) was put into that position by a former Premier for a limited period to bring about certain changes, to initiate developments, and he has done it." Yet, when the Minister of Health announced that she would be introducing this Bill that we have before us, she said:

> As it is currently structured the commission relies heavily on collective decision making. The structure fails to establish clear lines of authority and accountability. Many of the problems of financial management and administration in the health services are the direct result of this structure.

Ray Folley commented in the *Advertiser* on 1 February:

> Her sentiments, are remarkably similar to those expressed in the report of the Guerin committee and about which specific recommendations were made 10 months ago.

In fact, these matters were exactly the sorts of thing that Mr. Guerin had been working on prior to his dismissal. What is more, when Mr. Guerin was dismissed, the Minister announced that one of the reasons for this was that the position he held was not necessary. In her statement at the time, she said:

> In view of the fact that the Government does not intend to give the position of executive commissioner statutory recognition, the commission has decided that the position should be abolished.

Now the Minister has done an about-face. She now seeks our approval to recreate the position that she abolished in November. In its editorial on 1 February, the *Advertiser* described this about-face in the following way:

> The Government, it seems, has changed its mind, presumably on the merits of the case. This is commendable, but what persuades it now that did not persuade it then? We are not told; and there seems to be a marked reluctance to speak plainly and frankly about the whole business. If we are not offered reasons, the explanation that suggests itself is that the November statement is, as they used to say in Mr. Nixon's embattled White House, simply "inoperative"—and there has been a needless hiatus.

Indeed, there has been a needless hiatus. The important work begun last year by Mr. Guerin to restructure and reorganise the Health Commission has been set back quite unnecessarily by six months. Our complaint is not that the changes proposed by this Bill are taking place, but that these changes are, in a sense, a reversion to the *status quo*.

Morale in the Health Commission has been seriously affected by the unnecessary confusion that has been created by the Government and the appalling manner in which Mr. Guerin was dealt with. No doubt those officers who are left to carry on the work of reconstruction in the Health Commission will be spending a great deal of their time glancing over their shoulders for fear that they, too, will meet the same fate as Mr. Guerin, should they fall into disfavour with the Minister.

The Hon. Frank Blevins: Mrs. Adamson will get it first from some of her people.

The Hon. BARBARA WIESE: That is probably right. As Ray Folley pointed out in his article on 1 February, this Bill is a face-saving measure. He stated:

> The effect of yesterday's announcement is that answers to important questions on the management, personnel, cost control, budgeting and other problems of the commission can be avoided for the time being by both politicians and bureaucrats.
>
> It could be argued it is perfectly reasonable for them to be left until the proposed new commission chairman and chief executive officer are appointed and the commission restructuring is completed some months hence.
>
> The course announced also insulates to some degree the Government and the bureaucracy from any present shortcomings which in the future may become apparent and any immediate defects in the new course which is chosen.

The Government's handling of the Health Commission since taking office has been sloppy to say the least. The Opposition will support the Bill, but in doing so we want to make clear that we think it should not have been necessary to bring it in now. Too much time has been wasted by the Government's indecisiveness and incompetence and, as Barry Hailstone pointed out in this morning's *Advertiser:*

> Were it not so serious, this costly legislative performance, which has all the elements of a farce and a depressing tragedy, would be one of the great Parliamentary comedies of our day.

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

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 March. Page 1615.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support the second reading. As honourable members will appreciate, with minor offences, under the law at present, a procedure exists whereby the prosecution can serve on defendants by post, the summonses for the contravention of those offences. A procedure also exists in the Justices Act whereby defendants can respond to that summons and plead guilty by post.

In simple offences this cuts down on the hassle of or bureaucratic work involved in court proceedings. It involves, initially, service by the prosecution by post and response by the defendant by post if he wishes to plead guilty. That procedure has been in the Justices Act for some time, and I believe it has worked satisfactorily. The Opposition can see no objection in principle to its applying not only to offences in which the police are involved or in which local government is involved in terms of breaches of regulations and the like, but also to prosecutions taken by the Corporate Affairs Commission for breaches of the Companies Act.

However, while the Opposition agrees in principle and is prepared to support the second reading, to what extent will this procedure be used and in relation to what offences will it be used? From my reading of sections 27a and 57a I believe there are a large number of offences which do not involve imprisonment for which this procedure could be used. However, as a matter of practice this procedure is not used in every case where there is power for it to be used. My experience is that it has been used in the case of minor offences such as speeding offences, where there is no licence disqualification involved, for breaches of local government by-laws, for non-payment of parking fines, and in similar circumstances.

In more serious matters, those which may involve imprisonment, the procedure cannot be used. That is laid

down in the Act. I seek more information on the practice presently used under the Act. What practice is it intended to use when the extensions made by this Bill to allow the same procedures to be used by the Corporate Affairs Commission are applied? For what offences will it be used? Will it be used for offences applying heavy fines? Obviously, it will not be used in the case of imprisonment, but there may be some situations where substantial fines can be applied and where it may be contemplated to use the extended powers.

