LEGISLATIVE COUNCIL

Wednesday 4 June 1980

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

MINISTERIAL STATEMENT: COMMISSIONER FOR EQUAL OPPORTUNITY

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: I am informed that what I said to the Council on Tuesday 3 June concerning the appointment of the Commissioner for Equal Opportunity contained an inaccuracy, and I therefore wish to correct it. I said that the procedures followed were the normal ones in the Public Service. While this is true as regards the advertisement of the position and the interviewing procedure, the Public Service Board advises me that the composition of the panel was unusual in that, whereas for ordinary Public Service positions the panel would normally consist of Public Service officers, in the case of the Commissioner for Equal Opportunity's position this officer is required to be in close and direct consultation with Ministers, including the Premier, in addition to the particular Minister in whose department the office is located. The Commissioner deals with sensitive policy matters which are of direct concern to the Government as a whole. The Public Service Board regards the office of Commissioner therefore as being outside the normal run of Public Service positions and considers that selection processes appropriate to its special characteristics are necessary and justified. It is normal for the board, in these special circumstances, to consult Ministers as to the composition of selection panels, though the decision as to who should be on the panel remains the responsibility of the board. In this instance the board is satisfied that the composition of the panel was proper and appropriate, and that selection procedures were consistent with the Public Service Act.

NORTHFIELD SECURITY HOSPITAL (PRISON INFIRMARY)

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Northfield Security Hospital (Prison Infirmary).

QUESTIONS

PETROL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question about the Fife package.

Leave granted.

The Hon. C. J. SUMNER: Honourable members and the Minister will no doubt be aware of the campaign that is now being waged by the South Australian Automobile Chamber of Commerce on behalf of its members in the petrol reselling industry for the implementation of the so-called Fife proposals, formulated by Mr. Fife when he was the Federal Minister for Business and Consumer Affairs and which were made public in October 1978.

The Fife package, in very brief summary, provides that oil companies will be prohibited from unfairly discriminating in price between their lessees or licensed dealers, that oil companies would themselves be prohibited from retailing petroleum through direct sales sites, and that lessees or licensed dealers would be given the right to obtain compensation from oil companies for an unjust termination of their lease or licence or a refusal by the oil company to review a lease or licence. Honourable members may also recall last year a situation in which Southern Cross Petroleum (an independent group of retailers) was denied supplies by oil companies in this State. On that occasion Mr. Dean Brown, now the Minister of Industrial Affairs and the then shadow Minister, made some comments about the powers that the South Australian Parliament has in this area. Mr. Brown said that the Australian Constitution allowed the State Government to prohibit unfair distribution of petrol. He stated:

> A South Australian Liberal Government would use State legislation to ensure that Southern Cross petroleum outlets and other independent outlets were not unfairly discriminated against by some oil companies.

Mr. Brown further stated:

> Small independent petrol outlets must be protected from restrictive supply practices by certain oil companies, both now and in the future.

If what Mr. Brown said is correct about State powers concerning the situation that arose with Southern Cross Petroleum, surely those State powers would still apply in a situation in which lessees and licensed dealers find themselves in relation to oil companies in this State.

First, what is the present Government's attitude to the Fife proposals and what steps has the Minister or the Government taken to ensure their implementation? Secondly, does the Minister agree with his colleague Mr. Brown that the State has legal power and can act to ensure that independent outlets are not unfairly discriminated against by some oil companies? Thirdly, in view of Mr. Brown's comments, what action does the Government intend to take in South Australia to overcome the problems that exist between lessees, licensed dealers and oil companies?

The Hon. J. C. BURDETT: The South Australian Government completely supports the Fife package and has taken steps in this regard. In the first place, in December of last year the Premier wrote a letter at my request to the Prime Minister saying that the South Australian Government entirely supports the whole Fife package.

The Hon. C. J. Sumner: What was the reply?

Members interjecting:

The PRESIDENT: Order! The question was asked and listened to in silence; I want the same to apply to the answer.

The Hon. J. C. BURDETT: There has been a reply, and a reply to that reply. The honourable member who asked the question, the Hon. Mr. Sumner, will be aware of the draft Bill that has been prepared and is proposed at present. That deals with only half of the Fife package. That is not to suggest that it will not be proceeded with. The only part of the Fife package which that dealt with was the question of security of tenure for petrol resellers; it did not deal with the question of divorcement, which I think is the other major issue. The Hon. Mr. Sumner is probably aware that the whole question of the Fife package was placed before the Trade Practices Commission, and the opportunity was given for people to put submissions to the commission, which was to report by the end of last month. I have ascertained that it has reported, but it is not known whether or not the report will be made public. I intend, in

any event, to seek to obtain a copy of the report on a Government to Government basis, and it is the view of this Government that the whole of the Fife package should be supported. We have done that already. We have tried to support it already, and we will continue to do so.

I have seen the South Australian Minister in the Federal Government, Mr. McLeay, and stated the views of the South Australian Government. After I get a copy of the report, I intend to arrange a meeting between the Premier and myself, the Prime Minister, and the Minister for Business and Consumer Affairs to press the point of view of the South Australian Government that the Fife package should be pursued and should be implemented; I hope that it will be.

The second question asked by the Hon. Mr. Sumner was whether I agreed with my colleague the Minister of Industrial Affairs that legally and constitutionally the South Australian Government can act in this matter, and the third question was as to the action contemplated. I agree that legally and constitutionally the South Australian Government can act, but obviously this is a national matter; the oil industry is a national matter.

The Hon. C. J. Sumner: What did Brown say last year?

The Hon. J. C. BURDETT: If you want to listen to the answer, then listen. Surely I am entitled to proceed in my own way.

The Hon. J. E. Dunford: It's very hard to understand.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I agree that legally and constitutionally the South Australian Government can pass the necessary legislation, but I am saying, too, that it will be likely to be ineffective, because the oil industry is a national industry and there is the possibility that, if South Australia were to pass legislation, there would be discrimination against South Australia in the short supply situation.

The Hon. C. J. Sumner: Why didn't you think of that last year?

