LEGISLATIVE COUNCIL

Wednesday 2 April 1980

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

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

As to Amendment No. 2:

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

As to Amendment No. 3:

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

New Clause:

After clause 3 insert new clause 4 as follows:—

"4. *Enactment of Part IVA of the principal Act*—The following new Part is enacted and inserted in the principal Act after section 39 thereof:

PART IVA

SHOPPING DEVELOPMENT

39a. *Interpretation*—In this Part—

"floor area" in relation to a shop means the sum of the areas of the superficies of horizontal sections of the shop measured at the level of each floor including the areas in a horizontal plane of external and internal walls and adjacent roofed areas but excluding areas covered by eaves or verandahs:

"major shopping development" means—

(*a*) the construction of a shop or group of shops with a floor area or aggregate floor area of more than 450 square metres;

(*b*) the alteration or extension of a shop or group of shops so that the floor area of the shop or aggregate floor area of shops comprised in the group is increased by more than 450 square metres over the floor area of the shop or aggregate floor area of shops comprised in the group as at the 15th day of February, 1980; or

(*c*) a change in use of land by virtue of which the land may be used as a shop or group of shops having a floor area or aggregate floor area of more than 450 square metres:

"non-shopping zone" means a zone within the Metropolitan Planning Area other than a shopping zone:

"planning authority" means the Authority or a council:

"the relevant planning authority" means—

(*a*) in relation to the Port Adelaide Centre Zone and the Noarlunga Centre Zone—the Authority; and

(*b*) in relation to any other zone—the council for the area in which the zone has been created:

"shop" means—

(*a*) premises used or intended for use for the retail sale of goods;

(*b*) premises used or intended for use for the sale of food prepared for consumption (whether the food is to be consumed on the premises or not),

but does not include—

(*c*) a bank;

(*d*) a hotel;

(*e*) premises for the sale or repair of motor vehicles, caravans or boats;

(*f*) premises for the sale of motor spirit;

(*g*) a timber yard or plant nursery;

(*h*) premises for the sale of plant or equipment for use in primary or secondary industry:

"shopping zone" means a zone within the Metropolitan Planning Area being—

(*a*) a District Business Zone;

(*b*) a District Shopping Zone;

(*c*) a Local Shopping Zone;

(*d*) a Regional Centre Zone;

(*e*)a District Centre Zone;

(*f*) a Neighbourhood Centre Zone;

(*g*) a Local Centre Zone;

(*h*) the Port Adelaide Centre Zone;

(*i*) the Noarlunga Centre Zone;

(*j*) a shopping zone as defined in the Metropolitan Development Plan—District Council of Stirling planning regulations; or

(*k*) a zone prescribed by regulation under Part IX of this Act:

"zone" means the zone established by planning regulations.

39b. *Major shopping developments in non-shopping zones*—(1) An application made to a planning authority, on or after the 15th day of February, 1980, for consent under planning regulations in relation to carrying out a major shopping development in a non-shopping zone is void.

(2) Any consent purportedly given upon an application to which subsection (1) of this section applies is void.

39c. *Special consent required in respect of shopping development in shopping zones*—(1) A person who proposes—

(*a*) to construct a shop in a shopping zone;

(*b*) to alter a shop in a shopping zone so as to increase the floor area of the shop; or

(*c*) to alter the use of land within a shopping zone by using the land as a shop,

shall not proceed to carry out the proposal without the consent of the relevant planning authority.

Penalty: Ten thousand dollars.

(2) When considering an application for its consent under subsection (1) of this section, the relevant planning authority shall have regard to—

(*a*) the provisions of any relevant authorised development plan;

(*b*) the health, safety and convenience of the community;

(*c*) the purpose for which the relevant zone has been created; and

(*d*) the effect of carrying out the proposal on the amenity and general character of the locality affected by the proposal.

(3) Where consent of a planning authority is required in respect of a proposal under subsection (1) of this section and that proposal constitutes a use of land, as defined in planning regulations, for which consent of the planning authority is required under those regulations, the regulations are, to that extent, suspended while this Part remains in operation.

(4) Where applications for every authorisation, approval or consent required under this Act and the Building Act, 1970-1976, for the purpose of carrying out a proposal of a kind to which subsection (1)(*a*) or (*b*) applies had been made before the twenty-fifth day of March, 1980, no consent is required under subsection (1) of this section in respect of the proposal.

39d. *Expiry of this Part*—This Part shall expire on the 31st day of December, 1980.

And that the House of Assembly agree thereto.

Consequential Amendment:

That the Legislative Council make the following consequential amendment to the Bill:

Page 1—After clause 1 insert new clause as follows:—

"2. *Amendment of principal Act, s. 2—Arrangement of Act*—Section 2 of the principal Act is amended by inserting after the item:

PART IV—IMPLEMENTATION OF AUTHORISED DEVELOPMENT PLANS, ss. 36-39

the item:

PART IVA—SHOPPING DEVELOPMENT"

And that the House of Assembly agree thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The recommendations amount to the Government's amendments, which I moved in the Council; we are now back to that position. There was a spirit of compromise in the conference and, although we have come back to the former position, a lot of useful material arose from the conference; matters were discussed that I am sure will bear fruit in the future. Regarding the formal part of the conference, the recommendations provide for the amendments which I formerly moved in the Council, which have been fully explained and debated and which I need not outline again.

In addition, the Minister gave an undertaking which he will give in the House of Assembly and which he has authorised me to give on his behalf here—that he will strengthen the Retail Consultative Committee in accordance with the amendment that was formerly moved by the Hon. Dr. Cornwall, to add to the committee a representative of the Mixed Businesses Association and a public accountant, and that the consultative committee will, in its terms of reference, in addition to those already existing, be instructed to advise the Government on the feasibility of including the question of economic viability (a matter which has been canvassed at some length in this Chamber) when it comes to setting out permanent legislation and guidelines after the expiry of this interim provision. Thus, the question of economic viability is to be examined.

Further, the Minister has undertaken to write to all metropolitan councils and request, in regard to applications for developments over 2 000 square metres within prescribed zones, that they will first consult with the Minister in relation to matters on which the Minister may be able to advise them. Therefore, a letter will be sent to all councils within the metropolitan area in regard to applications for developments over 2 000 square metres within prescribed zones, requesting that there be consultation with the Minister which, of course, also means with the department. Further, in that letter the Minister will request that he be consulted not only on future applications but also on applications for development made after 15 February.

Therefore, the Minister has expressed concern about rezoning and has said that it must be wisely applied having regard to the problems that have arisen. The Miniser gave an assurance that he will carefully examine any rezoning proposals.

Finally, I repeat that a great deal of useful material arose out of the conference, particularly with regard to the undertakings given by the Minister. After all, this was only an interim measure and, while the conference may appear to some not to have got far on the measure before us, I am sure that it will be useful in regard to the ultimate legislation that will eventually come before Parliament.

The Hon. J. R. CORNWALL: I believe that honourable members should be very clear about what was achieved at this conference. Legislatively of course the answer is that nothing at all was achieved. As regards the spirit of compromise referred to by the Minister, I regret that I must disagree with him. One almost gets the impression that he was at another conference.

The managers from another place made clear very early in the discussion that they were not prepared to compromise on any of the legislative changes that had been moved and debated at length in this Chamber. In fact, we emerged from the conference with the original Government Bill and the original Government amendments. It was very clear to the managers from this Council that, had we insisted on our amendments, there was a real danger that all of the legislation—the original Bill and any amendments at all—would have been put aside and lost. In the event, we had to make a judgment that perhaps half a bread roll was better than no bread at all—but it is certainly not a loaf.

I will now explain to the Council just what we did not receive from the conference. We did not get any undertaking at all with regard to legislation to control rezoning principles. We did not get any commitment to have the very temporary restrictions applying outside shopping zones applied to areas of less than 450 square metres. We did not receive any undertaking or, far more importantly, any legislative changes along the lines of the amendments that went forward from the Legislative Council—that is, that a true moratorium or stay of development would apply for any period for applications which are already in the pipeline and which had been in the pipeline prior to 15 February. There is no restraint whatsoever; they will proceed.

Regarding the situation inside shopping zones, the amendments of the Legislative Council seeking a stay of development on applications to 31 August were rejected. The Legislative Council's amendment creating a requirement for the State Planning Authority, under the Minister, to co-ordinate rational planning development centrally was thrown out completely. There was a great fuss about the continuing commitment to local government being involved in retail planning. It seemed that in this respect the Government continued to abdicate the responsibility which logically falls on a State Government. The amendment that would require economic aspects and additional criteria to be taken into account was totally rejected. Our requirement that there should be a provision for third party appeals was also thrown out. Further, in the amendment that went forward from here, honourable members will recall that the Legislative Council had asked that the concept of an advisory committee be written into the legislation. That also was thrown out.

In fact, we have come out of the conference with the amendments that were moved by the Opposition and passed by this Council thrown out completely. We did not get one amendment of any form accepted, apart from the Government Bill and the Government amendments that were previously moved in this place. All the things debated over a lengthy period have been cast aside and have not been written into the legislation. The only undertakings we have had are, first, that the Minister will write a letter to councils requesting them (and I stress "requesting", not "requiring") that they consult him and the Director on applications for retail development over 2 000 square metres, which is a sizeable retail development, with a further request that councils consider that this consultation apply to applications made after 15 February. I stress again that that letter will be in the terms of a request; there will be no legislative requirement on the councils to do this at all.

The other thing that the Minister of Planning did agree to (and perhaps this is the only matter of any significance, if one is casting about looking for any good to come out of

the conference at all) is that the retail consultative committee, which produced the discussion paper of which so much has been made by the Government over recent weeks, will be expanded by adding a representative of the Mixed Businesses Association and also a public accountant. There has been an indication that, by administrative arrangement, the Minister and, by inference, the Government may take into account economic factors. I stress again that there is absolutely no legislative requirement on the Government or the Minister or on local government to take these factors into account.

So, in summary, I believe that we came out of the conference very poorly indeed. I repeat that we had to consider, at one stage, the real possibility of losing the Bill completely. We looked at this carefully and decided that half a bread roll was better than no bread at all. Certainly, this does not represent a loaf. I believe that the Government, in this matter, has acted with a complete lack of sensitivity to what is being demanded in the real world.

The Government seems to have turned its back completely on the thousands of small traders who are upset about the present position; it seems to have turned its back on tens of thousands of residents who are represented in residents' action groups and who are also most upset. In my view, the Government has not even acknowledged that a crisis exists in retail planning and development in South Australia.

We have not heard the last of this matter, which will be an on-going story over the months and years ahead. I am deeply sorry that the Government has seen fit not to accept at least some of the amendments moved by the Opposition in a statesmanlike way, amendments that have been put forward not simply by an Opposition but by an alternative Government. We have tried to act responsibly and constructively in this matter but, unfortunately, all our efforts at this stage appear to have been in vain. That does not mean that we will not be continuing with those efforts.

The Hon. L. H. DAVIS: I support the motion moved so well by the Minister. We should not forget that we are dealing with the real world. Even the Opposition may realise that economic factors are ultimately considered by developers of shopping areas. There is some evidence (and this has been tacitly agreed on both sides) that this Bill may well be shutting the gate after the horse has bolted, but those horses were bolting not only during the short few months that the Liberal Party has been in Government.

The CHAIRMAN: Order! I draw the attention of the Hon. Mr. Davis to the fact that we are not debating the merits of the Bill but merely commenting on the result of the conference.

The Hon. L. H. DAVIS: As the Minister said, this Bill is a temporary measure, and Part IV, which relates to shopping development, will expire on 31 December 1980. It is not true to say that another place was dealing with something that it had dealt with before, because at the conference managers from another place became familiar with the amendments that had been moved in this Chamber by the Government. That point should not be forgotten.

Therefore, for the Hon. Dr. Cornwall to say that half a bread roll is better than a loaf is understating the case somewhat. At least he has some butter on his roll, although he may not be happy with it.

The Hon. N. K. Foster: Have you got a delicatessen?

The Hon. L. H. DAVIS: I did not introduce that term into the debate. The concession made in terms of the undertaking to write to councils requesting that developments greater than 2 000 square metres can be referred to the committee is a concession worth noting. It is an important addition to what has already been discussed by this Chamber. Furthermore, to add, as has been agreed by the Minister, a member of the Mixed Businesses Association and a public accountant to the Retail Consultative Committee is a tacit recognition of the fact that those two areas have something to contribute in this matter. The fact that the committee will be looking at the economic viability aspects that have been raised by the Opposition again is something that has been agreed in a spirit of compromise. Therefore, for the Hon. Dr. Cornwall to suggest that he has half a bread roll is less than the truth.

I commend to the Council the compromise that has been reached in terms of the formal proposals which, admittedly, substantially incorporate the Government's amendments and also the informal proposals which have been undertaken by the Minister to ensure that local councils, in respect of larger developments, have access, if they wish, to the committee so that they can have expert advice relating to those developments.

The Hon. C. J. SUMNER: Reluctantly, I support the motion for endorsement by the Council of the proposals that came from the conference of managers. I do so very reluctantly, because what the Hon. Mr. Cornwall has said about the House of Assembly attitude (and by that we mean the Government attitude) is true. The Government simply was not prepared to budge in any substantial way on this issue. The Government held a gun at the head of those who wanted stronger provisions on retail planning in this State. The Government said, in effect, "Pass our proposals, or we will lay the Bill aside and there will be no control." Let us not beat about the bush on this issue; that is what the Government did—it held a gun to its opponents' head. Defeat of the Bill would have resulted in the present situation continuing. I believe that that would have been an irresponsible position for members of this Council to adopt, given that we have always been arguing for stronger controls—and stronger controls for an interim period; that is critical when talking about this issue.

We were talking about an interim measure and, in doing so, I believe no harm would have been done in the long term in there being tougher provisions to ensure that, when the interim period was up, we could look at proposals for the future. On that basis, that we had a gun to our head, it would have been irresponsible to have allowed the Bill to be laid aside, and to have had no control, given that our argument is for stronger control. We are left with the completely inadequate proposals of the Government, with some administrative undertakings that it has given—undertakings which have no legal effect but which are of only political value as statements made in this Chamber. Let the Government's refusal to come to the party on Labor's proposal, let its attitude be on its own head.

The CHAIRMAN: Order! There is far too much audible conversation in the Chamber, and it is difficult to hear the speaker.

The Hon. C. J. SUMNER: As the larger complexes continue to devour the small traders and destroy the amenity of large sections of Adelaide, let the Government wear the blame and take the responsibility. The Government will be held responsible—there is no doubt about that. We on this side have tried to strengthen the Bill, to ensure moratoriums with certain conditions for approval of projects that were necessary in special cases. We did that on the basis that there should be an inquiry into the future of this whole area. We believe that, until a community solution can be found, there should be these interim controls. I emphasise that this is a problem for the

whole State, not just for one or two local government areas, as the Government seemed to indicate.

This problem transcends local government boundaries; the State Government should examine this problem because it is a State community problem and not only a local government community problem. That is our approach to the matter. I believe that the Government has failed to live up to its responsibilities to the whole of the South Australian community. There should have been input at a central level from the Government, which is for the moment the custodian of the whole community interest, not just the custodian of the community interest of local government. This approach has not been adopted by the Government. I am disappointed that the Government has not been prepared to compromise further. I do not believe that any realistic compromises came out of the conference; on the other hand, the Opposition had no alternative, because the Government indicated that the Bill would be laid aside if we did not agree to the Government's amendments. For those reasons, I reluctantly support the motion.

Motion carried.

Later:

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

PETITION: WOMEN'S ADVISER

A petition signed by 102 citizens of South Australia praying that the Council would urge the Government immediately to appoint a women's adviser to the Department of Further Education was presented by the Hon. Anne Levy.

Petition received and read.

QUESTIONS

ANSWERS TO QUESTIONS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Attorney-General a question about answers to questions.

Leave granted.

The Hon. B. A. CHATTERTON: During the current part of the session, I have asked perhaps two questions on each sitting day, most of which have been directed to the Minister of Agriculture, represented in this Chamber by the Minister of Community Welfare. So far, I have not received a single reply to any of the questions that I have asked over the past two months or so. In addition, a few questions that I asked during the session last year have not been replied to. Will the Attorney-General indicate when replies will be received to the questions I asked during last year and this year? There seems to be an inordinate delay in a number of cases of four to five months for replies to questions.

The Hon. K. T. GRIFFIN: I will make inquiries in regard to the question raised by the honourable member. I do not know why answers have not been given. As today is the last sitting day until June, I will supply an answer in writing.

ALLIED RUBBER MILLS

The Hon. D. H. LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier in his role as Minister of State Development, a question about the holding of shares by the South Australian Development Corporation in Allied Rubber Mills.

Leave granted.

The Hon. D. H. LAIDLAW: About two years ago the South Australian Development Corporation, apparently with encouragement from Mr. Dunstan and his advisers, purchased 735 000 shares in Allied Rubber Mills Limited at 60c per share from the estate of the late Peter Tilley. This represented a 28 per cent holding in the company and enabled the corporation to obtain a dominant position.

The Labor Government justified that purchase at the time on the grounds that it could maintain employment in the rubber goods factory at Mile End and also protect an investment in a rubber works near Penang in Malaysia, which suited the aims of the then Premier at that time.

Financial commentators were surprised that the corporation agreed to pay 60c each for this parcel of shares, because that price was 50 per cent higher than the price on the stock exchange at that time. Furthermore, it was common knowledge that the trustees of the estate had been trying to sell these shares for months and must have regarded the corporation's offer as a gift from heaven.

Allied Rubber Mills Limited has a fairly small issued capital of $1 460 000. However, in the year after its purchase by the corporation the company lost $1 100 000, including extraordinary items. Yesterday, the directors announced that the loss for the half year to 31 December 1979 was $212 000. These are drastic losses for a company of this size to be incurred in a period of 18 months.

The Auditor-General, in his report to 30 June 1979, said that shares acquired by the corporation in an unnamed company cost $448 000 and were valued at the stock exchange at that time at $220 000. The Auditor-General was almost certainly referring to Allied Rubber Mills Limited.

Within six months of these shares being sold to the corporation, the company attempted to sell the rubber business at Mile End to a Singapore group, but that attempt came to nothing.

Yesterday, the directors announced that they are now trying to negotiate to sell the investment in the Malaysian rubber venture.

Has the South Australian Development Corporation made adequate provision for losses on this investment in Allied Rubber Mills in view of the recent heavy operating losses? Secondly, is it desirable for the corporation to persist with this investment since the directors of Allied Rubber Mills Limited, by trying to dispose of the operation at Mile End and its investment in Malaysia, seem to be acting in a manner contrary to the object for which the investment was originally made?

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

UNALLOTTED CROWN LANDS

The Hon. J. R. CORNWALL: Has the Attorney-General a reply to the question I asked some weeks ago about unallotted Crown lands?

The Hon. K. T. GRIFFIN: The Government is reviewing unallotted Crown lands, but no decision has been made.

DIFFERENTIAL RATING

The Hon. K. L. MILNE: I seek leave to make a brief statement before asking the Minister of Local Government a question about differential council rates in Gawler.

Leave granted.

The Hon. K. L. MILNE: I have been notified by some residents of Gawler that the Gawler council has struck a differential rate or rebate system between its residential and commercial ratepayers in that council area. This move has apparently caused a division among the residents. In fact, some of the residents would like the matter to be reconsidered and would certainly wish to be assured that such action will not be taken again, because they consider that it was quite unfair.

Will the Minister agree that the Gawler council, in declaring its rates for the 1979-1980 year, should have nominated a specific portion of the area in its use of section 214a of the Local Government Act? Secondly, does the Minister realise and agree that the council achieved a disguised differential rate, although it is referred to as a rebate, and that the machinery used has been declared an invalid application of the Act by a learned Queen's Council engaged by the Gawler Chamber of Commerce? Can the Minister give an assurance that consent will not be granted in future to such a broad use of section 214a by, first, the Corporation of Gawler, and, secondly, any other local government authority in South Australia? Will the Local Government Act be suitably amended to prevent the future misuse of this or any other section of the Local Government Act to apply a differential rate without the required three-quarters majority of council and, if so, when will such action be taken?

The Hon. C. M. HILL: The honourable member has raised a problem that has arisen in Gawler because of an initiative by the Gawler council in relation to its rating for the current 1979-1980 year. I should first explain that there is a difference between the two forms of rating. On the one hand, a council can adopt a differential rating system, and on the other hand it can exercise powers under section 214a, which is not differential rating but is in fact a system of rate rebate for certain ratepayers within a council area. In the former case, the council must secure a three-quarters majority of council before it can strike a differential rate. Under the other method, the council can so resolve, but it must consequently obtain the consent of the Minister of Local Government.

Therefore, there are two approaches that councils can consider when they want to make some form of separate rating within a locality. In relation to Gawler, in the current municipal year, the council adopted the course under section 214a, and I gave my consent to that approach in November last year. It has since come to my notice, and the honourable member has highlighted this point, that this approach has caused considerable feeling among ratepayers in Gawler. I recognise that fact and respect the right of individual ratepayers or associations of ratepayers, such as the association referred to by the honourable member, to object and make their objections known to me.

In answer to the honourable member's first question, my reply is, "No, I do not concede that particular point." In regard to the second question, my answer is also "No", in that the council adopted a course of action that it was entitled to adopt pursuant to the provisions of the Local Government Act. In relation to the third question, I will look very closely at any attempt by the Gawler council to repeat the same procedure for the 1980-81 year, in view of the obvious feeling within the Gawler community about the current year's rating procedure.

In relation to the honourable member's final question about whether I will consider amendments to the Local Government Act so that a council cannot use this machinery in future, I give him an undertaking that, in view of the feeling that has developed in Gawler and in view of the representations that he has made today, and incidentally, representations made by the local member (Hon. Dr. Eastick) in relation to this matter, I will refer the matter to my advisers and look closely at the Local Government Act in this general area to see whether it can be improved so that this same feeling can be avoided in future.

URANIUM

The Hon. BARBARA WIESE: Has the Attorney-General a reply to my question of 28 February on Roxby Downs?

The Hon. K. T. GRIFFIN: The copy of the report provided to the honourable member was incomplete, as it did not include the attachment which states that uranium exists as a very fine-grained ore and it is impossible to separate the uranium from other ores during mining.

Y.W.C.A. GRANT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about grants to the Y.W.C.A.

Leave granted.

The Hon. ANNE LEVY: I have previously asked the Attorney-General in this Council a question regarding a grant to the Y.W.C.A. for its centenary year—1980. The Y.W.C.A. originally made a request for a grant from the Government on 21 September last year. This was for a large grant that would not only enable it to adequately celebrate its centenary but also allow it to commence certain on-going projects. After several discussions with various people, the Y.W.C.A. had a delegation to the Premier on 3 January this year. After discussions with the Premier, the Y.W.C.A. modified its request so that the request for grants for on-going programmes was deleted from the application. The association merely asked for a grant of $10 000, both as a recognition of the good work done in the community by the Y.W.C.A. and also to enable it to adequately celebrate its centenary, which I am sure all honourable members will appreciate is a very important occasion for this organisation.

On 19 February I asked the Premier, through the Attorney-General, when the Y.W.C.A. would receive news as to what was happening regarding the application for a grant. At that stage, nearly two months of the centenary year had already passed. I received a reply from the Attorney-General on 26 March—last week. The reply indicated that the request for a grant had been passed to the Community Welfare Grants Advisory Committee, which was considering applications for new activities, and that the applicants to that committee, including the Y.W.C.A., would be informed of the amounts of any grant by the end of "this month" at the latest. That was last week, and we are now in a new month.

The Y.W.C.A. has still received no notification whatsoever from the Government as to what grant it is to get. Furthermore, as of this morning, it has been told that the Community Welfare Grants Advisory Committee has declined to provide any grant for it on the ground that the purpose for which it requested the grant, namely, celebrating its centenary, does not come within the ambit of the Community Welfare Grants Advisory Committee. That committee has sent the request back to the Premier yet again to see whether any grant can be made to that organisation. It seems that there has been a lot of to-ing

and fro-ing and passing the buck, or any other such cliche that one may care to mention.

The fact remains that we now have a quarter of the centenary year elapsed, with the Y.W.C.A. still having no indication as to whether or not it will get any grant from the Government to help it celebrate its centenary. I am sure that honourable members will appreciate that it is rather hard to plan an appropriate celebration when one has no indication of how much money one is going to have to do this with. Will the Attorney-General, as a matter of extreme urgency, confer with the Premier and ensure that the Y.W.C.A. will receive a grant as soon as possible from the Government to celebrate its centenary?

The Hon. K. T. GRIFFIN: I will take up the matter with the Premier and endeavour to obtain a reply as quickly as possible for the honourable member.

OLYMPIC BOYCOTT

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Attorney-General a question about an Olympic boycott.

Leave granted.

The Hon. J. E. DUNFORD: For some time now, people in the real world (as the Hon. Mr. Davis calls it—not that he knows much about it) have continually asked me about my attitude to the Moscow Olympics. My attitude has been that the athletes should not be singled out for a penalty as a reaction to the Russian invasion of Afghanistan. The Leader of the Opposition, John Bannon, has made press statements saying that Mr. Tonkin ought to come off the fence and come out in the open and say what the Liberal Party stand is on this issue. I believe that a question has also been asked by Mr. Slater, the member for Gilles.

The Hon. C. J. Sumner: What is Bjelke-Petersen's attitude?

The Hon. J. E. DUNFORD: That is a good point. I do not know of anybody in Australia who hates anything to do with Communism and the Russians more than does Bjelke-Petersen. Maybe he has been impressed by his Minister of Aboriginal Affairs, Mr. Porter. It was reported yesterday that the Olympic Federation in every State of Australia supports our Olympians attending the games.

The Hon. M. B. Cameron: What are your views on sporting links with South Africa?

The Hon. J. E. DUNFORD: I have all your mates—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Dunford.

The Hon. J. E. DUNFORD: If one has something to protest about one should protest in the strongest possible terms. That has always been my attitude and it has been the attitude of the South Australian Labor Party. We have always had a consistent attitude regarding countries invading smaller countries or, for that matter, any country at all. We have never varied from that stand, which has been expressed in the press all over Australia. However, as a political observer for many years, I believe that this Government is the worst and most inept Government that I have ever seen. It is not prepared for Parliament to continue sitting; it is dying to get up tomorrow and have three months off.

The Government will not answer questions from the Opposition, and I expect that I will not get a reply to the question that I am asking today. Young Olympians are disappointed, because the Government is not indicating whether it supports their going to Moscow or whether they should not go at all. I am concerned about future Olympians. If it is the policy of the Liberal Government to penalise one section of the community because that Government is unhappy about the foreign policies of a foreign country, it will find that our standard of Olympic competition and competition at international sporting events will fall, because athletes will not put in four, five or even more years of training if they know that, at the whim of a dictatorship like the one that Fraser now runs in Canberra, they can be knocked back from participating in the international arena. For once I congratulate Mr. Bjelke-Petersen on seeing the light, although it is the first time I can recall his doing so.

The PRESIDENT: I think the honourable member should ask his question.

The Hon. J. E. DUNFORD: Many people in the community believe that if the Federal Government were serious about this matter it would not sell wool to Moscow; nor would it sell rutile or wheat to Moscow. This is the real key to it: people are being penalised at no cost to the Federal Government. This is the situation in which Australians are being placed, and the people want to know where the Government stands.

Young Olympians want to know where the Liberal Government stands in this matter, which is the reason for my question. I ask the Attorney-General to bite the bullet, as he said several times yesterday, and give a straight answer to my question, which deserves an answer. The public is entitled to a reply. Although the Attorney is grinning now, he is obviously thinking up a devious reply. It is obvious that he should still be in private legal practice using his skills in that devious caper, rather than representing people in this Chamber.

The PRESIDENT: Order! The Hon. Mr. Dunford should ask his question.

The Hon. J. E. DUNFORD: First, as the Leader of the Government in this Council, will the Attorney-General say whether or not the Liberal Party in this Chamber supports the boycott of the Moscow Olympic Games by Australian athletes? Secondly, will the Leader of the Government in this Council indicate whether or not he would support Olympic athletes obtaining financial assistance from the South Australian Government, similar to the action taken by the Wran Government in New South Wales last week? Thirdly, will the Attorney make a public statement indicating the stand of the South Australian Liberal Government on the Fraser Government's ban on our Olympians participating in the Moscow Olympics?

The Hon. K. T. GRIFFIN: If the Federal Government made statements about areas of responsibility of the State, we in South Australia would be most upset. Likewise, the Federal Government would be equally upset if the States, which have no responsibility for matters of foreign affairs, were to become embroiled in questions of foreign affairs policy. Therefore, it is not my intention to become involved in a question about whether or not this Government should or should not support an Olympic boycott, because the matter of foreign affairs policy is solely the province of the Federal Government, and I emphasise that point.

I move:

> That Standing Orders be so far suspended as to enable the Opposition to ask two further questions.

Motion carried.

DIFFERENTIAL RATING

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Gawler Corporation.

Leave granted.

The Hon. C. W. CREEDON: I raise this matter because the Hon. Mr. Milne raised it in this Chamber, but I do not think he explained the question at all and I want to get it right.

The PRESIDENT: Is it the same question?

The Hon. C. W. CREEDON: It is on the same matter, but the question is of different substance. As I understand it, the majority of councillors in the Gawler area felt a differential rate should be struck between business houses and residential properties. The Local Government Act demands that the council can move in this direction only if it can get a nine-to-three decision in favour of that proposition. In the case of the Gawler corporation, eight councillors wanted to provide a lesser rate for residential properties than they were prepared to give to business houses. Four councillors opposed this reasoning. The eight councillors in favour of this change had to seek out the obscure provision in the Act to which the Minister has referred in order to get the result that the majority of councillors sought.

I believe this change represents the consensus of views of householders, who presently pay a rate of 2·48c in the dollar, while business houses pay about 3·55c in the dollar. It seems that householders are happy about the rating level, although I must admit that business houses are unhappy about it. Therefore, in order to resolve the problem, will the Minister consider amending the Act to allow councils to adopt a rate on a simple majority of councillors?

The Hon. C. M. HILL: I take it that the honourable member is referring to a differential rating system in respect of a simple majority—not a three-quarters majority which is necessary at present. In answer to that question, I have already indicated that I will have a look at the Act in this general area, in view of the representations made to me by the Hon. Mr. Milne today and by the local member, Dr. Eastick. In those considerations, the point that has been raised will arise. It has to be viewed in the context of the overall question. I will consider the question that the honourable member has brought forward in my general deliberations on this matter.

CORONIAL INQUIRY

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General a question about a coronial inquiry.

Leave granted.

The Hon. N. K. FOSTER: Honourable members will be aware that I have pursued this question in recent weeks in a somewhat light vein concerning a damaging bush fire that occurred recently in the Adelaide Hills and the public concern about the Government's views in relation to Royal Commissions and other forms of inquiry. I hope that the situation I am about to relate is nothing more than a rumour, but it is so persistent that it should be put to rest. Will the Attorney-General make clear in his reply to my questions that the coronial inquiry into the recent bush fire will be undertaken by the State Coroner (Mr. Ahern) and that the coronial inquiry will not be conducted by the Stirling Coroner, a Mr. Evans (whether or not he is related to the present local member is irrelevant)? Will the Minister lay aside any doubt in the minds of the public as to whether the Coroner, Mr. Ahern, will be conducting that inquiry, and will the Attorney indicate to the Council whether or not Mr. Ahern will be assisted by any other coroner?

The Hon. K. T. GRIFFIN: The usual practice under the Coroners Act is for the Coroner to sit alone in the conduct of an inquiry. I understand from the Coroner that he intends to conduct the inquiry himself. He is not yet in a position to indicate when he will commence, but there is certainly, as far as I am aware, no intention that anyone other than Mr. Ahern should conduct that inquiry. There is provision in the Coroners Act for other persons to be appointed as coroners or deputy coroners. The practice has been, since I have been Attorney-General, to appoint a number of magistrates as deputy coroners to assist the Coroner, particularly for coronial inquiries outside the metropolitan area. I am not aware that there is any intention that any of those deputy coroners should be involved in this coronial inquiry. If it is a matter of further concern to the honourable member prior to the inquiry, he is at liberty to contact me again, to check the updated information which might then be available.

The Hon. N. K. FOSTER: Has the Attorney-General any power to direct that the coronial inquiry should be a matter for the State Coroner, and that the coroners to whom he referred for country areas should not be involved in this inquiry, especially one such coroner, if there is a person so designated as Coroner for the Stirling district?

The Hon. K. T. GRIFFIN: I have left the running of the Coroner's jurisdication, quite properly, I think, to the State Coroner, Mr. Ahern. It is not for me to interfere with any decisions which the State Coroner may take with respect to this or any other coronial inquiry; I suggest that it would be improper for me to do so. I can only repeat that I understand that Mr. Ahern, the State Coroner, will himself be conducting the coronial inquiry.

PITJANTJATJARA LAND RIGHTS

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

1. *(a)* In the opinion of this Council, the principles embodied in the Pitjantjatjara Land Rights 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.

(Continued from 26 March. Page 1689.)

The Hon. K. T. GRIFFIN (Attorney-General): Last Wednesday, I sought leave to conclude my remarks on the motion of the Leader of the Opposition in relation to the Pitjantjatjara Land Rights Bill of the previous Government. I want to make only a few further remarks today. I have indicated, and I repeat for the benefit of honourable members, that the Government has undertaken some consultation with the Pitjantjatjara people and their legal and other representatives, and that those consultations are continuing, all directed towards achieving a reasonable negotiated solution to the question of land rights for the Pitjantjatjara people. We want to ensure that the solution presented to the Parliament is one which is acceptable to

all parties and covers all technical difficulties which are presently difficulties in the previous Government's Pitjantjatjara Land Rights Bill.

I have indicated that not only the Government but the representatives of the Pitjantjatjara and others who have been involved with the previous Government's Bill and the current negotiations recognise that there were considerable technical difficulties with the previous Government's Bill. I have made available to the representatives of the Pitjantjatjara officers of the Crown Law Office and Parliamentary Counsel, directed towards overcoming those technical difficulties.

I have said, and the Premier has said in another place as well as publicly, when he met with the Pitjantjatjara Council at the Victoria Park Racecourse in February, that, as a Government, we have a commitment to introduce a Bill dealing with land rights for the Pitjantjatjara people, but we want to introduce that Bill when there has been a suitable, acceptable, and reasonable agreement between all the parties. Further discussions should take place in Adelaide at the end of this month with the advisers for the Pitjantjatjara Council and with representatives to that council. As I indicated last week, the Premier is planning to go to the North-West of the State with other Ministers to meet with the Pitjantjatjara Council on its own lands.

I want to reinforce the comment that I made previously: I believe that the resolution which is being considered by the Council is one that does not take proper cognisance of the matters to which I have referred: the continuing negotiations and consultations between representatives of the Pitjantjatjara and the Government. It seems to pre-empt those discussions, and it seeks to do so without any recognition and acceptance of what are real difficulties, technical as well as practical, with the previous Government's Bill.

That Bill does not deal with many of the recommendations of the working party which the previous Government set up some three years ago. It avoids some of the questions to which that working party directed its attention, matters which need to be incorporated in any Bill which this Government brings forward. I would hope that honourable members would recognise that the present Government is acting in good faith and is anxious to achieve a resolution of the question of land rights for the Pitjantjatjara people but, because of the need to ensure that there is full understanding of the position of the Pitjantjatjara by the Government and of the position of the Government by the Pitjantjatjara, it is not possible to introduce the Bill in this current session. I have indicated the commitment of the Government to do that in the next session, and I believe from my involvement in the discussions, which must remain confidential because of the agreement between us and the Pitjantjatjara people and their advisers, that they are proceeding satisfactorily, and I am confident that there will be a reasonable solution to the question of land rights for the Pitjantjatjara people. Therefore, I urge the Council to not support the motion, for the reasons to which I have referred today and to which I referred last week.

The Hon. BARBARA WIESE: I support the motion. I believe it is crucial that honourable members on both sides of this Chamber should honour our undertaking to the Pitjantjatjara people to give them control over their lands without further delay. As the Leader of the Opposition pointed out in moving this motion, our previous attempt to honour that undertaking by introducing the original Pitjantjatjara Land Rights Bill, with the Select Committee amendments, was halted when the Council accepted your ruling, Mr. President, which laid aside the Bill.

I do not plan to canvass the provisions of the Bill itself during the debate this afternoon, because I hope to have the opportunity to do that at a later stage. Neither do I intend to speak at length, although there are many things I would like to say about the matter, because it is the wish of the Opposition that this motion should pass without delay in order to hasten the introduction of the Pitjantjatjara Land Rights Bill.

The Parliament will not sit again until June, which is in line with the Government's policy of spending as little time as possible in this place, so we have no choice but to rush through this debate as quickly as possible in order to assist the cause of the Pitjantjatjara people and make our commitment to that cause perfectly clear. The Government's refusal to introduce the Bill into Parliament and its obvious reluctance to grant to the Pitjantjatjara people land rights to which they are entitled is giving South Australia an extremely unsavoury international reputation. I can think of not one single article or editorial that has complimented the Government on its land rights policy; on the other hand, there have been a number of articles and editorials that have been harshly and justly critical of the Government. The Government is giving South Australia a bad name; it is putting us into the same race relations league as Queensland.

Among the Pitjantjatjara people, the Government's lack of action has led to disillusionment and widespread feelings of betrayal. Yet, while the rights of the Pitjantjatjara people are apparently cause for neither concern nor haste, the interests of the mining companies are taken much more seriously by the Government. Evidence of this is the Government's granting of permission to mining companies early in February to start prospecting in the non-nucleus lands, a decision that may well prejudice eventual Pitjantjatjara claims to that land.

We on this side know why there has been so much delay, so much confusion and so much insensitivity: it is because the Government is divided on this issue. Some Government members are known to harbour the gravest doubts about the Government's policy, as opposed to the "develop at all costs" brigade, led by the Deputy Premier, whom many see as running the Government today and whose philosophy is best exemplified by the immortal words of the Minister of Agriculture in the uranium debate last year—"Let's rake it up, pack it up and get some money."

I now refer briefly to the speech made in this Chamber last week by the Attorney-General, many of the points of which were reiterated today. I was very keen to hear what the Attorney-General had to say, because the Government has been so evasive and non-committal about the whole issue. I had hoped that the Attorney would take this opportunity to clarify the Government's position, but I was disappointed. The Attorney managed to talk at some length without revealing the Government's true position. We were told about difficult questions of law; we were not told which ones the Government thought were significant and we were not told why these matters could not be raised and discussed in this Parliament. We were also told that, while the Government tried to review the Pitjantjatjara Land Rights Bill expeditiously, it found that "it was a matter of some difficulty because of other aspects that impinged on the Bill". What are these other aspects? Does the Attorney-General refer to the interests of the mining companies?

We were told that the Government had consultations with the Pitjantjatjara people, but on a series of key issues the Pitjantjatjara people were totally ignored, while the Government made decisions that harm their interests. In fact, this so-called consultation did not begin until there

was an outcry about the lack of consultation. The Minister also said that the present Government "has a commitment to freehold title for the Pitjantjatjara community for land in their area". Of course, the question of freehold title to nucleus lands has never been in doubt, but the Pitjantjatjara claim that their lands cover a far greater area than do the nucleus lands. However, the Attorney-General did not address himself to that question at all.