How broad will this power be in relation to the Corporate Affairs Commission? If there is a discrepancy between the theory or the power and the practice in the Justices Act, will there be any discrepancy between the power and the practice with this amended Bill in so far as the Corporate Affairs Commission is concerned? Subject to those queries, the Opposition is prepared to support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the Leader for his consideration of the Bill. In general terms the procedure which is envisaged by the amendment to the Justices Act could be used in all those offences which are initiated by complaint and for which there is not a penalty for imprisonment. In general practice, the procedure will probably be used for such offences as the failure to lodge annual returns and the failure to lodge other documents within the prescribed period of time. A significant number of such prosecutions takes place each year and, with the invoking of this procedure, it will mean a considerable saving in time of the officers of the commission, and of the court, as well as providing defendants with an opportunity to plead guilty by filling in the appropriate form rather than being represented by counsel, or having an officer of the company appearing in court when the prosecution is served. I believe that it will facilitate the procedures with respect to prosecutions without creating any injustice.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. C. J. SUMNER: I was trying to ascertain from the Attorney what was the existing practice. Regarding prosecutions under section 27a of the principal Act dealing with summons by post, does the prosecution use that procedure to the full extent? Is it used in the case of all complaints for a simple offence not punishable by imprisonment or an offence which does not involve disqualification from holding or obtaining a driving licence? Is there some kind of administrative discretion used in the operation of this section? I believe it is not used to the full extent. There are more serious offences that do not actually involve imprisonment where the procedure is not used. I am trying to clarify whether there was that distinction, and to determine whether or not it would apply in the case of the commission.

Further, are there any areas within the Companies Act which do not involve sentences of imprisonment but which have fairly substantial monetary penalties where perhaps it would not be appropriate to use this procedure? I assume that, if there is a fine or imprisonment as the alternative, section 27a could not be used. Section 27a deals with prosecutions and serving the complaint by post, whereas section 57a deals with the defendant's responding and pleading "guilty" by post. Perhaps this procedure should be avoided, when the penalty is severe, and one ought to be sure that the defendant has been notified and given notice of all his rights.

The Hon. K. T. GRIFFIN: I am not aware of the detailed guidelines that govern the administration of sections 27a and 57a in relation to the Police Force. This area is principally the responsibility of the Chief Secretary, so that in my day-to-day responsibilities I do not know of any guidelines that the police set in this respect.

Regarding the Corporate Affairs Commission, it has not yet proposed any guidelines for the application of these two sections if the Act is amended. However, I expect that the commission will present to me some guidelines that will determine largely the way in which it administers its responsibilities in the light of any amendment that is passed.

Even penalties for failing to lodge an annual return, for example, can be substantial, particularly if they have not been lodged over a period of several years. In those circumstances, I envisage that the procedures of sections 27a and 57a would still be used. For example, in relation to a case under section 124 of the Companies Act, which relates to the responsibility of directors to act honestly and diligently, where the maximum penalty is $2 000, although a period of imprisonment is not involved, I expect that the Corporate Affairs Commission would want to ensure that the complaint was served.

The other consequences which flow from that and from the application of section 57a are not so detrimental to the defendant if he or she does not want to appear, as the application of that section allows the Corporate Affairs Commission to prove more easily the commission of the offence in the defendant's absence, and enables the defendant to make submissions to the court without necessarily having to be present.

In summary, therefore, the Corporate Affairs Commission does not at present have guidelines that it would envisage using if the Bill was passed, but I expect that it will develop those guidelines and present them to me, as Minister of Corporate Affairs, so that we can ensure that the sort of possible injustice to which the Leader has referred does not occur.

The Hon. C. J. SUMNER: I thank the Attorney-General for his explanation. I do not wish to hold up the Bill, but perhaps I could put to him two options. Perhaps the Attorney might like to report progress and obtain this information or, alternatively, he may wish to proceed with the Bill and let me have the information later both in relation to the present practice by the police under the existing provisions and the proposed practice of the Corporate Affairs Commission.

I do not suppose that I can place any conditions on the latter course if we agree to the Bill's going through now. However, I am sure that this is not a matter of any great Party-political controversy, and perhaps, if it was seen that the guidelines could amount to an injustice, we could discuss the matter between ourselves and it could be examined later by the Legislature.

The Attorney will probably want to proceed with my second option. Will he therefore review sympathetically a revision of the position if it was considered that there was a possibility of any injustice occurring in the corporate affairs area if we were using the procedure for serious offences which did not involve imprisonment but which certainly would attract heavy monetary penalties?

The Hon. K. T. GRIFFIN: The Leader is correct in suggesting that I would take his second option. I do not wish to hold up the Bill, but I undertake to give the Leader the information which he has requested and which I acknowledge is a matter of interest to the Council and to him particularly. I, as much as anyone else, want to ensure that no injustice is created by the application of these procedures and, when the application of the guidelines is considered by the commission, that will be one of the principal objectives considered.

Clause passed.
Remaining clauses (2 to 4) and title passed.
Bill read a third time and passed.

CREDIT UNIONS ACT AMENDMENT BILL

In Committee.
(Continued from 25 March. Page 1627.)
Clause 4—"Inspection of documents."

The Hon. J. C. BURDETT: The Hon. Mr. Sumner indicated that he opposed clause 4. I support it. The Government has made clear that it considers that there is an invasion of privacy for directors or employees of credit unions to have to disclose their interests to an annual general meeting, to all the members of the association, or to enable those interests to be discovered by the members. If they obtain non-concessional loans, that is their own affair. Although the Government supports the clause, some doubts have been expressed by members, so that I indicate now that, if the Bill passes the Committee in its present form, I shall move to have it recommitted to enable the consideration of amendments on file to clauses 10 and 15 in the name of the Hon. Mr. DeGaris. These amendments spell out that, where the rules of the credit union so provide, officers or members will have to disclose their interests.