The Hon. J. C. BURDETT: I was not asked last year. More particularly by reason of the commodity itself, namely petrol, which is bought by people who are travelling between the States, obviously this is a national matter, and national legislation would be very much better. I think I have indicated what I am promoting very strongly at present: making the strongest representations to the Federal Government that the whole of the Fife package should be implemented and that this should be done on a Federal basis. I have said before on public platforms, and I repeat, that if this is not done I would be prepared to consider, on a State basis, legislation for security of tenure and divorcement, but I do not see that as being the complete answer. The only real answer that there can be is on a Federal basis, and I will pursue that most vigorously. If that fails, I will certainly look at what can be done on a State basis.

GAS COMPANY

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to directing a question to the Attorney-General on the subject of the South Australian Gas Company.

Leave granted.

The Hon. D. H. LAIDLAW: In recent days there has been wild speculation in the shares of the South Australian Gas Company on the Adelaide Stock Exchange. The price of these 50c shares ranged for many years between 60c and $1. During 1980 the price has hovered around $1, and last week it increased from $1·05 to above $3. On Monday, it reached $5·50 and yesterday $8. Traditionally, only a few thousand shares each year have been traded but during the past week nearly 10 per cent of the issued capital has changed hands.

The existing capital for a company of this importance is ridiculously small, because only 1 950 000 shares have been issued. The company has a monopoly on gas reticulation in the Adelaide metropolitan area and it also holds 51 per cent of the shares in South Australian Oil and Gas Corporation, which is prospecting for oil and gas in the Cooper Basin and elsewhere in South Australia. Honourable members will recall that, under the South Australian Gas Company Act, the Minister has power to control the issue of shares, the dividend rate (which has remained at 10 per cent for some years), and the scale of borrowing by loans, and since 1874 there have been restrictions upon the voting rights of shareholders. Also, under the Prices Act, the price of gas is controlled.

Early last year, Mr. Brierley, then Chairman of the Sydney-based company Industrial Equity Limited and a wellknown market raider, announced to the media that he was buying shares in the South Australian Gas Company, that he was keen to acquire interests in gas distribution companies, and that he already owned the Auckland Gas Company and the Hobart Gas Company. The previous Government recognised that loopholes existed in the South Australian Gas Company Act regarding restrictions on voting rights, and early last year it introduced an amending Bill that provided, *inter alia*, that, unless otherwise prescribed by the Minister, no shareholder or group of shareholders shall hold more than 5 per cent on the issued capital. This Bill passed with the support of several of my colleagues in this Council.

The Hon. N. K. Foster: They were axed, too.

The Hon. D. H. LAIDLAW: No.

The PRESIDENT: Order!

The Hon. D. H. LAIDLAW: With respect to the Hon. Mr. Foster, I say that each of the people on this side of the Council who supported this Bill last year is sitting here today. Since that time, there has been intense interest in future control of oil and gas supplies in South Australia, and others active in take-overs, in addition to Mr. Brierley, such as Mr. Alan Bond, Mr. Rupert Murdoch, and Sir Peter Abeles, have appeared on the scene. The lastnamed two, who now control Ansett, are buying into Santos at very high prices. I ask the Attorney-General the following questions:

Is he aware of rumours that the Government is considering relaxation of the 5 per cent limit on shareholding in the South Australian Gas Company, and is he aware that interested parties believe that loopholes still exist in the Act that would enable this restriction to be circumvented?

If these rumours are unfounded, will the Attorney take action to quash them, because speculation in the shares of a company that is virtually a public utility surely is undersirable?

The Hon. K. T. GRIFFIN: The Government has been concerned about the speculation in South Australian Gas Company shares for the past few days, in particular, to the extent that this afternoon the Minister of Mines and Energy, in the House of Assembly, made a statement reiterating the Government's previously indicated attitude towards the company. He referred in particular to the letter that the Chairman of the company sent to the Stock Exchange of Adelaide. That was in addition to the letter from the company last week indicating that the company directors were not aware of any reason why share prices should be escalating so rapidly.

It may be helpful for honourable members if I refer to

the letter delivered to the Stock Exchange today by the Chairman of Directors, Mr. Bruce Macklin. That letter reads as follows:

> The directors of the South Australian Gas Company feel obliged to reiterate a previous statement made by them to the effect that they know of no event or development in the company's affairs which would influence the value of its shares.
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> It appears that speculative buying started following publication of a New South Wales based investment letter. However, the board of this company disagrees with the general tenor of this letter, and in particular points out that the statement that the company's interest in the South Australian Oil and Gas Corporation Proprietary Limited is being financed by a levy on gas sold is factually incorrect. It has also been rumoured that a new issue of the company's shares is in prospect in order to finance its participation in the further development of the Cooper Basin through the agency of the corporation. This is also incorrect, such an issue has never been and is not contemplated.
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> The South Australian Oil and Gas Corporation was formed to carry out South Australian Government policy with regard to the search for and the development of oil and gas resources in South Australia. In particular, it was formed to purchase the interest of the Australian Government in the Cooper Basin. It has always been accepted that if profits were to be generated by the corporation such profits would be used to further the objectives outlined above.
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> The directors do not see any likelihood of dividends from the South Australian Oil and Gas Corporation Proprietary Limited in the foreseeable future and, in fact, such a distribution would be contrary to the basic philosophy under which the corporation was created. Rather, was it to be the vehicle for carrying out the programme referred to above on behalf of the people of South Australia.
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> This company's original investment in the South Australian Oil and Gas Corporation was $25 500—all in B-class shares. However, voting control at a general meeting lies with the holders of the A-class shares—Pipelines Authority of South Australia. Since this initial investment, the company has not subscribed any further funds, nor is it contemplating doing so.
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> Although the public has been reminded of the restraints under which the South Australian Gas Company operates, these restraints are again repeated in order to give them the necessary emphasis—
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> (1) Dividends which may be declared by the company are subject to Ministerial approval and there is no indication that the State Government will surrender its control in this matter.
>
> (2) Likewise any issue of shares whether by way of bonus or for cash is subject to Ministerial approval.
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> (3) Government Legislation limits individual shareholdings to five per cent of the issued capital and to a maximum of five votes per shareholder at any general meeting.
>
> (4) Prices which the company may charge to its consumers for gas are subject to price control.
>
> Finally, it is the view of the directors of the South Australian Gas Company that the shares in this company are not an appropriate vehicle for speculation.

The Minister of Mines and Energy said that he regarded the statement by the directors of the Gas Company to the Stock Exchange as proper in order to counter the possible impact of speculative trading on small as well as other investors.