The two key issues are: claims to freehold title in non-nucleus lands and control over mining rights. Regarding control over mining rights, the Government has been anything but frank in revealing its position, and perhaps this shows the lack of consensus in its ranks. The signals that have come from the Government suggest a sell-out of Pitjantjatjara interests to the mining companies. Finally, the Minister said that land rights was an issue that "should be resolved by agreement". How many times does this Government need telling that the issue had been resolved by agreement between the Pitjantjatjara people, the previous Labor Government and then the Liberal Opposition, including the present Minister of Aboriginal Affairs, who was a member of the Select Committee and who voted for the Select Committee report and for the second reading of the Bill when it was presented in the Lower House? The agreement that was reached was embodied in the Bill that was introduced into this Chamber some weeks ago.

When the issue of Pitjantjatjara land rights is raised, I am constantly reminded of the words of Justice Woodward, when he argued the need for Aboriginal land rights in Australia; he said that it is a matter of simple justice. These words cannot be stressed too strongly or repeated too often. As the Leader of the Opposition in this place stated when moving the motion, "It is time for the Government to state its attitude because we have had enough evasion and prevarication." Previous Opposition attempts to bring the Government to declare its position have been thwarted. The motion before us is the only option we have left to convince the Government that it should keep faith with the Pitjantjatjara people. I congratulate the Hon. Mr. Milne for seconding this motion and indicating his support for it. I urge all honourable members to support the motion.

The Hon. R. C. DeGARIS: I support the motion, with an amendment that I will move to it. I do not want to become involved in debating the Pitjantjatjara Land Rights Bill at this stage; however, I want to refer to two points made by the Hon. Barbara Wiese. The Pitjantjatjara people already have control over their land in the North-West of the State under the Aboriginal Lands Trust.

The Hon. Anne Levy: Part of their land.

The Hon. R. C. DeGARIS: They have control over the nucleus lands. People talk about giving to the Pitjantjatjara people land rights in that area without understanding that they already have land rights in regard to most of that area. This lack of understanding leaves room for exploitation of emotions, and that is most unfortunate. No honourable member in this Chamber would object to reasonable demands for land rights for Aborigines.

The first Bill on this matter was dealt with in 1967. An extremely long conference was held on the provisions of that Bill, as a result of which it was left to the discretion of the Treasurer to make such payments as he thought fit from the royalties obtained from mining pursuits on Aboriginal land. Therefore, Aboriginal land rights have been established in this State for a period of 13 years. However, I do not wish to debate that particular question. I would like this Council to look at the way in which the motion has been framed. Paragraph 1 *(a)* of the motion reads:

> In the opinion of this Council, the principles embodied in the Pitjantjatjara Land Rights Bill, as introduced in the House of Assembly on 22 November 1978, but with amendments recommended in the report of a Select Committee of that House on the Bill, should be enacted into law without delay.

I will now take certain of the words and look at their impact on the whole motion. The use of the words "the principles embodied in" instead of the words "a Bill dealing with" makes the motion a piece of nonsense, because one cannot enact into law the principles embodied in a certain document. The motion asks that certain principles that are embodied in a certain document be enacted into law. The only thing that can be enacted into law is a Bill, so the motion as it presently stands is a piece of nonsense. How can an abstraction such as those principles embodied in a document be enacted into law? Only a Bill can be enacted into law. We could argue for hours about the principles embodied in a document, and every member would have a different view of what the principles are. Therefore, how can the Council be asked to enact into law principles that are embodied in some document? As I have said, the motion as it stands is plainly a piece of nonsense.

A confirmation of this view can be seen in paragraph I *(b)*, which refers to "a Bill dealing with Pitjantjatjara land rights to be introduced into Parliament". The second paragraph of the motion is not nonsense, but the first part is. Paragraph *(a)* of the motion should be drafted in the same terms as paragraph *(b)*. If the motion is framed in that way by taking out the words "the principles embodied in" and replacing them with "a Bill dealing with", I would then argue as strongly as I could that no honourable member should by voting on this motion commit his future vote to a legislative measure of some complexity before the Bill is debated in this Chamber and, indeed, before the Bill even passes the front door of this Chamber. Honourable members have been elected to this Council to fulfil one of its functions, that of reviewing legislation passed by the usually Government-controlled House of Assembly. Yet the motion before us, if it remains framed in its present form, would really ask each honourable member in this Chamber to commit his vote to passing a Bill before it is debated or even transmitted to this Council.

Having taken the first step to make the motion not nonsense, the Council must then amend the motion further so that it does not offend by requiring honourable members to enact into law a Bill that has not even been presented to this Council for debate. To achieve this it is necessary to ensure that the request is for the introduction to Parliament of a piece of legislation that can be enacted into law if passed.

The aim of any motion of this type should be to achieve a consensus view, and we should be able to leave aside the political point scoring of which we are all guilty at times. If the Council is of the opinion that a motion is warranted at all, I believe that a reasonable motion would simply be as follows:

> In the opinion of this Council, a Bill dealing with the Pitjantjatjara land rights should be introduced into the Parliament as soon as possible.

That motion would express the view of every member of this Council. So, there is no reason why every member should not vote for that motion.

I could not support the motion as it is presently worded, because, as I have pointed out, it is nonsensical. If the motion is made not nonsense by putting in the words "a Bill dealing with" in place of the words "the principles

embodied in", the motion then becomes offensive since it demands that this Council agree to a Bill that has not yet been introduced. Mr. President, I am sure that you would agree that that is a most undesirable position. This Council can only request that a Bill be introduced dealing with certain measures.

I do not believe that paragraph 1 *(b)* is necessary at all. Paragraph 2 should provide that a message be sent to the House of Assembly transmitting the resolution and requesting its concurrence thereto. I believe that is a perfectly reasonable and rational request.

The Hon. C. J. Sumner: You can't believe that, Ren.

The Hon. R. C. DeGARIS: I do believe it, and I believe it very strongly.

The Hon. C. J. Sumner: You cannot believe that your amendment bears any relationship at all to the original motion.

The Hon. R. C. DeGARIS: It does, for the reasons I have already explained. If the Leader looks at his motion with reason, he will find that it is nonsense. If the first paragraph is put in order, the motion is then offensive to all honourable members in this Chamber, because they are being asked to commit their vote to a Bill that has not even been seen by this Council.

The Hon. C. J. Sumner: Have you read the Bill?

The Hon. R. C. DeGARIS: Even then, there are certain clauses in the Bill that deserve the deepest debate. No doubt if the original Bill came before this Council and I directed logical argument to certain clauses of it, I am sure that I could convince the Leader that he should vote against certain provisions of that Bill.

Therefore, I ask the Council to support the amendments that I intend moving, because they allow the Council to express unanimous opinion, and that is the sort of consensus that we should be aiming for in this Council. I have circulated my amendments to honourable members. Each amendment is capable of being passed without interfering with the sense of the motion. Instead of moving all the amendments at once, I propose to move them separately, because some honourable members may wish to support one or more of them. Mr. President, in doing that am I in order?

The PRESIDENT: Yes. If the honourable member moves his amendments now, I will have them circulated before there is any further debate.

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

> Line 1—Delete "the principles embodied in the" and insert "a Bill dealing with".
>
> Lines 2 and 3—Delete "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,"
>
> Line 4—Delete "enacted into law" and insert "introduced to the Parliament".
>
> Delete "without delay" and insert "as soon as possible".
>
> Lines 5 to 9—Delete all words in these lines.
>
> Lines 11 and 12—Delete all words after "concurrence".

The amendments to line 1, lines 2 and 3, and line 4 are capable of being carried without reducing the motion to nonsense.

The Hon. L. H. DAVIS seconded the amendments.

The Hon. G. L. BRUCE: I support the motion. The first problem we must solve is to identify what we mean by land rights. What are they? How do they affect us individually and how do they affect the Aborigines as well as other people in the State? This affects me to the extent that I must be familiar, as a legislator, with land rights. I could be in a position to change or alter laws to help bring land rights to the Pitjantjatjara. It certainly affects the Aborigines and, if we believe what is being said, it means the difference between destruction and survival for them in their natural environment. It certainly affects other people if the Bill proceeds. It affects the pastoralists and mining interests. It affects the State because, if this legislation is successful it will, for the first time, give recognition to a group of people outside of the normal guidelines that we have traditionally applied to land and the rights to own that land.

The problems associated with land rights for the Pitjantjatjara are very complex. The more one studies, reads about, discusses and becomes involved in the matter, the more one realises that normal and traditional European thinking does not apply in this case. The complexities involved with the love of the land and the feelings for the land by tribal Aborigines are something beyond our comprehension. It is interesting to read and study the reports available. It is a great pity that the essential parts of those reports are not more readily available to members of the public and are not understood by them.

What is being attempted by the Pitjantjatjara Land Rights Bill is to give to these people some measure of security that will not only protect them for the future but will allow them and their tribal beliefs to survive. It becomes quite apparent that, if they continue on their present road, they are designated for oblivion, as far as being a separate and cultural race of people is concerned. It is vital to them that we do something urgently to stop this. One of the things that initially intrigued me was the reference to the nucleus lands and the non-nucleus lands and what was meant by those terms. I wondered whether one was more important than the other. A pamphlet, put out to explain the situation, explained those terms as follows:

> To define those lands which may pass immediately (the "nucleus lands") and further Pitjantjatjara lands which may be claimed (the "non-nucleus lands"). Nucleus and non-nucleus lands are equally Pitjantjatjara, and equally important, though the terms themselves have no counterparts in Pitjantjatjara thought, and refer only to legal procedures for handing over the land. The nucleus lands are simply lands which because of their title (e.g. Aboriginal reserve) can be transferred immediately. The non-nucleus lands however, because of their title (e.g. pastoral lease), would need a lengthy legal process of claims to effect transfer. The Bill sets up the legal machinery to do this. The extent of possible Pitjantjatjara claims under the Bill, would be limited to their adjacent traditional country.

In fact, brief extracts of what this Bill would do would not go astray and, as I understand it, they are going astray. That pamphlet also sets out what the original Bill proposes, as follows:

1. To legally incorporate the Pitjantjatjara.
2. To give them freehold title to their lands.
3. To prevent the sale and mortgage of lands owned under the Act.
4. To empower the Pitjantjatjara:
   (a) To regulate who may enter their land, and upon what terms. (Police and Government officers may enter at will).
   (b) To decide, in conjunction with the Government, who may mine on the lands, and upon what terms.
5. To provide for payment of royalties from minerals, at a rate fixed by the Government.
6. To provide for environmental controls in sensitive areas.
7. To empower the Pitjantjatjara to regulate liquor on the lands.

That pamphlet goes on to set out what the Bill does not provide for, as follows:

1. Create a sovereign State or any form of apartheid or any separate set of laws for the Pitjantjatjara.
2. Divest the State of South Australia of any of its minerals.
3. Empower the Pitjantjatjara to negotiate royalties.
4. Confer any rights greater than any other citizen, apart from the right to determine, jointly with the Government, who shall mine their lands, and upon what terms.
5. Permit any land claims beyond traditional Pitjantjatjara lands.

I have been reading some relevant material from *Socio-Cultural Factors in Health among the Pitjantjatjara* by Annette Hamilton.

The PRESIDENT: Order! I know that what the honourable member is quoting is very interesting but we must not get too deeply into the Bill, as we are dealing not with the Bill but with a motion for an Address to the Governor.

The Hon. G. L. BRUCE: I realise that the Bill itself can be debated later. All the information, thoughts and feelings on the subject can only be second-hand by way of reading reports from people who have been involved in actual contact with the problem that these people are encountering. One can only talk over and discuss the matter with one's colleagues, and absorb information available to the general public by way of articles in the newspapers and segments on television and wireless media. That is why I was so impressed with the Select Committee on council boundaries of which I was a member. I was able to form opinions from direct contact and discussions with the people involved. I cannot do that on this issue; I can only rely on the media to formulate my views.

It is marvellous to note how the community's attitude to certain subjects changes over a period of time. Some reports have indicated that, if this legislation had been introduced some 10 years ago, there would have been no hope of getting it off the ground. In fact, the report available to us is a fascinating document and goes a long way to explaining to the European mind what is actually involved in the relationship of the Aborigines to the land. These reports have been quoted and requoted in debates and discussions on the Bill. As this is not a full debate on the merits of the Pitjantjatjara land rights, I will confine my remarks to what I have said and trust that those remarks have shown that a case does exist, and a reasonably urgent one, for something to happen about land rights for these people and the protection of their future culture. The misunderstandings in the community can be resolved only by the debates taking place in Parliament and the public forum.

In today's *Advertiser* there was a letter to the editor by D. R. Hearn which referred to no mining whatever taking place. The Bill does not provide for that; it says that mining can take place, with the consent of the Pitjantjatjara people. So, there are statements floating around in the community that are completely wrong. As this debate progresses, not only on whether an Address should go to the Governor but also on the Bill itself, all of these fears which are floating around in the community and which are upsetting the average person, will and should be allayed.

The Leader's motion is worthy of Government support. I concur with The Hon. Mr. DeGaris when he says that we should not be scoring political points. If any amendments are moved that clarify the Bill or make it more relevant the Council can be assured that the Opposition will consider them. This matter should be above Party politics. This motion is vital to the Aborigines and to the people of South Australia and should be resolved quickly and properly. I support the motion.

The Hon. ANNE LEVY: I support the motion in the form in which it is printed on the Notice Paper and express my opposition to the amendments that have been circulated. First, the Council should consider the necessity of having legislation of the type described in the motion. I hardly need recapitulate the history of the past 200 years in this country and show how the Aboriginal people have been dispossessed, discriminated against, exterminated, and treated as chattels and animals by our ancestors.

Whilst we cannot collectively or individually be held responsible for the sins of our ancestors, we can recognise and deplore the actions that have occurred in the past, and we can feel a sense of obligation to right some of the wrongs that have occurred and restore dignity and a sense of worth to Aboriginal communities. I am sure that this sentiment is behind the statements of social justice issued by the Uniting Church. Similar statements have also come from the Catholic Commission for Justice and Peace and other church and community groups in their support for the legislation, which is defined in the motion.

Dreadful actions have occurred in the past, leading to the current situation of deprivation and underprivilege that applies to most Aboriginal communities today. It is a small measure of compensation and restitution if today we give back to some Aborigines what our ancestors so callously took from their ancestors over a century ago.

All honourable members know the history of this land rights legislation in this State, and I need hardly go into the details of the years of consultation, the working party, the original Bill as introduced in another place, and the Select Committee and its recommendations on the Bill. The motion before the Council refers to the Pitjantjatjara Land Rights Bill incorporating the unanimous recommendations of the Select Committee of another place, and it is certainly the culmination of years of consultation and careful consideration.

I need hardly remind honourable members that the Select Committee members included the present Minister of Aboriginal Affairs and the member for Eyre who, at the time of the committee's report, agreed with the main provisions of the Bill and recommended that it be passed. I cannot see that circumstances have changed to affect their support for the Bill. No new facts have recently come to light to affect the principles involved in the Bill. As the Bill had the wholehearted support of those members of the Liberal Party who had studied the matter most thoroughly, I trust that their Party colleagues opposite will be guided by their research and deliberations and will also support this motion and indicate support for the original Bill as recommended by the Select Committee.

I believe that the amendment of the Hon. Mr. DeGaris is contrary to the motion; it denies the value of the Pitjantjatjara Land Rights Bill, with the amendments recommended by the Select Committee that had the unanimous support of the committee and, at the time, represented the consensus of the views of all Parties in this Parliament. The Hon. Mr. DeGaris's amendment weakens the motion considerably. It merely refers to vague land rights without specifying what form these land rights should take, whereas the motion is definitely concerned with a specific form of land rights, which were agreed to by an all-Party committee a few months ago.

It is difficult for many of us fully to understand and comprehend the attachment of the Aborigines to their land, as it is a concept that is foreign to our notion of property. The report of the Pitjantjatjara Working Party of South Australia does attempt to describe this attachment in simple and beautiful terms. I have read this

report many times to try to understand the notions behind it. I must admit that I have failed, although I do appreciate that the Aborigines' notion of land and its relation to their culture and religion is far different from that of the rest of us. In the same way, I have tried frequently to understand and realise the notions of sanctity and religion held by many white people in our community. Again, I must admit that I have failed, but I do appreciate that this is important to many people, and I can respect and allow for such religious notions even though I do not share them.

Similarly, I can respect and allow for Aboriginal notions of religion and culture, even though I do not share them, and I hope that all members can do this and not impose their own notions of culture and religion on others who come from a different tradition. It is worth quoting one or two passages from the report of the working party to indicate the meaning of land rights to the Pitjantjatjara people. The report states:

> The full account of their relationship to land may one day be told to white Australians by the Pitjantjatjara themselves. For the purposes of this report, however, we feel obliged to convey—shortcomings acknowledged—our current perception of this relationship since we are convinced that many Pitjantjatjara still have an alternative, adult, and fully-fledged culture which needs land to uphold it: and that it is from this viewpoint that their present claims can be convincingly sustained.

The report continues:

> As hunters and gatherers they see their obligation to land as one of stewardship; their use of land is regulated by the rights and obligations created for each individual by his place of birth, his membership in a totemic patriclan, and his relationship to those members of his group required by custom to share aspects of land matters with him. Each man or woman thereby acquires a personal and complex set of interests in respect of many sites scattered widely.

It is from such passages in the report that one can appreciate why control of mining on their lands is of such extreme importance to the Pitjantjatjara people. It is absolutely essential that any land rights legislation should give the Pitjantjatjara people a power of veto over the mining of their land. Of course, this is done in the land rights legislation referred to in the Hon. Mr. Sumner's motion, but it is certainly not done in the amendment of the Hon. Mr. DeGaris. In this respect, his amendment is a shallow and ill-defined amendment which should not have the support of this Council.

It is obvious that many deeply religious people in our community have a strong appreciation of what land rights mean to the Pitjantjatjara, even when they do not share the Pitjantjatjara culture. We have all received communications from the Uniting Church, both the South Australian Synod and the Commission for Social Responsibility of the Uniting Church in Australia. We have also had communications from Action for World Development, and we have read statements made by the Catholic Bishops of South Australia and the Anglican Bishop of Adelaide, all of whom have expressed their support for land rights as embodied in the Bill mentioned in the motion, not some vague land rights Bill, unspecified.

I share the concern of these spokesmen for the religious communities in South Australia, and I wish to do what I can to recognise the importance of land rights to the Pitjantjatjara people by supporting the motion. I will not discuss the details of the Bill to any greater extent, as I realise that that is not the matter before the Council. However, the references I have made to it I hope make clear why I support the motion as originally put forward, and not the amendments which in fact destroy some of the principles of the legislation.

The Hon. R. C. DeGaris: They don't destroy anything at all.

The Hon. ANNE LEVY: They do not specify anything at all.

The Hon. R. C. DeGaris: You said "destroy".

The Hon. ANNE LEVY: I beg your pardon; I meant "specify". I am being much more specific in the type of land rights legislation which I and many people in this community feel is necessary. It has been said that some parts of the legislation mentioned in the motion discriminate in favour of the Pitjantjatjara people, or certainly there have been statements to that effect in the press. That is perhaps arguable but, if it is true, it is a form of positive discrimination in favour of the most underprivileged group in our community. I personally fully support positive discrimination where it helps the weak and disadvantaged redress the balance against the strong and powerful, and helps to remove inequities in our society.

It has wider ramifications than just the Pitjantjatjara and the question of royalties or veto of mining, and it is a principle which I believe all on the side of the powerless and underprivileged should support. It is a principle which is often given lip service in our society, although only occasionally is it translated into action. The Pitjantjatjara Land Rights Bill will certainly help a disadvantaged group in our society, and as such I support it wholeheartedly; consequently, I support the motion and I hope all members of the Council will do likewise.

The Hon. J. E. DUNFORD: I support the motion. It gives me a certain amount of pleasure, but a certain amount of concern because a decision must be made today which will test the attitude of the Australian Democrats to see whether the Democrat in this Chamber is fair dinkum. I think he has an obligation in this situation, and I preface my remarks in this way before I make a contribution to give him time to think about it. I hope he remains in the Chamber to hear what I have to say.

Since I have been in this Council, and throughout my working life, I have always endeavoured to support the underprivileged people in our society, and it is with concern that I support this motion because I honestly believe that nowhere in the world do I know from personal experience or from history where, in 1979, people such as the Pitjantjatjara are ignored in their right by a country that is as developed as is Australia in so many aspects of material gains, social welfare, and so forth.

I want to congratulate my Leader, the Hon. C. J. Sumner, on his contribution on this motion. He makes the strongest point, and I could not make it any stronger, that in general terms this motion provides for the Pitjantjatjara not only to own, but to control their own lands, and this is consistent with the report of the Select Committee which reported on 24 May 1979. To me, this seems to be the most important provision of the motion, because it seems to me it is not much good owning land unless you have the control of that land.

It also seems to me that the Liberal Party is trying to convey, by its opposition to the land rights Bill, that the Aborigines could be sitting on a bonanza of oil, minerals, or uranium, or whatever it may be, and that, if this Bill went through, they would refuse the right of the Government or other interests to exploit or develop those resources.

From reading press reports and watching television, I believe that the Pitjantjatjara people who visited Adelaide recently made it quite clear that they were not opposed to mining on their land, but would not agree to mining and

exploitation of their land without consultation. Now, that seems to me true ownership in the real sense of the word.

There is also a lot of misconception in the community that this sort of thing may occur, but my understanding is that the Bill, if it is passed in its entirety, would not remove the ownership of minerals from the Crown, but would provide payment of royalties upon minerals or whatever may be extracted from the lands to the Pitjantjatjara people.

As the Hon. Chris Sumner pointed out, the Bill makes what the Government believes to be an adequate and reasonable provision regulating relationship between the Pitjantjatjara people and mining interests in the event of major mineral or associated activities. So I believe the concern in certain parts of the community would be allayed if this were made public knowledge.

The Bill also provides certain restrictions on access to the land, and this is not inconsistent with what occurs in the pastoral industry today. As an industrial organiser, I can inform the Council that, prior to the right of entry provision that I was able to get through the courts when I was Secretary of the union, a union official carrying out his duty under the Arbitration Act was restricted in his access to pastoral leases. I will give the Council some idea of the attitude of some graziers towards union officials.

I could give dozens of examples of the hostility shown towards union officials and myself over a number of years. If honourable members were to check the records of the Industrial Court when applications were made previously for right of entry for union officials, they would find that the State Court invariably gave a judgment against it, because the Commissioner at the time said that if the union could provide evidence of any aggression or hostility or violence towards a union official he would have to reconsider the position. As Secretary of the union, I was able to convince the court, by evidence, written reports and affidavits, that the hostility and aggression of owners of properties on South Australia warranted some protection by the Industrial Court for union organisers.

Protection was not forthcoming, and that did not worry the unions so much, but certainly I was able to provide evidence showing the hostility and the refusal of owners of pastoral leases to let the organiser go about his duties in the manner prescribed by the Arbitration Court. I had experience of one grazier ordering me off his property. I did not move, and he said that if I did not move he would tar and feather me; still I did not move, and he and three other non-union lunatics were going to assault me, but they must have changed their minds.

The Hon. L. H. Davis: What Bill is this?

The Hon. J. E. DUNFORD: I am talking about access to pastoral leases, and that was in the Select Committee report. If you were not so silly and dumb you would understand what I am taking about.

The PRESIDENT: Order! The Hon. Mr. Dunford must refer to the matter under discussion.

The Hon. J. E. DUNFORD: The Bill refers to pastoral leases.

The PRESIDENT: We have heard about your pastoral friends.

The Hon. J. E. DUNFORD: I am pleased that it has been brought to the attention of the Chamber that the Hon. Mr. Allison supported this Bill in the second reading stage previously. Both he and Mr. Gunn were members of the Select Committee and supported its recommendations that the Bill proceed, with certain amendments. That is exactly what the Hon. Mr. Sumner is endeavouring to do in introducing this motion to the Council. The indecision and hyprocritical attitude of the Liberal Government since it has gained the Treasury benches has been shown. The Prime Minister, Mr. Fraser, will never be dead while certain members of the Liberal Party are in Parliament. The Hon. Mr. Sumner also commended to members of this Chamber for their attention the eloquent and concise explanation of the relationship between the Pitjantjatjara and their land contained in pages 20 to 37 inclusive of the report of the Pitjantjatjara land rights working party. I have taken the trouble to obtain that report, but I do not intend to refer to it. For those interested in the problems of the Pitjantjatjara people, I commend the working party report and the Select Committee report.

Certain statements have been made in the community about Aborigines and, because of the racist attitude of certain people and certain racist outpourings from members of Parliament over a period, the sympathy that the Aboriginal people in South Australia should receive from the white community has not been forthcoming. I recall that, as a youth in the bush, I read a book that impressed me greatly. It is a long time since I was a youth. When I outline what was contained in the book, it will be seen why I was so impressed. I was a youth about 30 years ago; the book was called *For the Term of his Natural Life,* and referred to what happened in the early days of Australia's history. Capt. John Batman left Tasmania (then called Van Dieman's Land)—

The PRESIDENT: We must not go back that far.

The Hon. J. E. DUNFORD: I am talking about the black people.

The PRESIDENT: The honourable member should be talking about the resolution. He can talk about black people if the Bill comes before the Council.

The Hon. J. E. DUNFORD: The resolution supports the Bill and I am talking about why we should support the motion.

The PRESIDENT: The honourable member's remarks must refer to the resolution.

The Hon. J. E. DUNFORD: The resolution deals with the rights of the Pitjantjatjara people; it asks that Parliament consider and support the Bill. The Labor Party would never have introduced this Bill if it had not known the history of the Aborigines and the things that happened to them over the years.

The Hon. L. H. Davis interjecting:

The Hon. J. E. DUNFORD: In order to convince deadheads like you, I must go back in history.

The PRESIDENT: I am sorry; I cannot allow the honourable member to go back that far. Will the honourable member explain why he believes the resolution should be supported?

The Hon. J. E. DUNFORD: I support the resolution because certain people in the Liberal Party do not support the Bill; however, they will not come out in the open and tell the Pitjantjatjara people why they do not support it. These members of the Liberal Party will meet the Pitjantjatjara at Victoria Park racecourse, will shake hands with them and say, "We will look after you", but they do not do anything. This is indicative of the attitude of some people only four years ago. Surely I can refer to what a Minister said about Aborigines. That Minister is one of the senior Ministers, on his way up and going past the Hon. Mr. Brown, Minister of Industrial Affairs in this notorious Government in South Australia. It was reported in the *Advertiser* that the Hon. Mr. Chapman, a Minister in the Government, stated—

The Hon. K. T. GRIFFIN: I rise on a point of order. This matter is not relevant to the consideration of the resolution before the Council which supports an Address to His Excellency calling for the introduction of the Bill. The matters to which the honourable member is referring, I would submit, are quite out of order.

The PRESIDENT: I believe that the Attorney-General is quite right.

The Hon. J. E. DUNFORD: In order to show this Chamber that we have a responsibility to carry this motion and the Address, we must know where the opposition lies. In 1976, a Liberal, now a Minister said that Aborigines are a dirty, lazy mob.

The PRESIDENT: Order! The Hon. Mr. Dunford may have wished to have that remark printed in *Hansard*, but it is completely out of order.

The Hon. J. E. DUNFORD: I will not say any more. I know what you, Mr. President, and the Attorney-General will do. I support the motion. You people and the democrats cannot back off; you have to give the black people of Australia a go. I will not say any more because you will not give me a go; you will not listen to what I am saying. Perhaps you will learn your lesson one day.

The Hon. N. K. FOSTER: This matter is of grave concern to all people who today reside in this State and who have some understanding of the subject, if only through the scant information that was provided in the educational curriculum of the generation to which most of us belong. That curriculum, of course, gave little of the real history and the indignities imposed on the Aborigines of this State. Many commendable works have appeared in print in the past 10 years that deal with the Aboriginal tribes of the Adelaide Plains area and the Fleurieu Peninsula.

A very fine book was recently brought out by a lecturer at Hartley College, whose name escapes me; this book referred to the tribe of Aborigines that most people of my generation connect with the plunder of belongings and lives, and the remnants of people washed ashore from shipwrecks about 100 years ago. Treatment of the Aborigines in this State is no better than that which applies in the rest of the Commonwealth. Depredations were imposed by generations on these unfortunate people, who were one of the few races on the globe to exist for so long in time that they learned to respect their environment and live with all of its privations and shortcomings. If it were possible to make some form of comparison with even the lowest standard of a Western-type civilisation today, I would say that the Aborigines were a nomadic people (if I can use that term); they built no permanent structures, as the indigenous peoples of the world were able to do. Of course, they had to move, as some nomadic tribes in the Middle East still move—

The PRESIDENT: Order! The Hon. Mr. Foster will resume his seat. The honourable member is not ignorant about this matter; I point out that, although he may not have heard my previous ruling and although what he says is possibly quite right and very interesting, it does not really deal with the resolution before the Chamber.

The Hon. N. K. FOSTER: You will see in a minute.

The PRESIDENT: I will see.

The Hon. N. K. FOSTER: Because of the indignities that have been imposed on the indigenous races of this Commonwealth and particularly of this State, who were granted a right, and I think any President, Mr. President, with all due respect, would have a right to—

The PRESIDENT: Order! The honourable member must not challenge my ruling.

The Hon. N. K. FOSTER: I am not challenging your ruling.

The PRESIDENT: I will not hesitate to name the honourable member if he continues with what he was saying.

The Hon. N. K. FOSTER: I do not challenge your ruling; if I were to challenge anything in this place, I would challenge within the ambit of the red book. I say that as a preamble to the submission that this Government should make to the people in this State about the indignities that have been imposed on the Aborigines. Nothing within the bounds of reason should deter one from having the right to express that opinion in this place.

The PRESIDENT: Order! There is no question about the honourable member's having the right to express an opinion, but not during the debate on this resolution.

The Hon. N. K. FOSTER: In part, the Hon. Mr. Sumner's motion reads "In the opinion of this Council, the principles embodied in the Pitjantjatjara Land Rights Bill . . . " are to return to those people the dignities that have been denied them and to make amends for the indignities that have been imposed upon them, to which I referred a few moments ago. This resolution deals in principle and by fact with the restoration of tribal lands to the Pitjantjatjara people. That land is more sacred to the Aborigines than are the religious beliefs that most people in the world hold to be sacred, and I am not quarrelling with the Hindus, Moslems, Christians or any other religion. This restoration is being denied the Pitjantjatjara people by gluttonous commercial interests with the support, unfortunately, of some forms of Government, and I deplore that fact.

I recall raising this matter as far back as 1971-1972, when the Pitjantjatjara were denied their rights to water by pastoral interests in this State who built fences that are still in existence today. I will stop short of naming those pastoral interests, but, Mr. President, you know them as well as I do.

The Hon. L. H. Davis: It is not relevant, anyway.

The Hon. N. K. FOSTER: It is relevant, because inherent in the part of the motion that I have read out is the need to restore the Pitjantjatjara's rights. For the Hon. Mr. Davis's benefit, those fences are about 15 miles in length and they are still a barrier to the areas to which these people should have free and proper access. I do not intend to attack Fraser, because he is not worth it, but the Aurukun situation in Queensland is a classic example of what that gentleman did in relation to a matter such as this.

Part *(b)* of the first part of the resolution in part reads:

> An Address be presented to His Excellency the Governor, praying His Excellency to . . . as a matter of priority in this session . . .

That part of the resolution has been inserted because the Government has not seen fit to introduce this Bill in the manner in which it so responsibly indicated that it would in a statement read to Aborigines on an extremely wet and stormy Saturday morning following the State election, when quite a large gathering of Aborigines and other people marched through the city and assembled in front of Parliament House. There they were addressed by the Hon. Mr. Burdett as a representative of the Minister of Aboriginal Affairs, the Hon. Mr. Allison. The Hon. Mr. Burdett was watching from the precincts of the House and I can understand why, because he did not want to face the inclement weather, but eventually he was dragged out of the building. Because the Minister was not prepared to give the gathering of these very fine people an assurance that the Bill, which has been referred to as the Don Dunstan Bill, would be given passage through both Houses, part *(b)* of this motion has been inserted. That part of the motion reading ". . . to be introduced into Parliament as a matter of priority in this session" was forced upon the Opposition because of the Government's changing attitudes, which is most unfortunate. I believe that attitude was brought about by the overbearing

attitude of certain organisations with vested interests in this particular area of sacred land and general tribal areas, as they should properly be described.

The motion continues, ". . . in the same terms as introduced in the House of Assembly on 22 November 1978 . . ." There is nothing wrong with canvassing the various important aspects of the report of that Select Committee that have been of some concern in another place. Following the introduction of the "Don Dunstan Bill" a Select Committee was set up. I do not intend to repeat the decision made by that well-informed Select Committee and I make no criticism of it whatsoever. My only criticism and disappointment lies in the Government's reluctance to introduce a Bill which it supported when in Opposition. I believe the Government should give this Bill the same support it gave when in Opposition. Part 2 of the motion reads:

> 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.

That part of the motion has been supported by other speakers on this side of the Chamber.

I will now conclude my remarks on a matter of great importance. Should it be the real concern of any members opposite that untold wealth lies under the ground in this particular area, then so be it. If the people who should own that land want to stop the rape of their country, then they should have that right.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Did the Minister of Community Welfare disagree with that?

The Hon. J. C. Burdett: No, I did not.

The Hon. N. K. FOSTER: I thought you did. I apologise if I took the honourable member's interjection the wrong way.

The Hon. L. H. Davis: You are imagining things.

The Hon. N. K. FOSTER: I am not imagining things at all. I am being quite serious and I will not be goaded by such a goat as the Hon. Mr. Davis. There are large areas of land that have been taken from the Aborigines for so-called joint developmental projects. In particular, I refer to the Kimberleys area, which is now completely under water. It has been suggested that that area has probably one of the richest diamond deposits in the world, yet it has been flooded. Now that the Ord River scheme has come into being in that area, it cannot be reversed. If that large diamond mine was sacrificed for the Ord River project, I believe that we should not take the opposite view in regard to the Pitjantjatjara people and deny them the right to say yea or nay about conditions they want to impose on their land. It has often been said in this Chamber and in other places that people who till the earth are closest to it and that nobody knows rural problems like a farmer, because he lives very close to the earth. However, farmers have no association with the soil at all when compared with the Aboriginal tribes of this country.

We kill the land for profit, for food, etc. The Aborigines live from the land and know it as a dreamtime. If people read anything of the dreamtime of the Aboriginal, I am sure that they would be in for some interesting reading indeed. I commend the motion to the Council. I have not played Party politics in this matter, nor should I. Members should be seeking a unanimous passage of this motion through the Council.

The Hon. R. J. RITSON: I was not intending to speak to this motion, as I had expected to hear a lucid and erudite political analysis of the resolution before the Council. As I have not prepared a speech I may be a little more rambling and disjointed than normal but I would ask that, if my speech is no less rambling and disjointed than the description of the Ord River scheme that we have just heard, I may be granted the same latitude. The resolution before the Council is one that is doomed to failure. The legal effect of it at this eleventh hour is such that I would expect that nothing would happen for a couple of months. Nothing may ever happen, because it puts His Excellency in the position of receiving a petition from a divided House of a divided Parliament and asks him to take a Party-political position. At the time that notice of this resolution was given, another very good resolution was prepared by the Hon. Lance Milne. That resolution, instead of calling on the Governor to take part in Party politics—

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President. I believe that any insinuation that the Governor is being asked, by this resolution, to involve himself in Party-political matters is quite out of order. I believe that the statements made by the Attorney-General in his reply to the debate on the constitutionality of this proposal were also out of order. The point I put to you, Mr. President, is that the procedure that I have followed is a procedure which was a logical inference from the ruling you gave from which we dissented when you said that the Pitjantjatjara Land Rights Bill that I introduced should not have been introduced as a private member's Bill. The 1884 ruling that you, Mr. President, relied on said that the correct way for a private member to introduce a Bill of this kind is to introduce a motion, first, stating the principles involved and, secondly, asking the Council to address the Governor on the introduction of a Bill giving effect to those principles. That was in the ruling of 1884 that the then Speaker gave on the Working Men's Holdings Bill that has been referred to previously in debate. Accordingly, the procedure that is being adopted is one which is constitutional because it is a direct result of your ruling, Mr. President. It is not asking the Governor to involve himself in Party-political opinion: it is asking the Governor, as the titular head of Government, to take certain action. That means consulting with his Ministers and the Government.

The Hon. K. T. Griffin: You have not asked him to consult.

The Hon. C. J. SUMNER: I do not have to. The Hon. Mr. Griffin had better take a lesson in constitutional law.

The Hon. M. B. CAMERON: I rise on a point of order, Mr. President.

The PRESIDENT: The Hon. Mr. Cameron cannot take a point of order during a point of order.

The Hon. C. J. SUMNER: I was about to conclude my point of order when I was interrupted by the Hon. Mr. Cameron. My point of order is that what I am doing is constitutional as it follows from your ruling, Mr. President. Anything that is said to the contrary by the Attorney-General or the Hon. Dr. Ritson is, in my view, a reflection on your ruling.

The PRESIDENT: I am not sure that it is a reflection on my ruling. However, I uphold the point of order, and I would have done so some time ago if the Hon. Mr. Sumner had just stated his point of order. The Hon. Dr. Ritson is quite wrong in suggesting that the Governor is being involved politically. The Hon. Dr. Ritson.

The Hon. R. J. RITSON: I accept the view that the Governor, as the Chief Executive, will act on the advice of his Ministers. That is one reason why this resolution is unlikely to bear fruit because, in practical terms, this resolution, if passed today, will go into the wastepaper bin because, on the advice of his Ministers, I believe that the Governor would resist this method of dealing with the

problem at hand. The method proposed by the Hon. Lance Milne was a much better one.

The Hon. Frank Blevins: Would you have supported it?

The Hon. R. J. RITSON: I would now. The amendments proposed by the Hon. Mr. DeGaris have very much the same effect, the effect being that those people that believe that this Government, having had just a few months to look at this Bill from the viewpoint of a Government, should come out quickly with a policy. The people who believe that will have an opportunity to debate that view under the terms of the proposition suggested by the Hon. Mr. DeGaris. The whole purpose of any Leader of the Opposition in the Westminster system bringing a motion such as this in at the eleventh hour (something which cannot bear fruit) is to create a propaganda platform. Every Opposition in every Western democracy has, as the principal outlet for its propaganda, the Parliament, and very little else. On the other hand, the Government has executive outlets for its policies.

It does not surprise me that the Opposition is seeking to put the proposal and stir controversy when Parliament is about to rise. I do not object to that. A good Leader of an Opposition will not neglect his duty to stir. At least let us recognise it for what it is. If we consider the Hon. Mr. DeGaris's amendments and recall the undertaking that this Government gave in this Council to the Hon. Mr. Milne to bring the matter before the Parliament in the next session, and interpret it in that light, we see that it is a much more practical thing. We see that early in the next session Mr. Milne will have an opportunity to call on the Government to act on that undertaking. Such a resolution would be very much in keeping with the Hon. Mr. Milne's view of himself as being a balance of reason in the Council.