The Hon. C. J. SUMNER: I appreciate the Government's making some attempt to compromise on its position in relation to clause 4. However, although I would like to be all sweetness and light at this time of the evening, I am afraid that we do not feel that the suggested amendments go far enough. We have already moved amendments which were defeated by the Committee, and those amendments went a lot further than those now proposed. We believe that, in addition to the procedure of reporting to the Registrar as proposed by the Government, the provision of the reporting of loans by a credit union to its officers or employees to an annual general meeting of the credit union should be maintained. That was our basic position. We were defeated on that, and as a fall-back position I opposed clause 4. If that clause were deleted a member of a credit union would have the right to go to the Registrar and find out what financial arrangements had been made between a credit union and its employees or officers.

Given that our opposition was much stronger than the position now suggested by the Hon. Mr. Burdett, even if this is something of a compromise, I do not believe that it goes far enough. I would be prepared to look at an amendment if the Hon. Mr. Burdett were prepared to consider it, which would restrict the right to inspect documents filed under sections 39, 52 or 59 (the documents which the Registrar receives dealing with the financial relationship between a credit union and its officers or employees) to members of the credit union concerned. Clause 4 at present provides that no inspection should be allowed by anyone of documents filed under the sections I have mentioned. If clause 4 is deleted, as we are proposing at the moment, anyone could inspect those forms, including members of the public. Surely a reasonable compromise would be for inspection of the documents to be allowed by a member of the credit union to which the documents relate. That compromise proposition should commend itself to the Committee.

Although the Minister's proposed compromise goes some way, I do not believe that it goes far enough, because it will depend on a credit union's inserting in its rules the power for its members to have access, by way of a general meeting, to the financial arrangements between the credit union itself and its employees or officers. That could be done by a credit union, and it is some improvement on the Bill as it now exists, but it does not go far enough, although we would vote for it.

At present, I oppose clause 4, but I would like the Minister to consider a proposition which would allow members of credit unions to inspect documents filed under sections 39, 52, or 59. It would be a reasonable compromise, and we would vote for the amendments suggested by the Hon. Mr. DeGaris and explained by the Minister in relation to the rules of the credit union being able to provide for a report to an annual general meeting on these financial arrangements. There is no inconsistency between the deletion of clause 4 and the supporting of amendments hinted at by the Minister. A reasonable compromise would be support for the two amendments suggested and an amendment to clause 4 which would not delete it completely but which would mean that only members of the credit union could inspect documents filed under sections 39, 52, or 59.

The Hon. K. L. MILNE: The foreshadowed amendments satisfy me. I asked the Government to spell out in amendments some provision calling attention to the rights of members in relation to amending their own rules. I no longer share the fears expressed by the Hon. Mr. Sumner about clause 4, although I would not oppose an amendment if he thought it would improve the situation still further. What is bothering us is that we realise that many directors of organisations of this kind have not previously been directors of anything.

Some of these officers have no experience and are entirely in the hands of senior officers who, especially in small organisations, do not have much experience either. I believe there is a limit to legislation that attempts to save people from themselves.

The Hon. C. J. Sumner: That is not what we are doing.

The Hon. K. L. MILNE: In a sense we are, because we are trying to give people an idea of their rights. If members of a credit union have a suspicion that something has taken place, they can take action through the rules laid down in clause 4.

The Hon. R. C. DeGaris: If they want to do so.

The Hon. K. L. MILNE: Yes, if they want to do so, but it very rarely occurs. I am perfectly satisfied with the Hon. Mr. DeGaris's amendments at this stage and I believe that is as far as the Bill should go.

The Hon. J. C. BURDETT: I agree with the Hon. Mr. Milne that, provided it is spelled out, if members of a credit union want to place in their rules a provision that the directors or officers should make disclosures, then they should be able to do so. The Leader has constantly changed ground in relation to this Bill. First, he moved amendments to clauses 10 and 15. When those amendments were unsuccessful he opposed clause 4, and has now suggested that there should be an amendment to that clause. Throughout this debate the Government has said that it is an unreasonable invasion of privacy for officers and directors to have to disclose, if the rules of a credit union do not provide for that. I am not prepared to support the amendment to clause 4. Provided it is spelt out in the Bill and made clear to members and directors, especially if they are inexperienced, members can provide for a disclosure in the rules if they so wish.

The Hon. C. J. SUMNER: The Hon. Mr. Milne has said that there is a limit to which you can protect people from themselves, but I do not disagree with that general proposition. The Opposition's amendments have tried to give people the right to know what is happening within their credit union so that they can protect themselves from

financial dealings that might be against the interests of the general membership of a credit union. It is not a matter of protecting people from themselves, and I do not believe that that is relevant to the present debate.