The Minister also reiterated the Government's policy with regard to the possibility that the South Australian Oil and Gas Corporation might one day pay dividends. The Government agrees with Mr. Macklin's assessment that such a possibility is unlikely to occur in the foreseeable future. To put it bluntly, there is a great deal more very costly exploration required to prove up the additional natural gas reserves to assure supplies from the Cooper Basin to Adelaide beyond 1987.

It is the South Australian Oil and Gas Corporation's role to ensure that this necessary exploration is undertaken. This activity is expected to use up all the funds available to it. In the unlikely event that dividends do become payable, it is expected that these would be used by the shareholders, the Pipelines Authority of South Australia and the South Australian Gas Company to offset the costs of transporting and recticulating natural gas to consumers in South Australia.

Whilst changes to streamline the South Australian Gas Company Act are contemplated, the Government has no intention of altering the legal framework applicable to the South Australian Gas Company that was described in Mr. Macklin's letter. This framework has been built up over a long period under successive Governments with a view to protecting the interests of the people of South Australia as a whole, as well as shareholders and debenture holders. That is because the role of the Gas Company is that of a utility company supplying an essential commodity to the people of this State. The Minister of Mines and Energy in another place said with respect to the letter from the adviser based in New South Wales that, having perused those letters, he wanted to point out that they are misleading and are not founded on a correct evaluation of all the facts, and that both the adviser and his clients would do well to heed the statement the Minister made.

I reiterate that the Government has no intention of relaxing the 5 per cent limit or the voting restrictions. It is not aware that there are any loopholes that have been found to circumvent the legislation. In fact, I have asked the Commissioner for Corporate Affairs to look into the matter, certainly not to undertake any formal inquiry but to give me information about whether he is aware of any indication that there are loopholes of which I and the Government are not presently aware.

LAND COMMISSION

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Housing a question concerning recommendations adopted by Cabinet on the future of the South Australian Land Commission.

Leave granted.

The Hon. J. R. CORNWALL: My concern is about the role that the Minister may have played in the recommendations to Cabinet concerning the dismantling of the commission. On 29 February 1980 the committee of inquiry which was established by the Government to investigate the possible future role and function of the commission produced its report. I understand that one of the committee members was Mr. Neil Wallman, a town planning consultant in private practice who has been closely associated with one of Adelaide's largest private developers and builders for many years.

The committee recommended that the commission should continue its land banking activities. Other recommendations included that land from the land bank should be made available to both the private and the public sector in accordance with any Government policy for its staged release, that the total bank of land of the Government for general urban development should be held by one body, and that this body should be the commission (or the renamed South Australian Urban Lands Trust).

The recommendations included that the commission should supply serviced allotments from its present holding to the South Australian Housing Trust, preferably in exchange for broadacres held by the trust, but for cash, if appropriate, and on conditions to be agreed and that, while the commission should not have the capacity to hold broadacre land specifically for the trust, it should release land in a way to allow all developers, including the trust, to plan in the knowledge of the type of development likely to take place on adjoining land parcels.

With the exception of the reference to general land banking, none of these recommendations seems to have been included in a submission from the Minister of Planning that was adopted by Cabinet in April. It seems that the Hon. Mr. Hill has played a significant role in the preparation of the submission eventually adopted by Cabinet and, again, we have the unfortunate spectre of the Hon. Mr. Hill's lifelong association with private developers and the real estate industry returning to haunt him.

First, were the recommendations referred to in the committee's report considered by Cabinet? Secondly, if that is the case, on what grounds were they rejected? Thirdly, was a Cabinet subcommittee formed to consider the report of the committee of inquiry and, if that was the case, was the Minister of Housing a member of that subcommittee, or was he involved in discussions in any way or in the preparation of the Cabinet submission? Fourthly, who were the other members of the Cabinet subcommittee, or which members were involved in the decision making? Fifthly, did the subcommittee or any individual Minister receive correspondence from Mr. Wallman or any submission from developers prepared by Mr. Wallman or using Mr. Wallman's name suggesting how land held by the commission could be transferred to individual developers? Finally, does the Minister consider this is irregular, indeed, grossly improper, in view of the fact that Mr. Wallman was a member of the committee and therefore had direct access to inside information?

The Hon. C. M. HILL: The matter of the Land Commission comes under the administration of the Minister of Planning in another place. I cannot recall being involved in any specific discussions at all in regard to the matters that have been raised by the Hon. Mr. Cornwall, but I am quite happy to take his inquiries to the Minister of Planning and discuss the matter with him so that, if there is any merit in the points raised, I will bring back a reply of explanation.

PSYCHIATRIC SUPPORT

The Hon. R. J. RITSON: I seek leave to make a short explanation before asking the Minister representing the Minister of Health a question about psychiatric and social support for immigrant peoples.

Leave granted.

The Hon. R. J. RITSON: In matters involving psychotherapy and counselling, the understanding of culture and the fluency of language necessary is of a much higher order than is required when people conduct normal business affairs. Having practised medicine in Campbelltown, where a substantial percentage of Italian people live in the community, I formed the impression that in many circumstances there was a shortage of workers in the psychiatric and social work field to whom people with poor English at their command could be referred. Will the Minister ascertain how many specialist psychiatrists practising in South Australia have a fluency and an understanding of the language and culture of any of the major ethnic groups in this society? How many social workers would be similarly qualified to work with patients who are non-English speaking or who speak poor English? How many mental health visitors would be similarly qualified? Will the Minister consider investigating these matters so that the Government can consider means of increasing the amount of psycho-social support available to members of the major ethnic groups, as this matter seems to have been neglected for many years?

The Hon. J. C. BURDETT: The honourable member's question is well asked. Although it is directed to the Minister of Health, in a visit I made recently to my Campbelltown office (and that was the area to which the honourable member referred) I met a group of about 12 voluntary community aides. These women were Italian speaking and raised the same question, particularly in regard to Modbury Hospital and to some extent the Royal Adelaide Hospital. They pointed out the complete isolation in which particularly elderly non-English speaking persons were placed when they were in hospital, not only in regard to their medical care but in regard to everything else. If they were in hospital and could not speak English and could not converse with anyone in their own language, they found a great problem. I believe that the honourable member's question was a good one, and the answers to it will produce the remedies that ought to apply. I will refer the question to my colleague in another palce and bring down a reply.

MOTOR VEHICLE INDUSTRY

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question on transport.

Leave granted.