This motion is mischievous, because not only can it have no effect but it has been introduced for propaganda reasons and is a mischievous attempt to upset consultation between the Government and the Pitjantjatjara.

There are many worrisome matters that the Government needs another chance to examine, because the history of this matter has some peculiarities. In February 1977, the then Leader of the Labor Party (Hon. D. A. Dunstan) agreed with the Pitjantjatjara that the land was not to be held freehold by the Pitjantjatjara but was to be vested in the Aboriginal Lands Trust and granted in perpetual lease to the Pitjantjatjara people.

After much legal debate with a white legal adviser the point was made that not only did the Pitjantjatjara want title but they also wanted to be incorporated in a legal form enabling them to hold title to lands other than lands in South Australia, because "there was much to be done in the Northern Territory and Western Australia".

Apart from all the factors of justice, practicality, compensation for those people and respect for their land, the Council is looking down the barrel at a giant multimillion dollar incorporated body holding land across three State borders. I do not know how section 92 of the Federal Constitution would be applied in controlling such a corporation. This is not a Cabinet secret but is my own view of matters about which I know and of which I hear.

I can understand the Government's wanting one or two more months to look at and talk about these matters and, having had that time (which it is going to get anyway because this motion is going to sleep after we rise tonight), it would be great if there was already a motion before this Council calling on the Government to introduce a Bill and state its policy without delay.

The Hon. Mr. Milne has laid the grounds for that to be done with the motion of which he gave notice before the stage was pinched from him. The Hon. Mr. DeGaris also offers the Council the opportunity to pass a motion to that effect. Thus, when the Council sits in the next session I could not complain if the Hon. Mr. Milne then wanted to point to that motion and the Government's previous undertaking, saying, "We should have your policy; put your money where your mouth is." That is practical, and it is not political propoganda. I urge the Council to consider the amendment of the Hon. Mr. DeGaris, and I urge the Hon. Mr. Milne to consider that his first idea was the best idea—it leaves him in charge of when to put the rocket behind the Government and when to embarrass the Government about its undertaking. Indeed, I ask the Hon. Mr. Milne not to be drawn into the old trick (used by the Opposition every time Parliament looks like folding) of trying to create another forum of propaganda.

The Hon. C. J. SUMNER (Leader of the Opposition): I do not wish to be too hard on the Hon. Dr. Ritson, who has accused the Opposition of introducing this matter in the dying stages of the Parliament for propaganda purposes. The issue of Aboriginal land rights has been before this Council since the day after it began sitting in February. It has been before the Council for six weeks, either in the form of the private member's Bill that I introduced or in the form of this motion.

To claim that the Opposition introduced this motion in the dying stages of Parliament for propaganda purposes is patent nonsense. The Opposition introduced it at the beginning of this period of the sittings of Parliament because we believed that it was an issue that deserved a hearing in Parliament, and an expression of opinion by Parliament. Unfortunately, despite our best efforts over this six-week period, we still have not been able to ascertain the Government's attitude on Pitjantjatjara land rights. All we have had from the Government is that it wants more consultation.

Doubtless, the Government will proceed with its consultation, but the Opposition and the Australian Democrats have been concerned to ensure that there is an expression of opinion from this Council and the Government on what we believe is the proper course for the Government to follow in this area. If this motion is passed we will be saying that we believe the Government ought to honour the obligations established by the previous Labor Government, and supported by this Government when it was in Opposition and by the present Minister of Aboriginal Affairs.

The Opposition has tried to get the Government to state its case. Honourable members will recall the fracas that developed between the Hon. Mr. Gunn in another place, the *Advertiser* and Mr. Ball. The Editor of the *Advertiser*, Mr. Riddell, came to the defence of Mr. Ball, who was attacked by Mr. Gunn. Mr. Riddell said that the *Advertiser* had been trying hard to track down the Minister of Aboriginal Affairs and the Government to get the Government to state its position on this issue, and that it had been unable to do that.

We have tried to do that in the past six weeks. The Government threw out the Bill that I introduced and now wants to emasculate completely this motion. However, it will still not state its position. Does the Government believe in the principles of the Pitjantjatjara Land Rights Bill introduced by the previous Labor Government? That is what this motion asks. The Government does not say that there may only be some technical legal problems to be sorted out. If that were so, we might be willing to concede that. If the Government says that that is the only problem, that there are some technical legal problems (I do not believe that there are after discussing the matter with senior counsel), let the Government agree today to approve the principles of the Bill; that is all that the

motion asks. Of course, the Government will not do that.

If the Hon. Dr. Ritson were honest with himself he would do that, but he knows that the Government is just not willing to agree to the principles of the legislation, despite the commitments given by the Minister of Aboriginal Affairs. If there were legal problems, that is something we could look at. The Government should say where it stands on this issue.

I hope that the Hon. Mr. Milne pays attention to this point, because I believe that the Hon. Dr. Ritson tried to muddy the waters in suggesting that there were some differences in substance between the motion that the Hon. Mr. Milne sought to move in this Chamber and my motion. The motion of the Hon. Mr. Milne was as follows:

> That 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 to support its speedy passage through both Houses.
>
> 2. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

That is the substance of the first part of my motion. There is no dispute with the Hon. Mr. Milne or between the Australian Democrats and the Labor Party on that point; the difference was over the procedure. We believed, following the ruling that you, Mr. President, gave, that the correct procedure was an address to the Governor.

Since I believe the Hon. Dr. Ritson has tried to muddy the waters, I would like the Hon. Mr. Milne particularly to note that the motion of the Hon. Mr. DeGaris bears absolutely no relationship to what the Hon. Mr. Milne was trying to do when he moved his motion. I would like to read the motion with which the Hon. Mr. DeGaris in effect would end up with if his amendments were carried. It would state:

> 1. That in the opinion of this Council a Bill dealing with Pitjantjatjara land rights should be introduced to the Parliament as soon as possible.
>
> 2. A message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence.

What the Hon. Mr. DeGaris is trying to do is to completely and utterly emasculate my motion. The Hon. Mr. Milne's foreshadowed motion called on the introduction immediately of the 1978 Pitjantjatjara Land Rights Bill and its speedy passage through both Houses. The Hon. Mr. DeGaris's amendment says that a Bill—not that particular Bill—dealing with Pitjantjatjara land rights should be introduced as soon as possible. There is absolutely no point of common ground between what the Hon. Mr. Milne was trying to move and the Hon. Mr. DeGaris's amendment. I hope the Council is not confused by the Hon. Dr. Ritson's attempt to confuse the issue. The Hon. Mr. DeGaris's amendments constitute a complete emasculation of the motion. Anyone could agree with the motion that he is putting forward, and obviously the Government would support it, but it says absolutely nothing, and I trust the Council will not be swayed by that attempt, I think deliberately aimed at the Hon. Mr. Milne, to confuse the issue.

The Attorney-General has tried the old trick of saying that we have made this a Party political issue, an issue that he says should be above Party politics; somehow we in the Labor Party have made this a Party political issue. There is a simple answer to that, as honourable members will realise. It was not a Party political issue before the election or when the Hon. Mr. Allison supported the second reading of the Bill and agreed with the Select Committee report. The people who have turned this into a Party political issue are the members of the Liberal Party, by refusing to come clean and state their position on the matter.

During the debate, the question of the constitutionality of the Opposition's proposal has been raised, and, in his reply to the motion the Attorney-General said, as reported in *Hansard:*

> 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 simple fact that should go on record is that when I was debating this issue I referred to the Governor as the titular head of the Government, and I said:

> 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 Attorney-General may be an expert in the law of trusts and companies, but he is not an expert in constitutional law, and I suspect that if he goes back to Hood-Phillips at first-year law school he will find that the Governor is in fact the titular head of the Government, and that the Governor acts on the advice of his Ministers, even when he receives an address. The discretion that a Governor has in our system is very limited, and the general principle is that the Governor acts on the advice of his Ministers. It was on that basis that the motion was for an address to be directed to the Governor, as titular head of the Government.

The Hon. R. J. Ritson: And doomed to failure.

The Hon. C. J. SUMNER: The honourable member says that it was doomed to failure. I imagine that the Government will not act on it, but that does not destroy the validity of a resolution of this Council being passed or of a public airing of the issue. It does not destroy the validity of the fact that the A.L.P. and the Australian Democrats believe that there is an obligation to support the Pitjantjatjara Land Rights Bill in its original form, and to get it through Parliament quickly. It is a perfectly valid exercise for this matter to be aired publicly in this Chamber and for the Governor to be presented with the address. Let us hope that finally we will get some indication from the Government of its stance.

Because this constitutional matter was raised, I believe that I need to reply to it. I shall read the full ruling on which you, Sir, based your decision when you threw out my private member's Bill on this matter, as follows:

> It is, therefore, contrary to the uniform practice of this Parliament that a Bill dealing with the alienation of the Crown lands of the province should originate in the Legislative Council; and, so far as my researches extend, the same practice has been strictly adhered to by the Parliaments of New South Wales and Victoria. This Bill, the Working Men's Holdings Bill, should therefore have been introduced in this House, and properly, if at all by the Government . . . If a private member desires legislation in the direction contemplated by this Bill, his proper and constitutional course would be to move resolutions affixing

> the principle and addressing the Governor, praying His Excellency to recommend the House to make provision by Bill to give effect to the resolutions. It will be observed that this does not take away the right of a private member to initiate legislation, but only prescribes the mode.

The mode is the opinion of the House and an address to the Governor. I am doing what is referred to in that ruling. The Attorney-General should have known that an address to the Governor is an address to the Governor as titular head. It seems strange that he should say that I am trying to involve the Governor in Party political matters when only the other day this Council approved a joint address to the Governor relating to district council boundaries in the north of the State.

The Hon. J. C. Burdett: Was that a Party political matter?

The Hon. C. J. SUMNER: Of course not. It was an address to the Governor required by an Act of Parliament. The fact that there is an address to the Governor does not mean that the address on local government boundaries is addressed to the Governor in his personal capacity. It is addressed to him as titular head of the Government. The matter must be referred to the Government to give advice to the Governor on the issuing of proclamations and the like. The Governor must take advice from his Ministers.

This address is in accordance with constitutional principles and your ruling, Sir, and the Governor must take advice from his Ministers on this issue. What is laid down in the Local Government Act is a formal procedure getting something before the Government. What is laid down in your ruling is a formal procedure for this Council to place something before the Governor, as we did with the Address in Reply, for instance.

In an Address that was presented in 1925, the response of the Governor (although, as an administrator on that occasion, he was equivalent to the Lieutenant-Governor of today) was:

> His Excellency the Administrator begs to acknowledge the receipt of Address No. 20 from the honourable the President and honourable members of the Legislative Council, and to inform the honourable the President and honourable members that the address is receiving the consideration of Ministers.

That is precisely what I said, when I introduced this motion, about the procedure that should be adopted. The Attorney should go back to his first-year law books on constitutional principles. I believe that his statements about the constitutionality of the move we are making are not only incorrect but quite improper. I urge the Council to support the motion, as a matter of public concern and as a matter of concern to the Aboriginal people. We have not been able to obtain a statement of the Government's position; let us hope that, if this motion is passed, as I hope it will be, when the Government via the Governor receives the Address from the Council, it will finally decide at least to declare to the public of South Australia, the Aboriginal people and the Pitjantjatjara people its position in regard to this Bill.

The Council divided on the Hon. Mr. DeGaris's amendment to line 1:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Council divided on the Hon. Mr. DeGaris's amendment to lines 2 and 3:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Council divided on the Hon. Mr. DeGaris's amendment to line 4:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Council divided on the Hon. Mr. DeGaris's amendment to lines 5 to 9:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N.K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. R. C. DeGARIS: I ask leave to withdraw my amendment to lines 11 and 12, as it is now irrelevant.

Leave granted; amendment withdrawn.

The Council divided on the Hon. Mr. Sumner's motion:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

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

Majority of 1 for the Ayes.

Motion thus carried.

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

> That a deputation of members consisting of the mover, the Attorney-General and the Hon. K. L. Milne accompany the President to present the Address to His Excellency the Governor.

Motion carried.

ENVIRONMENT PROTECTION (ASSESSMENT) BILL

Second reading.

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

That this Bill be now read a second time.

It formalises environment protection procedures for the State of South Australia. It establishes and defines by legislation a clear and comprehensive set of environmental principles. It is rather unusual for a private member to introduce such a lengthy and complex Bill. For this reason I intend to outline the history and events leading to my

decision to introduce the proposed legislation. The concept of codifying environment impact procedures by legislation was first mooted as long ago as 1973. Since that time it has been an on-going project in the Department for the Environment.

There are two principal reasons why it was not introduced over the next six years. The first was the resentment, misunderstanding, imagined fear and even anger which the idea generated in many other departments and statutory authorities. It was central to this legislation that it should bind the Crown. For this reason it was resisted in the many ways which only a determined bureaucracy can devise. The Department for the Environment was depicted as a super department, small but extremely powerful, straddling across the decision making processes of many other departments and statutory authorities involved in planning, development, construction and expansion. For reasons which will be detailed later, this was never so. However, many departments imagined it would grossly interfere with some of their traditional decision making processes. When environment impact procedures were introduced administratively in 1974, these departments felt that was as far as they cared to go.

The second reason which delayed the introduction of the Bill was the economic downturn which began from about 1974 onwards. The conventional wisdom was that any attempt to introduce trail-blazing legislation of this kind would scare private investors away from South Australia. Again for reasons which I will discuss later, this was also a fallacy.

However, it remains a firmly held belief with people who cannot or do not wish to understand the principles and mechanisms embodied in the legislation. Besides this, the Federal Government had proclaimed the Environment Protection (Impact of Proposals) Act in December 1974. This Act required assessment of actions in which the Commonwealth was the proponent or for which it provided funds or approval. The Commonwealth was moving to establish arrangements with the States dealing with proposals of joint concern. This seemed to further take some of the urgency out of introducing a Bill specifically for South Australia.

Consultation continued, however, between the various departments and statutory authorities most affected by the proposed legislation and senior officers of the Department for the Environment. Draft Bills were produced, discussed, honed, refined and amended. Discussions continued with private industrialists. The last Bill produced for Cabinet approval was referred back for further consideration and deferred until the Budget session last year. It was promised in the Governor's Speech opening the session. That session, its prorogation and the subsequent early election are now part of South Australia's history. When I was appointed Minister of Environment on 1 May last year it quickly became apparent to me that the future success and morale of the Department for the Environment was closely linked to the passage of this legislation. It was the necessary core for cohesion in the department's structure and function. It became the number one project between May and August.

My reasons for introducing the Bill are therefore threefold. Firstly, to ensure that high morale and a sense of fulfilment are restored to the Department for the Environment. Secondly, to ensure that those officers who have worked for so long with the highest standards of excellence, diligence and dedication in the preparation of this legislation receive public acknowledgement. Thirdly, to ensure that the public are given the opportunity to examine the scope and importance of this legislation in giving environmental considerations their proper place in any project planned in South Australia.

Turning to the philosophy underlying the Bill, the object of environment assessment, which the legislation encompasses, is to bring about fuller consideration of environmental factors by developers, decision makers and the community with regard to actions which significantly affect the environment. Simply by careful planning and forethought, most developments can be made environmentally acceptable. Experience has shown that in most cases gross environmental damage, which may result from a development, can be largely avoided by considering environmental aspects thoroughly throughout its design and planning. For the environment to contribute positively to developments rather than playing merely a token role, it is vital that it be considered from the outset. The widest scope exists in the early stages to modify a project, to consider alternative locations or to alter its method of operation. With each successive decision this flexibility and range of options narrows.

Furthermore, from the proponent's viewpoint, changes at an early stage can be made with little effect on lead times. Changes sought later can cause crippling delays, escalate costs and polarise opinions without necessarily being of benefit to the environment. By actively identifying and considering environmental factors relevant to a particular project, proponents can develop an awareness and competence in environmental matters. The result can be an integration of environmental aspects instead of measures merely tacked on the end as palliatives. Making the developer responsible for considering environmental factors is also consistent with the "polluter pays" principle. This holds that a source which pollutes should bear the cost of abatement. The costs of pollution or other forms of degradation are thus sheeted home to be borne by the proponent rather than by the wider community. This means that an incentive is built in to ensure that the proponent takes the steps necessary to minimise adverse effects. It is usually far less expensive to prevent or minimise such effects occurring in the first place than to rectify them afterwards.

While the environment impact and assessment system seeks to minimise the adverse impacts of developments, this does not mean that environmental concerns will necessarily override other considerations. The Government needs always to consider the full range of factors involved in reaching its decision. These may include economic, equity, technical and social factors as well as environmental. The system ensures, however, that the environmental issues are fully canvassed and are considered alongside competing issues. The application of environment assessment and impact systems began in the United States with the National Environmental Policy Act of 1969. The system has since spread to many industrialised States, including some twenty-six States in the U.S.A., and to Canada and nine of its provinces. Several European countries, including France, Norway and Germany, operate impact assessment systems as do Japan and New Zealand.

All Australian States have environment assessment requirements. These generally apply to both public and private developments. For most States these are still based on administrative arrangements only under the direction of the State Governments. That is the prevailing position in South Australia. N.S.W. codified its procedures in legislation which was introduced last year. It is generally not considered by environmentalists to be ideal as it embodies a series of Acts and relies too heavily on local government input. Victoria enacted the Environmental Effects Act of 1978 which formalised the existing impact

assessment arrangements operating in that State.

I mentioned previously that the Commonwealth has operated the Environment Protection (Impact of Proposals) Act since 1974. In recent years, however, the lack of environmental commitment by the Commonwealth has seriously retarded the proper operation of the Act. There has been speculation that the Commonwealth is moving to abandon the Act and pass all responsibility, under its Federalism policy, back to the States. This makes the passage of legislation in South Australia even more imperative.

The application of environment impact requirements in South Australia commenced in 1974 following adoption by the Government in December 1973 of recommendations by the Environmental Protection Council. The Department for the Environment has assessed many hundreds of developments since 1974. These have been mainly Government proposals. They have also included various proposals from local government such as stormwater drainage works and some private actions such as the reclamation of wet-lands and the issuing of mining and mineral exploration tenements. A number of applications received under the Planning and Development Act have also been assessed. While a large number of projects have been screened, only a relatively small number have required preparation of an environment impact statement.

It has been asked why this legislation is necessary if an assessment system has operated for so long without it. It is true that the Department for the Environment has administered the system since 1974 and that it has achieved a good deal, particularly in gaining acceptance of the process with State departments.

The impact assessment system, however, represents a significant initiative. It gives the credibility which only legislation can provide to ensure that it is taken seriously by developers and to make watertight its procedural requirements.

The costs and delay argument is often heard with regard to an impact assessment system. It is not claimed that the benefits which will derive from the system will not cost something, or that no effort will be required to meet its requirements. It has been found, however, that these benefits generally far outweigh the associated costs. The key is to ensure that environmental aspects are considered from the outset of a project. Costs and delays will not be significant for developers who consider environmental aspects throughout. For over 95 per cent of projects, the only requirement will be to fill out a simple notification form. It is estimated that only about 5 per cent of developments will require an environment protection agreement, and only 5 per cent of those requiring an EPA will require an impact statement (that is, 25 per cent of total projects). A further reason why costs and delays will not be significant is that the system in the proposed legislation has been integrated with existing systems of development control. For private developers it will not be necessary to make a separate application to another department.

It needs to be stated plainly that the system proposed to be established in this Bill will not comprise an alternative development control system. Rather, it will inject an environmental perspective into the existing and any future development control requirements established. It will not diminish the authority of the various bodies established under these Acts, or substitute an alternative authority to reach decisions, and it will not provide "environmental controls" in the manner of pollution or mining legislation.

It has been argued that environmental assessment procedures could be best improved by incorporating the requirements in the Planning and Development Act. It would not be adequate, however, to apply impact assessment solely to the control of land use under the planning legislation. This would not cover private developments considered under a range of other Acts. Nor would it cover public developments which account for the bulk of projects likely to be considered under the system.

All Australian States operate environmental impact assessment systems as well as planning/development control systems. While the environment impact assessment systems vary widely from State to State, in all cases their purpose is not to replace or subvert the role of existing approving authorities, but rather to ensure adequate regard is given to the environmental aspects in reaching decisions.

Turning specifically to the interface between this Bill and the Planning and Development Act, the Planning and Development Act applies mainly to private developments, most of which would not be subject to the proposed legislation, because they would not have significant impact. Private developments which would be subject to the impact assessment provisions would be defined by regulation (for example, marinas, mineral processing works, noxious industries). Notification of these would be forwarded to the Department for the Environment by either the State Planning Authority or the council. Those projects which would have some impact would require either an environment protection agreement or an impact statement.

In reaching its decision, the State Planning Authority or council will be required to have regard to the provisions and conditions of an environmental protection agreement or an environment impact statement. Similarly, where the applicant is aggrieved by the decision and appeals the Planning Appeal Board will be required also to have regard to the provisions of these documents.

The role of the Minister of Environment in negotiating the environment protection agreement or the impact statement is not to be confused with providing approval for the project. The Minister's role will be solely one of ensuring that what goes forward for consideration by the State Planning Authority or council is satisfactory environmentally. The status of environmental consideration will thus be significantly upgraded over the existing situation, but the State Planning Authority or council will remain the bodies which make the decision.

Currently, applications under interim development control powers are not reviewed publicly, while those under zoning regulations are exhibited for fourteen days. Consideration of notices of intent by the Department for the Environment normally take between two to three weeks. Thus for the small number of applications under zoning for which such notification will be required, a slight delay will be involved. The long-term, cumulative and indirect impacts are more likely to be identified with the Department for the Environment involved in undertaking environmental assessment and in providing advice to decision makers.

In summary, the impact assessment provision will apply to a very small fraction of applications considered under the Planning Act. It can be integrated easily within existing procedures and for the small number of applications considered would result in only slight delays. The results of the process will be a more adequate consideration of the environmental aspects by the proponent. The role of the State Planning Authority or council in reaching decisions will be unchanged; they will merely be required to have regard to the environmental assessments.

In drafting the Bill, specific consideration has also been given to its interrelationship with the Mining Act. Currently, most mining tenements are subject to impact assessment procedure. Present procedures are that the Department of Mines circulates the application to various departments and then sends the Department for the Environment a notice of intent. That department's assessment and recommendations are forwarded to the Minister of Mines. While the procedure works well, there are several deficiencies. The Department of Mines will not show the Department for the Environment the final conditions applied to a licence or lease and the information provided on exploration licences is generally deficient. The legislation requirements could be integrated readily into the system and would overcome the current deficiencies which stem mainly from lack of enforceability.

Clauses 1 and 2 are formal. Clause 3 contains the definitions required for the purposes of the new Act. The most significant definitions are the definitions of "impact statement" and "examinable undertaking". An undertaking is an examinable undertaking for the purposes of the new Act if it is of a kind declared by regulation to be an examinable undertaking or if it is declared in pursuance of clause 5 to be an examinable undertaking. An "impact statement" must include a statement of the expected effects of an undertaking upon the environment, the conditions that should be observed to minimise adverse environmental effects, the benefits to be achieved by carrying the undertaking into effect, and any other particulars required by regulation or by the Minister. Subclauses (2) and (3) contain provisions for establishing Ministerial responsibility for an undertaking for the purposes of the new Act.

Clause 4 provides that the Crown is to be bound by the new Act. Clause 5 empowers the Minister of Environment to declare an undertaking that is likely to produce significant environmental effects to be an examinable undertaking. A declaration is only to be made after consultation with the Minister responsible for the undertaking. Clause 6 requires notice to be given of an examinable undertaking. Clause 7 empowers the Minister of Environment to require submission of an environmental impact statement in relation to a proposed undertaking. In appropriate cases, the Minister can refrain from insisting on an impact statement if the proponent is prepared to enter into an agreement that will, in the opinion of the Minister, adequately protect the public interest.

Clause 8 sets out the procedure to be followed where an impact statement has been prepared. Advertisements are to be published inviting public comment. The impact statement may be amended in the light of public representation or departmental comments. Clause 9 requires observance of an approved impact statement or an environment protection agreement by public authorities and by approving authorities.

Clause 10 provides that where an impact statement or environment protection agreement is not observed, and in consequence serious risk of damage to the environment has arisen, the Minister may apply to the Supreme Court for an order compelling observance of the terms of the impact statement or the agreement. Clause 11 empowers the Minister of Environment to establish investigating committees to report to him on the environmental effects of proposed undertakings. Clause 12 confers necessary powers of investigation upon authorised persons.

Clause 13 imposes obligations of secrecy. Clause 14 provides for summary disposal of offences. Clause 15 empowers the delegation of powers and functions under the new Act. Clause 16 is a general regulation-making power.

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

WORKMEN'S COMPENSATION

Order of the Day, Private Business, No. 3: Hon. J. A. Carnie to move:

> That the regulations made on 30 August 1979, under the Workmen's Compensation (Special Provisions) Act, 1977-1978, in respect of prescribed amount of income 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 this day, I move:

> That this Order of the Day be discharged.

Order of the Day discharged.

CONTROL OF LAND SUBDIVISIONS

Order of the Day, Private Business, No. 4: Hon. J. A. Carnie to move:

> That the regulations made on 13 September 1979, under the Planning and Development Act, 1966-1978, in respect of control of land subdivisions 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 this day, I move:

> That this Order of the Day be discharged.

Order of the Day discharged.

FEES FOR PRAWN FISHERMEN

Order of the Day, Private Business, No. 8: Hon. J. A. Carnie to move:

> That the regulations under the Fisheries Act, 1971-1976, relating to the fees for prawn fishermen and laid on the table of this Council on 23 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 this day, I move:

> That this Order of the Day be discharged.

Order of the Day discharged.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 3)

(Second reading debate adjourned on 5 March. Page 1433.)

The Hon. J. A. CARNIE: As this matter has already been considered by the Council, I move:

> That this Bill be discharged.

Bill discharged.

BRIGHTON FORESHORE

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

> That by-law No. 1 of the Corporation of Brighton in respect of regulating bathing and controlling the foreshore, made on 10 January 1980, and laid on the table of this Council on 19 February 1980, be disallowed.

The PRESIDENT: Is the motion seconded?

The Hon. M. B. DAWKINS: Yes.

The Hon. J. A. CARNIE: This matter has given the Joint Committee on Subordinate Legislation some little concern. The regulations were gazetted before the new Dog Control Act became law, and the Joint Committee on Subordinate Legislation has taken the view that the new Act gives the corporation sufficient power for these regulations. There has been much public concern in the area about the regulations to control dogs on beaches, and we have had information from 69 people that they wish to give evidence before the committee. A petition has been presented in the Lower House signed by 2 500 residents of the area, and generally much widespread concern has been expressed.

The Joint Committee on Subordinate Legislation wrote to the Brighton corporation suggesting that it might agree to withdraw the draft regulations and leave the other part outstanding, but the Brighton corporation was not amenable to that proposition and indicated that it required the regulations as gazetted to stand. The committee has taken the view that it should hear the people who have expressed a wish to give evidence before it, and that will take some considerable time.

The motion is standing, and, as it had been stated by the committee that a motion to disallow would be moved, I am doing that now so that time can be given for the committee to take further evidence, and I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

RETAIL DEVELOPMENT PLANNING

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

That a Select Committee be appointed to inquire into and report upon all aspects of retail development planning in South Australia and the problems associated with the proliferation of large retail shopping centres with particular reference to—

(*a*) the role of factors such as traffic flow problems, energy impact and environmental assessment procedures in planning approval; and

(*b*) the problems encountered by small businesses in retail development and the proliferation of retail shopping centres including assessment techniques for the profitability and viability of proposals, the effects of new developments on the viability of existing small businesses and the nature and fairness of shop leasing agreements in the developments.

(Continued from 5 March. Page 1432.)

The Hon. G. L. BRUCE: I feel that this debate should proceed at this stage. From reading of the role of the Select Committee and what it is required to report on, I find it difficult to see what factors would cause this matter to be adjourned. Many thousands of concerned people are supporting the Opposition move for this Select Committee, made up of many groups and organisations, small shopkeepers, residents, trade unions, employees in the industry, councils, environmental bodies, and one could go on and on. I would imagine that the only people not concerned to see the Select Committee proceed within its terms of reference would be the developers.

Simply to look at the Bill and relate some of the problems associated with what is happening in the real world, we could take the fact that traffic flow problems are of vital concern to shopping developments, as are problems in relation to energy and planning approval.

I live on the North-East Road, and a block of shops has gone up, including premises for Lloyd's and a Half-Case Warehouse. The planning for the traffic has resulted in a roadway waiting for an accident to happen. I do not know the long-term plans for traffic in the area, but if the present situation continues much longer there is no doubt that this is a place waiting for an accident to happen. The factors involved in this motion are vital, they are urgent, and they need to be looked at.

Recently, I attended a meeting at the Enfield council chambers, where a large number of shopkeepers expressed grave concern about development and the proliferation of shops that was occurring. Of vital concern to them was the viability of the industry at this stage. To put this Bill aside at this stage is to deny those people and all other interested parties a forum in which to bring their views to this Parliament, to have the matters that concern them aired in public, as is their right.

As I understood the previous Bill, it related to development and planning, and took no consideration of matters that are the subject of this motion. To say that these things are covered in previous legislation is not true. The last line of the motion provides that the Select Committee is asked to look into the nature and fairness of shop leasing agreements in the developments. That refers to the developments already in existence, and it is of vital concern to people who have gone into new developments, and whose viability is a major concern over a period of time before the public become accustomed to using their shops. In the first week, they are flooded with a great influx of people, and after that the business drops away and often it can be years before they get back to the situation of being a viable proposition.

What has happened regarding buildings and rents paid will have considerable concern to them and the community supporting those people. As I said, Government is for the people and by the people, and we should do all we can to see that all sections of the community get a fair deal to express their point of view to a Select Committee of this Parliament—a public forum of the community.

I can see nothing in the resolution that the Government should be afraid of, unless the facts and truth relating to all these points constitute something that the Government does not want; perhaps the Government does not want this matter to see the light of day. We are prepared to bite the bullet, grasp the nettle, take the bull by the horns, or whatever, and subject this matter to the scrutiny of a Select Committee of this Council. All those who have expressed their view to the Opposition (and I have no doubt that members on the other side have received deputations) are concerned persons in the industry; they are vitally concerned that this matter is proceeded with.

It is a matter of reasonable urgency that the Select Committee be implemented, that this matter proceed in its present form, and that a conclusion be reached so that the Select Committee can be set up. No-one could object to anything in the motion, which states that a Select Committee be appointed to inquire into and report upon all aspects of retail development planning in South Australia, and the problems associated with the proliferation of large retail shopping centres. No-one could take exception to that. There is particular reference to traffic flow problems; we are all aware that there is a problem regarding traffic flow. Energy impact is another aspect that must be considered, because these shopping centres use energy facilities.

Environmental assessment procedures in planning approval, the problems encountered by small businesses in retail development and the proliferation of retail shopping centres, including assessment techniques for the profitability and viability of proposals, the effects of new developments on the viability of existing small businesses,

and the nature and fairness of shop leasing agreements in the developments must be considered. There is nothing in this that any Government could be ashamed of. An answer should be given to all questions about traffic, energy and environmental control in connection with these shopping complexes. I support the motion.

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

That this debate be now adjourned.

The Council divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Ayes.

Motion thus carried.

[Sitting suspended from 6.7 to 7.45 p.m.]

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1692.)

The Hon. ANNE LEVY: I rise very briefly to support the second reading of this Bill. It is a very simple and straightforward Bill, but it is also very important. This Bill deals with a very profound, philosophical subject, namely, death or the manner in which it may occur to us all. It could be said that the Bill is concerned with our ambivalent attitude towards death. Death is certainly the great current taboo subject; very few of us consider death unless forced to do so by the terminal illness of either ourselves or a close relative.

In some ways this Bill is symbolic, because it pays tribute to the right of self-determination by a patient and the right of a patient to control the medical decisions that affect him. It could also be said that for doctors it removes uncertainties about any legal liabilities that they might incur in carrying out a patient's wishes. One spin-off that may occur from this legislation is that it may encourage psychological research into attitudes towards death. One wonders whether it may encourage people to be more willing to confront the fact of their own death. I believe that today we have a situation in which the dying are often shunned by their friends and relatives and even treated as pariahs, because they are often separated from the living long before they are ready to relinquish their ties with life.

I recently saw a quotation from the Executive Official of Social Justice of the Uniting Church who said that too often today we are prolonging death rather than preserving life. This Bill will reassure a patient that he will not be subjected to meddlesome or aggressive therapy, which is a fear held by many people, particularly the elderly, whether it is justified or not.

Many people in our community believe that the relief of pain, thirst, hunger and emotional support which a dying patient needs is often not considered by the medical profession. I am sure that many doctors would deny that but I believe that, rightly or wrongly, many people in the community hold that view. Much more adequate communication is certainly needed between the patient, relatives and the nursing staff as death approaches.

With regard to the substance of the Bill, I believe it is interesting to note a Gallup poll that was conducted in February 1979. The question asked of a sample group of over 1 000 people was as follows:

If there is absolutely no chance of a patient recovering, should the doctor let the patient die, or should he try to keep him alive as long as possible?

That question has been asked in Gallup polls before. The response for letting the patient die, which was 54 per cent in 1962, had risen to 60 per cent in 1979. That the doctor should try to keep a dying patient alive was supported by 32 per cent in 1962, but that figure had fallen to only 23 per cent in 1979. It should be noted that men and women were very similar in their answers to this question, as were all persons over the age of 20 years.

This Bill breaks new ground in Australian law, but it does not set a precedent for the world, because similar legislation has been enacted in a number of States in the United States of America. I was particularly struck when I read the law that was passed in the State of Arkansas in 1977. The preamble to that Act states:

Every person shall have the right to die with dignity and to refuse and deny the use or application by any person of artificial, extraordinary, extreme or radical, medical or surgical means or procedures calculated to prolong his life. Alternatively, every person shall have the right to request that such extraordinary means be utilised to prolong life to the extent possible.

The provisions of the Arkansas law differ from those in the Bill before us in a number of ways. In particular, it makes provision for the case of a minor who is suffering from a terminal illness, or for those who are physically or mentally unable to execute such a document themselves. In those cases the Arkansas law allows for the decision to withhold extraordinary measures to be made by the following:

(*a*) By either parent of the minor.
(*b*) By a spouse.
(*c*) If a spouse is unwilling to act, by the child of the patient who is above the age of 18 years.
(*d*) If there is more than one child above the age of 18 years, by a majority of such children.
(*e*) If there is no spouse or child above the age of 18 years, by either of the parents of the individual.
(*f*) If there is no parent living, by the nearest living relative.
(*g*) If the patient is mentally incompetent, by a legally appointed guardian.

I note that no consideration is made about minors in the Bill before us. Whether that should be so or not is a difficult question and obvious pros and cons spring to mind immediately. That fact alone makes me support the reference of this Bill to a Select Committee for full consideration. That is one factor amongst many that will require very detailed and careful consideration. A Select Committee will also allow an opportunity for further public discussion and comment, and I know that there was considerable discussion when this Bill was first mentioned by the Hon. Mr. Blevins about 18 months ago. Matters such as this should not be rushed, and further public consideration and evidence would certainly be encouraged by a Select Committee. I support the second reading.

The Hon. FRANK BLEVINS: I would like to thank honourable members who have taken part in this second reading debate; they have dealt with the matter as I expected—sensitively. Members who have spoken to me privately have done the same thing. Some questions have been raised in the second reading debate that quite properly need to be answered, and I will certainly be seeking answers to those questions. In that regard, I will be moving a contingent notice of motion at the appropriate time. I thank honourable members for their consideration so far. I move:

(*a*) That this Bill be referred to a Select Committee.
(*b*) That the committee consist of six members and that the

quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

(c) That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

Bill read a second time and referred to a Select Committee consisting of the Hons. Frank Blevins, M. B. Cameron, R. C. DeGaris, Anne Levy, R. J. Ritson, and Barbara Wiese; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 10 June.

Later:

The Hon. FRANK BLEVINS: I move:

That the Hon. M. B. Cameron be discharged from attending the Select Committee on the Natural Death Bill and the Hon. D. H. Laidlaw be substituted in his place.

Motion carried.

MEAT HYGIENE BILL

Adjourned debate on second reading.
(Continued from 1 April. Page 1888.)

The Hon. B. A. CHATTERTON: I support the second reading of this Bill. I doubt whether any piece of legislation has been the subject of more study and consultation than the Meat Hygiene Bill and the consequential amendments to the other Acts. I also doubt whether any other piece of legislation has been the subject of such blatant political mischief-making, cynicism or hypocrisy as this has been. Anyone who kept an eye on the campaign mounted by the Liberal Party on this legislation, when it was a Labor Government initiative, will be utterly amazed to find that, not only did the present Minister have incorporated in *Hansard* last week in his second reading explanation the remark, "This Bill therefore is essentially the Abattoirs and Pet Food Works Bill, 1979", but also four present Ministers of the Liberal Government Cabinet actually voted for the Bill in the clear and certain knowledge that it contained provisions to bring about the very so-called excesses that they spent so much time and money berating the Labor Government for.

The Minister of Agriculture (Mr. Chapman) seems confused about the question whether it was the Abattoirs and Pet Food Works Bill, 1979. The *Stock Journal* on 14 February 1980 stated, "Mr. Chapman emphasised that he would be introducing a new Bill and not just an amended version of the legislation proposed by the previous Government." The sheer political opportunism of the Liberal Party in using this important measure (designed to protect the health of meat eaters in the State) in this way has been one of the most unsavoury political manoeuvres it has ever been my misfortune to see.

The history of this legislation began in late 1975 when I decided to withdraw from the arena of public comment the meat industry legislation that had been drafted at that time. When I became Minister I examined the legislation with my advisers and we came to the conclusion that it was clumsy, costly and too unwieldy to be effective. It was clear that the scope of the legislation could be separated into two distinct areas: one of standards of hygiene and the other of trade. As public health was of prime importance, I took the first step towards the present legislation by establishing an inter-departmental committee in May 1976. The committee was chaired by Dr. P. R. Harvey, the then Chief Veterinary Officer of the Department of Agriculture and Fisheries. Mr. G. L. Robinson, of the Department of Health, and Mr. J. L. Byrne, an economist from the Premier's Department, were members.

The committee did an excellent job of investigation and consultation. It talked with every group associated with the meat industry and with local government, and it surveyed every slaughterhouse and abattoir in the State. The report of the interdepartmental committee was completed in February 1977. It is a most impressive document, and shows convincingly and photographically the need for higher standards of hygiene in country slaughterhouses in this State. It is very pleasing to me to see that the report has, at last, been acknowledged as being accurate by critics of the legislation that arose from it, even though these very critics refused to accept the evidence for 2½ years.

The Labor Government accepted the report of the interdepartmental committee and gave instructions for the legislation to be drafted. The 1977 election delayed the introduction of the legislation until the Budget session of 1978, when the Abattoirs and Pet Food Works Bill was introduced. It was not possible, due to the pressure of Parliamentary business, to get the Bill through during that session. So, it was reintroduced during the 1979 Budget session. At no time was the Bill withdrawn owing to either public pressure or disquiet in the Labor Government's Cabinet. During the time that the Bill was before the Parliament, the present Minister and three of his Cabinet colleagues stomped the countryside denouncing the legislation and its principles as dangerous, unwarranted and Draconian.