The Opposition believes that there should be a degree of openness in relation to financial arrangements so it can be seen that there is no conflict of interest. That is the critical point. The Hon. Mr. Burdett has said that the Opposition has changed ground. We are entitled to do that, because our proposal for the requirement of a report to a general meeting of a credit union was rejected by the Committee. We have now proposed something which is not as extreme as that, in the Government terms, but which will still provide a small amount of access by members of the credit union to information relating to the financial dealings between the union and its employees. The Hon. Mr. Milne said that many of the directors and employees of small credit unions do not have a great deal of experience; if that is the case, I would have thought that that gave more support to my argument. If a director does not have a great deal of experience there should be some way for the general membership to ensure that the directors are doing the right thing. That can be assured by giving members more access to this information.

Is the Minister prepared to report progress to allow an amendment to be prepared to clause 4 in the terms of the compromise I have suggested? If the Minister is not prepared to do that, and if the Hon. Mr. Milne will not support that either, the Opposition will maintain its opposition to clause 4, which is the only way to provide protection for the individual members of a credit union.

The Hon. J. C. BURDETT: I am not prepared to report progress. I believe the amendments proposed by the Hon. Mr. DeGaris deal with this matter sufficiently.

The Committee divided on the clause:

Ayes (9)—The Hons. J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and D. H. Laidlaw. Noes—The Hons. B. A. Chatterton and J. R. Cornwall.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 16 to 18 passed.

Clause 19—"Special resolutions."

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

Page 5—After line 16 insert paragraph as follows:

(aa) by inserting after subsection (2) the following subsection:

(2a) Notice of a proposed special resolution, setting out its terms, must be given, personally or by post to the members of the credit union at least fourteen days before the date of the meeting at which a motion for the passing or adoption of the resolution is to be moved and any purported special resolution, in relation to which such notice has not been given, is invalid.

This amendment is simply to preserve the provision in the original Act which was accidentally removed by the former amendment.

Amendment carried; clause as amended passed.

Remaining clauses (20 to 25) and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 10—"Loans to officers and employees" —reconsidered.

The Hon. R. C. DeGARIS: I move:

Page 2, line 39—After "contrary," insert "but subject to subsection (5) of this section,"

I do not need to explain the amendments as they have already been canvassed in the amendments to clause 4. However, I point out that the provision does spell out in the Act that the credit union has the power in its rules to allow for the declaration at the annual general meeting of any loan to be made to an officer or employee of that credit union. I think that is as far as we should go. To allow the Registrar to disclose information that has come to him provides for an invasion of privacy if the credit union itself does not require that to be done. Secondly, it does raise a difficulty, particularly with credit unions that are a long way from the city. Many credit unions operate many miles from the city. Therefore, I do not see any advantage in the proposal made by Mr. Sumner concerning clause 4. However, this amendment does allow the credit union, in its rules, to allow for the declaration of these loans to the annual general meeting of the credit union.

The Hon. C. J. SUMNER: The Minister said that we had shifted positions. However, by voting for this amendment we will be able to salvage something out of this attempt by the Government to shroud credit unions in secrecy. We do not believe that it goes far enough but, as this seems to be all that the Government is prepared to concede and all that the Committee is prepared to accept, I am happy to say that we are prepared to support the amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

Page 3, after line 5, insert subsection as follows:

(5) The rules of a credit union may provide that an officer or employee of the credit union shall report any loan made to him under subsection (1) of this section to the annual general meeting of the credit union next following the making of the loan.

Amendment carried; clause as amended passed.

Clause 15—"Monetary provisions"—reconsidered.

The Hon. R. C. DeGARIS: I move:

Page 4, line 22—After "contrary," insert "but subject to subsection (2c) of this section,".

Amendment carried.

The Hon. R. C. DeGARIS: I move:

After line 34, insert subsection as follows:

(2c) The rules of an association may provide that an officer or employee of the association shall report any loan made to him under subsection (1) of this section to the annual general meeting of the association next following the making of the loan.

Amendment carried; clause as amended passed.

Bill reported with further amendments. Committee's reports adopted.

Bill read a third time.

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

That this Bill do now pass.

The Hon. C. J. SUMNER: Can I speak on this motion?

The PRESIDENT: No. The question is that this Bill do now pass.

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

The PRESIDENT: There is a question before the Chair.

Bill passed.

PERSONAL EXPLANATION: OPPOSITION AMENDMENTS

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

Leave granted.

The Hon. C. J. SUMNER: Mr. President, you are being

so efficient in the Chair tonight, that I missed the opportunity to say, at the third reading stage, that although we are not happy that our amendments were defeated, we believe that, for the benefit of the credit union movement, the Bill as a whole ought to be passed. However, there were those matters that we did not agree with and accordingly I wished to indicate at the third reading stage that we were prepared to support the third reading for the benefit of the necessary clauses that were in it.

COMPANIES ACT AMENDMENT BILL

In Committee.

(Continued from 25 March. Page 1641.)

Clauses 2 to 14 passed.

Clause 15—"Commencement of winding up by the court."

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

Page 3—Leave out all words in this clause and insert new clause as follows:

15. Section 223 of the principal Act is amended—

(a) by striking out from subsection (3) the passage "At the time of the" and inserting in lieu thereof the passage "Within one day after the";

(b) by striking out from subsection (3) the word "court" and inserting in lieu thereof the word "applicant"; and

(c) by inserting at the end thereof the following subsection:

(4) A person who fails to comply with subsection (3) of this section (and if that person is a company then every officer of that company who is in default) shall be guilty of an offence against this Act. Penalty: Five hundred dollars. Default penalty.