The Hon. N. K. FOSTER: Yesterday my question was aborted by the clock, in accordance with Standing Orders. The honourable Mr. Hill's reaction yesterday confirmed what I was going to ask. When I mentioned that I had a document, which was produced by the Department of Transport and which referred to a proposal for further legislation, the honourable Mr. Hill interjected and said, "Where did you get it?"

The PRESIDENT: Order! Before we get too far off the track, that has nothing to do with the honourable member's explanation.

The Hon. N. K. FOSTER: It will have. The proposal has been before Cabinet and, in fact, has been approved by Cabinet. I refer to legislation based upon the report of a Select Committee of the previous Government and covering the whole of the industry.

The Hon. L. H. Davis interjecting.

The Hon. N. K. FOSTER: Just keep quiet! You are not the Minister. You are a mug.

The PRESIDENT: Order! The honourable Mr. Davis is holding some sort of conversation, and I ask the Hon. Mr. Foster to ignore him and continue.

The Hon. N. K. FOSTER: A meeting of the Liberal Party resolved overwhelmingly that the Government was not to proceed with legislation to cover the crash repair industry. However, it was to produce a Bill to deal with only the tow-truck section of that industry. This morning the Minister of Transport delivered to the Leader of the Opposition the document that I mentioned yesterday concerning proposed legislation by the Department of Transport.

The Hon. J. C. Burdett: That is one aspect of it.

The Hon. N. K. FOSTER: I am being told by the

Minister, mumbling through his fingers as he usually does, that it may not be the end of the matter. Yesterday I raised the point that members of the Government were on this committee, which dealt with the whole of the industry, took evidence over a period of many months and, in fact, held some 50 meetings as well as visiting other States and the A.C.T.U. or, rather, the A.C.T.

Members interjecting:

The Hon. N. K. FOSTER: It would not have been a bad idea if we could have prevailed upon the Hon. Mr. Hill to accept the ideas of the A.C.T.U., which were offered to that committee. I did, in fact, have in mind the trade union representation which was accorded this committee, and also the working party set up prior to the introduction of the legislation. Therefore, I am not as misinformed as members opposite may believe. The overwhelming amount of evidence dealt with the safety of the travelling public. The Hon. Mr. Dunford raised the matter of people being killed because of vehicles being slapped up with a lot of goo and putty. I will not quote from the report but point out that there was nothing in it on that aspect. I am concerned about the travelling public and the complete absence in that document of anything that protects the public through the Government's proposed legislation.

Will the Minister have a report prepared on the history of the motor vehicle, registered number SLS-041, from the Registrar of Motor Vehicles and on the accident repair and purchase of that vehicle? Will the Minister ascertain what insurance company was involved with this vehicle in all aspects of insurance? Will the Minister have a report by the assessor made available and a report from the insurance company on the accidents that this vehicle was involved in? I further ask that if the Minister is unable to have such an investigation carried out, he prevail upon Cabinet to introduce legislation to protect the public in business transactions and in the interests of public safety in motor vehicles. I also ask whether clause 2, page 2, of the Department of Transport's report on the motor vehicle towing industry proposed legislation is based on the Select Committee's evidence and, if so, will the Minister have available the proposed recommendations of that committee, because it never reported. I expect a detailed report from the Minister in regard to this matter, because that is the whole basis of the question. I do not wish to have a "Yes-No" answer.

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

WORKING HOURS

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question on working hours.

Leave granted.

The Hon. L. H. DAVIS: There has been widespread publicity and a concerted effort by a section of the trade union movement to secure a 35-hour working week. The Federal Government and employer groups have been joined by the Federal Leader of the Opposition in opposing the 35-hour working week. It is a matter not only of Federal importance but also of State importance because, as it is argued, a shorter working week will increase overtime payments rather than reduce unemployment, will increase cost of production and lessen the competitive position of the State's many companies, which sell not only to the domestic market but also overseas. Will the Minister advise the Council of the State Government's attitude to a shorter working week?

The Hon. J. E. Dunford: Don't you know?

Members interjecting:

The PRESIDENT: Order!

The Hon. L. H. DAVIS: Also, is the Minister aware of any statement made by the State Labor Party or its Leader in another place, Mr. Bannon, as to whether it supports its Federal Leader, Mr. Hayden, in this critical matter?

The Hon. K. T. GRIFFIN: It is fairly well recognised throughout the community that, if a 35-hour week is achieved for a 40-hour wage, there will be some serious consequences not only for South Australia but also for Australia as a nation and for its people. It will contribute to an increase in inflation, it will result in an increase in costs of goods and services to all sectors of the community, including the ordinary people who can least afford such increases, and it will make industry less competitive in an international sense. By thus being less competitive it will prejudice the development of industries upon which we rely for jobs in the community. The State Government's attitude to the 35-hour week is that we in this State and in the nation as a whole cannot afford to allow a 35-hour week to become a fact of life. We cannot allow a 35-hour week for a 40-hour wage to make the great imposition that it would undoubtedly make, for all the reasons I have given.

I am aware of the support of the Federal Leader of the Opposition for the Federal Government in opposing the 35-hour week, but I am not aware of any expressed attitude of the Opposition in this State towards that claim.

KIDNEY DONORS

The Hon. FRANK BLEVINS: I seek leave to make an explanation prior to asking a question of the Minister of Community Welfare, representing the Minister of Health, on the subject of kidney donations.

Leave granted.

The Hon. FRANK BLEVINS: On the television news services on Monday night and in the *Advertiser* on Tuesday morning, a great deal of publicity was given to the actions of the Premier and some members of his Cabinet, including the Minister to whom the question is addressed, when they assisted the Lions Club and the Australian Kidney Foundation in the campaign to have more people made aware of the programme run by the Australian Kidney Foundation to encourage people to sign declarations permitting their organs to be used for transplants after they have died. The publicity was good, because the cause is a worthy one. However, the fact that the publicity is necessary demonstrates, I think, some of the difficulties experienced by members of the community in dealing with kidney donations, especially those people who require such a donation to have some kind of satisfactory life. I wish to quote briefly from the *Weekend Australian* of 12-13 April to highlight these problems. The report, by medical writer Ron Hicks, states:

> More than 500 people suffering from kidney disease are experiencing long delays for transplant operations because of a shortage of donors. The shortage is due to lack of awareness among the public—and among doctors, according to Professor Folkert Belzer. Professor Belzer, a world authority on kidney transplants who is head of surgery at the University of Wisconsin, is visiting professor at Sydney Hospital.
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> "People do not donate organs, such as kidneys, because they do not think of it," said Professor Belzer. "Yet if there is any shortage of blood, there is little problem today to get people to donate," he said. "Unfortunately, the doctor must also share the blame. The doctor in a small general hospital

never sees the patient who will benefit from the donated kidney, so he also does not think about it. If a patient dies, he just wants to forget about it and get on with the next case."