It is now disconcerting, to say the least, that the Minister should claim that this Bill, therefore, is essentially the Abattoirs and Pet Food Works Bill, 1979, and should support it so vocally. To perhaps give some measure of credit to the present Minister, there have been several variations to that Bill (to quote his second reading explanation) "in a number of respects so that it accords with the recommendations of the Joint Parliamentary Committee". The variations to the basically unchanged legislation are very interesting in the light of statements made by members of the Liberal Party when legislation was solely the work of the previous Labor Government. The variations referred to by the Minister are in fact measures designed to bring about the very excesses of which the Minister and his colleagues accused the Labor Government when it suited them to do so.

The three major variations relate to: first, centralised control of both abattoirs and slaughterhouses by a three-person authority; secondly, the removal of powers over local slaughterhouses from local government; and, thirdly, restrictions on the trade and through-put of country slaughterhouses, in addition to construction and reasonable hygiene standards. A provision also exists concerning the reinspection of meat from interstate, and I will deal with that later.

In view of the three variations which have been specified, let us refresh our memories of the Liberal Party stand on these matters during 1979—in fact, until the time it became the Government. Let us begin with the then shadow Minister of Agriculture. In the *Southern Argus* of 23 August 1979, the shadow Minister was quoted as challenging:

> . . . the Minister to provide him with the names of these substandard abattoirs and slaughterhouses. Mr. Chapman claims that under the present Health Act there is provision for adequate supervision. So far as we know, this list has not yet been provided.

In the *Stock Journal* of 16 August, the shadow Minister claimed:

> The Government had not produced evidence indicating people were being affected by buying meat killed at works that did not have adequate hygiene standards . . .

He was quoted further as saying:

> These [that is, the substandard slaughterhouses that he claimed did not exist] can be adequately supervised under the present Health Act.

Are we now to conclude that this was merely a scurrilous piece of politicking on the part of Mr. Chapman? What has changed that he now says he is quite firmly prepared to accept the report's clearly demonstrated need for higher standards for hygiene in slaughterhouses? The Hon. Mr. Chapman was given ample evidence that this need existed while a Labor Government was in power. The most superficial examination of slaughterhouses by those who are the slightest bit interested in the question demonstrated the need for higher standards, and the joint committee that examined the Bills after the election agreed without dissent that higher standards were needed and should be set. The one thing one can never accuse the present Minister of is consistency.

The Hon. C. J. Sumner: Or the present Government.

The Hon. B. A. CHATTERTON: True. Let me recall some other comments of the Minister when he was in Opposition. In the *Stock Journal* (16 August) he stated:

> There are wide and devastating implications in this Bill and the Opposition is not prepared to support its passage without the proper processes of Parliament being upheld . . . [this legislation] gives wide location and structural powers to its chief inspector and denies local government and other existing authorities their given powers . . . The Act in its present form would lead to the demise of near metropolitan small businesses and the inspectoral elements are ridiculously stringent which, if effected, would cause dramatic increases to consumers' cost of living.

Now the Minister supports the Bill which is essentially the Abattoirs and Pet Food Works Bill, 1979.

Now that the shadow Minister has become the substance, some would be surprised that he is endorsing variations to the original Bill, which give effect to some of the very points he so vehemently opposed when in Opposition and which were certainly never envisaged by the Labor Government. The "ridiculously stringent" inspection that Mr. Chapman complained of so bitterly in the press and when he stomped the countryside will now be made more stringent. The joint committee (with the Minister's full approval) adopted the construction standards suggested by the Local Government Association and they are more comprehensive than those suggested by the interdepartmental report or the 1979 Bill. According to Mr. Chapman in 1979, the original Bill's standards would, "lead to the demise of near metropolitan small businesses".

Now the Minister is vociferously supporting even more stringent standards. And if that were not enough, he is also supporting additional restrictions on trade and throughput for country slaughterhouses that will make the continuation of many of them a very risky economic venture indeed. Neither of these restrictions applied in the Labor Government's legislation. The Minister's somersault on this matter is only too horribly clear. His "selling out" of the powers of local government almost complete the sordid story, although there is one more matter on which he is equivocating and I will refer to that later. However, first, let the Council look at the situation of local government in the matter of meat hygiene for country slaughterhouses. Under the Labor Government's legislation they would have retained their powers under the Act. Remember that the Liberal Party's cry in 1979 was that my Bills would:

> . . . deny local government and other existing authorities their given powers.

Well, the new legislation (championed by the Liberal Government) removes all powers from local government in this matter. As a sop, local government has been given one position on the three-person authority sitting in Adelaide, but the local control and involvement which the Hon. Mr. Chapman thought essential in August 1979 he obviously regards as superfluous now.

In those days he believed that slaughterhouses could be adequately supervised under the present Health Act, but no longer. Now that he is Minister he has brought them under his direct authority. In 1979 he was horrified at the thought of a Minister being directly in control of the Chief Inspector—now he is quite happy for that situation to occur.

Before it is thought that the extension of the role of the Chief Inspector to a three-person authority is a safeguard against the Draconion power of the Chief Inspector so feared by the Liberal Party in Opposition, let me explain that the purpose of the three-person authority is twofold. First, as I have mentioned, it is a smokescreen to disguise the fact that all local government powers over meat hygiene have been abolished. Secondly, it is to overcome the Minister's acute embarrassment over the continuing position of the Chief Inspector.

The powers of the Chief Inspector were an important plank in the Hon. Mr. Chapman's propaganda campaign against this legislation. The Chief Inspector was portrayed as a rogue elephant, rampaging through the countryside closing down abattoirs and slaughterhouses willy-nilly. The Liberal Party's propaganda machine described him as being above the law (although under the control of his Minister). It is with some surprise that those who believed this story now find that under the Liberal Government's proposed legislation he is to be the Chairman of the proposed authority.

I do not want anyone to interpret this account of Mr. Chapman's political opportunism as a singling out of that gentleman for any particular reason. To be fair, he took up the matter of meat hygiene only when he took over the mantle of shadow Minister of Agriculture from the Hon. Mr. Rodda. The Hon. Mr. Rodda also had his part to play in the delaying of this legislation for reasons other than concern for the community at large.

However, having consistently attacked the legislation in Opposition, Mr. Rodda, too, amazingly, now supports not only the original legislation but also the variations designed to strengthen it. When in Opposition Mr. Rodda started his campaign against the Labor legislation in January 1979. He claimed in a number of country papers that the Government had not provided sufficient information on the Bills. For example, in the *Barossa and Light Herald* on 22 February 1979, he said:

> Neither local governments, butchers nor abattoirs have been able to get clarification from the Government about what they're expected to do to meet new requirements.

This was quite untrue, as the Government had not only consulted widely but had produced and distributed an information booklet on the legislation the previous year. As an aside, let me say that my officers were so assiduous in consulting with all people and groups involved in the meat industry and other affected areas that no new interest or evidence appeared before the joint committee set up by the present Government and some of us had a distinct feeling of *deja vu* through most of its proceedings. The Minister (Mr. Chapman) confirmed that last Thursday in another place, and he stated:

> I cannot understand why any Opposition member would want to query it now. I know it is the Opposition's right to do so, but this Bill has been around for years. The principles desired by previous Governments have been collated into a document which was circulated among and discussed via the media, personally and publicly in and out of this place for so long now that I believe we all have a fair grasp of it.

Mr. Rodda, however, continued on the theme of confusion, in the *West Coast Sentinel* (28 February 1979), when he was quoted as saying:

> Clear guidelines of what the Government expects from its abattoirs and pet foods legislation are still a mystery to producers, district councils and butchers alike.

This, I am afraid, must now be exposed as a deliberate attempt to spread confusion and to stir up suspicion and confusion in the industry and I would be surprised if the Hon. Mr. Rodda can deny that, because the Hon. Mr. Rodda himself (as it was reported in the *Naracoorte Herald* on 25 January 1979) told the press that:

> He and other Liberal MP's discussed the Abattoirs and Pet Food Works Bill with senior officers of Mr. Chatterton's department this week.

This discussion took place fully a month before Mr. Rodda began distributing his "mystery" and "confusion" statements. And it was only one of several such discussions arranged for members of the Opposition by me and welcomed with such alacrity and gratitude by them.

Not content with throwing a degree of dust in the eyes of those prepared to be taken in by his "mystery" and "confusion" allegations, Mr. Rodda busied himself in organising a petition against the legislation. This was reported in the *Naracoorte Herald* on 15 February 1979, as follows:

> The petition says the Bill now before Parliament will end availability of country-killed meat; increase the cost of meat because of setting up of regional abattoirs, resulting in higher transport and killing costs; and affect the availability of poultry, game and rabbits from specialist producers.

There were two quite deliberate untruths in that statement: there was no mention of regional abattoirs in the Labor legislation, nor was there any reference to rabbits or game. The kindest interpretation of Mr. Rodda's claims would be to say that they are stupid and uninformed, but, unfortunately, it is impossible to say that of Mr. Rodda, as he had, on his own public acknowledgement, been fully briefed on the legislation a few weeks earlier and, of course, he had a copy of the information booklet prepared by the Department of Agriculture and Fisheries.

Mr. Rodda called for amendments to the Labor Government's Bills to ensure that local slaughterhouses would be allowed to keep operating, subject to prescribed hygiene standards. For that, Mr. Rodda should have been given full marks, for that is precisely what the legislation which he wished to have withdrawn was all about. Obviously, Mr. Rodda should have been busy this past week or so restoring his petition to the Parliament, but now we find him voting quite happily for it. Does he now understand what it is all about, at last? After all, he now has Mr. Chapman's word that "it is essentially . . . the same Bill".

Still, if Mr. Rodda was sincere in some of his earlier statements, there is no doubt that the changes to that Bill recommended by the Joint Committee could not have pleased him, so there is no knowing just why he was able to vote for the new Bill. Confusion must now reign over Mr. Rodda's latest involvement in the matter, when one looks back over time and finds him saying, in the *Naracoorte Herald* on 14 June last year:

> We [the Liberal Party] have no complaints about proper guidelines and rules of sanitation. These should be laid down and their administration should be left in the hands of local government and the Health Department. The local slaughterhouse provides employment and stock sales within a district and this form of activity is a high component of decentralisation. We want to see it continue.

Last week, Mr. Rodda seemed to feel no compunction in voting for a Liberal Government Bill that removes that local control and puts slaughterhouses into the hands of a highly centralised Meat Hygiene Authority.

I would like to follow further the rather distasteful path of Liberal Party duplicity in this matter, not because it is an agreeable task, but because I believe it is important for the community to see the role of the Liberal Party in this matter quite unequivocally. Having charted Mr. Chapman and Mr. Rodda through their odyssey, let us now look at yet another supporter of the Liberal Government's Bill last week. In the *News* on 5 February 1979, Mrs. Adamson, the Minister of Health, was reported to be warning Adelaide housewives that they would pay more for meat if the Labor legislation saw the light of day. She warned housewives of problems of cost, regional abattoirs and rabbits, and went on to say, as a final finger pointing exercise:

> They [Adelaide housewives] will no longer be able to buy country-killed meat from near metropolitan outlets.

Has Mrs. Adamson conveniently forgotten the firm stand she took on the matter, or does she no longer care about the price of meat, or the availability of country-killed supplies? After all, she also has the present Minister's word that "the Bill is essentially the Abattoirs and Pet Food Works Bill of 1979"—with a few variations to strengthen it.

Yet another member of the present Liberal Cabinet must have had to swallow his words last week. Here I refer to the Deputy Premier, Mr. Goldsworthy. At least his statements to his electors and to the press were marginally more intelligent than were those of Mr. Rodda and Mrs. Adamson, because he did not try to claim that the Labor legislation contained references to regional abattoirs and rabbits. However, he did have this to say in the *Mt. Barker Courier*, the *Eudunda Courier*, and the *Barossa and Light Herald*, during August 1979:

> I would not oppose any reasonable suggestions for upgrading country slaughterhouses in the interests of hygiene and safety where necessary, but the proposals inherent in this Bill are unnecessary and will affect the areas concerned dramatically.

I am delighted that Mr. Goldsworthy has now found it worth while to support "this Bill, which is essentially the same as the Abattoirs and Pet Food Works Bill, 1979", but I do worry that he is having some difficulty explaining his aquiescence to those variations that he said were "unnecessary and will affect the areas concerned dramatically." Perhaps he has been satisfied in the Party room that it is all right to do so now.

However, he sounded very opposed to the centralised control of slaughterhouses, which his colleague has had incorporated and strengthened in this Bill presently before us. Mr. Goldsworthy said in the *Barossa and Light Herald*, when he was under the delusion that the Labor legislation would impose centralised control:

> For meat sold locally it is my view that control should remain with the local government authorities whose function it would be to ensure adequate health standards. This will keep costs to a minimum as increased costs must be passed on to the consumer; will ensure adequate health standards; and will protect employment of local people employed in the meat trade.

Why does he now support not only a centralised authority

but one that whips away local government rights in the matter? What deal has been done?

Members of this Council, and indeed people concerned with the hygiene standards of meat in this State, will now understand my bewilderment that, in spite of the very vehement and long-standing opposition of the Liberal Party, voiced by so many prominent members of it, the present Bill even got through Cabinet, let alone through the House of Assembly.

Even the current Speaker, Dr. Eastick, when in Opposition, could not contain himself from publicly showing his triumph in the Gawler *Bunyip* in February 1979, when he thought that the Labor Government would not get its Bill through during that month's sitting of the House. Dr. Eastick, may I remind honourable members, is a qualified and experienced veterinarian, and should have known how urgently upgraded standards of hygiene were needed in country slaughterhouses.

So far, the three variations we have seen made to the 1979 Abattoirs and Pet Food Works Bill can be described only as of doubtful benefit to the meat processing industry. To recapitulate, we have seen the handing over of the powers of the Chief Inspector to a three-person authority (chaired by the Chief Inspector); the removal of the control of slaughterhouses from local government to the authority; and the introduction of additional controls on trading and throughput of slaughterhouses.

Mr. Chapman, in the House of Assembly yesterday, showed his annoyance that I had issued a press release which explained the Joint Committee's recommendation. I have some doubts about the authenticity of the documents which he found in his bag and from which he quoted. It all sounded to me like a Tony Eggleton retype job, as the heading on the release he purported to quote from was quite different from that which appeared on the release I issued.

While the Minister seemed disturbed that I should have the temerity to put out a press release at all, he went on to criticise my release, first, because it said that the Bills now before the House are substantially the same as those I introduced last year. I now refer to what the Minister himself said on this matter. He rebutted my statement by claiming in the House yesterday that:

> This Bill and, indeed, all the other related Bills on this subject of meat hygiene are identical in so far as they deal with the need for upgrading hygiene in meat processing premises in this State, but, other than that basic principle, all the details of this Bill are significantly different from those introduced by the Labor Government last year.

Of course, this is quite the opposite to his statement in the second reading debate on the Bill in the House last week, as follows:

> This Bill therefore is essentially the Abattoirs and Pet Food Works Bill, 1979.

In the Committee stage of the same debate the Minister said quite petulantly, in reply to a request for information from the member for Salisbury:

> I know that it is the Opposition's right to do so—

that is, to ask a question—

> but this Bill has been around for years.

The Minister was also critical of my comment in my real press release that slaughterhouse owners would have severe restrictions placed on their trading activities and not be allowed to sell in shops other than their own. Mr. Chapman said, when criticising me, "That is clearly incorrect." If it is incorrect, why then did Mr. Chapman say in explanation of clause 24, that the clause refers to the supply of meat or meat products to, in effect, their own butcher shops. The Minister admitted this to be the effect of the legislation when speaking to the House one minute and then vehemently denied it the next. How can anyone trust his credulity in these circumstances?

The Joint Committee did, however, make a recommendation that would undoubtedly benefit the meat consumers and eventually the producers in this State, but the Minister (as is his fashion) is now equivocating on its implementation. Recommendation 9.4 of the joint committee's report states:

> It is therefore recommended by the joint committee that the present requirement for re-inspection of red meat be discontinued.

I should explain what the present requirement is. Currently, Samcor inspects all meat that enters the inner metropolitan abattoirs area (or Samcor area) and charges a fee of 2.2c per kilogram for interstate meat and 1.1c per kilogram for intrastate meat, except for Port Lincoln, where different arrangements apply. It is obvious that this fee structure has little to do with inspection and is a form of trade barrier.

In fact, the reinspection of carcass meat is a completely futile exercise that adds unnecessary costs to the price charged to the consumer. The only useful inspection of meat is at the abattoir where ante-mortem and post-mortem inspection enables the rejection of meat from diseased animals, and the inspection of the works and the processing operations enable bacterial contamination to be kept to a minimum.

The inspector is quite unable to make any judgment on the disease status of the animals or the bacterial contamination when he makes an inspection in a truck hundreds of kilometres from the abattoir. All he can do is to sniff the truckload to see if the meat has gone off due to the breakdown of refrigeration. Even this is no real protection to the consumer. To protect the consumer, inspectors would be needed at the retail level for bad meat, not at some arbitrary point on the wholesale supply chain. Besides, this simple test will be carried out more stringently by the buyer who will certainly not pay for a truck-load of bad meat.

At the level of local abattoir boards, the situation varies considerably. Some boards allow meat to enter their area with the simple but pointless inspection procedures I have outlined. Others use the letter of the law to exclude meat not killed at the approved abattoirs for their area. This is done under provisions of the Abattoirs Act, which required that the carcasses must be presented for inspection with the internal organs—something that is necessary for worthwhile inspection, but impractical in reality.

I have no doubt that consumers will benefit from the reduction of 2.2c and 1.1c per kilogram on a large proportion of the meat they consume, but producers will benefit also as the reduction in price will increase local demand for stock. Some local abattoirs may complain that they will lose an artificial trading advantage over interstate works. I am sure that this protection is an illusion. Meat enters South Australia because we are unable to satisfy the requirements of the market at certain times of the year. Local operators are already at an advantage because of the cost of transportation over long distances and the present 1.1c differential is of no significance.

The Bill does not, however, follow the recommendation of the report on this matter, and the Minister's statements to date have not defined any clear policy. I understand that he has not the backing of his Cabinet colleagues to clear up this matter, which is surprising following the great acclamation that appeared in the *Border Watch* from abattoir owners in the South-East following the Minister's recent statement that reinspection will be rescinded by the legislation.

Indeed, one could be forgiven for suspecting that yet another devious sell-out is in the course of being played out when one sees that the legislation before us include powers for reinspection, the establishment of depots, and the charging of reinspection fees. The Minister is on record as saying that reinspection is an unnecessary and expensive practice that has gone on for too long. But, he is also on record as claiming that the principles in this legislation are highly undesirable. What are we to believe?

Yesterday, the Minister denigrated the legislation, and today, while admitting that it is "essentially the same legislation" he supports it and urges others to vote for it. In the case of reinspection, yesterday he was vociferously for it; today he says that its elimitation is dependent on some future agreement with Victoria. Has the Minister initiated such an agreement? If he feels so strongly about the unnecessary expense, etc., of reinspection, why will he not agree to an amendment that will set a time limit in which an agreement can be sought and to which meatworks proprietors can look when planning their operations and expansions? Why will the Minister not put his cards on the table in this matter? What, one may well ask, is he up to now?

If the elusive agreement with Victoria falls through, we will be faced with expanding the network of reinspection depots throughout the State, in the Riverland and Mt. Gambier in particular. Additional inspectors will have to be appointed and fees charged on considerable amounts of meat that currently enter the State without reinspection. At present, only meat from interstate entering the inner metropolitan and other abattoir areas is inspected, but now that, under this current legislation, the whole State becomes an abattoir area from an interstate viewpoint, all meat entering the State will have to be reinspected.

For a Government that claims loudly to be dedicated to reducing Government expenditure and unnecessary regulation, this would appear to be a most extraordinary strategy to adopt. The Minister should state clearly that we in South Australia will not reinspect meat from approved abattoirs, that we hope Victoria will be sensible enough to follow suit, but that, if they do not, we are not prepared to saddle the South Australian industry and the consumer with a costly regulatory bureaucracy that achieves nothing.

For a man prepared to come out so publicly and firmly on matters of meat hygiene in the past, the Minister now appears strangely timid and equivocal about his intentions and those of the Government he represents. I support the Meat Hygiene Bill (even in its present form) because I supported the Abattoirs and Pet Food Works Bill upon which it is based. My support has been consistent—not for political reasons—but because I am convinced that the standards of hygiene in some country slaughterhouses and abattoirs are inadequate to protect the health of the community. It is my view , and that of other people in the community, that the Liberal Party's opposition to the measures put forward by the Labor Government was certainly not based on genuine concern for the community, or for Parliamentary processes, or anything at all except a mischievous determination to play a political game with the livelihood of many small people in the meat trade and, even worse, with the health of the community.

This assessment of the behaviour of the Liberal Party in this matter has been completely confirmed by the hypocrisy of the Minister and his colleague in turning around last week and voting quite slavishly for what is "essentially the Abattoirs and Pet Food Works Bill, 1979".

The only other point I wish to make is that the announcement by the Minister last week that he had included the setting up of a consultative committee in the Bill to assure groups such as the United Farmers and Stockowners that they would be playing a meaningful part in the development of standards and other regulatory requirements under the new legislation is nonsense. As I am sure the Parliamentary Counsel advised him, the inclusion of such a provision in a Bill of this kind is an empty gesture.

Certainly I applaud the Minister's intention to consult with interested bodies when regulations affecting their interests are being drawn up. It was always my practice when Minister to do so, and I am pleased to see that he at least pays lip service to such a tradition. However, I too, like the member for Salisbury in another place, am concerned that he should dismiss the claims of the consumer to be given a place on any consultative committee with a tightlipped comment to the effect that he "has noted their interest". I support the Bill.

The Hon. J. A. CARNIE: I had no intention of speaking to this Bill, but after listening to the tirade of abuse that we have just heard for the last 25 minutes I feel that I must, as a member of the committee, rise and say a few words. The committee met with the greatest spirit of co-operation. It was a Joint Select Committee, which in itself is unusual, but that shows the concern that the Government felt in providing for the fullest possible inquiry into the meat hygiene industry. During the whole life of that committee there was the greatest spirit of co-operation, which was carried through into debates in another place.

The honourable member who has just resumed his seat made brief mention of the member for Salisbury. I wonder whether the Hon. Mr. Chatterton read the member for Salisbury's speech, which followed on the spirit of co-operation that was evident in the committee. I would like to place on record the valuable contribution made by the member for Salisbury to that committee. I also point out that he attended every meeting.

On one day the committee inspected meatworks throughout the area near Adelaide. There were one or two establishments that obviously needed upgrading. The one message that the committee received, and I point out that the Hon. Mr. Chatterton was not present on that day, was that several places knew they had to upgrade because they were substandard. However, nobody had told them the guidelines that would be required. That is a big difference between what the previous Government did and what has been done by the Select Committee and this Government. The previous Government did not set any firm guidelines, and people within the industry did not know what to do. The message came through time and again that people in these establishments had the money and were ready to upgrade but they simply had no guidelines to go by.

Perhaps this Bill is based on what was done by the previous Government, but it goes a little further in many respects. I point out to the Council that the same people who objected so strenuously to the legislation brought forward by the Hon. Mr. Chatterton when he was Minister of Agriculture are now supporting this new Bill. I very much regret that at no time during the Hon. Mr. Chatterton's speech did he pay any tribute at all to the work that was done by the Select Committee. All he did was accuse the Minister of Agriculture of political grandstanding. If I have ever seen political grandstanding I saw it here tonight by the Hon. Mr. Chatterton. I am quite sure that the press release has already gone out from the speech, in which he used rather copious notes.

As I have said, I did not intend to speak to this Bill at all, but I could not sit here after knowing of the work we did on that Select Committee and the spirit of co-operation that existed throughout its life. I am sure most

members have read the Select Committee's report, and I point out that it was a unanimous report. However, the honourable member's remarks were very abusive and he used words such as "scurrilous", "devious" and "tampering with the truth".

The Hon. J. C. Burdett: Those remarks would not be tolerated in another place, would they?

The Hon. J. A. CARNIE: No, they would not have been tolerated. The honourable Mr. Chatterton referred to the Bill very fleetingly. I believe that the bitterness that has shown through indicates that the Hon. Mr. Chatterton feels the loss of his white car very deeply indeed.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to this debate. If one looks at what the Minister said in another place and what I said in this Council in the second reading explaination it is as simple as this:

> This Bill, therefore, is essentially the Abattoirs and Pet Food Works Bill, 1979, but varied in a number of respects so that it accords with the recommendations to the joint committee.

The Hon. Mr. Carnie has very adequately referred to the work done by the Joint Select Committee and the variations that were made. While the Hon. Mr. Chatterton and the Hon. Mr. Carnie were speaking, I compared the two Bills; that is, the present Meat Hygiene Bill and the Abattoirs and Pet Food Works Bill. Those Bills are considerably different, as was suggested. Those two Bills are so different that one could hardly match up the clauses, because many variations have been made.

I certainly agree with the Hon. Mr. Carnie when he said he was disappointed with the bitterness expressed by the Hon. Mr. Chatterton. Several times I was on the point of taking a point of order, particulary after reading in this morning's *Advertiser* what the Speaker in another place has done. The Hon. Mr. Chatterton made many bitter, nasty and unnecessary remarks. This Bill has had regard to the recommendations of the Joint Select Committee, which made inspections and compiled a report which has been acceded to.

Bill read a second time.

In Committee.

Clause 1 to 5 passed.

Clause 6—"Constitution of the authority."

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

> Page 5, line 19—Leave out "an officer of the Public Service of the State" and insert "a person".

The amendment seeks to take away the requirement that the person shall be a member of the Public Service. It would leave the clause as reading, "one shall be a person appointed by the Minister upon the nomination of the Minister of Health". That is more flexible. If the Minister of Health wishes, she may recommend a public servant or anyone else. The widening of her powers seems to be eminently sensible.

The Hon. B. A. CHATTERTON: I seek clarification of the Minister's explanation. Why do the powers need to be widened? Is it merely to give the clause more flexibility? It seems that the Minister of Health would be appointing a competent person either from the Health Department or the Health Commission.

The Hon. J. C. BURDETT: As stated previously, the intention is to make the clause more flexible. I cannot speak for the Minister of Health but I believe that on most occasions she would appoint a public servant. However, why should she be limited in that area? Her powers should be wide. As Minister, she would appoint somebody who is responsible. I do not see why we should restrict her powers.

The Hon. B. A. CHATTERTON: I did not explain my point clearly. Why should the Minister of Health appoint a person if he is not somebody directly related to the subject? Why cannot some other Minister appoint someone? The reason that the Minister of Health is involved is that it is considered that this authority should have somebody directly concerned with the questions of meat hygiene. That is why I asked whether that was the reason for giving some flexibility to the people in the Health Commission who are not public servants. It seems important that that should be provided in the legislation; otherwise, the Minister of Health might decide to appoint somebody completely unassociated with the subject.

The Hon. J. C. BURDETT: Surely the Minister of Health can be trusted to appoint someone who will carry out the purpose of dealing with meat hygiene.

Amendment carried; clause as amended passed.

Clauses 7 to 15 passed.

Clause 16—"Meat Hygiene Consultative Committee."

The Hon. B. A. CHATTERTON: Can the Minister outline what he sees as the representation on the committee? I am aware that people like A.M.I.E.U. members and abattoir owners and operators could be involved. It seems important that people who work in the abattoir and related areas should be involved and, if possible, we should involve the consumers of meat. The whole purpose of this legislation is to protect the consumers from unhygienic meat and it is important that they are represented on such a consultative committee. I am aware that any situation with meat hygiene and meat inspection is somewhat antagonistic to commercial considerations. It appears that people who have a commercial interest in the industry are represented on the committee, but other people should also be involved. Is the Minister able to say who, in broad terms, will be represented?

The Hon. J. C. BURDETT: The clause is fairly broad. I am unable to say what the Minister has in mind, if anything, at this stage. It is obviously completely flexible, as it should be. It is certainly a consultative committee and it is to advise the authority.

Clause passed.

Clause 17 passed.

Clause 18—"Inspectors."

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

> Page 8—
>
> Line 25—After "Commonwealth Inspector" insert "or a local government officer".
>
> Line 28—After "Commonwealth" insert "or a local government authority".
>
> Line 30—Afer "Commonwealth Inspector" insert "or a local government officer".

These amendments were suggested by the Local Government Association. The Bill, as it stands, provides for the appointment of Commonwealth officers (and in their case it provides that negotiations should be held and arrangements made about their term of appointment). In regard to local government officers, the clause does not say that at present. The Local Government Association has said, with some justification, that they are as they have always claimed to be—agents of the Government. When we go outside the State field and appoint Commonwealth officers, we are willing to make arrangements with the Commonwealth. Therefore, in regard to local government we should do the same thing when we appoint their officers.

Amendments carried; clause as amended passed.

Clauses 19 to 47 passed.

Clause 48—"Inspections of works, meat, etc."

The Hon. B. A. CHATTERTON: Clause 48(1)(c) seems to be most directly related to the question of reinspection of meat from interstate, which is undesirable. I would have opposed this clause except that it is important for inspectors to look at meat in vehicles to see whether it has been branded from an approved abattoirs. That is the only reason why I am not opposing the clause, which gives the power to inspectors to carry out reinspection of interstate meat. This has been proven conclusively as being an unnecessary cost to the community and one that we should be moving rapidly towards abolishing.

The Hon. J. C. BURDETT: The question of the powers of inspectors has been carefully considered by the Government, and those powers have recently been changed and varied by the Government before the Bill was introduced. The Government was careful to ensure that the powers were not too wide. The honourable member is not correct when he says that this provision is in regard to interstate meat—

The Hon. B. A. Chatterton: I did not say it was. If it was, I would have opposed it.

The Hon. J. C. BURDETT: It is completely general and includes a safeguard. The inspector can be liable in certain circumstances.

The Hon. B. A. CHATTERTON: My point is that the clause gives inspectors the power to carry out reinspection and, if that was all it was for, I would have opposed it. I agree with the Minister that it has other connotations associated with it. For that reason I am not opposing it, because it is important that inspectors inspect this meat not because of a general policy for reinspection but to make some random checks on vehicles carrying meat to see whether the meat had been killed and stamped at an approved abattoirs.

Clause passed.

Clauses 49 to 64 passed.

Clause 65—"Regulations."

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

> Page 24, after line 35—Insert subclause as follows:
>
> (2a) Notwithstanding the provisions of this section, no fees shall be charged or recoverable in respect of the inspection of meat produced at a recognised abattoir and brought into the State on or after the first day of July, 1980.

The purpose of my amendment is to implement the recommendatations of the Joint Parliamentary Select Committee, which recommended clearly that the practice of reinspection of meat from interstate should be discontinued. The committee examined this matter and in its deliberations in Victoria on a number of occasions concluded that the practice of reinspection of meat from interstate filled no useful purpose.

As I explained in the second reading debate, the only useful inspection of a carcass is at the abattoirs where one can carry out ante and post mortem inspection of the beast and carcass, inspect the body organs and ascertain whether the animal has been diseased, and, by watching the processing of the stock, see whether there is an excessive level of bacterial contamination.

When one is faced with a truckload of carcass meat that has been killed and dressed, there is no useful inspection that can be carried out then. In fact, the process of inspection itself is probably detrimental to the quality of the meat because, as I understand current practice, an inspector opens the trapdoor, sniffs the load to see whether it has gone off, and the carcasses are wheeled out and stamped and put back. If anything, the quality of the carcasses might deteriorate by not being under refrigeration for the additional period. The sniffing of the load to see whether the meat has gone off because of any breakdown in refrigeration could be done by the buyer: it would probably be done more conscientiously by the buyer of a load of interstate meat who is unlikely to purchase a load that has gone off in any way.

That sort of quality control can be conducted by the person purchasing the meat. As I said, it is a rather arbitrary point in the wholesale chain to make that sort of inspection. If one is concerned about the consumer, then obviously the inspection shoud take place at the retail level and not at some point when the meat is being moved from interstate to South Australian warehouses.

If members wanted to look at just how ridiculous this reinspection is, I point out that meat from interstate is reinspected, but meat from South Australia, which might travel much greater distances, is not reinspected. If meat from Mildura going to Berri is reinspected, why is meat from Port Lincoln freighted to Adelaide not reinspected? It is a crazy situation.

My amendment abolishes reinspection. The argument advanced in disagreement to this amendment is that we cannot abolish reinspection until other States do it as well. I find that argument difficult to understand, because we are saying that we will be cutting off our nose to spite our face: we will be saddling ourselves with an additional cost and an additional unnecessary process because people in other States are doing the same ridiculous inspection. I find it odd that we should be undertaking a ridiculous situation because other people do ridiculous things, too. We have the opportunity in this new legislation to say clearly and unequivocally that we will not be resinspecting meat from interstate if it comes from an approved abattoirs having hygiene and inspections standards that are acceptable to the authority.

In doing so, we will reduce the cost to the consumer by not charging the fees charged at present. Therefore, we will benefit the whole of the industry in South Australia, not only consumers but also other people who will benefit from a reduction in the price of meat. Demand for meat must increase, as must the demand for livestock as well.

The Hon. J. C. BURDETT: The Government cannot accept the amendment, although some of what the Hon. Mr. Chatterton said regarding whether the meat came from Berri or from Melbourne may have had some merit. However, the amendment deals only with fees. He said that reinspection should be abolished, but the amendment does not say that; it says nothing about reinspection. The Hon. Mr. Chatterton referred to the quality of meat and to opening and closing doors and sniffing the meat, but the amendment does not refer to that.

The Government cannot accept the amendment, because discussions are going on at present between the States in an attempt to achieve a simultaneous lifting of fees, so it would be quite inflexible and quite irresponsible to provide unilaterally in a Bill for one State to abolish fees. The amendment has nothing to do with reinspection, where and when it occurs, or whether it should or should not occur. Dialogue is in progress between the States with a view to simultaneous abolition of fees, and it would be irresponsible for the Bill to provide in a mandatory way that South Australia unilaterally should not charge fees.

The Hon. B. A. CHATTERTON: I am well aware of what the Minister was saying, and I thought I explained earlier in relation to clause 48 that that was the provision that gave power to carry out reinspection. I did not attempt to amend or to oppose that clause, because I thought it would be too cumbersome and complex. I realised that that part of the clause was necessary for other inspection processes which were quite legitimate, so I did not move to amend or oppose it.

If the Government had no power to levy inspection fees after 1 July 1980, that would be a very powerful incentive for it to give up any inspection process, and I imagine it would happen quickly, if no fees were charged and if there was no recovery of cost. We come back to trying to find out the Government's intention. The Minister said that negotiations are going on for a simultaneous lifting of fees, as between South Australia and Victoria, and we are waiting for that to happen. But what happens if the other States do not agree? Do we go ahead with reinspection? Do we impose on the South Australian community a complete structure of depots, additional inspectors, and so on, to carry out a task which both sides of this Council agree is not necessary? Do we impose that on the South Australian community because some other States with which the Minister is currently negotiating are too pigheaded to see that reinspection is not necessary? Are we putting our fate in the hands of those negotiations and the decisions of those States?

The Hon. J. C. BURDETT: Irrespective of whether or not the amendment is passed, the power of reinspection will be there. The amendment is about fees, and on the matter of fees there is negotiation.

The Hon. R. C. DeGARIS: What the Hon. Mr. Chatterton has said is quite correct. No-one wants to see reinspection fees, and there is no argument on that question. He wants us to have no reinspection fees operating on interstate meat coming into South Australia, but to allow other States to have a reinspection fee for our meat going into their States. It is not a matter of 3c a kilogram. The reinspection fee for a truckload of meat is $600. If South Australia and Victoria agree on a certain date to register their abattoirs in each State so that meat can move freely and the reinspection fees come off on the same day, that would be satisfactory, but it would be ridiculous to say that abattoirs in this State that sell in Victoria have to pay $600 a load to the Victorian Government, while Victorian meat is competing against abattoirs here free of that sort of fee. No-one disagrees with what the Hon. Mr. Chatterton wants to do, but to leave the South Australian abattoirs in a position where they could not compete equitably with New South Wales or Victoria would be a disservice to our South Australian industry.

The Hon. B. A. CHATTERTON: I am glad that the Hon. Mr. DeGaris has come clean; he has put the Government viewpoint more clearly than the Minister was prepared to do. What he has said is clearcut; it is a question of trading off. The point I was making in my amendment and the argument in support of it relate to this slight trading advantage, the difference between charging one fee for interstate and another for a local abattoir. In doing so, we are applying a penalty to the whole of the community and charging for an unnecessary service in the final cost of the meat to the consumer.

The Hon. J. A. Carnie: How much meat comes from Victoria?

The Hon. B. A. CHATTERTON: I do not have the Samcor report, but half the meat consumed in the Samcor area in certain months of the year comes in. The amount entering the area is considerable. The Hon. Mr. DeGaris has said that, for the sake of providing some slight measure of trading protection, which is probably unconstitutional in any case, to the South Australian abattoirs—

The Hon. R. C. DeGaris: No, it isn't.

The Hon. B. A. CHATTERTON: If it is looked at as a trading advantage it becomes a sales tax on meat. It has no legitimate basis in meat inspection or meat hygiene, and it could be queried.

The Hon. R. C. DeGaris: Of course it could, but it never has been.

The Hon. B. A. CHATTERTON: It is clearly demonstrated as a trading basis for the protection of the South Australian abattoirs. What the Hon. Mr. DeGaris has said so clearly is that the reasons governing the decision of the Government are based in the abattoirs. The Government has shown no regard for the cost of meat to the consumer or the improvement in demand that would flow back to the producer. Those two groups in the community should be considered as well as the abattoirs.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

Later:

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

FURTHER EDUCATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It amends the Further Education Act on three separate subjects. First, it provides for an appeal against the dismissal of a teacher while on probationary appointment. No such right of appeal exists under the principal Act at the moment, and a probationary teacher who is dismissed must, if he believes that he has been unfairly treated, take his case to the Industrial Court. The Government accepts the position that if such an appeal is to take place it is more appropriate that the appellate tribunal should be Teachers Appeal Board. That board has a special expertise and experience in disciplinary matters affecting teachers and would provide a more expeditious and less expensive avenue of appeal in such cases. This amendment corresponds to a similar amendment that is proposed to the Education Act.

The second subject of amendment also corresponds to an amendment proposed to the Education Act. Under this proposal, an officer of the teaching service will be permitted to retire at any time after the age of reaching 55 years and will be required to retire, if he has not retired beforehand, upon reaching the age of 65 years. Thus, the effect of the amendment is to remove the requirement under which retirement must be related to the end of a particular school year. The increasing availability of teachers renders the rather restrictive retirement provisions of the present Act quite unnecessary.