My amendment relates to section 223 of the principal Act, which provides for the commencement of winding up by the court. This section was amended in February 1979 and one difficulty which did not become apparent at the time now needs amending. In conjunction with that, there are several additional amendments required to facilitate the operation of the section. Section 223 (1) provides:

> Where before the commencement of the proceedings a resolution has been passed by the company for voluntary winding up, the winding up of the company shall be deemed to have commenced at the time of the passing of the resolution, and, unless the court on proof of fraud or mistake thinks fit otherwise to direct, all proceedings taken in the voluntary winding up shall be deemed to have been validly taken.

Subsection (3) provides:

> At the time of the commencement, withdrawal or dismissal of proceedings for a winding up the court shall lodge with the commission notice, in the prescribed form, of the commencement, withdrawal or dismissal of the proceedings.

The important aspect is that the onus is placed upon the court; it is an administrative duty to file with the Corporate Affairs Commission notice of any commencement, withdrawal or dismissal of proceedings for winding up. The provision in other States puts the onus on the applicant to lodge that notice with that commission, and the onus should not be placed on the court. The Government seeks to provide that the applicant has the onus of lodging that notice.

It is generally a matter of public interest when procedures are commenced in relation to a company with a view to obtaining a winding up order. It is also equally of interest to the public when an application for winding up has been withdrawn or dismissed by the court. One of the deficiencies of the present section 223 is that, although there is an obligation on the court at present (and we propose an obligation on the applicant), there is no time limit within which the notice should be given by the applicant to the Corporate Affairs Commission of the commencement of proceedings for winding up, or when an application for winding up has been withdrawn or dismissed. My amendment is directed towards providing that the time limit is one day, so that if an application for winding up is lodged in court on a Thursday, for example, then, because of the significance of that step (as it affects the creditors of the company and possibly members of the public), we believe that the applicant should lodge notice of that commencement with the commission on the Friday, that is, the next day.

Likewise, if there is a withdrawal or dismissal of proceedings for winding up, the applicant should lodge the notice within one day of the withdrawal or dismissal. The other aspect of the amendment relates to the question of a penalty and an offence being created if it is not lodged with the commission within that time. The view which I and my officers take is that the deficiency in this respect ought to be remedied.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 21) and title passed.

Bill read a third time and passed.

TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1253.)

The Hon. C. J. SUMNER (Leader of the Opposition): I will not detain the Council long on this Bill. Its major provisions were approved by the former Labor Government before the last election, and I believe that the Liberal Government has substantially adopted the recommendations made by the former Government concerning the introduction of the Bill. I do not wish to direct my attention to any great arguments about it. The Opposition supports it and, in any event, even if I were inclined to argue about the Bill, I might be a little bit put off by the fact that some of the recommendations contained in it were recommended by a committee of which the Attorney, when he was a private practitioner, was a member. I imagine that if I entered into a long and protracted argument over the law on this matter it would not really be to the benefit of the Council, and I am sure that the Attorney would outweigh my comments with his learning and wisdom on this difficult subject.

The Bill extends the scope of authorised trustee investments. It deals with a number of other matters which to some extent are a clarification of the common law or the equitable rules in relation to trustees. That is, the provisions relating to the liability of a trustee for actions taken in administering an estate which results in a loss to the trust estate; the validity of charitable trusts when they are found in conjunction with other trusts and the extension of the power of the courts to approve a scheme altering the purposes for which property may be applied in pursuance of a charitable trust, are some extent clarifying the common law or the equitable rules in this area.

There may be some degree of extension of the principles, but they seem to me to involve clarification. The other interesting area is that the Bill enacts a new Part VA, which will require trustees to keep records relating to their administration of trust property, and empowers the

Public Trustee or a trustee or a beneficiary under the trust to inspect those records.

I merely draw attention to that provision at present in view of the discussion that we had in relation to credit unions. Of course, the trustee is in a fiduciary relationship as far as the beneficiary and the property are concerned, and we are placing on him an obligation to keep records and to enable the beneficiary, who ultimately owns the property or at least has the right to it, to be able to inspect the records kept by the trustee.

That is all very laudable and desirable, and is in accordance with the general principle that, where someone is administering financial matters on behalf of another person, that person ought to have the right to inspect the documents involved and to know what is happening. It is strange that this is precisely the principle that the Opposition was arguing on the Credit Unions Act Amendment Bill. We argued that credit union members ought to have the right to know what the credit unions and its directors, officers and employees were doing, because they were administering property on behalf of their members.

Here, we have a trustee administering an estate or property on behalf of a beneficiary, and the Government is happy to see inserted in the Trustee Act a provision that will give a beneficiary the right to inspect records which the trustee must now keep. We agree with that and believe that it is in accordance with the common law principle referred to by the Hon. Mr. Burdett.

The Hon. J. C. Burdett interjecting:

The Hon. C. J. SUMNER: I have referred to the law of equity. The Minister called it the common law rule.

The Hon. J. C. Burdett: As it was in accordance with credit unions.

The Hon. C. J. SUMNER: The Minister has decided to get pedantic at this late hour. Whether it is an equity rule as it would be in relation to trusts, or a common law rule as it may be in relation to associations, is neither here nor there. The point is that it is a rule which provides that, where a person is in a fiduciary relationship, he should disclose that relationship and his dealings in connection with it.