My only comment is that I think that is rather harsh on the doctors. However, I understand what the professor means. It cannot be pleasant for doctors to have to approach the relatives of a dead person to request organs, although I understand from medical sources that, when requested, relatives seldom refuse.

In view of this, I wonder whether the Minister will consider reversing the present procedure so that, rather than patients signing declarations before they die to permit their kidneys or other organs to be used to assist the living, it could be assumed automatically, and so that people, by signing a card, can opt out of this system. This is nothing new, as it happens already in several European countries, where there is no shortage of kidneys or other organs. I think it would be a tremendous advance for people suffering from kidney disease, eye disease and similar diseases who could be assisted by the donation of organs. Will the Minister of Health consider altering the system in South Australia so that, instead of people having to opt in to be a donor, they can opt out if they do not wish their organs to be donated after their death?

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

ELECTRICITY TARIFFS

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Attorney-General, representing the Minister of Mines and Energy, on the matter of the electricity tariffs.

Leave granted.

The Hon. ANNE LEVY: As most members will be aware, there has been increasing community concern in relation to the use of solar energy and the potential benefit to the community as a whole if more use can be made of it. Some time ago, the Electricity Trust brought in a reduced tariff rate for the boosters which are often used in conjunction with solar water heaters, the idea being that the boosters operates in very cloudy conditions or overnight when there is no solar energy to generate electricity for heating water in hot water systems. The new tariffs which apply are known as the K tariffs, and the rate per kilowatt hour for electricity used is a good deal less than that applying for normal domestic use, no doubt to encourage the use of solar energy for hot water services, and also because the drain on these meters will occur mainly at night and not in periods of peak demand.

It was drawn to my attention recently that, although the rate per kilowatt hour is much lower for these boosters for solar hot water services, the minimum charge applied by the Electricity Trust is a good deal higher than the minimum charge on which the trust insists for electricity consumed for normal domestic use. In the normal operation, I believe the minimum charge per quarter is about $3·30, whereas for the K tariff meters the minimum charge is $4·50 per quarter. Naturally, as the K tariff boosters are used mainly at night and in inclement weather many people with solar hot water systems do not reach the minimum tariff, which they nevertheless have to pay, being such a high figure.

I have had correspondence with the Electricity Trust on this matter. I have suggested to the trust that, whilst one can appreciate that a minimum tariff is perhaps necessary and can be regarded as a rent for the equipment which the trust has installed in the consumer's home, it is difficult to justify a higher minimum for the K tariff meter than for the normal domestic tariff meter. I think it could well be considered that the same minimum tariff could apply to both, if not an even lower minimum tariff for the K meter, as an encouragement to people to install solar power for their private hot water systems. The Electricity Trust has replied, and although I do not wish to give full details of the General Manager's letter, he agrees that there is merit in my suggestion that the minimum charges should be the same. He says that he will consider the matter when the tariffs are next reviewed. My question to the Minister of Mines and Energy would be this: would the Government consider this as a matter of policy and so issue guidelines to the Electricity Trust when it is next reviewing its tariffs, so that the Government can be encouraging the trust to adopt a policy of the same minimum tariff applying for the different meters installed?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Mines and Energy and bring back a reply.

COMMISSIONER FOR EQUAL OPPORTUNITY

The Hon. BARBARA WIESE: I wish to ask a question of the Minister of Consumer Affairs. In view of the Minister's extraordinarily shallow justification of his Government's decision to politicise the position of Commissioner for Equal Opportunity, will he now say whether the selection panel for the position also was politicised? In particular, I ask whether Mr. Ross Story, a political appointee to the Premier's staff, was a member of the selection panel of three for the Commissioner's appointment.

The Hon. J. C. BURDETT: I think I established yesterday that neither in this nor in any other case (I cannot recall such a happening since I have been in Parliament) have the personnel of a panel been disclosed. According to the statement I made today, it was considered by the Public Service Board to be a properly appointed panel, and I do not propose to disclose the names.

The Hon. C. J. SUMNER: If that question were directed to the Chairman of the Public Service Board, would the Minister have any objection to the Chairman's disclosing this information to a member, if he says that proper procedures were gone through in the selection?

The Hon. J. C. BURDETT: I have discussed this matter with the Chairman of the Public Service Board and he applauded me for my stand yesterday in refusing to disclose the names of those on the panel.

The Hon. C. J. Sumner: Story isn't a public servant.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The Chairman told me that he applauded the decision I made yesterday not to disclose the names of the personnel and he said that the Public Service Board had taken a stand that personnel on a panel should not be disclosed. I propose to adhere to that.

UNEMPLOYMENT

The Hon. J. E. DUNFORD: I seek leave to make a brief statement before asking a question of the Attorney-General regarding unemployment.

Leave granted.

The Hon. J. E. DUNFORD: I was going to ask this question yesterday, because I had heard a recent news broadcast to the effect that the Government appeared to have $36 000 000 surplus. This has been confirmed today, and it concerns me that the Government is not going to do anything immediately to relieve the unemployment

situation in South Australia. I may add that members may recall that last September or October, when there was a slight decrease in unemployment, the Premier said on television and in the newspaper that we had turned the corner and were on the road to recovery. He went crazy. He said that the job rot had stopped. Now, in May, we have the highest unemployment rate in Australia and the highest unemployment rate since the depression.

The Hon. L. H. Davis: That's what 10 years hard "Labor" did for us.

The Hon. J. E. DUNFORD: No.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: Tonkin won the election and said he would solve the unemployment position. Hill and Burdett used to chortle when we said that the blame was with the Federal Government. They said that it was not, that it was with the State Labor Government, so Tonkin cannot now blame the Fraser Government as I do. The Government has $20 000 000 put aside for Redcliff and $10 000 000 for the north-east transport corridor (that does not augur well for the transport system). This is why I am asking the question of the Attorney-General. I know that he will bite the bullet and give an answer. When I asked a lengthy question of Burdett, he gave me the following three replies:

1. Details of the Government's employment creation schemes have already been announced.
2. See 1. above.
3. The Minister is not a lawyer.