The third amendment relates to the provision of a general right of appeal against administrative acts. Section 43 of the principal Act allows regulations to be made providing a right of appeal. The present provision, however, does not allow for the exclusion of any such act from this general right of appeal. A general right of appeal however is not invariably appropriate. For example, appointments in promotion positions are made by selection panels representing the Institute of Teachers as well as the department, and there seems no justification for providing a right of appeal in a case of that kind. There are other areas where arrangements made with bodies representative of teachers for a participative approach in making decisions affecting teaching staff may render such appeals inappropriate. One example presently subject to discussion is the use of joint panels in deciding transfers for staff in certain classifications. The Bill therefore provides that certain subjects can be excluded from the

general right of appeal.

Clause 1 is formal. Clause 2 provides a right of appeal to the Teachers Appeal Board for officers dismissed while holding probationary appointments. Clause 3 deals with the retirement of teachers and gives a teacher the right to retire at any time after reaching the age of 55 years but requiring him to retire, if he has not retired beforehand, upon reaching the age of 65 years. Clause 4 provides that certain subject matters can be excluded from the general right of administrative appeal.

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

ABATTOIRS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 April. Page 1931.)

The Hon. B. A. CHATTERTON: I support this Bill, which is consequential on the Meat Hygiene Bill. It is essential for Parliament to remove from the Abattoirs Act the powers of inspection and establishment of abattoirs boards, which are now the responsibility of the South Australian Meat Hygiene Authority, which as been set up by the Bill that the Council has just debated.

The Abattoirs Act is being retained because the Port Pirie Abattoirs Board is different from other abattoirs boards set up in this State in that it also owns and operates an abattoir, unlike the other abattoirs boards that were set up only to carry out supervision of certain abattoirs areas and inspections of privately-owned abattoirs within those areas.

In normal circumstances, the Abattoirs Act would have been repealed completely, but it was important that the Act be amended to give the Port Pirie abattoir power to continue to operate its own abattoir. Of course, that abattoir will now be supervised by the South Australian Meat Hygiene Authority and not by the Port Pirie Abattoirs Board.

The Bill also makes provision to wind up the assets of the various abattoirs boards throughout the State. One interesting thing that came out of the Joint Committee's deliberations was the very wide variation between boards throughout the State. It would be unfair to name any of the boards concerned, but it interested me that the costs of administering the abattoirs boards varied so much. Some were very lean efficient organisations that cost only a few hundred dollars a year to run in addition to the costs of meat inspectors that they employed, whereas other boards seemed to be able to run into many thousands of dollars of expense for no particular reason that the committee could ascertain. For the reasons that I have just given, I support this Bill, which is necessary as a consequence of the passage of the Meat Hygiene Bill.

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

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 April. Page 1931.)

The Hon. B. A. CHATTERTON: This is another one of a series of Bills to implement the general policies embodied in the Meat Hygiene Bill, and in this particular case to remove from the Health Act powers over country slaughterhouses, which now become the responsibility of the South Australian Meat Hygiene Authority. I supported the earlier Bill, and I support this Bill, which is consequential upon it.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 April. Page 1931.)

The Hon. B. A. CHATTERTON: I support this amendment to the Local Government Act. This Bill provides legislative confirmation of the Government's change of direction in relation to local government involvement in the licensing of local council slaughterhouses. During the debate on the Meat Hygiene Bill, I outlined the strong position that the Liberal Party took, prior to the State election last year, on local control over country slaughterhouses. When I was Minister, I assured local government that the legislation being put forward by the Labor Government left the licensing and inspection of country slaughterhouses with local government, although it did take away some local government involvement by abolishing abattoirs boards, and this was done through the amendments to the Abattoirs Act a few moments ago.

Mr. Olsen, the House of Assembly member for Rocky River, was a member of the Joint Select Committee that examined all questions of meat hygiene. I believe that the comments that were made by Mr. Olsen in another place in relation to this particular change in direction deserve some comment. Mr. Olsen said:

> The Bill does enable local government participation, first on the South Australian Meat Hygiene Authority, the ultimate administrative body and, secondly, in the administration. It enables local government to have a direct voice, and rightly so. However, I believe it appropriate to highlight that several submissions suggested that local government was unable, and indeed refused in the past, adequately to police laws relating to local residents; that is, local government adopted the soft option because of personalities on the local scene. Despite those suggestions, I firmly believe that local government will respond positively and ensure that the provisions of this Bill are adhered to. Let local government clearly understand that failure in this regard will inhibit, on future occasions, consideration being given to transferring powers to local government. It was envisaged by the Select Committee that if a local government authority did not accept that responsibility, the South Australian Meat Hygiene Authority would assume control in that area.

That is an extraordinary statement. Mr. Olsen is threatening local government that, if it fails to enforce legislation for which it has no responsibility, the Government will not in future transfer other powers to local government. That is an upside-down argument indeed. On behalf of the Government, Mr. Olsen is saying, "We are taking away your powers over slaughterhouses, but we are expecting you to do a better job than you did in the past". That is quite ridiculous.

Under this Bill, the Meat Hygiene Authority will have the responsibility for meat hygiene inspection and licensing under the group of Bills now before us, and local government cannot be blamed, nor should it be penalised, for any failures that occur under this legislation. That is clearly the responsibility of the Meat Hygiene Authority; this particular Bill removes any powers and responsibilities from local government. It is extraordinary that local government should be held responsible for implementing this legislation. I support the Bill.

The Hon. R. C. DeGARIS: I do not wish to speak at any great length on this particular Bill, except to explain to the Council what Mr. Olsen said in another place. He said that local government, under the Meat Hygiene Bill, has a position on the meat authority itself, which is the best way of making absolutely certain that local government will play a most important role in relation to meat hygiene in South Australia. However, it must be freely admitted that some local government areas will not carry out their functions. Therefore, the authority should have power to be ultimately responsible to ensure that the work on meat hygiene and inspection of slaughterhouses is carried out satisfactorily.

Where local government is capable of carrying out that function and is performing that function, it will be given that function. I believe it would be quite wrong for local government to assume that it would be responsible, when 90 per cent will do the job and 10 per cent probably will not. Therefore, the authority must be responsible for that area. Under this Bill, local government has one seat in three on the actual meat authority. In the previous legislation, this measure was totally in the hands of the Chief Inspector and the Minister.

One other comment I wish to make which is not related to the Bill is about the Hon. Mr. Chatterton's comments. Some time ago this Council changed its Standing Orders to allow for current debate in another place to be quoted in this Chamber.

I think that that was a very wrong move to make. We have just seen an example whereby the Hon. Mr. Chatterton quoted a member of the House of Assembly (not a Minister, who is represented on the front Bench, but a back-bench member) and that member is unable to answer in the debate. The original Standing Order, which prevented quoting *Hansard* of another place in the current session, was one that this Chamber could well consider reintroducing. The habit of quoting here current debates in another place does not allow the member being challenged to answer. I suggest that we reintroduce the Standing Order which applied before it was altered a couple of years ago.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions. The Hon. Mr. DeGaris has shown that local government is given a very real responsibility in this matter, and that was demonstrated by the Government in the key Bill (the Meat Hygiene Bill) of this bracket of Bills when the Government included provisions to afford to local government the same consideration as is given to Commonwealth officers who are engaged in the process of inspection.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Powers of inspectors."

The Hon. B. A. CHATTERTON: Can the Minister enlighten me as to the meaning of "shambles"?

The Hon. J. C. BURDETT: It is a word used in the principal Act, which contains a passage referring to slaughterhouses, markets, bars, butchers, and other shops and shambles. Doubtless, it is a question of referring to precedent.

Clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 1931.)

The Hon. B. A. CHATTERTON: I support these amendments to the Samcor Act. Two principal amendments are incorporated in this Bill. The first removes from the Samcor Act all powers over meat inspection for the Adelaide metropolitan area. In practice, most of the powers of inspection have not been used since the agreement in 1974 between the State Labor Government and the Federal Labor Government to merge the State and Federal meat inspection services.

It is interesting to note that only the Labor Governments of South Australia and Tasmania agreed to a single meat inspection service that is so obviously the most efficient and economical system for Australia. Even when Samcor went over to local kill at the Southern Works in the latter half of 1978, I made sure that the principles of a single D.P.I. inspection service were not discarded. It is obvious that all meat inspection powers should be removed from the Samcor Act, as it is quite wrong for an abattoir to inspect itself. There is a conflict between the requirements of commercial operations and inspection and it is quite unreasonable for this conflict to be resolved within the Samcor management. While Samcor has, in theory, wide powers of inspection, the only powers used in practice were those relating to reinspection of meat entering the Samcor area.

Even here the principle is quite wrong—that is, that an abattoir should be responsible for the inspection of meat from its competitors. I had hoped that the present Government would have accepted the recommendation of the joint committee and abolished the requirement for reinspection but it seems intent on hedging its bets. At present the reinspection of meat by Samcor is a very profitable activity. The charges greatly exceed the cost of wages and overheads involved with the inspection service. If the Government takes over the services and charges on the same basis, they will be open to challenge in the High Court, as it can be claimed that the fee is a sales tax on meat (not a recovery of costs) and thus unconstitutional. The case would be particularly strong as it would be straightforward to prove that the inspection itself has no health justification. A charge based on the actual time spent on reinspection would be a good compromise if the Government lacks the courage to abolish the service.

This would reduce costs to the consumers and remove the Parkinson imperative of the Public Service that expenditure expands to fill the money allocated to it. I am sure a reinspection service would try to expend the money collected from fees charged on a per kilo basis.

The second group of amendments are more important and relate to abolition of quotas on the entry of meat into the Samcor area for South Australian abattoirs. I feel a considerable sense of achievement in seeing these amendments go through Parliament. When I became Minister of Agriculture, the two most strident criticisms of Samcor from producer organisations were high killing charges and the restrictions on trading into the Samcor area. While many people naively saw powers of Ministers as absolute, they are of course, not only restrained by the law but by the practical realities of Budgets.

With high losses for Samcor caused by the severe drought and the live sheep dispute, there did not seem to be much chance of correcting either of these grounds for criticism. However, the breakthrough came in 1978 when Arthur Tonkin (Secretary of the A.M.I.E.U. in South Australia) discussed with me the possibility that the union would increase its productivity with no increase in wages, provided a number of other changes were made to

improve Samcor's competitive position.

I immediately called a series of meetings between all interested parties which achieved the objective of increasing productivity and substantially reducing killing charges. The Southern Works was also put on to a local kill basis for inspection which improved productivity by reducing the stoppages caused by some of the more pernickety requirements of overseas customers. The A.M.I.E.U. demanded (quite rightly) that it should not bear all the hardship of increased productivity for no increase in wages, and that changes would have to be made in staff numbers. A comparison between the ratio of staff numbers to award employees at Samcor and commercial works is difficult because of the wider service role of Samcor and because of the policy adopted during the period of the Playford Government to put some award positions on to the staff in an attempt to keep the plant operating during strikes. However, a number of studies showed that staff productivity at Samcor could be increased and, unfortunately, retrenchments would have to take place.

The Labor Government believed it was unfair to give staff employees guarantees that did not apply to award employees, so the process of reducing staff numbers was taking place until the election last year.

Now the Liberal Government has applied its policy of no retrenchments (at least, no acknowledged retrenchments) and the increase in staff productivity has ground to a halt. I believe that the Minister is unaware of the time-bomb that is ticking away at Samcor as award employees become more and more disenchanted with the fact that they are carrying the burden of increased competitiveness for Samcor.

The Minister cannot blame the Samcor board, as it is just as keen to see productivity increase, but it is totally hamstrung by the Government's inability to develop a policy on staff retrenchments and transfers.

This bold move on productivity by the A.M.I.E.U. and substantial reductions in killing charges that followed gave me the opportunity to establish the Potter Inquiry into the Entry of Meat into the Samcor Area. Cabinet was facing the problem of finding funds to meet the huge losses of Samcor. These reached $4 000 000 in 1977-78, and Cabinet was in no mood to remove restrictions, however unjustified, if the removal would cause a further escalation in these gigantic losses. It was impressed with the new spirit of competition at Samcor and the additional business generated by the reduced killing charges, however, and on the basis of this improvement the inquiry was given the nod to go ahead. The inquiry was chaired by Mr J. C. Potter (now Director of Regions, Department of Agriculture), with Mr. R. K. Lindner (an economist at the Adelaide University, and Mr. N. W. Lawson (of the Department of Economic Development), as members. The committee presented its report in December 1978.

The report recommended that the system of restrictions on entry of meat to the Adelaide Metropolitan Abattoirs area be abolished. The justification for this recommendation was that efficient refrigerated road transport now made it possible to transport carcass meat across Australia, so the restrictions provided virtually no protection to Samcor. Interstate meat could enter the Samcor area quite freely, yet the restrictions severely affected the ability of local abattoirs to compete in the same area.

While the removal of restrictions on trading into the Samcor area was the most important recommendation of the committee, the committee went on to recommend changes to Samcor which they felt could flow from this change.

These recommendations would have quite a substantial effect on Samcor capital and operating structure. Naturally the Government required a full costing from Treasury before it was able to make a decision on this part of the report. In mid-1979, Cabinet decided to adopt the report and two very significant amendments were made to the Abattoirs and Pet Food Works Bill and the Samcor Act Amendment Bill then before Parliament. One amendment removed all the trading restrictions and the other removed from the Abattoirs and Pet Food Works Bill any powers to refuse an abattoir licence on the grounds that the industry had surplus capacity.

The Victorian Meat Authority attempts to regulate overall capacity, but the Potter Inquiry recommended (and the Government accepted) that it was better to leave the regulation of capacity to normal commercial decision.

My discussions with members of the Victorian authority during the visit of the Joint committee to that authority confirmed to me that we made the correct decision as the definition of "excess" capacity in an industry as seasonal as meat processing is virtually impossible. With the acceptance of the Potter Report, it was possible to grant quotas for the entry of meat into Adelaide from the two Mount Gambier abattoirs.

The member for Mount Gambier made great play of the fact (as I shall explain in more detail later) that while I had refused the quotas in 1978 they were granted in 1979 by Mr. Corcoran. The simple fact was that I was overseas at the time on a trade mission to India, West Asia and North Africa and Mr. Corcoran telephoned me in Tunisia to say that the Treasury had reported favourably on the Potter Report and it would almost certainly go through Cabinet when I got back. In these circumstances, it seemed reasonable to grant the two Mount Gambier abattoirs immediate relief.

When the Liberal Opposition in the Legislative Council decided to force the previous legislation to a Select Committee, the people most affected were Mr. McPherson and Mr. Maney, the proprietors of the two abattoirs. They had anticipated the legislation would go through in 1979 and had used their quotas accordingly. The delaying tactics of the Liberal Opposition were a source of embarrassment to the member for Mount Gambier during the election campaign, as he acknowledged in a letter to the Minister of Agriculture dated 29 September 1979, as follows:

> When McPherson and Maney visited the House prior to the election, you supported me in pointing out that the then Minister [Mr. Chatterton] has power under the Act to "vary quotas at the sweep of a pen".

The reason for the letter to the Minister of Agriculture was that when Mr. Chapman, as the new Minister, was asked to increase the Mount Gambier quotas, he said he could not "vary quotas at the sweep of a pen". Mr. Allison continues in his letter to try to stiffen the Minister of Agriculture's backbone and keep him up to his election promises, as follows:

> The Liberal Party and, in particular, David Tonkin, yourself and the member for Mount Gambier will be totally out of face with the South-East unless something is done as a matter of extreme urgency. I am personally distressed even at the suggestion that we may renege on our promise after we gave Chatterton the full works during the election time. I have sent a copy of this letter to David for urgent consideration and would appreciate the opportunity of discussing it with you as soon as possible to prevent the threatened upset in the South-East.

The letter is signed, "Harold Allison, Minister of Education". As everyone knows, Mr. Allison was successful, with the Premier's assistance, in preventing the

Minister of Agriculture from reneging on that particular Liberal Party promise and he suddenly found his pen to provide the necessary sweep to vary quotas.

There were great thanks when it was done and the Mount Gambier works could continue their operations but it is obvious that this *ad hoc* granting of varying quotas is unsatisfactory and the amending legislation to abolish them completely is needed urgently. While the Labor and Liberal Parties are in complete agreement over the first recommendation of the Potter Report, the attitude of the Government to the other recommendations is not clear.

I had arranged a number of discussions with the Samcor board to develop a new corporate plan, and with Treasury to develop a new capital structure. There are no signs that this work has continued or that an alternative course is being followed. In fact, like so many policy areas under the Liberal Government, it seems that it is just being allowed to drift with no decisions being made one way or the other. One of Samcor's most serious problems has been the heavy burden of servicing its capital. The previous Labor Government had initiated a plan to compensate Samcor for its redundant assets and sell land on the eastern side of the Main North Road. I do not know whether the present Government intends to continue with these plans but, in reply to a question I asked on the matter, I was informed that the land had not been sold or transferred.

The other important area is the future service role of Samcor. As members of this Council are aware, Samcor decided to considerably expand its capacity in the early 1970's in response to demands from producer organisations that there should be a reduction in the delays in killing during periods of high seasonal demand. Indeed, in 1972 it was reported that, in Parliament, the Hon. D. N. Brookman was putting pressure on the Labor Premier to rapidly expand the works. He made claims that "an extra 1 000 cattle a week could be slaughtered at Gepps Cross if only we had the capacity." He also claimed that country works wanted the central and main abattoir to expand.

Simultaneously, Mr. Allen, the Liberal member for Frome, was calling not only for an additional beef hall, but also for a new calf-killing chain and an expanded sheep-killing facility. Ian McLachlan wrote to the Labor Minister of Agriculture in June 1972, calling urgently for increased killing capacity in order to "avoid a crisis situation".

Unfortunately, these demands and those decisions were based on an inadequate understanding of the flock and herd structure, which meant that the projected levels of demand were unlikely to be sustained in this State. In fact, a drought intervened, and the State's herds and flocks were seriously depleted, but, even without this disaster, it is unlikely that Samcor's full capacity could be used on sufficient occasions to warrant its retention.

The decision now facing the Government is whether it is to ask the Samcor board to maintain this excessive capacity for a rare occasion, and at very great expense to the taxpayer. If the Government is not prepared to do that, then it must inform the Samcor board quickly, so that the board can inform the industry just what capacity it can expect to have available in future. Given adequate notice, I am confident that the industry can develop plans to control peak demand for kill and maintain an orderly supply of stock on to the market without adequate notice, and, with the present Government's inability to make decisions, I am doubtful whether it will get it; the situation facing stockowners when the spring flush of lambs comes on to the market later in 1980 could be chaotic.

As I said earlier, the two principal criticisms of Samcor had been overcome during my term as Minister responsible, and the board and I were well on the way to developing a new corporate strategy for Samcor. Naturally, I am disappointed that this appears to be falling by the wayside. However, I support the Bill, because it implements the policy of the previous Labor Government to lift all trading restrictions on the entry of meat into the Samcor area, but I am concerned that the lack of follow-through by the present Government on the other recommendations of the Potter Report will create heavy losses at Samcor and chaotic marketing conditions for livestock producers.

The Hon. J. C. BURDETT (Minister of Community Welfare): I suppose I must thank the honourable member for his contribution, although he did rely on an alleged document which could only have been stolen, and almost the whole of his speech was totally irrelevant to the Bill, because all the Bill does is to remove from the principal Act all the provisions relating to meat hygiene and the inspection and licensing of abattoirs, while leaving essentially untouched the provisions that provide for the establishment and operation of the corporation's abattoirs. The Bill also removes all controls under the principal Act on the entry of meat into the metropolitan area—and that is all it does.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. B. A. CHATTERTON: Does the Minister consider that the Bill should have had a clause similar to that in the Meat Hygiene Bill which allows the legislation to be proclaimed clause by clause, rather than as a whole? As I understand it, this clause requires that the whole of the amending Bill must be introduced as one amending Bill. There are a number of separate provisions within the Bill, and the one which I think concerns both sides in this Chamber relates to quotas on the entry of meat into the Adelaide area being abolished as quickly as possible. If that happened, and if legislation were proclaimed to abolish those quotas, it would also abolish the powers of reinspection that the Government is anxious to maintain until the Meat Hygiene Authority is operating and is able to take over the power of meat reinspection. Is it the case that this Bill would have to come in as one set of amendments to the principal Act, which would repeal the reinspection power and abolish quotas in the Samcor area? If that is so, will the proclamation of the Bill be delayed until the Meat Hygiene Authority comes into force?

The Hon. J. C. BURDETT: The Act would have to be proclaimed as it stands at one time, and I cannot see any difficulty in that. Apart from the repealing clauses, there are only two operative clauses.

Clause passed.

Remaining clauses (3 to 29) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 1 April. Page 1934).

Clause 4—"First licences must be subject to certain probationary conditions."

The Hon. FRANK BLEVINS: In view of the amendments that have been foreshadowed by the Attorney-General, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Page 2, line 34—Leave out "Where" and insert "Subject to

subsection (2a) of this section, where".

A number of amendments have been placed on file, all of which were directed towards achieving a review by the court of the prospect of a probationary licence being cancelled. My amendments bring together the various propositions into one proposition that I believe satisfies the concern of several members to have such a prospect of a probationary licence being cancelled upon a conviction being reviewed by the court.

Clause 4 deals with probationary licences, and the first amendment deals with proposed new section 81b, which relates to the cancellation of learners' permits or probationary licences. The present drafting gives the Registrar power to cancel a permit or licence where a licence holder or permit holder contravenes a probationary condition or commits an offence or offences in respect of which three or more demerit points are recorded against him. As proposed new section 81b(5) provides for an application to be made to a court by a person who is liable to have his licence cancelled to obtain an order that the licence shall not be cancelled, it is regarded as being an inadequate protection for the licensee.

The amendment to proposed new section 81b seeks to provide that the Registrar shall refer the matter to the consultative committee and, if the committee so recommends, the licence may be cancelled. However, the licence may be cancelled if the licensee is convicted of contravening a probationary condition or is convicted of an offence in respect of which a demerit point is or demerit points are recorded against him and, in consequence, the total number of demerit points recorded against him equals or exceeds three.

The principal concern was that it was not just a contravention of a probationary condition but a conviction for an offence of contravening a probationary condition upon which a licence was liable to be cancelled.

I am also seeking to provide in proposed new section 81b(2)(a) that, if the court before which a person is convicted of an offence of contravening a probationary condition is satisfied by evidence given on oath that forthwith upon conviction the contravention was trivial, or that proper cause exists for the court to exercise the power conferred by the new subsection, and the convicted person has not previously been convicted of an offence of contravening a probationary condition, the court can order that the licence be not cancelled.

We are giving to the court a wider discretion than it would have if the Bill was not amended. I also point out that provision is made in the Justices Act for any defendant to apply to a court for a certificate of triviality so that, where an offence is of a trivial nature, the court has jurisdiction to grant a certificate of triviality, in which case the conviction is not recorded and the matter is dismissed. So, that protection already exists in addition to the protection that I am seeking to insert by virtue of the amendments.

The Hon. FRANK BLEVINS: The Opposition is pleased to support the amendments. The Attorney said that three amendments were on file, and it appears from the full explanation that the Attorney has given that the three honourable members who had amendments on file all get a piece of the action, with the Hon. Mr. Cameron getting a larger piece than the other two honourable members. As a point about which the Opposition was concerned (namely, that a wider discretion should be given to the court) is included in the amendment, the Opposition is pleased to support it.

The Hon. R. C. DeGARIS: It was extremely difficult when examining the Motor Vehicles Act in relation to this matter to understand exactly what the amendment did. This is because of the tremendously involved and convoluted section that was amended by the Bill. Indeed, right up until the last moment the Bill did not make sense when built into the principal Act. Some words have been changed, and the consultative committee has been brought back. That committee would virtually have been cut out, with nothing to do, as a result of the amending Bill. I suggest to the Attorney-General that, if the Act is to be further amended, he should examine this section and rewrite it so that one can ascertain, when reading it, what it is all about.

Amendment carried.

The Hon. R. C. DeGARIS: I concede defeat to the Attorney and will not move my amendment.

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

Page 2—

Line 36—Leave out "contravenes" and insert "is convicted of an offence of contravening".

Lines 38 and 39—Leave out paragraph (b) and insert paragraph as follows:

(*b*) is convicted of an offence in respect of which a demerit point is, or demerit points are, recorded against him, and, in consequence, the total number of demerit points recorded against him equals or exceeds three,

Amendments carried.

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

Page 2, line 40—After "Registrar" insert "shall refer the matter to the consultative committee and, if the committee so recommends,".

Amendment carried.

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

After line 41—Insert subsection as follows:

(2a) If—

(*a*) a court before which a person is convicted of an offence of contravening a probationary condition of his licence is satisfied, by evidence given on oath forthwith upon conviction, that the contravention was trivial, or that other proper cause exists for the court to exercise the powers conferred by this subsection; and

(*b*) the convicted person has not previously been convicted of an offence of contravening a probationary condition,

the court may order that the licence of that person be not cancelled as a result of that offence.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

Later:

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

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 1932.)

The Hon. ANNE LEVY: The Opposition supports this Bill. As detailed in the second reading explanation, it does two main things. First, it will enable probationary teachers who are dismissed to appeal to the Teachers Appeal Board. Until now, probationary teachers did not have that right. Perhaps one result of this Bill will be that the distinction between probationary teachers and non-probationary teachers will be reduced and in fact the line of distinction between the two categories may be blurred. I

am sure that the Government would agree that everyone should have the right to appeal against an administrative decision.

Although probationary teachers do not currently have a right of appeal to the Teachers Appeal Board, it is thought that they may well have rights under the Industrial Conciliation and Arbitration Act. Where such rights of appeal exist through other courts, the Government has obviously felt that it would be better for probationary teachers to appeal to the same appeal board as do non-probationary teachers. That proposal will allow for more uniformity between the two categories of teachers. In other words, both groups presently have a right of appeal, but to different bodies and it would be preferable if they both had a right of appeal to the same body. That approach appears to be eminently reasonable.

The second amendment made to the principal Act by this Bill relates to the retirement age of teachers. At present teachers may retire early, but they need not retire when they turn 65, but may continue to the end of the school year in which they turn 65. In view of the greatly altered situation in regard to the supply of teachers at the moment, it would seem perfectly logical that teachers, like other employees, should retire on their 65th birthday if they have not done so before.

I believe it is important that the Government does not use this measure to increase the wastage rate of teachers. Until now, teachers have had the right to continue their employment until the end of the school year in which they turn 65. However, following the passage of this Bill, teachers who turn 65 will be retiring at various times throughout the year. The Opposition sincerely hopes that as a result of this measure the Government will use such retirements during the school year to employ some of the many unemployed teachers at present in the community.

Indeed, it would be a shame if the Government missed this opportunity and used such retirements during the school year to reduce the total number of teachers. The Opposition urges the Minister to allow provisions of this Bill to result in the extra employment of unemployed teachers. The Opposition would be very grateful if the Minister gave a commitment that that is the intention of the Government and that its intention is not to allow wastage of teachers during the school year as a result of this Bill. The Opposition supports the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the honourable member for her contribution. I give the Hon. Miss Levy the commitment that she has sought in regard to the principle of early retirement being used to the benefit of those teachers who, at the moment, are unemployed. I thank the Opposition for its support of the Bill.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It has two objectives. One is to extend, by two years, the period during which land may be declared to be subject to interim development control under section 41 of the principal act. The other is to resolve a problem that occurs when both planning regulations and interim development control apply in a council area.

The principal Act provides for control of development by councils in two ways. One is by planning regulations which can be made in respect of each council area. The making of regulations is very costly and time consuming. Consultants must be engaged by the council or additional staff employed, extensive surveys are required and detailed plans have to be prepared. Experience has shown that the process can take from eighteen months to five years to complete. The other method of providing control is a declaration by the Governor that the land in a council area be subject to section 41 of the principal Act. This is known as interim development control and the effect of section 41 is that no person can change the existing use of land that is subject to the section or construct or alter a building on that land without the consent, in writing, of the council or the State Planning Authority. At the moment more than eighty council areas are subject to interim development control.

Subsection (2a) of section 41 of the principal Act provides that land may not be subject to interim development control for periods that exceed a total period of eight years. The period is computed from 1 December 1972. During the next two years the land in sixteen council areas will cease to be subject to control because of this limitation. It is not possible or desirable that councils be bound to make planning regulations in place of interim development control that now applies to these councils. The procedure is expensive and there is not sufficient time for the regulations to be made and come into operation before the period of control expires. In addition, the Government is reviewing the recommendations of the Inquiry into the Control of Private Development conducted by Mr. Stuart Hart and councils may prefer to await the outcome of that review. It is, therefore, considered necessary that the total period that land may be subject to interim development control be extended by two years.

The other purpose of the Bill is to resolve a problem that occurs where both planning regulations and interim development control apply in a council area. In *Myer Queenstown v. Port Adelaide* (1975) 11 S.A.S.R. 504, the Supreme Court made clear that planning regulations and interim development control cannot operate in a council area at the same time and that, where interim developmental control was in force when planning regulations purported to come into operation, the regulations were either invalid or inoperative during the remaining period that interim development control applied to the council. In the subsequent case of *Shannahan Crash Repairs Pty. Ltd. v. Corporation of the City of Port Adelaide* (1978) 20 S.A.S.R. 491, the Supreme Court held that, where the situation was reversed and planning regulations were in existence when interim development control was sought to be imposed, the interim development control had no application.

The problem is acute because a large number of councils have, and need to have, both forms of control operating at the same time. For example, the area of the Woodville Council is controlled by interim development control but in a small part of its area orderly redevelopment regulations apply. In the Willunga Council area interim development control and Hills Face Zone regulations exist side by side. In the many council areas, planning regulations governing building setbacks apply in addition to interim development control. An amendment in 1975 to the principal Act inserted subsection (17) of section 36. This validated planning regulations made before the amending Act where interim development control was already in existence. However, it did not validate regulations made after the amending Act, nor did it

validate interim development control which was sought to be imposed after planning regulations had come into force. It was, therefore, only a partial solution.

The proposed amendments will allow the two systems to co-exist except where zoning regulations are in force in which case the zoning regulations will take precedence. Zoning regulations are defined to be those that create zones and regulate building and use of land in those zones. 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 replaces paragraph (b) of subsection (17) with four new subsections. New subsections (17a) and (17b) provide for the concurrent operation of planning regulations and interim development control except where zoning regulations apply. Zoning regulations are defined in subsection (17c), and subsection (17d) provides for the commencement of the new provisions. The provisions will have effect from the commencement of the principal Act. This is necessary to preserve decisions granting or refusing consent to development and made by councils or the State Planning Authority prior to the commencement of this amendment.

Clause 3 amends section 41 of the principal Act. Subclause (a) repeals subsections (2a) and (2b). Subsection (2a) limits the period that land may be subject to interim development control. It is replaced by new subsection (3) which is enacted by subclause (b). Subsection (2b) is a transitional provision that has no application now. Subclause (b) repeals subsection (3) and replaces it with a new provision limiting the time that land may be subject to control. New subsection (3) has the same effect as subsection (2a) except that the total period is extended by two years. The provision has been redrafted to clarify its meaning. The existing subsection (3) provides for matters which are either clearly implied or expressly stated elsewhere in the section. It is, therefore, otiose and should be repealed. Subclause (c) repeals subsection (4a) which is a transitional provision that has no application now. The subsection is replaced by four new subsections that provide for the operation of interim development control where planning regulations are already in existence. Subsection (4b) ensures that interim development control cannot apply to land subject to zoning regulations. Zoning regulations are defined in subsection (4c) in the same way as in subsection (17c) of section 36 of the principal Act. Subsection (17d) provides for the commencement of these provisions from the commencement of the principal Act for the reasons mentioned in the comments on new subsection (17d) of section 36.

The Hon. J. R. CORNWALL: The Opposition intends to support this Bill to the second reading stage but I give notice that I will be moving an amendment to clause 3 in the Committee stage. It is regrettable that this Bill has come on at such a late hour on the last day of Parliament's sitting for two months. As the Opposition's spokesman in this area I am required to speak in the second reading debate immediately.

The Hon. J. C. Burdett: You were given the Bill and the explanation yesterday.

The Hon. J. R. CORNWALL: Indeed I was, as the Minister interjects. However, it is obvious, from the lengthy second reading explanation that the Minister has just made, that this Bill, like any other Bill or amendment or discussion on the Planning and Development Act, is quite complex. The whole Planning and Development Act is a maze. It is a very difficult Act to follow in many parts and it is the sort of thing that one needs a little time to look at coolly and calmly and do some research on. Unfortunately, that has not been possible. I am sure that the Minister will agree that we have a good deal on our plate. We had another set of amendments (amendments to amendments) to the Planning and Development Act that have been occupying my time and mind for some time. In view of the nature of the amendments, I believe that it is reasonable to allow this Bill to lie on the table until we come back in June, However, having said that, I turn to the Bill itself.

My remarks will be necessarily brief: first, because of the lateness of the hour and the time constraints and, secondly, because I have not had the time to do the research that I would have liked to do on the Bill. Looking at the aspect of solving the problem that occurs when planning regulations and interim development control apply in a council area, the Opposition finds that amendment quite unobjectionable. I am not sure that we share the Government's enthusiasm that the amendments will entirely remove the anomalies and difficulties that have existed prior to the introduction of this Bill. However, I wish it well.

It is the other part of the amendment which concerns me, that is, the extension by two years of the period during which land may be declared to be subject to interim development control under section 41 of the principal Act. I am not at all sure that the extension sought by the Government is reasonable in the circumstances. It has been shown clearly from practice over the years that it is a Planning Appeal Board requirement that councils should move from interim development control to planning regulations as speedily as possible. That was the whole thrust of the original Planning and Development Act.

It was intended that interim development control would apply precisely as an interim measure while planning regulations were worked out for the 80 different council areas that are under interim development control at the moment. Everyone is aware that the Planning and Development Act, as it presently stands, is a very complex Act indeed and needs to be virtually torn up and rewritten. The previous Government recognised that there was an urgent need for this and, following the Hart Report of 1978, it was moving as rapidly as possible to rewrite the Act.

In fact, the full revision and the rewriting of the Planning and Development Act was well under way and could have been anticipated to come before Parliament during the session. The Opposition appreciates that the Government might wish to reassess policies that may have been pursued with respect to that rewriting as it came into office. The Opposition can appreciate that the Government needs time to get things together, but it seems unreasonable in the circumstances that the Government is seeking to extend the period from 8 years to 10 years. I believe an additional 12 months would be adequate. I will have more to say about that in Committee. For the time being, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"When land is to be subject to interim development control."

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

> Page 2, lines 11 and 12—Leave out "period of ten years or periods amounting in aggregate to ten years" and insert "period of nine years or periods amounting in aggregate to nine years".

Subsection (2a) of section 41 of the principal Act provides

that land may not be subject to interim development control for periods that exceed a total period of eight years. As I said during the second reading debate, the word "interim" is intended to be precisely that: interim development control was intended as an interim measure. The initial period in which that operated was from 1 December 1972, so that on 1 December 1980 the first of the areas under interim development control will be subject to expiry.

As I said in the second reading debate, I can appreciate that a new Government needs time to determine its priorities and examine what is going on in its departments and look at whether the drafting work carried out is in accord with its policies. However, I do not think we should support completely this two-year extension. For that reason the Opposition moves to restrict the period to a further one-year period which will mean that the Government still has almost three years from this time to rewrite or take whatever steps it may consider necessary on the Act.

Ultimately it will have to get rid of interim development control. Whether it seeks to do this by adopting a broad-brush approach by rejecting to a greater or lesser extent the fitting of the pieces in the jigsaw puzzle, which is originally proposed under interim development control and in the progression to rezoning, or whether it proposes to do it in some other manner is irrelevant to this debate.

The fact is that much work has been done already in this area. It has not been done in a Party-political or partisan way. I understand that Mr. Hart is still retained in a consultative capacity by the Government, and much of the work that he has already done could certainly be adapted by the Government, because it was not done in any way inspired by the strict policies of the Government of the day. It was an entirely rational approach to orderly planning. I emphasise that in these circumstances the extension that the Government is seeking is longer that should be necessary. There is a degree of urgency in reorganising this monster, which is the present Planning and Development Act.

After all the work that has been done, it should be possible for the Government in less than three years to get its own Act together, and an extension of the period by 12 months rather than two years is entirely reasonable and retains some degree of urgency and forces the Government to get on with the job, but not at any rushed sort of pace. For those reasons I move the amendment.

The Hon. J. C. BURDETT: The Government cannot accept the amendment. The amendment faithfully reproduces the amendment moved in another place. This is an inappropriate amendment for two principal reasons. First, it takes a minimum of 18 months for councils to prepare regulations. Few councils who have not yet prepared their regulations could meet the one year time limit which would be imposed by the Hon. Dr. Cornwall's amendment. Further, the amendment would unfairly squeeze councils' finances, forcing them to spend in a year what they could otherwise have expected to spend in two.

Councils are obliged to draw up regulations by the Planning and Development Act, and clause 3(b) of the amendment Bill limits the period for which they can operate under interim development control before going to regulations to 10 years. No further extension is envisaged. If the Hon. Dr. Cornwall's amendment was accepted, the Government would be forced to request a further extension of time in a year from now, and this is clearly against the intent of the amendment Bill. This Government does not wish to be placed in the situation of having to come back to Parliament again with a request for a further amendment because councils could not meet the time limit which would be placed upon them by the Hon. Dr. Cornwall's amendment.

The second consideration relates to the Government's review of the Planning and Development Act and planning legislation generally. The honourable member acknowledged that the Government must be given some time. Therefore, if the Government is given only a year to determine its final position, then the end product of its review would be undesirably rushed. This has been the situation in New South Wales, where even after seven years of research into new planning and environmental legislation under both Liberal and Labor Governments, the Act passed by the New South Wales Parliament last year is still inadequate to the extent that proposals are still being provided for subordinate legislation.

It took the previous Government of this State 10 years to get nowhere with improved planning legislation. This Government proposes to do infinitely better than the previous Government but it does not intend to do a rush job on such important legislation and it does not intend to do the job at the expense of councils which would be disadvantaged by the Hon. Dr. Cornwall's amendment.

The Hon. J. R. CORNWALL: The Minister's reply causes me some amusement. He said that my amendment faithfully reflects the amendment moved by the Opposition in another place. As this is a House of Review, I am amused at the rather lengthy prepared written reply that the Minister quite faithfully used to reflect the reply of the Minister in another place.

The Hon. J. C. Burdett: Look at *Hansard;* it is not the same.

The Hon. J. R. CORNWALL: It was a different reply prepared for this House of Review.

The Hon. J. C. Burdett: I did not say what was said in another place.

The Hon. J. R. CORNWALL: I am prepared to concede that. The lengthy prepared reply which the Minister made in this House of Review seemed to sit a little strangely because, over the years, we are supposed to have been a House of Review, not reflecting what goes on in another place. However, I do not want to argue about that.

I am very disappointed to see the Minister and the Government taking refuge yet again in the old local government excuse, and I wonder when they will accept some responsibility as a State Government. We operate in a three-tier structure, and there are degrees of interface between the three tiers, up and down the line, and degrees of responsibility. Every time something comes up, the Government says, "We did not want to touch that, because it is a local government responsibility." At some stage, the Minister and the Government will have to face up to the responsibility of running South Australia. It will not be good enough to go on and on for ever saying that this is a local government matter.

I suggest to the Minister that, as a Government, he and his colleagues should be a little wary of tying themselves too closely to what the Local Government Association has to say on any day in any month, because we have had some indications in the last two or three months that Local Government Association policy changes from time to time.