The corollary of that is that the people who have an interest in what this person is doing in relation to the trust property ought to have access to records that can give them some idea of what is happening. I believe that the principles are very similar, and I am pleased to see that the Government is introducing them in this Bill. As the Minister knows, I am a little disappointed that the Government did not see fit to carry this principle through to both the Trustee Act and the Credit Union Act.

The Hon. FRANK BLEVINS: My Leader, when speaking in the second reading debate, was in my opinion far too modest in not wanting to enter into debate on the law on this question with the Attorney-General. I do not want to do that, either. However, I make the point that my Leader was far too modest.

While not wanting to enter into back-handed debate with the Attorney-General, I am pleased briefly to engage in debate on a matter of principle in relation to this Bill. I will be very brief. My doubts about this Bill relate to clause 4, which increases the range of investments now available to trustees. It seems to me, from reading the Bill, that the whole idea behind it, before this enlargement of the area that is available for trustees, was to see that trustees invested funds in blue chip securities only, for example, in securities issued or guaranteed by the Treasurer, the Government, instrumentalities of the Crown, such as the Gas Company, which is guaranteed by the Government, any municipal or district council, and so on.

However, we now see that there has been an addition to this in clause 4 (3), which allows trustees to invest in ordinary trading companies. It tries to give some protection by saying that they must be companies which have a paid-up share capital of more than $2 000 000 and which have paid dividends for seven years, and things of that nature, hopefully being able to demonstrate their security in that way.

Although that is a good indication that a company is reasonably secure, I do not think that it is any guarantee, and I should like the Attorney-General, when replying to the second reading, to show how it is a guarantee. I can think of companies (without mentioning any names) that have paid dividends for a number of years, and certainly seven years, but have gone broke in a most spectacular way and have lost much of their investors' money.

It seems to me, although I do not oppose the Bill, that there are some dangers in it. If an estate is being administered by a trustee and some of the investment is in this area of general stocks, and if the company goes broke and money is lost to an estate as a result of this Government's opening up the area in this way, the Government will have to wear it and should accept the responsibility for the loss incurred by the people by who have been disadvantaged.

This whole enlargement seems to me to provide something of a gambler's charter. I agree that it seems persuasive to hear that the previous Cabinet had approved this measure. However, if one understands the way in which the Australian Labor Party works, one realises that Cabinet is not the final answer. The matter would have gone to a general Caucus meeting, and I would there strongly have opposed this provision or certainly asked a large number of questions about it. I would have wanted far more of an explanation than this Government has been willing to give in the second reading explanation.

This area opens up a danger for people's funds, and trustees can abuse it. I appreciate that an attempt has been made to write some form of security into the Bill. I should appreciate it if the Attorney-General would explain what happens when a trustee invests funds, and a spectacular crash occurs, as a result of which money is lost to an estate.

That is a danger I see that was not there previously. It seems to me that it should not be the intention of the trustee of an estate to gamble with funds held in trust, and so I would welcome more information from the Attorney-General than was given in the second reading explanation.

The Hon. L. H. DAVIS: In speaking briefly to this Bill—

The Hon. N. K. Foster: I'm glad you're going to be brief.

The Hon. L. H. DAVIS: That is something with which the Hon. Mr. Foster is not familiar. I should like to commend the Government on bringing forward this legislation, something which has been long overdue for reform. If one looks at the history of the Trustee Act, one finds that the Labor Government, during the 1970's, was in receipt of the 1974 working party report from the law reform group set up to look at this matter, but did nothing about it for many years. For a Party that professes to look after the interests of people, it seems strange that the Labor Party did not look to the Trustee Act, which is now to be amended by the Liberal Government.

Section 4, which has been substantially revised, relates to trustee investments and securities. The section needs constant revision, because the securities that were available when the Act first came into being in some cases are no longer appropriate, and in fact in many areas gilt-

edged securities have come into the market place which not only give trustees adequate security but, in many cases, better returns for the benefit of the beneficiaries on whose behalf they are acting.

In looking at section 4, it is interesting to note that we are dealing very much with the provisions of the Western Australian Trustee Act, which has been in force for many years and which has been used as a vehicle by this Government and, as I understand it, the previous Government in looking at the principal Act in relation to authorised investments.

There are three main areas of change introduced by the Government which I commend. The first is the introduction of common funds of the trustee company which must be invested in trustee securities, as defined in section 4. There is also the introduction of shares into the ranks of trustee securities, an area about which the Hon. Mr. Blevins had some reservations. However, I think there are safeguards built into section 4, because the trustee proposing to make an investment in shares has to adequately inquire as to whether they are satisfactory with regard to the nature and purpose of the trust, whether the investment is sufficiently diversified, and the need to ensure equity between the beneficiaries and obtain advice from an independent expert. That must be done on a regular basis.

The Hon. Frank Blevins: With the best will in the world, they could be wrong. Companies could go broke.

The Hon. L. H. DAVIS: The Hon. Mr. Blevins may well think that Commonwealth bonds are the greatest security in the world, but he could have invested in Commonwealth bonds in 1970 at a par value of $100 and within four years, if he had been forced to sell, he would have got $68 back. That was not a blue chip investment, but a loss of 30 per cent in four or five years, because interest rates rose and the value of the bonds fell. That was a trustee security.