It is absolutely hopeless and useless to ask Burdett.

The PRESIDENT: Order! The honourable member has had his attention drawn to the fact that he is not to refer to Ministers as "Burdett" or "Tonkin". I ask him not to repeat it.

The Hon. J. E. DUNFORD: I am very angry with them, Mr. President. Will the Attorney-General, representing the Premier, say whether the Premier has any positive programme to create more jobs for the unemployed and will the Attorney-General bring back a reply to this Council before the adjournment of Parliament next week, not just give some brief and inane reply as one has come to expect?

The Hon. K. T. GRIFFIN: I will refer the question to the Premier and bring back a reply.

RETAIL DEVELOPMENT

The Hon. J. R. CORNWALL (on notice) asked the Minister of Community Welfare: Will the Minister supply the Council with a list of the numbers of applications for approvals, consents or permit submissions for retail development which have been made to individual councils in the Metropolitan Planning Area between 17 September 1979 and 31st March 1980?

The Hon. J. C. BURDETT: Records of planning applications and approvals other than those made to the State Planning Authority are held by individual Metropolitan councils and it is not possible, therefore, to supply the information that Dr. Cornwall has requested.

LEAVE OF ABSENCE: Hon. C. W. CREEDON

The Hon. FRANK BLEVINS: I move:

That two months leave of absence be granted to the Hon. C. W. Creedon on account of absence overseas.

Motion carried.

WAITE INSTITUTE

The Hon. K. L. MILNE: Before moving the motion on the Notice Paper, I seek leave to amend it by adding, at the end of paragraph 1 (b), the words:

without prejudice to the funding of Roseworthy Agricultural College or other institutions.

Leave granted.

The Hon. K. L. MILNE: I move:

That in the opinion of this Council—

(a) The Waite Agricultural Research Institute of the University of Adelaide should be formally recognised as a Research School in the Agricultural Sciences in the Australian Universities system as referred to by the Australian Universities Commission in May 1972, paragraph 8.55 of their Fifth Report.

(b) The Waite Institute should be funded in accordance with this role without prejudice to the funding of Roseworthy Agricultural College or other institutions.

(c) The Premier be asked to convey the substance of this motion to the Prime Minister so that the necessary action can be taken by the appropriate authorities.

I remind the Council that we have had three inches of rain within the last five days. I wonder how many people care that we have had three inches, yet every inch of rain in South Australia means about $30 000 000 in exports, the bulk of which are agricultural products and most of which are exports due to the successful work of the Waite Agricultural Research Institute.

Honourable members will recall that when the Commonwealth Government established the Australian National University in the 1950's and 1960's a number of research schools were then established in the Institute of Advanced Studies, which were to be centres of excellence. In other words, they were to be, and are becoming, not only schools of national importance, but schools with world recognition. It is important to note these schools, which include the John Curtin School of Medical Research, the Research Schools of Chemistry, Physical Sciences, Biological Sciences, Pacific Studies, Earth Studies (geology), and Social Studies. All of those schools are research institutions.

These research schools are funded for their research activities, whereas the Waite Agricultural Research Institute, which exists in a State university, suffers serious disadvantages because State universities are funded almost entirely on the basis of student numbers. The funding of universities and colleges of advanced education is allocated mainly on student numbers, with the amount per student varying according to the faculty. The cost of medical students and agricultural science students, for example, is greater than for arts or social science students. Naturally, post-graduate research students are more costly than under-graduate students in the same discipline.

The presence of an established research institute within the University of Adelaide at one time had a serious distorting effect on the university budget. However, in recent years the Tertiary Education Commission has shown a great deal of goodwill to the university and the Waite Institute by providing funds that are intended to remove this distortion. For a variety of reasons, some obvious and some not, the Waite Institute has not received the benefit that one might have expected, and even worse, it is now suffering very serious erosion of its staff, buildings, equipment and, therefore, its research capacity.

Honourable members will notice that a School of Agricultural Science was not created among the others I

have mentioned in the 1950's, yet agriculture was then, and still is, one of the most important industries in Australia, if not the most important when one takes into account the vast ramifications of it and those who are directly and indirectly associated with it. Although there is no record of anyone actually saying so, the reason for the omission of a research school in the agricultural sciences obviously must have related to the existence of the Waite Institute, which at that time already had a reputation for successful research. Some of the successes at the Waite Institute include the discovery of trace elements (in conjunction with the C.S.I.RO.); the control of crown gall, which is a cancerous growth on the roots of stone fruits; the biological control of red scale; and successful improvement in wheat and barley breeding, which resulted in increasing export markets considerably. Those examples are but some of the Waite Institute's successes and alone have been and are worth millions of dollars annually to South Australia and Australia as a whole. Indeed, those successes have been worth many millions of dollars to growers throughout the world.

At the moment the Waite Institute is working on a new hard wheat and a new strain of barley that should be available in the next year or so. The research schools established in Canberra are attached to the Australian National University, and it was rather assumed that any more research schools would also be attached to the Australian National University until, in 1972, in the fifth report of the Australian Universities Commission, as it was then, in paragraph 8.55 the commission stated, among other things:

> . . . the commission believes that it would be wise to limit the number of research schools at the Australian National University and that there would be advantages in establishing, from time to time, similar national research schools in other universities.

Heeding this advice, I understand that since 1973 it has been University of Adelaide policy that recognition should be sought for the Waite Institute as a research school in the agricultural sciences attached to the university, as it is now. In fact, that has always been so, because the Deed of Gift of Peter Waite made it obligatory. Peter Waite's action in 1913 put him nearly 50 years ahead of his time. I believe that that relationship should remain, because that is how research schools are run and funded at this time. That situation should remain, provided that the university does not allow the Waite Institute to be treated as Cinderella was treated by her ugly sisters. However, there is a danger of that happening right now.

Twice during the last five years or so the University of Adelaide has been asked whether it believed the Waite Institute should be funded by an ear-marked grant, but the university rejected the proposal on both occasions, presumably because it feared that such a procedure might interfere with the university's autonomy. That argument does not impress me and, in fact, in the instance we are discussing now I believe that it would improve the university's autonomy by giving it greater freedom from financial restraint.