The point the Minister made, which I would like to refute, is that we are not talking about one year. We have never suggested that the Government had to completely review planning legislation in this State or had to completely review and rewrite the Act in one year. The Minister must know that the Government would have a period of almost three years; that is on the paper in front of him. He is trained in the law, and he must realise that, even if he accepted the amendment, the Government still

would have almost three years in which to get its act together.

The Hon. J. C. BURDETT: We believe in local government, too, but any suggestion that we have been snowed or led by the nose by the Local Government Association is false. We are not taking refuge and we have not said anything about the Local Government Association; the Hon. Dr. Cornwall did refer to that. We have not said anything about the association in relation to this Bill, although we did in relation to a previous Bill. It is because we are accepting the responsibility of the State to straighten up the mess created by the previous Government, which had 10 years to straighten up the mess, that we are asking for a reasonable period of time, a breathing space, in which to do that.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Cameron.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL

The House of Assembly intimated that it did not concur in the Legislative Council's request for the appointment of a Joint Select Committee on the Bill.

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

> *(a)* That the Road Traffic Act Amendment Bill be referred for inquiry and report to a Select Committee of this Council.
>
> *(b)* That the Select Committee be further instructed to inquire into and report upon all aspects of the relationship between alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

The approach that has been adopted by the Government in another place is far from the spirit in which the proposal for a joint Select Committee was moved. Honourable members will recall that, when the Bill came before the Council, the Opposition took the view that there ought to be more investigation of the details of the whole Bill, including the extension of police powers to arrest people for drink driving offences, even though the offence that had been committed under Part III of the Act was of a minor nature only. I refer, for instance, to the offence of having a defective vehicle with, say, a bald tyre or a flickering headlight. The Bill would enable the police to stop a such person and insist on his taking a breathalyser test.

The Hon. R. C. DeGaris: Under what section does a bald tyre come?

The Hon. C. J. SUMNER: It comes under the defect system in Part III, under which the police are able to defect a motor vehicle. I should appreciate very much if the Hon. Mr. Milne would take an interest in this debate, particularly as it involves a matter about which he expressed considerable concern previously.

The Bill is in two parts, the first of which involves an extension of the powers of the police to apprehend a person who has committed an offence under Part III. That extension includes the police power to apprehend a person who has committed a minor offence. If the police believe that the vehicle can be defected, they are entitled to ask that driver to take a breathalyser test.

The second aspect of the Bill is the random breath test provision, which has received more attention in the Council. I should like to put to the Hon. Mr. Carnie, who opposed the random breath test procedures, that the erosion of civil liberties under this Part of the Bill is more severe than that which relates to the provisions dealing with random breath testing. The Hon. Mr. Carnie opposed this as an infringement of civil liberties, but the first part of the Bill would give the police the right to apprehend a person and conduct a breathalyser test if that person had committed a minor offence only.

The Opposition believed that the correct approach was to refer the whole matter to a Select Committee to enable not only the extension of police powers but also the provisions relating to random breath tests to be investigated. That motion was moved in good faith, and it would have involved the appointment of a Select Committee with equal representation from both sides of the political spectrum. Indeed, it would have had equal representation from both Houses, because the Opposition considered that it was fair that the Minister in charge of the legislation should have an opportunity to be on the Select Committee. Presumably, because no other options were available to the Council at the time, the option that was available yesterday to move for the appointment of a Select Committee of this Council has passed. However, the proposition ought basically to be a nonpolitical one.

The positions adopted by politicians on this issue run across the political spectrum. There are on this issue points of view in all Parties that differ markedly. Accordingly, the Opposition considered that it would be best to resolve the issue by a non-partisan approach. That is why I am surprised, indeed staggered, that the House of Assembly (which means the Government) has refused to accept the validity of that approach.

We have offered the House of Assembly the opportunity to participate in a Select Committee of this kind. However, apparently it wants nothing to do with it. I believe that the Government has decided that it does not want anything to do with this matter simply because it has now found another option, namely, a Select Committee of this Council stacked by Government members. That is the Government's response to a proposition, put by the Opposition in good faith, of an all-Party committee of the whole Parliament. That was the correct approach to adopt, and it was supported yesterday in this Council.

I gave notice at that time that, if the House of Assembly did not approve of the joint Select Committee, I would move in the Council that a Select Committee of the Council be appointed to examine precisely the matters that I would have preferred a joint Select Committee to examine.

My motion involves a fall-back position. The Opposition would have preferred an all-Party approach. However, now that that has been refused, the Opposition is committed to the appointment of a Select Committee of this Council only. The simple fact is that I took the precaution of going through the proper procedures that were available to the Council, and I gave notice of my motion. That is why it is now being debated and considered first. The only difference between this motion and that which I moved yesterday is that the former refers to a Select Committee of the Upper House only, whereas the latter refers to a Select Committee of the whole

Parliament.

My motion is to set up a non-partisan Select Committee from this Council, that is, with representation of three members from each side, as has been the traditional practice in this Chamber for the past 10 years or so. Those members who yesterday supported this motion should support the motion that I am putting to the Council tonight. The only thing that has occurred between yesterday and today is that the House of Assembly has rejected the Council's proposition for a Joint Select Committee. The fall-back position that I am now putting is no different from yesterday's motion except that the Select Committee will be comprised only of members of this Council. The proposition that I put to this Council yesterday received majority agreement, and I would be quite staggered if any member was so inconsistent and confused about what happens in politics and in the procedures of this Chamber that, although having yesterday supported this proposition, he was today prepared to defeat it. I would find that approach very surprising.

Yesterday's proposition was put forward in good faith. As I have said, today's motion is a fall-back position which does not substantially differ from yesterday's proposition, because the motion is for a Select Committee to look into both aspects of the Road Traffic Act Amendment Bill—the extension of police powers and random breath tests. The motion is to establish a Select Committee to inquire into and report on all aspects of the relationship between alcohol use and road safety measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome. In other words, today's motion is in precisely the same terms as was the motion I moved yesterday. The only difference is that tonight's motion is for the establishment of a Select Committee of this Council.

The motion that I moved yesterday was supported by this Council. Given that I have gone through the procedures to place my motion on the Notice Paper, it should be supported today. All other propositions that come before this Council require the leave of the Council. However, my motion does not require the leave of the Council because it is properly on the Notice Paper. In all other cases, if there is one dissenting voice in the Chamber, any further propositions cannot be brought before the Council.

I have gone through the correct procedures and put a contingent notice of motion on the Notice Paper in precisely the same terms as yesterday's motion, which was supported. One would expect similar support for the motion that I am moving today. If the Hon. Mr. Carnie, for example, is opposed to the establishment of a Select Committee he could refuse leave to introduce any subsequent motions in relation to a Select Committee.

The PRESIDENT: Order! I am aware of the honourable member to whom the Hon. Mr. Sumner wants to emphasise his points, but I would like him to address the Chair for at least some of the time.

The Hon. C. J. SUMNER: Mr. President, I would much rather address you than some other members of this Chamber. The Hon. Mr. Carnie has expressed his opposition to the establishment of a Select Committee.

The Hon. R. C. DeGaris: In relation to this Bill.

The Hon. C. J. SUMNER: Yes, in relation to this Bill—and so has the Hon. Mr. DeGaris. The point is that an honourable member could refuse leave on any subsequent matter. If that happened the whole matter would be thrown out, simply because the honourable member might be opposed to random breath tests. Therefore, honourable members who support random breath tests should support my motion. If those honourable members do not support my motion they will place their position at risk.

The Hon. L. H. Davis: Why?

The Hon. C. J. SUMNER: If leave is refused.

The Hon. K. T. Griffin: We can move for a suspension of Standing Orders.

The Hon. C. J. SUMNER: The Attorney-General knows that he cannot move for a suspension of Standing Orders without notice. The only way that that proposition could come before the Council is if leave were granted. Who is to say whether leave will be granted?

The Hon. K. T. Griffin: That's up to you.

The Hon. C. J. SUMNER: Who is to say that the Hon. Mr. Carnie or the Hon. Mr. DeGaris, who are both opposed to the Select Committee, will not refuse leave? All that needs to happen for this whole matter to be thrown out is for one member to refuse leave for any subsequent motion to be put. My motion is on the Notice Paper and is in precisely the same terms as was the motion I moved yesterday, except that it confines the Select Committee to this Council. There should be no question that this Council should proceed as expeditiously as possible to set up a Select Committee, as provided in my motion. Accordingly, I ask this Council to confirm what it did yesterday and support my motion.

The Hon. K. T. GRIFFIN (Attorney-General): The Leader of the Opposition has endeavoured to create a fear in the minds of honourable members that someone might refuse to give me leave at some later stage when I would seek to deal with this matter in a manner different from the Leader's proposal. I suggest that that fear is unfounded, because the only members who are likely to refuse leave in what I would describe as somewhat unusual circumstances would be the Leader of the Opposition or other honourable members opposite. The red herring that the Leader has attempted to draw across the path of consideration of the motion should not create any concern. The Leader's motion is to refer this matter to a Select Committee of this Council. Yesterday, I argued that that would effectively defer, for three months, six months, or longer an initiative that the Government wishes to take to deal with the road toll. At that time I expressed concern that, while we were dilly-dallying on a Select Committee that was considering the whole Bill, there would be substantial risk that many people in the community would be injured or killed as a result of accidents caused by persons who had been drinking and driving.

The Hon. C. J. Sumner: Will your present proposals help that situation?

The Hon. K. T. GRIFFIN: I said yesterday that the Government's proposal was one of several initiatives that were directed towards contributing to a lessening of the serious consequences of road accidents. The Government did not say that this measure would be the answer, but it is one proposal to reduce the road toll. However, that is not the relevant question before the Council tonight. If this Bill is referred to a Select Committee it will effectively defer any part of the initiatives contained in it until the Select Committee has deliberated and brought back its report to this Council.

I have made the point that there are two aspects of the Bill which are equally important; one is the provision for random breath testing and the other is to widen the offences upon the detection of which a police officer may require the offender to take an alcotest or breath test. The widening of those offences to include all those in Part III of the Road Traffic Act is important for this initiative, as well as the random breath testing proposal.

The Leader of the Opposition has suggested that a police officer who detects an offender who has a bald tyre is then at liberty to require that person to take an alcotest or a breath test. I point out to the Leader that that offence is not within Part III of the Road Traffic Act. In fact, it is contained in Part IV of the Act, and the Bill is not directed towards extending the range of offences to any offences beyond those in Part III, upon the detection of which a police officer may require the offender to take an alcotest or breath test. So, that is one area in which the Leader is incorrect.

He has also indicated that he was seeking yesterday to establish what he called a non-partisan approach to all aspects of the Bill. Included in that were all aspects of the relationship between alcohol use and road safety and the measures whereby the problems associated with alcohol use and the driving of motor vehicles could be overcome. However, the primary concern (if one peruses the *Hansard* record of the speeches of the Leader and other members of the Opposition) was with random breath testing. Yesterday, the Leader stated:

> The Select Committee will be able to carefully assess the evidence concerning whether random breaths tests are effective. The committee would not confine itself to this Bill but would also inquire into all aspects of alcohol use and road safety and measures whereby the problems associated with alcohol use and the driving of motor vehicles can be overcome.

The Leader later stated:

> It has been said that the Labor Government thought that it was persuasive and it agreed to introduce random breath tests. That is a straight-out absolute untruth.

He was again concentrating on the random breath test aspect of the Bill when he sought to have it referred to a Select Committee. He referred also, at a later stage during his speech, to the Bill in these terms:

> I would be surprised if members opposite opposed this Bill being referred to a Select Committee, because the majority of Council members appear to be opposed to random breath testing.

The emphasis by him and his colleagues was on the random breath testing. However, he says tonight that the emphasis that he was seeking to make was not only on random breath testing but also on the widening of the offences upon the detection of which a police officer can require an alcotest or breath test. I put it to the Council that that is a remarkable variation from what he was arguing for last night.

The Government is anxious to have at least some part of this Bill still in force to give the police wider powers and opportunity to conduct alcotests or breath tests than they presently have. We believe that not only will random breath testing provide an effective deterrent and have a psychological effect on road users but also the wider power of the police to test offenders will be invaluable in the fight by the police and the community at large, as well as the Government, against the serious road toll.

So, recognising the realities of the situation, the Government is prepared to accept the position where, at this stage, we do not have any prospect of getting through the Council and the Parliament the provisions relating to random breath testing. We are prepared to see that part of the Bill go to a Select Committee, which would be concerned with assessing whether or not random breath tests conducted by the Police Force could make a contribution to reducing the road toll. We want to see the other part of the Bill continue, as it is most important. Under the procedures under which we are required to act, it is not possible to do that unless the Bill goes to the Committee stage and is debated at that point.

What I propose to the Council (and this is foreshadowing a course of action which will at least give us some part of the Bill and yet not kill the random breath testing proposal absolutely) is that this motion by the Leader of the Opposition be defeated and that the Bill go to the Committee stage. The Government will then continue to attempt to have the random breath testing proposals supported by the Council but if, as has been indicated by a majority of the Council, the Council is not prepared to accept that but is prepared to allow the widening of the offences upon the detection of which a breath test may be required, we will be satisfied with that at this stage. If the Bill in that amended form passes through the Council, I will then seek leave to move a motion without notice.

The Hon. C. J. Sumner: What if it's refused?

The Hon. K. T. GRIFFIN: That is in the hands of the Leader of the Opposition; we will deal with the question of leave at the appropriate time. It is proper to inform the Council of the sort of procedure which I believe would be appropriate and which would achieve some of the Government's objectives. If the Bill in that amended form is passed by the Council, I will then seek leave to move a motion without notice which will be directed towards establishing a Select Committee to examine the question of random breath testing and to assessing whether or not its introduction would make a contribution to reducing the road toll. I believe that that course of action would enable the Council to consider the matter adequately and would help allay some of the fears of the members of the Council that the matter upon which they have some reservations will be adequately explored.

At present I would urge honourable members to vote against the motion, to enable the Bill to go to the Committee stage and then ultimately, with the co-operation of honourable members, to pass an important part of the Bill and enable us to move to a Select Committee on the question of random testing.

The Hon. R. C. DeGARIS: Some of the comments made by the Leader of the Opposition simply have to be answered. There is no question now that the aim of the Opposition is to delay or defeat the most important part in this Bill, which is clause 5. I believe that 99 per cent of the effect of this Bill is contained in clause 5. It is the major part of the Bill, the major thrust and the major initiative in the Bill.

The Hon. C. J. Sumner: Nonsense!

The Hon. R. C. DeGARIS: It is not nonsense, because that clause will give the police power to do more breath testing than they are now doing and to establish, if they so desire, breath testing stations at radar and amphometer traps.

That can be done under clause 5. Clearly, 99 per cent of the effectiveness of this Bill is in clause 5, and it is clear that the Leader seeks to delay or defeat this clause. I stress that this clause is absolutely important and should be implemented as quickly as possible.

Any reference to a Select Committee merely delays this important provision. I have no intention whatever of refusing leave to the Attorney as the Leader suggested, because I want to see that clause operative. Clearly, by referring it to a Select Committee we would delay it and be doing a disservice to the community.

The Hon. C. J. SUMNER (Leader of the Opposition): First, in response to the Attorney's proposition that the Opposition has varied its approach on this matter, I believe that the Government has changed its approach. It did not want anything to do with a Select Committee but

has now come down to a proposition concerning a Select Committee because it has been forced into it.

The random breath testing provision was a major part of this Bill; the extentions of the police powers was only a minor part. The Opposition did not draw any distinction between police powers and random breath tests in moving the motion, and we believe that the whole Bill should be referred to a Select Committee, because there are doubts and concerns about the extension of police powers. Section 83 of the Road Traffic Act provides:

(1) A person shall not cause or permit a vehicle to stand on a road in such a position or condition as to—

(a) cause or be likely to cause danger to other traffice using the road; or

(b) obstruct traffic on the road; or

(c) obstruct a gate door or entrance by which vehicles enter or leave any land or building, or a crossing place leading across a footpath to any such gate door or entrance.

Subsection (1)(c) means that one can park in a driveway and be apprehended under the breathalyser provision. That is why the Opposition believes that there are important matters regarding the extension of police powers in the Bill. Under paragraph *(b)* of subclause 83(1), one can also be apprehended and subject to a breathalyser.

The Hon. M. B. Cameron: What's wrong with that?

The Hon. C. J. SUMNER: It has nothing to do with the way in which one drives. It is a minor offence under Part III.

The Hon. M. B. Cameron: What objection have you if it is parked on the road in a dangerous position?

The Hon. C. J. SUMNER: In some circumstances it may be dangerous. At present if the car was parked in a dangerous position and the police thought that there was some evidence that the person involved was under the influence, they could take action. However, a perfectly innocent citizen who manages by mistake to park his vehicle half-way over the driveway of a suburban home on the way to the football could be apprehended under this Bill.

That is what I mean when I say that the extension of police powers is dramatic and it should be referred to a Select Committee. Section 85 (1), which will be of particular interest to members of Parliament, provides:

(1) The Governor may by proclamation—

(a) declare that any area in that part of any street which abuts on the site of either House of Parliament shall be a prohibited area within the meaning of this section;

(b) revoke or amend any such proclamation.

(2) A person (whether holding any other licence, permit or other authority or not) shall not leave a vehicle stationary in a prohibited area proclaimed under this section.

If the Hon. Mr. Cameron's wife comes to visit her husband because Parliament is having a late sitting and she is not driving the car with the Parliament House sticker, under section 85, if she parks at the front of Parliament House, she could be then placed under the breathalyser.

The Hon. M. B. Cameron: That wouldn't worry her.

The Hon. C. J. SUMNER: It may not.

The Hon. M. B. Cameron: She would be pleased that they were interested enough to protect her on the road.

The Hon. C. J. SUMNER: The point is that there is a drastic increase in police powers in the Bill. Honourable members must see the seriousness of the position. Any member parking in the front of Parliament House illegally could be picked up and made subject to a breathalyser test.

The Hon. R. C. DeGaris: What you are saying is quite crazy.

The Hon. C. J. SUMNER: Perhaps the Hon. Mr. DeGaris should read section 85.

The Hon. R. C. DeGaris: You should be concerned about driving under the influence.

The Hon. C. J. SUMNER: Under this Bill one does not have to be driving under the influence, which is what the honourable member has overlooked. Under this proposal, one can be picked up without any evidence of one's driving under the influence. One can be picked up for the most minor offence, such as parking outside Parliament House.

The Hon. K. T. Griffin: Driving on the footpath is not included.

The Hon. C. J. SUMNER: I am not sure about that. If it is in Part III it would be included.

The Hon. K. T. Griffin: But is not included at present.

The Hon. C. J. SUMNER: I am indebted to the Attorney for his contribution. One example that must happen every day of the week for people living in a narrow street is that they park their vehicle partly on the footpath to give people more room to pass on the street. That is a common occurrence, but it could result in a breathalyser test under this legislation.

The Hon. J. A. Carnie: Under what provision?

The Hon. C. J. SUMNER: Section 66. That is the position. There is a substantial increase in police powers and, when the Opposition moved for a Select Committee, it was moving on the whole Bill. The breathalyser was a major part of the Government's legislation. Certainly, it was an area in which debate was concentrated in this Chamber, but the other aspect of the Bill is significant. As I have said, it increases the powers of police to apprehend drivers for minor offences without any other evidence of drink driving but the commission of that offence.

In summary, this is precisely the same proposition that we moved yesterday. I think that a Council that was behaving consistently about this issue would support the motion that it supported yesterday, a proposition in precisely the same terms, except confined to a Select Committee of this Council. Those who supported it yesterday should in conscience support it today.

The Council divided on the motion:

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

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Cameron.

Majority of 1 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Commissioner of Police may authorise breath tests."

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

Page 1, lines 15 to 24—Leave out this section and insert new section as follows:

47da. The Commissioner of Police shall give directions designed to ensure that, where a traffic speed analyser is used under this Act, alcotest and breath analysing instruments are also used for the purpose of determining the concentration of alcohol in the blood of any person detected by the traffic speed analyser exceeding any speed limit under this Act.

I explained during the second reading debate why I intended to move this amendment. I said that the procedure to be adopted in random breath testing could be

turned into somewhat of a farce by people who would exploit the position that the Government intends advertising the day and maybe the position of the alcotesting stations. I believe that that objection and another objection on which I did not place a great amount of weight but which was there involved an unwarranted invasion of privacy. I indicated in the second reading debate that I would be moving this amendment, which insists that, where a speed trap of any sort is set up, whether amphometer or radar, and where a person is detected exceeding the speed limit, he shall be breath tested. This overcomes the question of any unwarranted invasion of privacy. The person has broken the law before he can be alcotested, and it gives the police the power to conduct breath testing at certain places on the road where they have established this form of speed trap.

I know that the Labor Party, with the attitude it has displayed in relation to increasing police power in regard to breath testing, will probably vote against the amendment. I know, too, that the Government believes that the amount of equipment that would be required to fulfil the application of the amendment is something that it might not be prepared to meet—and it would require a large number of units to police any increase of this type.

If we are serious in an attack upon the effect of alcohol on our road toll, this is the most effective means of doing it that has come before us in this debate. If the amendment is not carried, it leaves me with only one option, that of voting against the clause.

The Hon. J. A. CARNIE: I support the amendment, which does not cut across my opposition to random breath testing. Rather, it brings it into an aspect of the Bill that I have supported all along, namely, a widening of police powers. I can add little to the reasons given by the Hon. Mr. DeGaris for moving the amendment. If the amendment is lost, as I am sure it will be, I will also vote against the entire clause.

The Hon. FRANK BLEVINS: The Opposition opposes the amendment. Indeed, we doubt very much whether it would in any way be effective in reducing the road toll. Unless the Government gives an assurance that it will increase greatly funds that will make this effective and enable the police to have a large number of these units, there will be a great reduction in the use of radar and other speed detection devices of that nature. If the cost of these things and the manpower required is doubled, for example (and I am sure that it will be more than doubled), speed controls on our roads will be halved. The measure will therefore be counter-productive.

It seems ridiculous to be approaching the matter in this way, as many speed traps are used in the morning, when people are hurrying to work. It would seem to be a total waste of resources to breath-test people who are on their way to work at 7.30 or 8 a.m. if those people happen to be travelling at 30km/h past a school where the speed limit is 25/km/h. The Hon. Mr. DeGaris has not thought out this matter very well at all, and for the reasons to which I have referred the Opposition opposes the amendment. I assume from what the Attorney said during the second reading debate that the Government will also vote against the amendment.

The Hon. K. T. GRIFFIN: Although I appreciate why the Hon. Mr. DeGaris has moved his amendment, the Government cannot accept it. The amendment would make it difficult for the police to conduct radar traps, because the amendment provides that it shall be mandatory for an alcotest or a breath analysis to be taken of every person who is detected driving through a radar or amphometer trap.

There are many radar traps that go all over the State and operate every day of the year. However, I understand that there are limited numbers of alcotesting and breath-analysing units available in the Police Force. It would therefore require a substantial increase in outlay to purchase some units, which are, I understand, fitted out in vans that travel from location to location.

If we are to have a radar unit and team and a breath analysis unit and team to operate the instruments, it will result in increased manpower and equipment requirements. It will also mean that everyone who commits an offence when going through a radar trap will have to be tested, and that is unrealistic.

I make the point that this matter is already covered, because in the prescribed offences under Part III of the Act, and under the provision that we hope will pass to widen the offences to include in Part III all those for which a police officer may require an alcotest or breath analysis, the offence of speeding is already included. So, the police already have the discretion to require such a test when a speeding offence is detected. I therefore suggest that this amendment is contrary to the requirements of the Bill.

The Hon. J. E. DUNFORD: In the second reading debate I spoke at length in opposition to the Bill and in support of the motion to appoint a Select Committee. I did so for several reasons. If a Select Committee was appointed, we would be able to ascertain the police attitude and why it opposed random breath testing.

We could have random breathalyser testing on a compulsory basis every day of the year. I am concerned that, because of the congestion that occurs on our roads, many workers must exceed the speed limit in order to get to work on time and, if a worker is pulled aside, he could be delayed for 20 minutes, as a result of which he could lose his job. If the officer pulling a person aside does not know that the person has been drinking and cannot make a judgment on whether he should be tested, that officer should not be in the Police Force. If on my way home from this place a policeman pulled me over and insisted that I needed a breathalyser test when I had had nothing to drink, I would be upset. If this amendment was carried, an officer would be obliged to perform such a test without making any assessment.

This will be an imposition on the Police Force, and will result in many people having a grudge against the police for the rest of their lives. I have seen many radar traps operating early in the morning, but only the odd one operating at night.

I am concerned that late on Friday and Saturday nights there are always larrikins driving around under the influence of alcohol or drugs or simply speeding for the hell of it. However, one never sees the police around at those times and I have no idea where they get to. Surely there is no shortage of manpower, because last year the Labor Government provided an extra 100 men to the Police Force at a cost of $1 000 000. I oppose the amendment.

The Hon. R. C. DeGARIS: It is quite obvious that the Labor Party will oppose every suggestion made by the Government. The point made by the Attorney-General was perfectly correct in that if I change the word "may" to "shall"—

The Hon. B. A. Chatterton: You have said that he already has that power.

The Hon. R. C. DeGARIS: I am coming to that. If the amendments contain the word "may" instead of "shall" the amendments would do nothing, because that power already exists in clause 6, and that is the point that I have been trying to stress all along. The major power in this Bill is contained in clause 5.

The Hon. J. E. Dunford: Your amendment will provide

that every person who is picked up for speeding shall be tested.

The Hon. R. C. DeGARIS: That is correct.

The Hon. J. E. Dunford: The clause you are referring to says that he may be tested.

The Hon. R. C. DeGARIS: That is correct. I am saying that if the Opposition opposes everything in this Bill we will not get anywhere with this problem. This particular amendment, if it had the word "may", would do nothing, because that power is already contained in clause 5.

[Midnight]

The Hon. Mr. Sumner said tonight that what I was saying was completely wrong and that the real power was contained in clause 4. However, there is practically no power to do anything about this problem in clause 4. The real power lies in clause 5, which means that, if the Police Commissioner so desires, he can put alcotesters at a radar station or an amphometer station, which is where they should be.

The Hon. G. L. BRUCE: I oppose the amendment. The amendment refers to traffic speed analysers. This Council recently passed a Bill in relation to the speed limit past roadworks and school crossings. If an alcotest unit is placed in one of those areas along with a speed detection device, I believe that nine out of 10 motorists would be stopped, because everyone passes a school at a speed in excess of the 25 km/h limit. However, even though those motorists may be exceeding the limit by one or two kilometres an hour, they are not driving dangerously, but they will still have to submit to an alcotest. Therefore, I oppose the amendment on those grounds.

Amendment negatived.

The Hon. J. A. CARNIE: I indicated earlier during the second reading debate and a few moments ago in support of the Hon. Mr. DeGaris's amendment that, if the amendment to clause 4 moved by the Hon. Mr. DeGaris did not pass, I would oppose clause 4 in its entirety. Clause 4 is the main clause and deals with the biggest objection I have to this Bill, which is random breath testing.

I do not intend to canvass all of the arguments that I used yesterday during the second reading debate, because I believe I covered them very fully at that time. However, I repeat that I strongly support the increase of police powers in relation to the widening of offences where a police officer may require a motorist to undergo a breath test. If any evidence had been presented to me to show that random breath testing would have any significant effect on the road toll, I would have supported this measure. However, no such evidence has been forthcoming. Therefore, I am forced to oppose anything in this Bill dealing with random breath testing, and I will vote against clause 4.

The Hon. FRANK BLEVINS: The Opposition will also be voting against this clause. As the Hon. Mr. Carnie has said, the whole issue has been thoroughly debated and it is pointless to go through the whole argument again. There are two main areas where the Opposition opposes this clause. The first relates to civil liberties. Obviously, there is a strong deterioration in people's civil liberties under this clause, and there is no corresponding benefit to compensate for that erosion.

The Opposition has made it quite clear that, if the Government had proved its case that there would be some reduction in the road toll due to this measure, the Opposition's attitude could have been completely different. However, that was not the case. The second reason why the Opposition opposes this clause is the ineffectiveness of the measure on the evidence put before this Council by the Government. This whole issue is certainly worthy of further examination in an atmosphere that would be a little bit calmer than has been the atmosphere that has prevailed over the last couple of days, and that is why the Opposition moved for a Select Committee. There are some very important questions raised in relation to the effectiveness or otherwise of this measure.

The invasion of civil liberties is worthy of further consideration. Until such time as this consideration has been given to this measure, the Opposition has no alternative but to oppose this clause.

The Hon. K. T. GRIFFIN: The Hon. Mr. Blevins suggested that there would be a calmer atmosphere at some stage in the future when we will be able to consider the question of random breath testing. However, when the topic of random breath testing has been raised there has always ceased to be a calm atmosphere in which the question can be considered. There has been and always will be the argument that, for the police to have the power to stop people and require them to take an alcotest or breath analysis test, it will be a breach of civil liberties. The argument will be hot and persistent whenever we raise the question. Whether we deal with that today or in two or six months time, the atmosphere in which the question is considered will be no different. I have quite firmly put to the Council that it is not just a question of the civil liberties of the person who is driving and who is stopped to blow into the bag; it is a question of the civil liberties of all other people on the road—the majority of people who are at risk as a result of persons who have been drink driving. They are the ones—the people on the roads, the people at risk and the possible victims—whose civil liberties are very much infringed upon by someone who wants to selfishly drink alcohol and then get behind the wheel of a car and attempt to drive it along a road.

The Hon. M. B. Cameron: While we fiddle around.

The Hon. K. T. GRIFFIN: Yes , while we fiddle around on this matter. The question yesterday was one which aimed to balance the claim of civil liberties of drivers against the claim of civil liberties for those who are likely to be victims. I and the Government take the view that the civil liberties of victims far outweigh the civil liberties of those who may be stopped and be required to take an alcotest or breath test. The problem of drink driving is a serious one.

The road accident toll is one of great concern not only to the Government but also to many members in the community. The Government has taken this initiative because it believes that it will have some impact on the reduction of the road toll. If there is any chance that it will have that impact, then we ought to be prepared to enact the legislation and require random breath testing within the community. Arguments have been put from both sides. I and the Government believe that random testing has been proved to have some effect on the road toll. Even if the statistics are arguable by those who want to argue for or against the use of random tests, the fact is that statistics are available that show that it does have some effect. I therefore urge the Council to support the clause.

The Hon. C. J. SUMNER: The Government has said that it believes that this measure for random tests would have an effect on the road toll, given that its proposals for random breath tests differ considerably from the system in Victoria. What evidence does it have that this will have any effect on the road toll or the number of accidents that occur? Has the Government carried out any assessment of the validity of random breath tests as opposed to other measures to deal with the road toll?

The Hon. K. T. GRIFFIN: It is all very well to say that the concept of this Bill is different from the concept of random breath testing in Victoria. The core of the question is the random nature of the tests. It does not matter whether the station is illuminated as it is in Victoria or whether there has been a public announcement in the press that on a certain day or days the police will be conducting random tests. The fact is that, in conjunction with a concerted publicity campaign, it is an effective measure that will reduce the toll. If only on those days it reduces the toll, it will be worthwhile. The statistics in Victoria quite clearly demonstrate that the psychological effect of random testing is a significant contributing factor in reducing the road toll.

The Hon. C. J. Sumner: That has not been established.

The Hon. K. T. GRIFFIN: The Leader of the Opposition has asked whether the Government has conducted any tests. We cannot conduct any tests, as we do not have the power to conduct them.

The Hon. ANNE LEVY: I wish to comment on what the Attorney-General has just said. The proposal before us for random breath tests is to have tests on six days a year. The Attorney-General is suggesting that that will have a significant effect on those six days a year on the road toll. That is absolutely absurd. We have about 300 road deaths per year in South Australia. That is an average of less than one a day. If random breath tests are 100 per cent effective on the six days on which they were operating, the total would fall by six.

The Hon. L. H. Davis: For $24 000, do you not think that is worth it?

The Hon. ANNE LEVY: The total is reduced by six. It is ridiculous to suggest that it would ever have any statistical significance.

The Hon. C. M. Hill: It would just save lives.

The Hon. ANNE LEVY: We would never be able to prove that it saved any lives at all.

The Hon. C. M. Hill: We are not talking about theory; we are talking about saving lives.

The Hon. ANNE LEVY: We do not know that we are saving lives unless a statistical analysis shows an effect. This measure is an improperly designed statistical experiment.

The Hon. J. R. CORNWALL: I have great difficulty in understanding why the Government has taken the line that it has taken. The Government has referred consistently to the Victorian concept. It has not yet convinced me that the Victorian model is an effective one overall, but since it has been used consistently it is surprising that the Government has not opted for the Victorian model. I find it difficult to understand. Will the Attorney-General explain why the Government did not opt for the Victorian model?

The Hon. K. T. GRIFFIN: The police believed that the system was a reasonable approach and had safeguards built into it, keeping in mind there is likely to be some controversy, particularly when some are concerned that civil liberties of drivers are being infringed. The Government took the view that it was better to do things in small measures and establish the effectiveness than to rush in and do it on a universal basis.

Many people in the community believe that complete random breath testing is the best method. They may be right, because the capacity of effectively deterring by absolute random testing without advertising is surely likely to be more effective. The Hon. Anne Levy has raised questions about statistics. I refer to a report by A. P. Vulcan which I have obtained from the Parliamentary Library and which refers to statistical analyses from the Victorian experience with random testing. The report states:

> During weeks 43 to 49 of 1978 (that is 23 October to 10 December), the Victorian Police applied intensified random breath testing in turn to four sectors of metropolitan Melbourne. Testing was carried out in one sector at a time, on Thursday, Friday and Saturday nights, in accordance with an experimental design proposed by the Road Safety and Traffic Authority which would allow the effect of operations in each sector to be measured.

The report continues:

> During weeks 50 and 51, the police continued to apply random breath testing to various locations throughout the metropolitan area, but the extent in each sector was lower than during the period of intensified testing.

The report goes on to state:

> During weeks 43 to 51 of 1978, there was a 50 per cent reduction in the number of people killed in road accidents in the Melbourne statistical division on Thursday, Friday and Saturday nights, compared to the same weeks in 1977. This compares with a 14 per cent reduction during the control period, that is, Thursday, Friday and Saturday nights of weeks 27 to 42 (table 1). Together these results represent a net reduction of 54 per cent which was statistically significant.

Similar results which had previously been published for weeks 36 to 49 are also in table 1(A) in the report for completeness.

Here is evidence of a technical analysis of the Victorian experience. I know that the Opposition will ask what is the comparison between the Victorian and the South Australian situation, but the fact is that it is random testing. Whether it is publicised by setting up a location, whether it is published as it was in Victoria by some intensive publicity campaigns identifying the activity of these testing units in Victoria during the period in question, or whether it was by announcement in the press that police would undertake testing on certain occasions, as is the intention in South Australia, the fact is that it still relates to random testing, and it is the random testing aspect that is the important part of the analysis.

I now refer to the Evaluation of a Period of Intensified Random Breath Testing in Victoria, the report by Messrs. Cameron, Strang and Vulcan presented at the First Pan-Pacific Conference on Drugs and Alcohol in Canberra, on 26 February to 5 March 1980. Conclusions are made about random breath testing in Victoria, and the report states:

> Intensified random breath testing and the associated publicity in Melbourne between October and December 1978 resulted in substantial reductions in the risk of road accident fatalities and serious casualty accidents at night. The effect was predominantly in the areas and during the weeks of intensified operations, with residual effects during subsequent weeks.

That is the assessment in that report of their study of the Victorian experience. That is sufficient justification for trying it in South Australia.

The Hon. ANNE LEVY: I must take issue with the Attorney. The papers he just seems to have discovered have already been quoted in the debate by myself, the Hon. Mr. Carnie and the Hon. Dr. Ritson, to name but a few. We are well aware of the studies quoted and have already indicated that it is not relevant to what is suggested for South Australia. The Victorian situation, as the Attorney has recently discovered, involved intensive random breath testing for eight weeks, three nights a week; that was 24 different nights that there were eight patrols out for 100 hours. In South Australia it is suggested that there will be six days a year!

We would not achieve that intensity until we had that number of breath tests and the system in operation for four years—not eight weeks. The figures quoted by the Attorney refer clearly to an intensified campaign over a

short period. No-one denies that that was effective, but that is not what is being suggested here and, furthermore, as the Attorney has quoted, there was a residual effect which lasted two weeks only, and then vanished. To suggest that what is being proposed in this Bill relates to the Victorian experience is totally erroneous, and no deductions can be drawn from one situation to the other.

The Hon. J. R. CORNWALL: I am absolutely amazed to hear the Attorney continually and consistently quoting the Victorian experience and model. Perhaps the Victorian model is effective and, if there is a genuine reduction in the road toll with random breath testing, perhaps it would have been appropriate to have introduced that in South Australia.

The Hon. K. T. Griffin: You would not have supported it.

The Hon. J. R. CORNWALL: I may have supported it. I have had experience in Victoria from spending a couple of weeks there in the past two summers. There is no question amongst the people of my limited circle that, if one is going to a social function and one knows that the breathalyser has been active recently in the area, one leaves one's car at home. That is based on personal experience.

The Hon. C. M. Hill: That's the point; it is a deterrent.

The Hon. J. R. CORNWALL: That is no point at all.

The Hon. C. M. Hill: You've admitted that it is a deterrent.

The Hon. J. R. CORNWALL: If you are claiming that it works in Victoria, then surely the Victorian model is the one that should be introduced in South Australia.

I do not know how members opposite have laboured for so long and brought forth a mouse. If they claim that the Victorian experience works, then the Government should introduce legislation based on the Victorian model. This half-baked thing does not appeal to me or my colleagues. There is no information on which to base it, and the Government cannot know whether it will work. I issue a challenge: why not the Victorian model, and why not the Victorian legislation? I would seriously consider supporting any legislation based on the Victorian law.

The Hon. K. T. GRIFFIN: Then the honourable member can support this Bill, because there is no limitation in the Bill limiting it to six days or six periods a year.

Members interjecting:

The Hon. Anne Levy: Can we trust the Minister's word?

The CHAIRMAN: Order!

The Hon. K. T. GRIFFIN: The Minister has said publicly that this would be his intention. It is all very well for the Hon. Mr. Cornwall to say that we should amend the legislation and introduce the Victorian system, but the legislation would enable the Victorian system to be implemented without any further legislative changes.

The Hon. G. L. BRUCE: The Bill has been introduced in haste, as is evident from a study of new section 47da (3). Who decides what is undue delay and what is inconvenience? What redress has anyone who is stopped? A woman who is going to a dental appointment or a man who is going to work could consider five minutes an undue delay, as could someone on an urgent mission. I do not want to get involved in the merits of the Bill, but I am concerned about the random aspect, which turns it into a lottery.

On a reasonably busy highway, the police probably could pull in one car out of 15, making fish of one and fowl of another. We saw with Vietnam what the lottery was like; the luck of the draw put one kid there to be shot at. I object to the random aspect. To me, random breath testing seems to be dodging the issue. If it is to be done, it should be done for everyone. The whole approach is hypocritical. The Bill says it is all right to drive if your blood alcohol reading is less than ·08. In other words,it is all right to be a little bit drunk in charge of a car.