The Hon. Frank Blevins: That's not necessarily a reason to extend that very doubtful provision.

The Hon. L. H. DAVIS: In the investment area, nothing is certain, but that in itself is not a reason to shirk the issue of trying to define investments for trustees. Obviously, trustees who exercise their power, whether corporations or individuals, act in a responsible fashion. The greater the sum of money they have for investment, the greater the scope and the greater the flexibility with regard to investing in shares. If they are dealing with a small sum, they will be quite prudent, looking at securities such as the South Australian Gas Co., Commonwealth savings bonds, deposits with prescribed building societies, and so on. There have been few instances of trustees who have abused that provision, but there are rogues in the world and we will never be able to legislate against those things. The Labor Government did not realise, in its decade in office, that we cannot legislate against crooks. We can protect the public, and in this legislation every endeavor has been made to do that.

I commend the Government on its moves to broaden the investment powers in the light of the changing and increasing opportunities for investment in the capital market, and in the light of practice in other States. I commend the Bill to honourable members.

The Hon. K. T. GRIFFIN (Attorney-General): There are several comments that I need to make in response to various questions raised by honourable members. The first is in relation to security of investment of trust funds in the light of the wider opportunities for trustees to invest, particularly in stocks or shares or debentures of companies. The Hon. Legh Davis has largely answered the questions raised, but I want perhaps to take it a little further and to indicate that the provisions of this Bill will follow the scheme of the Western Australian legislation, the United Kingdom trustee legislation, and, as far as I am aware, the Victorian trustee legislation, all of which have been amended in recent years to facilitate the widening of the range of investments for trustees with adequate safeguards.

It became obvious to trustees in the late 1960's, but more particularly in the 1970's, that what was then regarded as a blue chip investment was not necessarily a great protection for the beneficiaries of trusts. The Hon. Legh Davis has given the example of Commonwealth bonds purchased for $100 in the early part of the 1970's which, four years later, yielded only some $68. That was to the detriment of the beneficiaries of the trust, and provided no hedge against inflation, notwithstanding that at the time the bonds were acquired the interest rate appeared reasonable and the security of capital unquestioned. That has been the experience with other investments which were previously allowed under the Act.

It is true to say that in the earlier part of the century the attitude toward trust investments was that they should be made in what were then regarded as gilt-edged securities, but in times of high inflation there has not been any hedge against inflation and the beneficiaries have suffered substantially. In private practice, I found this on a number of occasions when funds were invested for children following the death of a parent. The funds had been invested when inflation had been nominal, but when the children had attained their majority, the funds had depreciated substantially in purchasing power.

We are trying to provide a broadening of the opportunity for investment of trusts funds with safeguards. It is acknowledged that no safeguards will protect assets and beneficiaries 100 per cent, but we have endeavoured to provide, to the best of our ability, and consistently with the provisions in Western Australia, Victoria and the United Kingdom, some safeguards which will go much of the way towards protecting the beneficiaries. For example, the Government has provided that if an investment is made in stocks, shares or debentures of a company, that company must have a paid-up share capital of more than $2 000 000 and have paid a dividend in each of the seven years immediately preceding the year in which the investment is made. The Government has also provided an obligation on a trustee to review the investment portfolio annually, pursuant to clause 4. That clause provides that the trustee shall act yearly or at more frequent intervals, and that is a matter for judgment by the trustee to determine according to the range of investments, the nature of the trust and the extent of the capital. New section 5 (5) provides:

> . . . the trustee shall, at yearly or more frequent intervals, obtain and consider the written advice of an independent expert on the question of whether those investments should be retained having regard to the matters referred to in subsection (4) *(a)* and *(b)* of this section.

Subsections (4) *(a)*, *(b)*, and *(c)* require a trustee, who proposes to make an investment, to consider whether the investment is satisfactory, having regard to the nature and purposes of the trust; to have regard to the need to ensure that the investments of the trust, are, so far as circumstances allow, sufficiently diversified; and to have regard to the need to ensure equity between the beneficiaries of the trust; and the trustee shall obtain written advice from an independent expert.

There is a need to ensure equity between beneficiaries of the trust to ensure that the life tenant does not benefit to the detriment of the remaining trustees, and vice versa, and that the life tenant who expects income for life from

the capital of the trust fund receives a reasonable return and that the person who is entitled in remainder also receives a reasonable return on capital. There are also obligations under the Trustee Act and at common law placed on trustees who are negligent. There is a very high standard of care required of the trustees. The Government has again endeavoured to widen that measure to recognise more specifically the concept of negligence in regard to trustees.

Under new Part VA of the Bill, the Government seeks to provide that a trustee must keep records and, at the request of the Public Trustee, another trustee of the trust, or a beneficiary of the trust produce the records, permit inspection of them and permit copies to be made. The Government also provides that the Supreme Court may, of its own motion or on the application of any person who has a proper interest in the matter, appoint an inspector to investigate the administration of any trust.