It is very relevant to my motion that prior to the establishment of joint Commonwealth/State funding of universities in 1958 the Waite Institute was funded by a direct grant from the Government of South Australia. The solution would appear to be and in fact will have to be, to revert in some way to the advantages of a direct grant both to the university and to its research school in the agricultural sciences. In the present circumstances, the grant would be made by the Commonwealth Government through the Tertiary Education Commission. I have reason to believe that the University of Adelaide Council may now be more amenable to this funding arrangement. I simply cannot for the life of me understand why this major problem has not been resolved before now.

I think it is most unfortunate that the Council of the University of Adelaide has been unable to prevent the serious erosion of the Waite Agricultural Research Institute's research capability. Many people in Canberra have gone along with that approach. In South Australia we have a school of excellence with a proven track record in research, and the Commonwealth bodies are apparently prepared to help us to upgrade it, but we are in danger of letting it languish. For example, there are seven professorial chairs at the Waite Institute establishment, but two of them are vacant—Animal Science and Soil Science—which is nearly 29 per cent of its establishment of professorial chairs. You cannot have a research institute that, in effect, is lopsided and missing something in the full range of research that it should and has undertaken at world level.

It would be of immense value to the State, to the industry, to the farmers and graziers of the whole of Australia to do so, and the University of Adelaide itself would gain in stature. If we are not careful, we may find that the research school of excellence in agriculture has been down-graded to such an extent that Adelaide is no longer regarded as the Australian and international centre in this field. It does not take long to fall when one is at the top, and I believe that that has already begun to occur. The university council, almost two years ago, appointed a committee to look into the future relationship of the university and the Waite Institute. That committee has not yet reported, but I understand it will be doing so very soon. That is an indication of the difficulties of a committee trying to resolve the problem within the university itself.

If honourable members examine the make-up of the University Council and the complicated nature of any university, they will find that such a problem will either take a long time to resolve or will be impossible to solve. I am the first to realise, as all honourable members do, that the Commonwealth Government has trimmed the university's budget, and this has put an immense strain and pressure on the council trying to make decisions on where to make cuts. There can be no question about that but, of all the activities that should not be cut in South Australia, or in any other State in Australia, it is the Waite Research Institute with its proven record.

Therefore, I believe that it is no use bringing this matter before the university, its committee, or the numerous commissions and councils involved in Canberra. By doing that, it will take years to rectify, and time is not on our side. The institute not only attracts highly qualified and top world scientists to its staff but it also attracts post-graduate students from all over Australia and from other parts of the world, particularly from South-East Asia. It makes a most valuable contribution to world food production—a contribution not only for our own benefit but for our friends and neighbours in other countries. For that reason alone, the function, the status and the long-term future of the institute are vital.

To start an agricultural science research school somewhere else, of the standard and reputation of Waite, is unthinkable. The expense would be enormous and it would take 50 years to establish an equivalent reputation. But, as I said earlier, unless we do the job in South Australia, it will be done elsewhere—nothing is more certain—and I would think that the University of New England, for example, would be poised to do just that if given the chance.

I know from first-hand experience what the internal politics of a university or college of advanced education are like, having served on the Faculty of Economics for some years, on the Universities Commision for one year and on the Commission on Advanced Education for 4½ years. So I do know the various interests that cut across each other, and I am aware that they are almost impossible to satisfy.

What happens in practice is that the university and college councils rely heavily on the advice of staff, most of whom are academics, and it is in that area where most of the politics is played, while the council takes the blame. I know, because I have seen it and because I have been invoved in it. In this instance the council of the university has received poor advice, in my view, and whether it will still agree with it, and in fact does not want the institute to be so prominent, will be demonstrated by its attitude on this motion.

For that reason I have moved in this Council that we go directly to the Prime Minister. Otherwise we will be pushed from pillar to post with at least the three Commonwealth Ministers involved—there are probably four (the Prime Minister, the Treasurer, the Minister for Primary Production, and the Minister for Education)—and all the committees and commissions that they control. All these bodies would have to be consulted.

I know Professor Karmel well, and he is one who likes to get things done, even with a short cut or two, and I feel sure (although I have not asked him) that he would approve of what we are trying to do. This is a matter that can only be of benefit to the university, the institute, Australia, and South Australia in particular. I believe that the university itself, and others concerned, will be pleased, even grateful, if we cut all the red tape which inevitably seems to become involved in academic circles. What I am suggesting really is their policy. I would like the Council to know that I have spoken about this to Mr. John McLeay, the only South Australian Cabinet Minister in the Government in Canberra, and have asked him to inform the Prime Minister of the resolution and its purpose. He has undertaken to do that, and I hope the Council will agree that that is a courtesy due to the Prime Minister. Mr. McLeay was aware that Mr. Geoffrey O'Halloran Giles, M.H.R., had been working on this problem for some time on his own but without success.

This is not a Party-political matter. To make it so would be foolish and show that this Council and, indeed, this Parliament were unable to rise above normal adversary poltics, even on a matter as beneficial to us all as this will be.

I dearly hope that we can act together to restore not only the proper dignity and status to the Waite Institute but also the same dignity to this Council. Therefore, I earnestly seek the co-operation of honourable members on this project, and I seek their support for my motion. Then we will see the Waite Institute funded as a research school of excellence in the same way as other admirable schools in Canberra, but without anyone getting hurt.

The Hon. R. C. DeGARIS: I have much pleasure in seconding and supporting the motion moved by the Hon. Lance Milne. On 19 December 1973 Adelaide University announced publicity in the *Advertiser* of that day that in view of the importance and distinction of the Waite Agricultural Research Institute the university was seeking special status for the Waite Institute. This has not yet been achieved.

It must be admitted that the Waite Institute has already played a significant role in the development of agriculture in Australia, as well as adding considerably to the stature of this State. The work of the institute has been recognised internationally, particularly for its research on trace elements, plant breeding, insect ecology, agriculture climatology, plant physiology, plant diseases and the nature of viruses, as well as crop and pasture production. he Hon. Lance Milne has presented to Parliament a much more detailed list of the Waite's achievements but really the international reputation of the institute is such that it does not require any long list of quoted achievements to prove the point. Also, as stated in the honourable member's speech, a number of interesting developments are currently being made in many of the fields of research undertaken at Waite. Unfortunately, the institute's future is in jeopardy, and in fact its programmes are being eroded owing to financial constraints.