As a Parliament, we reflect the views of society, and at present society is not prepared to accept the consequences of drink driving. We go as far as we are game and as far as society will let us. If we were fair dinkum, we could stamp it out overnight by passing a Bill that anyone who is in charge of a car and who has a blood alcohol reading will lose the car.

The Hon. R. C. DeGaris: Would you support an amendment to do that?

The Hon. G. L. BRUCE: What amendment?

The Hon. R. C. DeGaris: Taking the car, or reducing to ·05?

The Hon. G. L. BRUCE: That is not here.

The Hon. R. C. DeGaris: Would you support me if I moved that?

The Hon. G. L. BRUCE: Society is not prepared to support it. Alcohol is a legal drug, and it is only one of the drugs people use when they are driving. A television programme the other night showed the fantastic number of drugs that people take, with alcohol as the main drug. The Government is prepared to take millions of dollars a year from the alcohol trade and then crucify anyone found using the drug. Society is hypocritical. We are prepared to go along with what society will let us do, but at this stage people will not let us belt them over the head and stop them from driving cars when they have alcohol in their blood.

The Hon. L. H. Davis: But 66 per cent in the survey said they supported it.

The Hon. G. L. BRUCE: No-one in a car, with alcohol in his blood, is prepared to accept a responsibility to society. People set their own standards, and they are not concerned about anyone else.

The Hon. L. H. Davis: What are Governments for?

The Hon. G. L. BRUCE: Governments would not last. If the Government passed legislation to stop this, it would be out of office quicker than you could say "Jack Robinson".

The Hon. C. J. SUMNER: There seems to be some doubt about what will occur under random breath testing. The Attorney-General seems to have put different propositions. I understand that the Minister said the provision would be used for six days a year, but the Attorney-General seems to be saying that that is not in the Bill and that it could be more; indeed, he said six periods a year. This needs to be clarified. What is the Government's intention? How many days and how often in a year will random breath testing be used, and for how long will that period last? Will we see after six months an extension of the number of days on which the random testing will be carried out? What will happen to the proposal of notifying the public of where it will be carried out? Has the Minister abandoned that idea, which apparently he believed in at one stage? Will there be notification to the public of the periods when random breath testing will be carried out?

The Hon. K. T. GRIFFIN: I have put to the Committee that there is no specific provision in the Bill to require the random breath testing to be limited to any fixed number of days or periods of time. I said that the Minister had indicated publicly that it was his intention that random breath testing should be used in approximately six periods, and he stated that he would indicate publicly that they were the periods when random testing would be carried out, but not the location.

The Hon. J. R. CORNWALL: That creates even more

confusion in my mind. Will these periods be 12 hours, two days, 30 days, two months at a time, or continuous?

The Hon. K. T. GRIFFIN: I do not intend to pursue the matter. If the honourable member is becoming so pedantic, it is not worth wasting the time of the Committee in replying.

The Committee divided on the clause:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, J. A. Carnie, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. N. K. Foster.

Majority of 3 for the Noes.

Clause thus negatived.

Clause 5—"Police may require alcotest or breath analysis."

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

Page 2, lines 8 to 19—Leave out all words in these lines.

There is no point in my canvassing the amendment, which strikes out all references to random breath testing. Clauses 5(a) and 5(b) are left in the Bill, the former being the important provision, which widens the offences for which a police officer may require an offending driver to submit to a breath analysis. I cannot repeat too much that I support this provision.

The Leader of the Opposition said earlier that he considered this provision to be an unimportant part of the Bill. However, I consider it to be an extremely important part, as it requires that a person must have committed an offence before he can be required to submit to a breath analysis. On the other hand, with random breath testing one does not have to commit an offence in order to have to submit to a breath analysis. Therefore, to say that this provision is the harsher of the two provisions is ridiculous.

The Leader of the Opposition also said that the main problem with random breath tests was that they were an infringement of liberty. I would be prepared to put up with an infringement of liberty if I thought that it was for the greater good of the community. However, an average of 99 people would have to submit to a breath analysis to find only one guilty person, and those odds do not warrant the infringement of liberty that is involved. I do not consider the infringement of liberty to be the main concern. Indeed, I would accept it if there were evidence that it would do any good.

The Hon. K. T. GRIFFIN: The Government does not accept the amendment. I regard the defeat of and the debates on clause 4 as expressing all the principles relating to random testing. Although the Government opposes this amendment and the other amendments that are consequential on the Committee's decision on clause 4, I do not intend to call for a division.

The Hon. C. J. SUMNER: The Opposition supports the amendment, which is consequential on the amendment that has already been carried deleting clause 4, the substantial clause dealing with random breath testing. However, having supported the amendment, the Opposition will oppose clause 5 as it will remain if the amendment is carried, because the clause still contains a matter with which the Opposition disagrees, namely, the proposition that the police may apprehend and conduct a breath test on any person who commits an offence under Part III of the Act of which the driving of a motor vehicle is an element.

I told the Council when it was dealing with my motion to refer the whole matter to a Select Committee that some of the offences under Part III are minor offences only and extend to such things as parking in a prohibited area outside Parliament House, parking on a footpath, or parking inadvertently in a driveway when going to, say, a football match.

All those offences are very minor yet for that type of infringement an offender could be required to submit to a breath test. The provisions in clause 5 relating to the extension of police powers significantly increase the powers of the police, and the Opposition believes that that matter should have been referred to a Select Committee. However, as the motion for a Select Committee on this matter has been defeated, in addition to opposing the clause dealing with random breath tests, the Opposition also opposes the clause in relation to the extension of police powers, until the matter can be further investigated. That is the proposition that the Opposition put to this Council yesterday and today.

Amendment carried.

The Committee divided on the clause as amended:

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

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

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. N. K. Foster.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 6—"Evidence, etc."

The Hon. J. A. CARNIE: Consequential to the deletion of clause 4, this clause is no longer relevant to the Bill, because it deals with the issuing of a certificate signed by the police to say that a certain person has been tested at a certain time. It also deals with the question of certificates purporting to be signed by the Commissioner of Police certifying that authorised members of the Police Force conducted breath tests on persons driving motor vehicles. In total, the clause deals with random breath tests, which provision has now been deleted from the Bill. Therefore, to be consistent, the Committee must oppose clause 6.

The Hon. K. T. GRIFFIN: The Government will oppose the deletion of this clause, to be consistent, but it will not divide on the issue.

Clause negatived.

Clause 3—"Interpretation"—reconsidered.

The Hon. K. T. GRIFFIN: It is appropriate from the point of view of the drafting of this Bill that, in consequence of the amendments made by the Committee, clause 3 no longer stands as part of the Bill.

Clause thus negatived.

Title passed.

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

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition opposes this Bill. As I have already stated, the Opposition's firm position was that the whole Bill should be referred to a Joint Committee of members from both Houses, or, alternatively, to a Select Committee of this Chamber. The Council has decided that it will not approve the proposition for a Select Committee on the whole Bill.

We believe that there ought to be a Select Committee

not only in relation to random breath testing but also in relation to the extension of police powers under Part III of the Road Traffic Act. The extension of powers under Part III is still in the Bill and, accordingly, the Opposition cannot support the third reading. It is a pity that the Council, which made a suggestion yesterday to support a Select Committee on this Bill, has now, by some mystical means and by the processes of some people's minds, found that it can no longer support today what it supported yesterday. That is something honourable members will have to live with. I would have thought that some consistency in this matter would require those honourable members who voted for the referral of the whole Bill to a Select Committee yesterday to vote for the referral of the whole Bill to a Select Committee today.

We know that the Government has indicated that it is capable of an about-turn on most matters that it puts to the people at various times, but it is clear that it is not only the Government that is unable to make up its mind and is not able to adopt a consistent line on anything. It is a pity but, as this provision still remains in the Bill without being investigated by a Select Committee, the Opposition must oppose the third reading of the Bill.

The Council divided on the third reading.

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

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

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. N. K. Foster.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

Later:

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

SELECT COMMITTEE ON RANDOM BREATH TESTS

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave of the Council to move a motion without notice with the intention of establishing a Select Committee.

The Hon. C. J. SUMNER (Leader of the Opposition): I would think that the suggestion of moving this motion at this stage is out of order. The Bill that has just been passed by the Council is a Bill which came from the House of Assembly and which included provisions relating to random breath testing. That Bill has to be returned to the House of Assembly, which in turn has to comment on the amendments moved by the Council. Until that is done, it is not competent for this Council to consider a motion to set up a Select Committee on a matter which is still before the two Houses. Accordingly, I believe that it is not competent for this motion to be moved at present.

The PRESIDENT: The Attorney-General has asked leave to move a motion.

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President; it is a very valid point of order. How can this Council move to set up a Select Committee (and that is what the Attorney-General intends to do) on random breath testing when it is still a matter that is before the Parliament as a whole? The Bill that we have just dealt with contained provisions relating to random breath tests. We must wait for that Bill to be transmitted to the House of Assembly and for its attitude on the Bill to be ascertained. When the Bill comes back we may find that it has disagreed to our amendments. If that is so, we must consider that disagreement. It would be quite wrong to set up a Select Committee or to move such a motion when we do not know the results of the House of Assembly's deliberations on our amendments.

The Hon. K. T. GRIFFIN: The motion I seek leave to move without notice is to establish a Select Committee to look at various aspects of random breath tests. It is irrelevant whether or not the question of random breath tests was included in a Bill that has been before the Council. It is competent for the Council to establish a committee to examine any matter, whether it has previously been dealt with in a Bill or not. My request is not out of order. In fact, the substance of the motion that I intend to move if I obtain leave does not deal with a Bill, but with a subject.

The PRESIDENT: The Attorney-General can ask leave, but he takes his chance about whether he gets it.

The Hon. C. J. SUMNER: Before we consider whether leave should be granted, I indicate that the Attorney has been good enough to provide a copy of his motion to me. That is proper, because we could not give leave without knowing the nature of the motion. Is the Attorney willing to have the motion split between those propositions dealing with random breath testing and the other matters involved in the substantive part of the motion, and the other part, dealing with the membership of the committee?

The Hon. K. T. GRIFFIN: I would have thought that was a matter for you, Mr. President, to determine after I had moved my motion.

Leave granted.

The Hon. C. J. SUMNER: Perhaps I should now raise my point of order, that at this time it is incompetent for the Attorney to move his motion, for the reasons put to you already, Sir, that the matter is still before Parliament.

The PRESIDENT: When the Attorney-General moves his motion I will make a ruling.

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

(*a*) That a Select Committee be appointed to inquire into and report upon:

1. Whether or not the introduction of random breath tests (meaning alcotests or breath analyses as defined in the Road Traffic Act, 1961-1978) of drivers of motor vehicles by members of the Police Force is likely to contribute to a reduction in the road toll.
2. If such random tests are likely to make such contribution—
   (*a*) what procedures should be followed and what limitations should be placed on the police in the conduct of such random tests;
   (*b*) what notice, if any, should be given to members of the public and in what manner should that notice be given of the conduct of such tests.
3. Such other matters relating to the serious problem of persons who consume alcoholic liquor driving after such consumption as may be relevant to the committee's consideration of random testing.

(*b*) That the members of the Select Committee be the Hon. Frank Blevins, the Hon. M. B. Cameron, the Hon. R. C. DeGaris, the Hon. R. J. Ritson, and the Hon. C. J. Sumner.

The Hon. M. B. DAWKINS seconded the motion.

The Hon. C. J. SUMNER: Mr. President, I now ask you to rule on my point of order. In substance, I do not believe it is competent for the Council to consider such a motion as this when the subject of the motion is still part of a dispute between this Council and another place. Another

place may disagree to our amendments and there may be a conference.

The Hon. K. T. GRIFFIN: I make the same submission that I made earlier, that the subject of the motion is to make an inquiry with respect to whether or not random breath tests are likely to contribute to a reduction of the road toll. That matter has not been the subject of a matter before the Council.

The Hon. C. J. Sumner: It was central to the Bill that you introduced.

The Hon. K. T. GRIFFIN: The committee will inquire into whether or not it is likely to contribute to a reduction in the road toll. I will debate that later, but I did want to answer the point of order. If the committee concludes that it is likely to make such a contribution, it should then establish what procedures should be followed, what notice should be given, and in what manner that notice should be given. Those matters are not beyond the competence of consideration, although the subject of random breath testing was the subject of a Bill that has been recently considered by this Council.

The PRESIDENT: It is competent to deal with the motion as it extends beyond the scope of the Bill.

The Hon. K. T. GRIFFIN: I wish to speak briefly on the motion. I have already indicated this evening that, if the area of legislation we sought to enact to deal with the question of random breath testing was not approved by the Council, as a consequence of the concern which various members have previously expressed, I would want to ensure that there was some way in which random testing could be considered by a Select Committee of this Council so that at some appropriate time it could report to the Council on its inquiries and deliberations, hopefully with a view, at a later stage in the inquiry, to reaching a conclusion indicating whether the Government was justified in proceeding to introduce legislation dealing with random breath tests.

The terms of reference of the Select Committee that I seek to establish provide that the committee should consider whether or not the introduction of random breath tests is likely to contribute to a reduction in the road toll. That is the central question in this matter. If a Select Committee reaches a conclusion that such tests are likely to make such a contribution, the committee, after hearing the evidence, will have an opportunity to consider what procedures should be considered in the conduct of those tests, what notice, if any, should be given to members of the public, and in what manner that notice should be given.

Then there is a broader provision that will enable the Select Committee to consider such other matters relating to the serious problems of persons consuming alcohol and driving after such consumption as it considers relevant to its consideration of the question of random breath testing. If the Select Committee, after hearing evidence and taking submissions, reaches a conclusion that the terms of reference are too limited to enable it to reach appropriate conclusions, and if it informs the Council accordingly, it is competent for the Select Committee to request of the Council an extension in its terms of reference.

At least in the initial stages, however, we should have the Select Committee considering that matter which was the principal cause of concern of the majority of members of the Council, that is, whether or not random breath testing had contributed to the reduction of the road toll; if it had, what restrictions and procedures should be implemented? If the Council accepts my proposition that a Select Committee should be established, I would propose that it be five members of the Council, which is consistent with the requirement of the Standing Orders and which is consistent with the practice of the Council—

The Hon. C. J. Sumner: Rubbish!

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: —even in the past 10 years during which Labor Party held Government in this State, because at least four Select Committees were established which consisted of five members.

Members interjecting:

The Hon. K. T. GRIFFIN: That is consistent with the Standing Orders. I am seeking to include on the committee two persons who are very much in favour of random testing, as indicated by their speeches to the Council on an earlier occasion, two persons who have indicated opposition to random testing, and one person who is perhaps somewhere in the middle, so that the Select Committee does have some balance and so that the claim cannot be made that it has been stacked.

I want to make a further point about the constitution of the Select Committee. While the Liberal Party was in Opposition, it maintained a majority of members in this Council. It took the view, generally speaking, that, while it sought to have Select Committees established, it was not proper for it to have the majority on the Select Committee, and that is why, on those occasions on which six members of a Select Committee were appointed by the Council, the membership was evenly balanced, with the Chairman not having a casting vote. That has been only in recent times. I remind members that the Liberal Party now has 11 members of the Council and it is the Government of the day. On this occasion, the Hon. Lance Milne has indicated his support for random testing, so it is appropriate for the Government to have three members out of the five.

Consequential upon the Council's accepting that there should be a Select Committee, I would want to ensure that the date for reporting to the Council is fixed at this stage at 10 June 1980.

The PRESIDENT: I call on the Hon. Mr. Milne.

The Hon. C. J. Sumner: Thanks a bloody lot.

The PRESIDENT: He was on his feet.

The Hon. C. J. SUMNER: That is also another convention that you are prepared to ignore.

The PRESIDENT: Order! What is the Leader's problem?

The Hon. C. J. SUMNER: I stood up. I believe on this matter that I should have got the call. That is normal.

The PRESIDENT: Order! Sit down. I will not take that as a point of order. The Hon. Mr. Milne.

The Hon. K. L. MILNE: I rise to support the Leader of the Opposition, because, for one thing, of his consistent courtesy to me throughout the debate. The Leader has been referring to the fact that I seconded his motion and supported it yesterday morning, when the Bill was a combined Bill. However, I had always wanted the Bill to be separate. I said in the debate that I thought it was a mistake for the Government to introduce the Bill with the two matters together. Now that they are separated, that is what I would have preferred, and I would prefer the Select Committee to be on random breath testing only. Especially in these circumstances, I would like to see three members from each side, and I ask the Government to reconsider this.

The Hon. C. J. SUMNER (Leader of Opposition): We have finally got to the end of this long road and the Government has agreed to our proposition to set up a Select Committee. We proposed a Select Committee yesterday, we proposed it today, and the Government on both occasions voted against our proposition. Now it has

come up with its own proposition for a Select Committee. The Government did not want a Select Committee on this Bill, but it was forced into it because it did not have the support of this Chamber for the proposition in the Bill as originally introduced. It is the proposition put by the Opposition yesterday for a Select Committee which in effect we are now considering.

I do not believe that this proposal for a Select Committee is as good as was our proposal. The terms of reference are much more limited. Our proposal would have dealt with the extension of police powers and would have had broader terms of reference, dealing with all aspects of the relationship of alcohol consumption and road safety. Such a wide-ranging discretion would have been advantageous to the Select Committee. The Government wants to confine these matters as much as possible. Perhaps it is afraid that the matters discussed in the Select Committee would be unpalatable to it. It is a pity that it has moved for a Select Committee with considerably restricted terms of reference. Our proposition for a committee with broader terms of reference has been defeated, so we are prepared to support this motion which in effect is our proposal, but a watered down version of it.

I intend to move an amendment so that an additional member can be added to the committee, which, it has been advocated, will consist of myself, the Hons. Frank Blevins, M. B. Cameron, R. C. DeGaris, and R. J. Ritson. To say the least, I am disappointed that the Government has decided to break a long-standing tradition in this place that Legislative Council Select Committees should comprise six members, namely, three Government members and three Opposition members. The Attorney-General referred to other Select Committees that have been set up in the past 10 years. I think he said that, on all the Select Committees set up in that time, only four had five members, and I suspect (although the Attorney-General did not say this) that they involved three Liberal members and two Labor members.

The Hon. C. W. Creedon: That's right.

The Hon. C. J. SUMNER: The Hon. Mr. Creedon, who has been in this place for some time, says that that is right. However, whether there were four Select Committees of that kind is neither here nor there. The point is that, in relation to all the Select Committees appointed over the past 10 years, it is hardly any great argument for the Attorney-General to say that four of them comprised five members. The Attorney-General has now decided to break a tradition that has developed in this Council of having equal numbers on Select Committees.

Every Select Committee that has been appointed in this Council since I have been a member has been balanced in that way, and it is a pity that a long-standing tradition is being broken. Unfortunately, this Government seems to be prone to breaking practices and conventions. It has done so in relation to an incoming Government's accessibility to an outgoing Government's Cabinet documents. The Government grossly abused Westminster traditions when it prepared a hit list of public servants—

The Hon. M. B. CAMERON: I rise on a point of order. I do not believe that what the Leader is saying has anything to do with the matter being debated by the Council. Is the Leader going to ramble on into all these other areas?

The PRESIDENT: The Leader of the Opposition is getting a long way from the motion.

The Hon. C. J. SUMNER: I was merely concerned to point out that the Government is prone to breaking long-standing practices, traditions and conventions, and I have given the House those two examples.

The Hon. M. B. Cameron: How long-standing is this?

The Hon. C. J. SUMNER: It would be at least 10 years.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: Certainly it has existed for the five years that I have been in this place, because, since I have been here, no Select Committee that has not been balanced in this way has been appointed. I intend to move an amendment and may have to seek the Council's indulgence to ascertain in what way I should do so. If that course of action is necessary, I will seek leave to conclude my remarks later and ask that the matter be put on motion so that I can examine any procedural problems that may exist in relation to moving this amendment. It will, in all probability, require a suspension of Standing Orders, and I will require the Council's leave to move a motion without notice.

The PRESIDENT: I do not think the Leader must do that, but I will check. I said earlier that I would put the first part of the Attorney's motion, which has nothing to do with the number of members on the committee. Then, the Leader could have debated how many members he wanted on the committee and, if necessary, he could have moved an amendment. However, I will check on that.

The Hon. C. J. SUMNER: The difficulty is that it is all on one motion and, if I sat down, that would be the end of my contribution.

The PRESIDENT: No, I would have put it in two parts and allowed the Leader to speak on the second part.

The Hon. C. J. SUMNER: If you are willing to accept that course of action, Sir, I will certainly follow it. I have ascertained that Standing Order 377 is relevant. It states:

> Every Select Committee shall, unless it be otherwise ordered, consist of five members to be nominated by the mover; but if any one member so demand they shall be elected by ballot.

I therefore believe that it is in order for me to move that there be an additional member on the committee, as Standing Order 377 clearly states that the Council may order that a committee comprise more than five members. Over the past 10 years, the Council has traditionally ordered that members of such a committee should be more than five members.

It was suggested originally that the Hon. Miss Levy should be on the committee but, as she has now told me that she will be enjoying the facilities of an administrative staff college somewhere and that she will not be available to sit on the committee for eight weeks after 10 June, it would be safer if a member who would be available was nominated to the committee.

Accordingly, I move:

> That the Hon. Mr. Bruce be included in the membership of the Select Committee:

The Hon. M. B. CAMERON: There are several matters that should be pointed out to the Leader in relation to what he has called the traditions and convention of this Chamber. The Leader has not been a member of this Council for very long, so he would not know that he was talking absolute nonsense when he referred to a long standing tradition—and I believe he mentioned a period of 10 years several times. The first time a Select Committee of six members was appointed in the Chamber was on 27 March 1974. Prior to that time the Council followed the Standing Order which has never been changed unless there was a very good reason. In 1974 the Opposition Liberal Party had 11 members in this Chamber. At that time it was a 21-member Chamber, so the Liberal Party had the majority. Because the numbers on the floor of the Council were equal, it was felt that it was proper that the Opposition should not take a majority, and the only way

to resolve the situation was to have Select Committees comprising three members from each Party. I do not know whether the Leader is aware of this, but there was an election last year and the Liberal Party received 57 per cent of the vote.

The Hon. ANNE LEVY: I rise on a point of order. The Hon. Mr. Cameron is very concerned that matters raised in debate should be relevant to the matter under discussion.

The PRESIDENT: I take the honourable member's point of order.

The Hon. M. B. CAMERON: The question of the composition of the Select Committee was raised by the Leader of the Opposition in relation to the conventions of this Chamber. If honourable members opposite do not want me to refer to last year's election, I will not. At the moment the Liberal Party has 11 seats in this Chamber, one of which is occupied by yourself, Mr. President. Therefore, the Government has 10 members on the floor of the Council. There are 11 Liberal members, 10 Labor members, and one Australian Democrat. That means that the Labor Party holds a secondary position to the Liberal Party in relation to the numbers in this Chamber.

If a Select Committee of six members is appointed it is only appropriate that the Liberal Party should have three members, the Labor Party two members and to reflect the balance of the Council, the Australian Democrats should have one. However, if the Australian Democrat representative decides not to become a member of the Select Committee it would be quite wrong for him to be replaced by a member of the Labor Party, particularly in relation to this matter where the Hon. Mr. Milne has indicated his support for the measure. The Leader of the Opposition has asked that the Hon. Mr. Milne be replaced on the Select Committee by a member of the Labor Party. That would be quite improper, particularly as the Government has sought to ensure that fairness is reflected in the Select Committee by nominating the Hon. Mr. DeGaris as a member, because the Council is well aware that he voted against certain measures related to this Bill.

The Government has attempted to be fair in relation to this matter, but the Leader of the Opposition now wants to totally distort the Select Committee. There is not a long standing tradition for having six members on a Select Committee in equal Party numbers. That position has been in vogue for only five years and I have already referred to the reasons for that situation. Now that there has been an election, and the Liberal Party has won Government and has a majority of members in this Chamber, it would be quite improper for the Labor Party to continue to demand, on those occasions when the Hon. Mr. Milne is not prepared to stand, that he be replaced by an Opposition member. That approach would totally distort the views of this Chamber on the Select Committee.

The Hon. M. B. DAWKINS: I support the Hon. Mr. Cameron's remarks. I remind the Leader of the Opposition that Standing Order 377 provides:

> Every Select Committee shall, unless it be otherwise ordered, consist of five members to be nominated by the mover; but if any one member so demand they shall be elected by ballot.

Since I have been a member of this Council it has been the rule that a Select Committee shall consist of five members nominated by the mover but, if any one member so demands, members of the Select Committee shall be elected by ballot. If we are going to override that general rule on this occasion, which has been done several times in the last five years, I believe that the Hon. Mr. Cameron is perfectly correct when he says that the three parties represented in this Chamber should be represented on that Select Committee. I believe that the Australian Democrat member in this Chamber, who has taken a real interest in this debate, should be one of the six representatives. I agree with the Hon. Mr. Cameron when he said that if the Hon. Mr. Milne declines to be a member of a Select Committee it should revert to comprising of five members: three members from the Government and two members from the Opposition.

The Hon. C. J. Sumner: What would you say if the Opposition set up a Select Committee with the Hon. Mr. Milne's support? Would you then agree that it should comprise three members from the Labor Party and two from the Government?

The Hon. M. B. DAWKINS: If the Opposition proposed a Select Committee comprising five members and it nominated three of its own members and the Government believed in its wisdom that it should have three members and the Opposition two members, the Government has an opportunity to demand that the members of the Select Committee be elected by ballot. If there is to be a deviation from what has been the normal practice of this Chamber and there are to be six members on this Select Committee, then I believe that all three Parties should be represented.

The Hon. ANNE LEVY: I would like to take issue with some of the remarks made by the Hon. Mr. Cameron and the Hon. Mr. Dawkins during this debate. Ever since I have been a member of this Council and the numbers have been evenly balanced it has been traditional that the Government has three members and the Opposition has three members on any Select Committee. There has been no exception made to that position since the numbers of both Parties have been evenly balanced in this Chamber and since I have been a member. At the moment there are 10 Government members on the floor of the Chamber and 11 Opposition members. The members of the Opposition may not all belong to one Party, but they are all Opposition members and not Government members.

The Hon. M. B. Cameron: You do not even understand the system.

The PRESIDENT: Order!

The Hon. ANNE LEVY: It is news to me that the Hon. Mr. Milne is part of the Government.

The Hon. L. H. Davis: We did not say that, either.

The Hon. ANNE LEVY: It has been the tradition, ever since the Council has been so finely balanced, that Select Committees have consisted of three Government members and three Opposition members, at least for the past five years. My own memory does not go further back than that. The Standing Order, which the Hon. Mr. Dawkins quoted, states that there would be five members unless the Council orders otherwise. Ever since this situation has applied, the Council has ordered otherwise. I can see no reason why the Council should not order otherwise in this situation, as it has done in every other situation since the numbers have been as they are at present.

The Hon. K. L. MILNE: Bearing in mind the fact that it is now 2 a.m. I move that the question be put.

The Hon. R. C. DeGARIS: I only wish to make one comment. In the vote that was taken, three of the members whom the Hon. Mr. Griffin suggests should be on the Select Committee voted against the Government cause. It would place me in a difficult position, and I would not serve on the Select Committee if this motion is

carried and the Hon. Miss Levy is appointed to the committee. There would then be four members on the committee who voted against this cause, as opposed to two members who voted for it. I believe that what the Attorney-General has done in selecting five people for this Select Committee does more than justice to the question of balance. If this amendment by the Hon. Mr. Sumner is carried, I would be forced to resign from the Select Committee because it would be quite unbalanced.

The Hon. K. T. GRIFFIN: I thank the Hon. Ren DeGaris for his contribution to the debate as it highlighted what is really involved in the question before the Council; that is, that on this matter an appropriate balance is to be achieved between those who support the concept of random breath testing and those who oppose it. When I moved the motion I deliberately suggested that we should appoint two members who had spoken in favour of random testing and two had spoken against it and one (Hon. Mr. DeGaris) who was in the middle. In fact, he did vote against the Bill earlier in the evening, indicating that he was opposed, at this stage, to random testing. I cannot accept the amendment, because a matter of principle is involved. It is not a matter that one can brush away by saying that, in the past five years, we have had equal numbers from the Government and the Opposition on Select Committees.

On previous occasions the then Opposition (which had the majority of numbers in this Council and could have swamped the Government in any initiative that it sought to bring in) took the responsible view that there should be equal numbers on Select Committees to ensure that the Government viewpoint was equally balanced against the Opposition viewpoint. The position here is quite different and circumstances have changed. Accordingly, I put very strongly that the Council should accept the principle established in the Standing Order that there be five members on a Select Committee and that it be representative of the views expressed by members of the Council earlier this evening on the question of random testing. The Government has been more than generous in seeking to put on the Select Committee a majority of those who, at the present time, oppose random testing.

The PRESIDENT: I put the amendment.

The Hon. C. J. SUMNER: Mr. President, you told the Council that you would be prepared to put the motion in two parts: part *(a)*, which deals with the substantial matter of setting up the Select Committee, and part *(b)*, which deals with the membership of the Select Committee. You gave the Council an undertaking to do that, early in the debate. I am merely asking you to do that now.

The PRESIDENT: What the Leader says is entirely true. That is exactly what I suggested to him, but he would not take recognition of that. The Hon. Mr. Sumner continued to debate the whole motion as one, and we are now dealing with his amendment.

The Hon. C. J. SUMNER: I appreciate that, Mr. President, but it is still quite competent for the matter to be dealt with part by part if it is considered desirable by you. You considered it desirable at the beginning of the debate and you have now apparently changed your mind. As it is all contained in the one motion, does that not mean that it can be put in parts?

The PRESIDENT: The honourable member is going on about the motion, but we are talking about the amendment at this stage. I go further to say that, when given the opportunity to speak on the substantive portion of the motion, the Hon. Mr. Sumner continued to deal with part *(a)* rather than part *(b)*. I then presumed that he wanted not to take my advice and put it in two parts. Therefore, I put the question that the amendment be agreed to.

The Council divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. K. T. GRIFFIN: I seek your guidance, Mr. President, regarding Standing Order 377, which contains a provision for a ballot if any one member so demands. When is it appropriate for me to call for that ballot and for it to be conducted?

The PRESIDENT: The Attorney-General would have to first move a motion.

The Hon. C. J. SUMNER: My submission is that it is too late to call for a ballot under Standing Order 377. The ballot should have been called at the time the amendment was moved. A resolution of this Council has resulted in a Select Committee with six members, and those members were nominated.

The PRESIDENT: I rule that the Leader is correct according to Standing Orders.

The Hon. R. C. DeGARIS: As I indicated when I spoke, I believe that I should not serve on this committee because it is completely out of balance regarding the cross-section of this Council. I seek guidance about how I can resign from the committee now that I have been appointed to it by a rather odd process.

The Hon. M. B. CAMERON: Following what the Hon. Mr. DeGaris has said, this is a serious matter. I seek leave to make a personal explanation.

Leave granted.

The Hon. M. B. CAMERON: The Hon. Mr. DeGaris has asked to be excused from the committee or be given the opportunity to resign or be replaced. If that does not occur I indicate that I will not serve on the committee.

The PRESIDENT: Before going any further, I put the question that the motion moved by the Attorney and amended by the Leader be agreed to.

Motion as amended carried.

The Hon. C. J. SUMNER: Before proceeding with the suspension that I wish to seek, as the Hon. Mr. DeGaris has sought guidance and as the Hon. Mr. Cameron will also be seeking your guidance, Mr. President, about how they can resign from the committee, that matter must obviously be resolved.

The Hon. M. B. CAMERON: I did not at any stage indicate that I wished to resign unless the matter regarding the Hon. Mr. DeGaris is resolved. That is the time that I would then decline to serve.

The PRESIDENT: First, we must be sure of the composition of the committee.

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

> That the number of members necessary to be present at all meetings of the committee be four members, and that Standing Order 389 be so far suspended as to enable the Chairman of the Committee to have a deliberative vote only.

Motion carried.

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

> That the Select Committee have power to send for persons, papers and records, to adjourn from place to place and report on Tuesday 10 June 1980.

Motion carried.

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

That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

The Hon. R. C. DeGARIS: The Council must consider very carefully this question of opening up Select Committees to the public. There are cases where it should be done, and cases where it should not be done. I know from talking privately to members who are not members of the Government that they have agreed that a Select Committee doing its work in regard to the Standing Orders has been able to do a far better job when it has not opened proceedings to members of the press and the public. The Council must carefully consider the question of allowing Standing Orders to be so far suspended as to allow this to happen, and I oppose the motion.

The Hon. C. J. SUMNER: I am surprised about the opposition to this proposition. I believe that the right should be given to the committee, and I believe as a general practice Select Committee hearings should be in public and the proceedings should be able to be reported by the press. It is a matter of policy that that should occur but, apart from that, I believe that, as a general principle, it is desirable that there be open Select Committee hearings with, of course, certain qualifications regarding confidentiality, and so on. I believe this is the sort of committee where there should be no problems with having hearings open to the public and allowing publication of evidence before the committee formally reports to the Council. I ask the Council to support the motion.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, K. L. Milne, C. J. Sumner, (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 1 for the Ayes.

Motion thus carried.

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

That Standing Orders be so far suspended as to enable me to move for the discharge and substitution by motion of a member on the Select Committee.

Motion carried.

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

That I be discharged from attending the Select Committee and that the Hon. L. H. Davis be substituted in my place.

The PRESIDENT: Is that motion seconded?

The Hon. M. B. CAMERON: Yes, Sir.

The Hon. C. J. SUMNER: I am a little concerned that the Hon. Mr. DeGaris has felt the need to take this course of action, and I ask the honourable member to reconsider his decision. When the Opposition moved to appoint this Select Committee originally, it moved for an all-Party committee or at least for a bi-partisan Select Committee comprising three members from each Party. That was done in good faith. After all, we would not have had this debate tonight if yesterday the Labor Party had decided to move for the appointment of a Select Committee of this Council only. There would have been no other option yesterday for those who wished to save random breath testing than to support a motion to appoint a Select Committee of the Council. Then, the matter would have been disposed of yesterday.

I find it disturbing that apparently honourable members want to question the *bona fides* of the Labor Party in this matter. The proposition was put to the House of Assembly and rejected, and this has led to all the problems that we have experienced this evening. I say that, because the Opposition intended that both Parties should be represented on the committee.

I refer to the Hon. Mr. DeGaris's reasons for wanting to be discharged from the committee. The issues transcend the political spectrum, and surely the whole point about the thing is that the Opposition is opposed to random breath testing procedures, because it does not have adequate evidence. The Select Committee would be able to search out and obtain evidence and facts, and Opposition members would then be liable to be convinced about the matter.

Surely the Hon. Mr. DeGaris should be in the same position, and the question whether or not one voted for the Bill seems to be irrelevant. I am disappointed that the honourable member has seen fit to ask for a discharge from the committee, and I ask him genuinely to reconsider his position, because I am sure that his services would be valuable to the committee. I do not see this matter becoming a Party-political exercise, because that is not intended.

It is on my second point that I ask for your ruling, Sir. I recall being nominated by the Council some years ago to serve on a Forestry Act Amendment Bill Select Committee. The matter went to a ballot, and the Liberals decided that they would rather have me on the committee than someone else, so they balloted me on to it. Although I was going overseas, I was told when I questioned the matter that, if one was appointed to a Select Committee in this way, there was an obligation, unless there were very special reasons, for the honourable member to accept the Council's call to serve on the committee. That is what I was told.

The PRESIDENT: I think that they had a loan of you on that occasion.

The Hon. C. J. SUMNER: I assure you, Sir, that I had a very big loan of them, because I did not attend one committee meeting and went overseas, anyhow. However, that is what Liberal members in those days were impressing on me, and I put that to the Hon. Mr. DeGaris, who may recall the incident. Perhaps there is some obligation; I do not know. This is a genuine query. I ask the honourable member to reconsider his position, as the point is that the Opposition is not completely opposed to random breath testing; rather, it wants to know more about it. I should like your guidance, Sir, on whether this is a proper motion and, if it is, under which Standing Orders the discharge can take place.

The PRESIDENT: In 1979, the Hon. Miss Levy, who had been appointed a member of a Select Committee on the Motor Body Repair Industry Bill was discharged therefrom in the same manner in which we are now proceeding, and there did not seem to be any great concern about that. I draw that to honourable members' notice.

The Hon. R. C. DeGARIS: I point out that the Hon. Mr. Sumner really introduced politics into this situation by insisting that the committee comprise six members in order to balance things from what he termed the "Labor side". That is what has caused the problem. At the beginning, a Select Committee should be equally divided in relation to the opinion of the Council, but, if I remain on this committee, it cannot be in balance in relation to the cross-section in the Council.

Motion carried.

STATUTES AMENDMENT (PROPERTY) BILL

Returned from the House of Assembly without amendment.

WILLS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CONSUMER CREDIT ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ABORIGINAL LAND

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

> That this House resolve to recommend to His Excellency the Governor that pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, part town areas 1014 and 1015 (C.T. 448/40) and part town acre 1015 (C.T. 499/29) be vested in the Aboriginal Lands Trust.

Later:

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

> That this Council resolves to recommend to His Excellency the Governor that, pursuant to section 16(1) of the Aboriginal Land Trust Act, 1966-1973, part town acres 1014 and 1015 (C.T. 448/40) and part town acre 1015 (C.T. 499/29) be vested in the Aboriginal Lands Trust.

The land contained in Certificate of Title 448/140 was transferred to his Majesty King George VI by the Adelaide City Mission Incorporated in 1941 as a gift to be used as a hostel or home for Aboriginal women and children with the request that the mission be allowed to continue its spiritual and social work. The balance of the area was purchased in 1969 to provide a play area. The property is located at Sussex Street, North Adelaide.

The Aboriginal Lands Trust has requested that the property be transferred to the trust and there is no objection to this proposal by the Department for Community Welfare. For several years the property was used as a hostel by the Department for Community Welfare, but is vacant at present. It is the intention of the Lands Trust to lease the property to a suitable Aboriginal organisation to operate a hostel for Aboriginal women and children.

The Adelaide City Mission Incorporated Committee of Management at a meeting held on 31 July 1978 unanimously decided that the mission would relinquish any rights it may have had relating to the gift of the property to the Government.

In accordance with section 16 of the Aboriginal Lands Trust Act 1966-1973, the Minister of Lands has recommended that part town acres 1014 and 1015 and part town acre 1015 be vested in the trust and I ask honourable members to support the motion.

The Hon. B. A. CHATTERTON: I support the motion.

Motion carried.

DISTRICT COUNCIL OF BURRA BURRA (VESTING OF LAND) BILL

Returned from the House of Assembly without amendment.