A deficiency of the Trustee Act was that, whilst there was power under the rules of the court for a court to appoint a person to make an inquiry and take an account of the assets and funds of a trust, the court had no capacity to appoint an inspector to undertake what is in effect an audit of the trust fund. The Government seeks to give the court that power to appoint an inspector to make a report in writing to the Supreme Court and the Attorney-General. The requirement of a report to the Attorney-General will ensure that, if an offence is detected by an inspector, a prosecution may be instituted as quickly as circumstances allow. Whilst there is a risk involved, there are many safeguards also.

The Hon. Frank Blevins: You are increasing the risk.

The Hon. K. T. GRIFFIN: The Hon. Mr. Blevins has said that we are increasing the risks, but that has to be balanced against the detriment that beneficiaries now suffer as a result of the requirement to invest only in what are regarded as blue chip investments. Those investments yield only a very low rate of interest and take no account of inflation. One must remember that stocks and shares in companies have a capacity to appreciate in value from a capital point of view, as well as yielding a reasonable interest rate. Therefore, the trust fund has a capacity for growth in its capital base, as inflation takes its toll, as well as earning a reasonable interest rate.

The investments that are presently provided by the Trustee Act do not, generally speaking, provide that sort of hedge against inflation. Many people in the community have desperately wanted the wider powers that this Bill will give to trustees to enable the trust fund to be preserved and provide some growth during inflationary periods.

The Bill is largely of a technical nature, but because there is this broadening of the powers of investment I circulated copies of the Bill and the second reading explanation to many people in the community, including legal practitioners that I know practise in this area of the law, trustee companies, the Public Trustee, companies and others who have an interest in this field. The general response has been that the widening of the investment powers of trustees is most advisable and will remedy many deficiencies in the present Trustee Act that adversely affect a trust fund. The general response from the community is that, notwithstanding the risk and taking into account the safeguards that the Government is seeking to write into the Act, the proposals are proper and reasonable, and will result in far greater benefits than disadvantages to beneficiaries. As I have said, we cannot provide for an absolutely foolproof system, but the Government has attempted to provide safeguards that we believe are more than adequate to deal with the problems mentioned by the Hon. Mr. Blevins.

The Hon. Anne Levy: Why pick on seven years?

The Hon. K. T. GRIFFIN: From memory, the period is five years in Western Australia. When I was a member of the Law Reform Committee it was decided that five years was inadequate and that seven years afforded better protection. Any period could have been selected, on the basis that the longer the period the more secure it would be, although that is not necessarily so.

The Hon. Frank Blevins: It is still not guaranteed.

The Hon. K. T. GRIFFIN: I have indicated that the advice the Government has received from persons in this field indicates that the risk is negligible and that the advantages very much outweigh the remote possibility that there will be a disadvantage for a trust fund.

I now turn to the attempt by the Leader to equate the provision in this Bill with respect to the power of the Public Trustee, trustee, or beneficiary to gain access to the records of a trustee with that of the members of a credit union. I believe that the Credit Unions Act is a totally different concept, providing a comprehensive scheme for monitoring the affairs of credit unions under separate legislation specifically designed to deal with the sorts of difficulty referred to by the Leader.

The Trustee Act has not previously had this sort of power which would enable beneficiaries in particular to have access to the records of a trust fund. So, there is a distinction between the two, and quite a proper distinction to which the Minister of Consumer Affairs directed his attention in the debate on the previous Bill. I thank honourable members for their attention and for their indication of support to the Bill. I indicate that during the Committee stage there will be some technical amendments as a result of the wide circulation of the Bill since it was introduced about three weeks ago.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. C. J. SUMNER: In order to shorten the proceedings next week, I will give the Attorney-General notice of one or two questions in relation to other clauses of the Bill. In clause 4, a new subsection 5 (1) *(c)* is inserted in relation to present investments with a prescribed building society. What policy will the Government adopt in relation to prescribing building societies? In regard to new subsection 5 (1) *(a)* (vi), what will be the policy of the Government in prescribing an authority or body under that provision?

The CHAIRMAN: Order! I do not wish to interrupt the Hon. Mr. Sumner's investigation of the Bill. However, since we are not dealing with those clauses, will he confer with the Minister in regard to them?

The Hon. C. J. SUMNER: Mr. President, let us not be too technical about this matter.

The CHAIRMAN: I must comply with Standing Orders.

The Hon. C. J. SUMNER: I believe that on numerous occasions we have reached clause 1 and members have referred to other clauses. I am trying to help the process; I am not trying to hinder it. I find that that attitude is not very helpful to the Committee. This practice has been adopted in this Committee on numerous occasions before.

The CHAIRMAN: Perhaps if the honourable Leader asks for leave to do this.

The Hon. C. J. SUMNER: I ask leave to put these questions to the Attorney-General.

Leave granted.

The Hon. C. J. SUMNER: My third question is in relation to new subsection 5 (1) *(g)*, which relates to investments in the common funds of a number of private executor companies. Might there not be a case for

extending that to investment in the Public Trustee? Finally, in regard to clause 10, which enacts, in part, a new section 84c, where the Supreme Court is given power to investigate the administration of any trust or the Supreme Court can order investigation on the application of any interested person, I had the impression in the Bill we approved that there was some power in the Attorney-General to initiate one of these investigations of a trust. Does the Attorney-General consider that is necessary? Would the Attorney-General, in the public interest, be a person who has a proper interest in the matter?

Clause passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 11.22 p.m. the Council adjourned until Thursday 27 March at 2.15 p.m.