VICTORIA SQUARE (INTERNATIONAL HOTEL) BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 1933.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill deals with the proposal for the establishment of a hotel of international standard on land abutting upon Victoria Square, Adelaide. "The next pie in the sky project must surely be the international hotel in Victoria Square, which should in future be referred to as the Hans Christian Andersen Hotel." "There is no need for another international standard hotel in Adelaide at present." "We also have taken the stand that it must be financially independent of Government." "The establishment of a hotel in Victoria Square of international standard is absurd, and it should not be built and financed at the taxpayers' expense." "No private developer in his right mind would consider building a facility in Adelaide while the threat of a taxpayer-subsidised enterprise exists." Those statements were all made by the present Premier of this State, Dr. Tonkin. The first statement in relation to a pie in the sky development was made in 1977. The statement relating to there being no need for an international hotel was made in 1976. The statement relating to a proposal for an international hotel in Victoria Square being absurd was made in 1978. The statement that no developer in his right mind would consider building it was made in December, 1978, which is a little over 12 months ago.

The Hon. D. H. Laidlaw: Perhaps he has changed his mind.

The Hon. C. J. SUMNER: Obviously he has changed his mind, or he has taken leave of his senses. It is quite clear that the Premier has changed his mind, but one wonders what has happened to make him change his mind. This is another example of a Government that really does not know what it is doing. Before the last election the Premier was completely opposed to the establishment of an international hotel. However, after the election he is very enthusiastic about an international hotel being built in Victoria Square. The Premier dithered around about Moore's and the Planning and Development Act. Before the last election the Premier made promises about the Bank of Adelaide, but after the election it was sunk. Before the election he also made promises about Aboriginal land rights, but after the election that was sunk. Day by day and slowly but surely the list of the Government's about-turns becomes longer and longer.

Regarding the substance of the Bill, the Opposition does not approve of the way in which the Bill is being rushed through Parliament at this late stage in the sitting. The Bill was introduced and passed in another place yesterday and it only reached this Chamber today. The Opposition is expected to pass this very complicated matter and give consideration to it without a great deal of

time to consider the issues involved. I believe that situation is regrettable.

The Government has had before it the proposal of this consortium since shortly before the end of December last year. It has had four months in which to consider the proposal of the consortium, and four months in which it could have brought to the Parliament this enabling legislation, as that is all it is. Why could it not have brought that to Parliament some six weeks ago when the sittings began? We could then have considered it in a much more tranquil and less rushed way. It would have been preferable for the matter to have been dealt with over a period of some days rather than the Government's forcing us to debate the issue at 2.30 a.m. on the final day of this session of Parliament. It could be described as quite an irresponsible approach to the legislative procedure.

In his second reading explantion the Minister said, "The Government would have preferred agreement having been reached between the parties before introducing legislation of this sort." I ask why agreement cannot be reached and then the legislation introduced. Why can the Bill not lay on the table of the Council until the agreement has been reached between the various parties mentioned in the Bill, and I refer to the Victoria Square International Hotel Pty. Ltd., Fricker Bros. Pty. Ltd., the Corporation of the City of Adelaide, Hilton Hotels of Australia Pty. Ltd. and the Superannuation Fund Investment Trust? What would be the harm in allowing this matter to stay where it is at the present time and, when the agreement has been reached between those parties on a concrete proposal, the Parliament could come back and consider the proposal again? The Government has admitted that it would have preferred agreement to be reached before introducing legislation of this sort. I do not believe that it is so urgent as to require us to pass the Bill immediately. I believe that it is important that we get an international hotel in Adelaide. If the matter is considered to be of such importance, a special sitting of Parliament could be called before June.

The Hon. L. H. Davis: Another one?

The Hon. C. J. SUMNER: It would probably be more useful than the last one we had. I cannot see what is the objection to that.

The Hon. L. H. Davis: Perhaps we could have a Select Committee.

The Hon. C. J. SUMNER: We could do that, too; in fact, I might suggest it. The Government would prefer not to have this legislation before it at the present time; it would prefer to have the agreement. I put the proposition to the Attorney-General again that we are being forced to consider this Bill now and that the Bill should lay on the table. When an agreement is reached, a special sitting of Parliament can be called if it is before 3 June. If it is not before 3 June, the matter can be considered by Parliament in its normal course. That is a proposition that ought to find favour with the Government. I do not believe that the Government wants to see legislation rushed through in this manner, particularly as it is also stated in the second reading explanation that the Bill, once passed, will not come into operation until it is proclaimed. This will happen only after there has been an agreement about which the Government is satisfied. I do not see the need for this rush, and I believe that the proposal I have put should commend itself to the Government.

Regarding the substantive issues in the Bill, the proposal for a hotel of international standard has been around in varous forms for some time. A number of proposals have been floated from time to time. When considering the Bill, the Council needs to take into account that the circumstances that exist now in relation to the hotel on the Victoria Square site are different from those that obtained some months ago. The original proposal, as I understand it, was for a larger hotel that would have included a convention centre. At some stage it was suggested that a casino ought to be included as well.

The Hon. K. T. Griffin: That was on the site of Moores.

The Hon. C. J. SUMNER: It may well have been. The proposal has been considerably watered down, and the question is raised whether the same sort of Government subsidy is necessary, given that it may be an international hotel of world standard but one that does not have convention facilities, and there was much argument in favour of having a full convention centre.

The second change is that the Government has decided to take over the retail trading activity that occurred at Moores and turn it into a Government building to house law courts. That clearly will have some effect on the viability of the site in Victoria Square. When, several months ago, the proposal was for that site, Moores was a going concern. It was a retail area and was an alternative to the Rundle Mall area. Because of the retail shopping and commercial atmosphere, it would have been more satisfactory for a hotel of international standing than would the present situation in which the Government is allowing that section of the city to run down from a commercial viewpoint by taking over Moores, which could have been used for additional retail activity.

I believe that that change in circumstances ought to be a warning light to the Government, and I hope that it has taken into account those changing circumstances when presenting this Bill to Parliament. We support the notion of an international standard hotel in Adelaide. Everyone would like to see that, but we must be convinced that it is in the right place and that it is financially viable. This enabling legislation, giving certain concessions to the consortium that is going to construct and operate the hotel, is a necessary ingredient, as I understand it, to the financial viability of the proposal.

I hope that the Government has carefully investigated the financial viability of the proposal and that it is convinced that the matter can proceed safely on that site, given the changed circumstances that have occurred since the proposal was first mooted and in the light of the changes that have occurred in the past six months in relation to Moore's building.

Can the Attorney say, first, whether any opportunity will be given to any other groups interested in such a project, either at Victoria Square or at some other site, to make submissions to the Government? Secondly, will the Government assess the financial viability of the project before agreeing to proclaim the Act and proceeding with the proposal? I would like answers to these questions. The Opposition will be supporting the second reading, but I hope that the Government has done its homework.

The Hon. K. L. MILNE: I could never understand, and I still cannot understand, any Government getting involved in an international hotel project, because it is creating a very unfair situation of competition and subsidy for those concerned and it is estimated at about $5 000 000 over 12 years. That sum is to be provided to a wealthy overseas chain well able to support itself, and this sum will probably escalate.

The consortium will pay a peppercorn rental and be exempt from water and sewerage rates, land tax, pay-roll tax, and council rates for about five years. I refer to the $500 000 that the Government intends to grant to the Adelaide City Council to purchase or compulsorily acquire the William Angliss site to be handed over to the

consortium, again at a peppercorn rental. The consortium is consulting the Hilton Hotel group in the United States, which will be the managers and operators. It will not put up any of the money but will be the operator and manager and will be on a percentage of the profits. The capital outlay is estimated at $37 000 000.

The attitude of the present Government is that it has inherited this project from the previous Government and that it is locked into it. The Motels Association, plus the Grosvenor Hotel and the Gateway Inn, at least, are complaining that this is preferential treatment. This association of hotel and motel operators represents about 90 per cent of the high-class accommodation available in Adelaide.

The new hotel is to have 400 rooms. With the average occupancy of hotels and motels in Adelaide at 56 per cent in September 1979 and with the position still the same, it has been pointed out that 65 to 70 per cent occupation is needed to be normally viable.

Further, tourism has not increased in the past seven years, and according to a Government report it has actually been in decline since 1972. There is unlikely to be any major increase in the next two years when the hotel is due to open. This is not a new industry. The Government is applying its facilities to attract not a new industry to South Australia but to create unfair competition to an already existing industry, which is a major employer of labour.

It seems madness, because the new hotel is unlikely to increase employment, as it will attract employees from those hotels and motels, having to retrench staff because the overall market is unlikely to increase. With an investment of $37 000 000, at today's prices, with 400 rooms, the cost is $91 000 a room. The generally accepted cost per room is $45 000 to $60 000. I want the Council to hear this: apparently there is a better site. The present site runs east-west, which is a bad direction for a hotel. Also, it does not have a convention centre and has parking for only 37 vehicles.

Evidently there is a better way of obtaining a solution. A site is available on North Terrace which is owned by the Government, namely, the first four platforms of the Adelaide Railway Station, from the building to Morphett Street bridge. That site is 100 feet deep by a quarter of a mile long; it faces a north-south direction; and it is adjacent to the hub of Adelaide. The South Australian Railways does not require these platforms and is never likely to require them. Apparently noise would not be a problem.

It is estimated that the cost of this project would be $8 000 000 less for 400 rooms, but the people who approached me understand that it is doubtful whether 400 extra rooms are required now. They would build 200 rooms in the first stage with parking for 200 cars. The development could be extended to 400 rooms if required. They understand that the present site cannot be built in stages.

It may be that the Victoria Square project has gone too far to withdraw from without loss to those who have been involved, but I have never believed that such a hotel in Victoria Square was viable. Another important matter is that the heads of agreement will not be signed until the Bill passes, and I suspect that is the reason why it has been introduced now. I also understand that the Government will not have the Bill proclaimed until the heads of agreement have been signed.

If the project does not proceed and the Government decides to back some other project, it may be fair to compensate those involved, at least in part, for the time and money that they have spent after encouragement by the previous Government. That aspect may be worth considering in order to get out of the project, as I do not believe it will be viable if the time comes. Meanwhile, I bring this possible alternative scheme to the notice of Parliament to indicate that there are other possibilities which can and ought to be considered.

The Hon. J. E. DUNFORD: I believe that the passage of this Bill should be delayed. I was pleased to hear the comments of the Hon. Mr. Milne, who obviously has done his homework, and although I have not had that opportunity I have read the explanation of the Premier, who seems to base his case on the fact that the former Labor Government supported a similar proposition. The Leader of the Opposition in this Council has indicated that things have not been so good in South Australia since the Labor Government lost the election.

The Hon. K. T. Griffin: They are getting better, and that's why the hotels are going ahead.

The Hon. J. E. DUNFORD: The Attorney might say that because he believes in unemployment. The figure has grown rapidly since the Liberal Government has come to office.

The Hon. K. T. Griffin: The last set of figures indicated that it had gone down.

The Hon. J. E. DUNFORD: When I read them out on 24 March, the figure was 10 600.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! There is nothing about unemployment in the Bill.

The Hon. J. E. DUNFORD: There will be unemployment, and I am saying why the Bill should be delayed. Tonight, on *Nationwide,* several hoteliers were interviewed, including Mr. Sharman, from the Grosvenor, and a representative from the Town House. Statements were made about other hotelkeepers, and it was indicated that their business would not be viable and that they would suffer from unfair competition if a competitor was subsidised to the extent of $5 000 000.

The Hon. R. C. DeGaris: But this is an A.L.P. project.

The Hon. J. E. DUNFORD: It should be delayed. The livelihood of these people will be affected, and I am worried about their employees.

The Hon. R. C. DeGaris: Didn't it come before your Caucus?

The Hon. J. E. DUNFORD: In 1979, before this Government wrecked the economy. Tourism in South Australia has not been successful, for many reasons which cannot entirely be blamed on the present Government. Travellers have to pay extra fares to visit Adelaide from other capital cities, and international air fares have increased by 25 per cent. When I was overseas, I met people in many countries who said they would like to come to Australia, but that it was too far away. The distance has not changed, but the cost of coming to Australia has increased by 25 per cent.

The Hon. Mr. Milne pointed out that the occupancy rate in Adelaide hotels is about 56 per cent. The proposed new hotel will have 400 rooms and our present hotels will lose their clients to the new hotel. I am concerned about our priorities, because things have changed since 13 September. The late edition of tonight's *News* quotes a survey by the Minister of Industrial Affairs indicating that 280 young people in the city of Adelaide are homeless and are living in the open. We have an obligation to the people in the community before we become involved in a luxury international hotel which is not required. I accept the Hon. Mr. Milne's comment that accommodation is not a pressing need. Plenty of alcohol is available. While accommodation is to be provided for 400 people, there will be room for only 36 cars, so the rest of the cars will congest

the market parking area and will be trying to get parking close to the hotel.

The Hon. R. C. DeGaris: Moore's building.

The Hon. J. E. DUNFORD: Yes, Moore's building. I am always opposed to international consortiums coming to Australia, because already the international mining companies are ripping off the country. Clause 8 of the Bill refers to Hilton Hotels Pty. Ltd. I do not know whether there will be some sort of tax dodge whereby that company will be taking money out of our community and will be competing with hotels catering for public needs and interstate tourists.

I have a great fear that this project could lead to the establishment of a casino. The Bill should be delayed so that people who appear on television and contact the newspapers about this matter have time to lobby the politicians. I want to hear their remarks and to give them the opportunity to come to us, as they have come to the Hon. Mr. Milne. Already, the Liberal Government has let down the small traders, and we have all had correspondence about that. Now it is letting down the small companies in favour of this multi-national organisation which is getting $5 000 000 of the taxpayers' money to set up in business.

What would happen if it pressured the Liberal Government, which is so susceptible, to grant a licence for a casino? While the Government has the numbers, I am sure it would be put through. The Premier said that four months ago the parties met and reached agreement, but here we are in the last hours of these sittings debating a Bill with such wide-ranging effects in the community. It is not good enough, and it is not fair to the Opposition to have to make such an important decision. I hope that the Government will listen to a well-informed Opposition.

The Hon. R. C. DeGARIS: I am rather amazed at the attack on the Bill by A.L.P. members, and on the fact that this was an agreement with a multi-national organisation. I suggest, however, that A.L.P. members knew that negotiations were proceeding with a multi-national group. The Party room to which the Hon. Mr. Dunford belongs knew that the A.L.P. Government was negotiating with a multi-national company.

I dare say that, if the Labor Government had been in power now, it would be introducing this Bill. All the negotiations were conducted by the Labor Government, and the Hon. Mr. Dunford knows very well that it was approved by Caucus.

The Hon. J. E. Dunford: I do not.

The Hon. R. C. DeGARIS: The honourable member does know that. He said so by way of an interjection.

The Hon. J. E. Dunford: I misunderstood you.

The Hon. R. C. DeGARIS: Yet, despite this, the Hon. Mr. Dunford weeps crocodile tears about dealing with a multi-national company, when that company is the one with which the Labor Government negotiated. This Bill comes before the Council on the last day of this part of a session with the plea from the Government—

The Hon. J. E. Dunford: In the last hours of the session.

The Hon. R. C. DeGARIS: That is so. However, I point out that there is not as much complex legislation before the Parliament now as there was in the last weeks of sessions when the Labor Government was in office. On occasions, 30 complex Bills were introduced in the last week during that Government's term of office. So, members opposite should not shed crocodile tears about this matter.

The Government has made the plea that this Bill must be passed so that negotiations for the building of an international hotel may proceed. Over many years, this project has maintained its share of the political limelight, with statements being made regarding the concessions that would be made by the Government to ensure that the project went ahead.

The present Government came into office with most of those negotiations having been undertaken. The Labor Government has said over the years that it would, at the taxpayers' general expense, make water rates, sewerage rates, pay-roll tax, land tax and stamp duty concessions available.

As a Parliament, we must be concerned with the principle, and one must question the wisdom of the general taxpayer's making concessions to a large international group to ensure that a certain project goes ahead. That is a question of principle that was followed by the former Government, which locked this Government into those negotiations.

The Hon. J. E. Dunford: You must remember, too, that the Adelaide City Council is getting money from the Government. They're really subsidising their position.

The Hon. R. C. DeGARIS: The honourable member is criticising his own Party when he says that.

The Hon. J. E. Dunford: No, I am criticising the Bill.

The Hon. R. C. DeGARIS: The honourable member is making a strong criticism of his own Party room.

The Hon. J. E. Dunford: No, this Bill. It is 1980 now, not 1979.

The Hon. R. C. DeGARIS: That may be so, but the honourable member is making a trenchant criticism of a Government to which he belonged and of a Party room that knew about these negotiations. I realise that on occasions similar Acts are passed to assist the development of a project, and many such Acts can be cited. I raise the question of the propriety of granting these concessions for the construction of a hotel. No doubt I will be almost a lone voice in putting this view, because the A.L.P. is locked into a position of certainly supporting the Bill.

Nevertheless, I would be inconsistent if I did not state that it is extremely difficult in principle to advocate that the tax and rate-paying public should be called upon to subsidise the establishment of a hotel in Victoria Square or elsewhere.

I could expand upon this question to a considerable degree but, because of the lateness of the legislative hour, I will deal with a matter contained in the Bill that deeply concerns me. Clause 5 sets out the machinery to close Page Street, but Page Street cannot be closed unless the Adelaide City Council has acquired a certain parcel of private land.

Clause 6 states that the closure of Page Street shall be disregarded in assessing any compensation to be paid to the owners of that piece of land owned privately. Clause 7 provides for a grant to the Adelaide City Council of $500 000 towards the cost of acquiring that land. So, the taxpaying public is to subsidise the operation to a figure of some millions of dollars. Without legislative authority, I do not believe that the Government could acquire the private property for the purpose of providing that land for an international hotel operation.

I have raised these questions in relation to the compulsory acquisition of land. I refer to one case in which an acquisition was made on Burbridge Road. That acquisition was made by Ministerial decision, in an attempt to get land not for a public purpose but for the benefit of the operator of a restaurant and coffee lounge.

The Hon. L. H. Davis: Theatre 62.

The Hon. R. C. DeGARIS: That is so.

The Hon. J. E. Dunford: You're going back a bit, aren't you?

The Hon. R. C. DeGARIS: I am not going back far. The principle in that acquisition was far worse than that involved in the present one.

The Hon. J. E. Dunford: What:—$5 000 000?

The Hon. R. C. DeGARIS: It is a matter not of the sum of money but of the principle involved. To solve the problem, the Government is making a grant of $500 000 to the Adelaide City Council so that the powers possessed by local government can be used to acquire a private property in order to enable this project to proceed.

The powers of acquisition of local government are more extensive than those the Government itself possesses, except that to use the extremely wide powers, the Minister of Local Government must agree. Although this Bill does not say so, it is certain if this Bill passes that we are agreeing to the compulsory acquisition of a private property for other than a public purpose, a process that I must strongly oppose.

It may be argued that it is a public purpose under the Local Government Act in relation to the Adelaide City plan but, in my opinion, the acquisition of private property for other than a strict public purpose is something against which I will always argue and which I will always oppose. These negotiations, which took place before the present Government assumed office, have virtually locked that Government into a position where it was necessary either to drop the project completely or to continue with negotiations over a long period. There is not much that I can do about it. The Attorney-General may have something to say about the matter in reply to the second reading debate or in Committee.

I have on file an amendment which provides that the council shall not acquire private land unless resolutions approving the acquisition by both Houses of Parliament or unless the persons interested in the private land consent to the acquisition. This may even make negotiations difficult; I do not know. I hope, however, that it does not. Nevertheless, some effort should be made to ensure that normal negotiations take place with the owner of the land and only as a last resort should acquisition occur. In this case, I believe that it should also have the approval of both Houses of Parliament. I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their contribution to the debate, particularly at this hour of the morning. I do not want to deal specifically with the amendment that the Hon. Mr. DeGaris has on file. I should prefer to do so in Committee. Several questions have been asked by honourable members that need a reply at this stage. The Leader asked why this legislation could not have been introduced four months ago.

I remind the Leader that the previous Government gave the consortium an exclusive right, which is the subject of this legislation and was initially due to expire on 30 September 1979. On 15 August 1979, several days before the former Premier announced an election, he extended that exclusive right to 31 December 1979. Therefore, it was not possible to bring this Bill before Parliament four months ago because the matter was still very much under negotiation. In fact, at that stage the heads of agreement had not been negotiated. Under the arrangements that the previous Government was negotiating, there had been no conclusive heads of agreement entered into. It was only after the Liberal Party came to office and became concerned at the way the proposition was dragging on that this Government was able to achieve some resolution of outstanding difficulties to the point where heads of agreement were signed by all parties except the Government two or three days prior to the end of 1979. It was not even possible to bring this Bill before Parliament as little as six weeks ago.

The Government has taken the view that it was premature to make any announcement that an arrangement had been entered into with a consortium in relation to an international hotel because it was conscious of the number of kites flown by the previous Government in the nine years since the international hotel concept was first floated in 1971. It was almost an annual occurrence that the previous Government announced an international hotel for Victoria Square. The Government was conscious that "Wolf" had been cried so often by the previous Government. We therefore decided that we should not make positive statements with respect to an international hotel in Victoria Square until substantial agreement had been reached. Even at the present time the Government does not want to indicate that it is convinced that the project will go ahead, because there are still some aspects of the negotiations between members of the consortium that have to be concluded.

By introducing this Bill at this time the Government wanted to ensure that when the heads of agreement are signed the parties within the consortium will then be able to proceed with more detailed planning and documentation. The Government does not intend to proclaim this Bill until final binding documents have been signed by all members of the consortium. At this stage that is a safeguard. The Government has been informed that it is likely that that final agreement will be reached within a short time. However, if the Bill is not enacted the Government will not be in a position to give an assurance to members of the consortium that the project can continue with the benefit of the concessions referred to in the Bill.

In my second reading explanation I indicated that, if there is a delay of two months, the escalation in building costs will be in the vicinity of $400 000. That escalation is likely to put the prospect of a hotel being built under the present scheme at some risk. The Government wanted to present to Parliament a package of concessions and grants that had been negotiated. The Government is locked into many of those grants and concessions as a result of the exclusive right granted by the previous Government, so it felt honour bound to comply with the exclusive right and to honour the undertakings that had been given.

There are several variations between what the previous Government was offering and what the present Government has offered, and which have been accepted by the members of the consortium. Those variations largely relate to the grant of $500 000 for the Adelaide City Council to acquire what is commonly known as the Angliss property. The previous Government had intended to acquire the property itself and make it available for the international hotel. The Leader of the Opposition has suggested that the present development, which will cost at least $37 000 000, is something less than what the previous Government had planned. So far as I am aware, the international hotel project in this Bill is very similar to the proposal that the previous Government was considering when it lost office.

The reference to a convention centre harks back to the early 1970's when the previous Government was publicising several grandiose schemes that were never likely to come to fruition. The development as outlined in this Bill will have considerable hotel accommodation and will provide convention facilities for a substantial number of people. There is a very great need in Adelaide for an international hotel of high standard with adequate convention facilities. The Hon. Mr. Milne has referred to other hotel operators who are concerned about the

concessions that the Government is contemplating granting. The fact is that the standard of hotel will attract a different sort of person to Victoria Square and will not adversely affect the accommodation rates for other hotels in Adelaide.

The Leader of the Opposition has asked several questions. The first question is whether any opportunity would be given by the Government for other groups to place a submission for the building of an international hotel. As I have said, the Government was locked into a consideration of the proposal by the consortium, and it is not appropriate for the Government at this stage to consider submissions from other parties with respect to an international hotel, if it means that the Victoria Square project would be torpedoed. Members of the consortium have spent a substantial sum of money to bring their plans to fruition. They were given an exclusive right by the previous Government and it was the only group of a number who made submissions when tenders were called by the previous Government that was likely to have any reasonable prospect of success. That does not mean that, if other operators want to erect hotels of a high standard, the Government will not listen to any proposition put forward. However, the Government is not going to listen to submissions if it means that they are to be preferred to the Victoria Square project, which is so far along the road.

The other question raised by the Hon. Mr. Sumner is whether the Government will assess the financial viability of the project before proclaiming the Act. It is suggested that proclamation of the Act should depend on the financial viability of the operation. The Government believes that the members of the consortium are experienced operators in the respective fields in which they operate in the consortium and that there are more than adequate checks and balances between the members of the consortium. If those members of the consortium are satisfied that this proposal is financially viable and are prepared to commit themselves in full and legally binding documentation and if the project does commence, the Government will proclaim the Bill.

The Hon. Lance Milne has suggested an alternative site for the international hotel. He has suggested that the cost of this project per room is excessive. I reply to that by saying that the Government has been locked into a previous commitment and it is the only one which has any reasonable prospect of success. Whilst there are any number of alternative sites available, this is the only one on which a submission has been made that is so well developed. One can speculate about the Adelaide railway station or North Terrace or any other place around Adelaide but the Government has not had before it such detailed plans and submissions as those that have come from the Victoria Square Consortium.

The Hon. Mr. Milne also made the point that it has been rumoured that, if the Bill does not pass, the heads of agreement will not be agreed to. Any delay in passing the Bill may well prejudice the negotiations. However, I and the Government are confident that the project has a reasonable prospect of success and that the proposals in the Bill are reasonable to honour undertakings that have been given. It is our hope that they will result in a building being erected in Victoria Square, and in Adelaide having a hotel of international standard.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

New clause 7a—"Acquisition of private land by Council."

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

Page 2, after line 38—Insert the following clause:

7a. Notwithstanding the provisions of any other Act the Council shall not acquire the private land—

(*a*) unless resolutions approving the acquisition are passed by both Houses of Parliament; or

(*b*) unless the persons interested in the private land consent to the acquisition.

As I understand it, once the Bill passes, we are implementing section 855b of the Local Government Act which states:

(1) In addition to and not in derogation of any other powers which are conferred on the council of the City of Adelaide by this or any other Act the council may prepare a scheme of development of any land within the area and if such scheme of development is approved of by the Minister the council may either by agreement or compulsorily acquire or take land for the purpose of any such scheme of development.

(2) The Land Acquisition Act, 1969-1973, shall apply in respect of the acquisition of land under this section.

I would assume that it is under that section of the Local Government Act that if private property is to be acquired it will be so acquired. I am seeking to ensure that there will be negotiations with the owner of the property in Victoria Square. Failing any agreement with the present owners, the Government must come back to Parliament for approval to compulsorily acquire that piece of land. Arguments can be advanced against this but I would like to leave it there and ask the Attorney-General to comment on my amendment.

The Hon. K. T. GRIFFIN: There is power in the Local Government Act under section 855b which would allow a local governing body to compulsorily acquire land if a scheme of development is approved by the Minister of Local Government. Upon the approval of the Minister of Local Government for such a scheme, the council may compulsorily acquire the land. There is a capacity for the council to enter into private negotiations with the present owner of the land with a view to reaching a suitable compromise. However, if that is not possible, procedures of compulsory acquisition under the Land Acquisition Act will allow the acquisition with appropriate safegards.

Those safeguards are that, upon the council's serving a notice of intention to acquire, if the owner does not agree, the council can serve the acquisition notice and, by virtue of the operation of that notice, the fee simple vests in the council but possession does not pass to the council. If there is difficulty about possession, the parties apply to the Land and Valuation Division of the Supreme Court for a ruling. If compensation cannot be agreed, then that is a matter that goes before the Land and Valuation Division of the Supreme Court. The question of compulsory acquisition of land, whether it be for a public or any other purpose, is always a question that creates concern for many people. The difficulty is always to make an assessment of what is a proper public purpose and what is not.

In the case before us, whilst the Government does have some reservations about the wider powers of acquisition, it believes that the erection of an international-standard hotel is in the public interest and ought to proceed. If the amendment that the Hon. Ren DeGaris moved is carried and the negotiations for a settlement price are not suitably settled, the only alternative is for a resolution to be passed by both Houses of Parliament approving acquisition. Whilst that may have a number of safeguards, it also opens up the opportunity for abuse by those with an interest and having the capacity to lobby members of Parliament to the extent where the public interest may not be served and a result may be achieved which is not compatible with the overall objective and the benefit to be obtained from it.

If the new clause goes into the Bill, I believe that the

Victoria Square International Hotel project would not proceed.

The Hon. R. C. DeGARIS: Can the Attorney-General say whether a scheme of development has already been approved for the establishment of a hotel in Victoria Square?

The Hon. K. T. GRIFFIN: A scheme of development has not yet been approved by the Minister of Local Government, who has had presented to him an initial scheme of development and a subsequent revised scheme of development. If the heads of agreement were signed, he would be prepared to approve the revised scheme of development.

The Hon. R. C. DeGARIS: Honourable members can see why I am concerned. Under this process, no-one's property is free from Government acquisition. "Public purpose" in my mind has a much finer definition than just something that someone decides is good for the State. The local government body makes a decision that it is a public purpose but, as in this case, it is not a question of a public purpose but of the local government body deciding upon a scheme.

If we are to declare that a scheme of development of any land by a council is a public purpose, then it clearly illustrates my point, that the scheme of development can be anything at all. The Council needs to be extremely careful about this matter.

This scheme of development has not even been approved by the Minister, yet this Bill virtually gives the power of acquisition as soon as the Minister agrees to the scheme of development by the local government authority. The Minister has still to approve it but, having approved the financial provision in this Bill, the Council is virtually telling the Minister to sign that acquisition.

The Hon. J. C. Burdett: It's up to the Minister.

The Hon. R. C. DeGARIS: The Minister could say now that he is going to sign it. There is no doubt that, when the Bill is passed, the Minister is committed to sign that scheme of development which has not yet come before even the council or the Minister. These matters of acquisition are important, although I do not intend to proceed with the amendment because it does not achieve any purpose. As the Attorney said, it does come back to Parliament, and we might see the lobbying of honourable members in relation to certain interests and that may not be in the best interests of the Parliament or the scheme itself.

I am concerned about these powers and the definition of "public purpose". Careful use of such powers must be made in the acquisition of property.

The Hon. C. J. SUMNER: I do not wish to delay the Chamber, but this is an appropriate time to raise the question as to whether this is a hybrid Bill that needs to be referred to a Select Committee. If it is such a Bill, we should have our procedures correct; otherwise, the validity of the Bill when it is passed could be in doubt. I seek clarification on this issue.

The Hon. K. T. GRIFFIN: The Hon. Mr. DeGaris said that, if the Bill passes, the Minister of Local Government is committed to giving approval to the scheme before the council or the Minister has seen the scheme of development. The council has already considered a scheme of development. It would be in order for the Minister, under the provisions of the Local Government Act, to give his approval even before the heads of agreement were entered into. The Government believes the Minister should be advised that he should not do that until they have been signed. If they have not been signed and he has given his approval, it would mean that the council could proceed with an acquisition when there was little prospect of the development being completed.

The Government took the view that it was appropriate to advise the Minister, and he accepted the advice, to refrain from approving the scheme until the heads of agreement had been signed by all parties, including the Government. If the Bill is passed, I do not believe that that firmly commits the Minister to giving his approval, nor does it commit the Government to proceeding with the granting of the concessions, although we have indicated that, if the heads of agreement are signed by all parties, and if there are full, complete and legally binding documents signed by all parties subsequent to the heads of agreement, the Bill shall come into effect.

The matter to which the Leader of the Opposition drew attention is one to which I gave my attention before the Bill came into the other place, where the Speaker ruled that it was not a hybrid Bill which, under the Joint Standing Orders relevant to private Bills, had to go to a Select Committee. I take the view, remembering the provision in Joint Standing Orders, that, if the Government introduces a Bill which is not a private Bill, it will be referred to a Select Committee only if its chief object is the granting of some concession or property or funds to a local or municipal body, and not to local governing bodies generally.

The emphasis of the Standing Order is on what is the primary object of the Bill. In this case, it is not the granting of $500 000 to the Corporation of the City of Adelaide, but a package to authorise the Government to grant concessions and to deal with the closing of Page Street, as well as dealing with the name under which the operator may operate the hotel. The grant to the council, while it is to one council and not to councils generally, is not the primary or chief object of the Bill, and I submit that it is not necessary for the Bill to go to a Select Committee.

The CHAIRMAN: I concur in what the Attorney-General has said.

The Hon. R. C. DeGARIS: I should like an assurance from the Attorney that the City of Adelaide will make all efforts to reach agreement with the owner of the private property before acquisition is undertaken.

The Hon. K. T. GRIFFIN: Certainly, it is the Government's desire that that be the position, but I cannot give an assurance on behalf of the Adelaide City Council, the body responsible for the acquisition, nor would it be competent for me to do that. The council takes the view that, until the scheme of development is approved, it is not at liberty to proceed even to negotiate privately with the owners of the private land. That is the advice the council has. If the Minister has not granted his approval, there will be no negotiations; if he grants his approval, we would hope that there would be negotiations, but that is beyond our control.

The Hon. R. C. DeGARIS: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause 8, schedule, and title passed.

Bill read a third time and passed.

FURTHER EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1932.)

The Hon. ANNE LEVY: I support the second reading of this Bill, but I must indicate that the Opposition will be opposing one clause of it in Committee. The main part of

the Bill repeats for the Further Education Act what earlier this evening we passed for the Education Act. It relates to the ability of teachers on probation to appeal to the Teachers Appeal Board as opposed to the Industrial Court, and also makes it mandatory for an officer to retire at the age of 65, such officers no longer being able to continue until the end of the academic year in which they turn 65. As with the Education Act, provision is made that such retirements at the age of 65 will not apply in the current year. The Opposition has no quarrel with this, and I understand that the Minister is to move to amend clause 3 in a tidying up procedure.

The Opposition will be opposing clause 4. As it stands, it means that certain administrative acts can be appealed against and others cannot be appealed against. The differentiation will be prescribed in regulations. Apparently the Government takes the view that, if the Institute of Teachers is represented on a panel, no appeal should be possible from the decisions of that panel, regardless of the fact that institute representatives in every case are a minority on the panel and, as I understand it, although there are many panels with considerable numbers of institute representatives on them within the Department of Further Education, in no case does the institute have a majority of members on the panel.

We maintain that this is untenable and quite contrary to the spirit of the whole appeal system. It is surely true that any decision taken by any panel is liable to error, no matter who is making such a decision, and a right of appeal to an impartial third party should be available for all, and not just some, administrative acts.

Section 43 of the Act allows the Government to make regulations for appeals. Apparently, the Crown Law opinion given recently is that the Government is not able to make them for some cases but not for others. The Institute of Teachers should oppose such a clause. The Government could pick and choose at will what appeals would and would not be allowed.

True, at present agreement is reached regarding which matters will or will not be subject to appeal, but later those involved could change their mind and alter the administrative acts that can and cannot be appealed against. In the interests of justice to the individual and of industrial peace within the Further Education Department, the Government should not have this discretion.

I suppose the response could be that, if clause 4 is removed from the Bill or amended, the Government would make no regulations at all under the parent Act so that no appeals would be possible against administrative acts. Although I suppose that is theoretically possible, I would regard it as totally impractical and something which would create a great storm that no responsible Government would wish to encounter.

Those who realise that the lack of an appeal system for some matters is quite inconceivable can realise how an individual who is denied an appeal on a matter that is important to him will feel with the passage of this legislation. To have no appeal system at all is absolutely ridiculous, and it seems to me that an appeal system for all administrative acts is highly desirable.

So, the Opposition will oppose clause 4 in Committee, with the aim of removing it from the Bill. The result will be that the provision in the parent Act will stand, and the appeal system for all administrative Acts can be set up in the regulations under the parent Act. I support the second reading.

The Hon. C. M. HILL (Minister of Local Government): I thank the honourable member for her contribution. The points that she has raised can best be debated in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Retiring age."

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

Page 1, line 23—Leave out "school" and insert "academic".

As the Hon. Miss Levy has said, this is a tidying-up process, and I ask the Committee to accept the amendment.

Amendment carried; clause as amended passed.

Clause 4—"Regulations."

The Hon. ANNE LEVY: As I indicated earlier, the Opposition opposes this clause and considers that it should be deleted from the Bill. I indicated the reason for this in my second reading speech. It would give the Government power to make regulations so that only certain, but not all, administrative acts, could be appealed against. It is considered that this is highly undesirable, particularly as the Government would be choosing which administrative acts could be appealed against. This could involve a denial of natural justice to many individuals in the Department of Further Education.

The Hon. C. M. HILL: The Government opposes the deletion of this clause. I ask the Committee to vote for the clause, which was requested by the South Australian Institute of Teachers. I cannot stress that point too strongly. The Government has much respect for and faith in the South Australian Institute of Teachers, and it was that institute's representations to the government seeking the insertion of clause 4 that caused the Government to decide that it should be included. As the honourable member has said, we are dealing with regulations, and through that process there are some checks and balances, because the regulations must stand the test of challenge.

Finally, I draw the Committee's attention to the second reading explanation and to the example referred to therein whereby there was no need for appeals. Selection panels that were making appointments for promotions within the department actually represented the Institute of Teachers and the department. I repeat what I said in my second reading explanation, namely, that there seems to be no justification in circumstances such as that for providing a right of appeal.

The second example given was that joint panels were provided for deciding transfers of staff in certain classifications. The South Australian Institute of Teachers sought this change to section 43 of the Act. This is done by regulation and occurs only in certain circumstances, and in those circumstances, the institute will be involved. It therefore seems fair and reasonable from the Government's point of view that in such circumstances a right of appeal should be excluded.

The Hon. ANNE LEVY: I repeat that I am opposed to clause 4. The Minister has confirmed that there will be representatives of the Institute of Teachers on these panels, but I am sure that he would agree with me that the Institute of Teachers representatives on the panels are never a majority on the panels; they are always a minority. Therefore, they can be outvoted, and an individual whose whole career may be at stake as a result of this decision will have no right of appeal to anyone. That is totally unjust.

The Minister said that this matter would be dealt with by regulations which are subject to further checks and balances. I am afraid that the onus is around the other way. The regulations will be made for certain prescribed cases, but there will be no way in which the Institute of Teachers or Parliament can insist on regulations being

made for certain acts. It is true that any regulations made come under the scrutiny of Parliament, but if regulations are not made, say, for a promotions panel, there is no way that Parliament will be able to insist that an appeal system be instituted through regulation. The Opposition believes that that is an unsatisfactory situation and is not sufficient protection for individuals within that department who should have a right of appeal.

The Hon. C. M. HILL: It does not really matter whether the Institute of Teachers representatives are in the minority or in the majority on a selection panel. The Institute of Teachers has sought this change. The very people whom the honourable member is trying to protect have sought this change through their institute. Therefore, it is very strange that the honourable member is trying to protect people who want this change. Because of that I see no reason why the Government should change its view.

The Committee divided on the clause:

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

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, Anne Levy (teller), C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Dawkins and K. L. Milne. Noes—The Hons. C. W. Creedon and N. K. Foster.

Majority of 1 for the Ayes.

Clause thus passed.

Title passed.

Bill read a third time and passed.

Later:

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

ALSATIAN DOGS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

> 1b. Section 2 of the principal Act is amended by inserting after the passage "commonly known as" the passage, ' "German Shepherd dog", '

Consideration in Committee.

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

> That the House of Assembly's amendment be agreed to.

Motion carried.

COMPANIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

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

> That the Council at its rising adjourn until Tuesday 3 June.

The PRESIDENT: I take this opportunity, although it may be stretching the calico a bit far, to thank each of you for your co-operation. I wish each and every one of you and your families a happy Easter, and I thank that tolerant group above us who try to listen to the right conversation when there are about six taking place.

At 4.32 a.m. the Council adjourned until Tuesday 3 June at 2.15 p.m.