It is abundantly clear that a research institute cannot be sustained within a university which is funded primarily upon the basis of student numbers. As has already been explained, the Australian National University receives a budget appropriate to maintaining the research schools in medicine, chemistry, biological sciences, physics, earth sciences and social sciences. Their survival as viable research organisations is thus assured, even though these research schools do not enjoy the comparatively liberal funding of times gone by. Indeed, their funding levels are even now very much more favourable than that of the Waite Institute which, for various reasons, has suffered serious neglect for 15 years. This, I believe, underlines the urgency of the problem facing the State of South Australia as a traditional centre for outstanding research pertaining to agriculture. At the time the Institute of Advanced Studies was planned and developed in the 1950's and 1960's, a school in agricultural sciences was not included. That is in the establishment of the Institute of Advanced Studies at the Australian National University.

It may seem to be strange that in a country that relies so much upon its rural production as a base for its economy, no research school was established. The obvious reason for the exclusion of agricultural sciences from the Institute of Advanced Studies is the existence of Waite. Whatever the reason, it is clear that agriculture is now discriminated against even though it is still Australia's most important export industry.

To try to establish such a school now from scratch with all the research facilities required would take a massive financial commitment and would take many years to develop to achieve the same Australian and international standing now enjoyed by the Waite. Waite has for a long time fulfilled the role of a *de facto* research school in agricultural sciences in the Australian university system. Indeed, it is the only university centre mentioned as a centre of excellence in the report of the 1977 independent inquiry into the C.S.I.R.O. The Waite Institute campus was cited as a prototype for centres of excellence in fields other than agriculture.

The core of the problem has also been explained extremely well by the Hon. Lance Milne, and it lies in the method of funding where the amount of money directed towards any branch of the university's activities is traditionally related to the number of students. As the A.N.U. research schools do not suffer this difficulty, the unique asset of the Waite Institute is suffering a declining fortune in the university sector. It appears clear that the answer to the problems of the Waite Institute must lie in a policy decision that is to recognise it as a school of excellence and fund it in a different way so that it can maintain the standards it has set over many years of outstanding work.

The idea that a system of funding the Waite Institute so that it can enjoy the same privileges as the research

schools of the Institute of Advanced Studies of the A.N.U. has had a long history. It began in the early 1970's when the system of funding universities was different from the present system—when the States contributed to the finances on an agreed formula. If honourable members cast their minds back, I believe that, for every $1·82 contributed by the State, $1 was subsidised by the Commonwealth prior to its taking over the total funding.

References can be found to proposals for Waite to become a "national school", meaning that its work should be funded entirely from Commonwealth funds. Those references can be found as far back as the early 1970's. The term "national school" does not mean that the ties with the Adelaide University should be severed. One such reference can be found in Chapter 10 of the Adelaide University's submission to the A.U.C. for the 1976-78 triennium (dated December 1973).

Since the changes in the financing of universities, the change in the fortunes financially of Waite has become more dramatic. The fifth report of the A.U.C. dated May 1972, made the following reference (paragraph 8.55):

> In the case of Waite Agricultural Research Institute of the University of Adelaide, the university argued that its nature was similar to that of a research school at the A.N.U. and that the existence of the institute had a seriously distorting impact on the university's budget.

Later in the paragraph it states:

> The commission believes that it would be wise to limit the number of research schools at the A.N.U. and that there would be advantages in establishing, from time to time, similar national research schools in other universities.

"National research schools" is again used to mean that they do not come under the control of the A.N.U. but are recognised for that funding in regard to their activites. The sixth report, dated May 1975 (paragraph 13.32), states:

> Consequently the commission has decided, over the three years of the current triennium, to grade in an allowance within the general recurrent grant for the University of Adelaide as a part contribution towards the excess of the costs of the Waite Institute over those that might be expected for a faculty of agriculture. The commission believes that this should allow the Waite Institute to operate with a modestly expanded academic staff. Since the Waite Institute is in a large measure a research centre, the commission suggests that the university should, as far as possible, increase the rates of untenured to tenured staff.

The sixth report was not accepted by the Government, but the A.U.C. in its report for the 1977-79 triennium dated July 1976 stated the following, in paragraph 7.15:

> However, it proposes to grade in the remainder of the special allowance over the years 1978 to 1980. The conditions referred to in the sixth report at paragraph 13.32 apply. It is the commission's view that the modest expansion in the academic staff at the Waite Institute referred to in that paragraph should be to untenured staff.

The Australian Graduate School of Management, established in the University of New South Wales, was initially funded by way of an ear-marked grant, and special funding by way of ear-marked grants appears to be one way out of the dilemma facing the funding of Waite. The evidence quoted here is only part of the evidence that could be quoted, supporting the recognition and development of the Waite Institute as a research school in the Australian universities system. I reiterate that agriculture is discriminated against and that South Australia and indeed all southern Australia is being seriously disadvantaged. The evidence available also shows that the budget of the Adelaide University has been augmented by a substantial sum because of the significance of Waite. The evidence for the Tertiary Education Commission's concern is given in its report for the 1979-81 triennium where, in volume 2, paragraph B73, it states:

> The present level of funding for the University of Adelaide takes account of the special functions and contributions of the Waite Institute, and the council proposes to continue such special consideration in future recommendations.

However, any study will show, I think clearly, that the institute has suffered disproportionately in recent years. I do not wish to make comparisons between the various faculties at the Adelaide University but I can assure honourable members that any examination will disclose the decline in the financial fortunes of Waite. I believe a clear need can be established for a proper basis for funding a research school such as the Waite Institute.

The recognition of Waite as a school of excellence, its continued development and proper funding would, I am sure, be supported by the Adelaide University, and most certainly warmly welcomed by South Australians, and all agricultural areas in Australia. I am also convinced that the only way to solve the problem quickly is by a direct approach to the Prime Minister, and the most effective way to achieve that is for a Parliamentary motion, carried unanimously by the Parliament, and a request for that resolution to be conveyed to the Prime Minister.

I would, in closing, also like to mention the work already done on this matter by Geoff Giles, who has been working on this problem for some time, although his advocacy was not known to the Hon. Lance Milne, or me, until quite recently. I am sure both of us appreciate the correspondence forwarded to us by Geoff Giles, which has assisted us in the presentation of this motion. Also, I would like to thank the Federal Minister for Administrative Services (Hon. John McLeay) for his kind audience last Friday and the advice and assistance he offered.

I feel sure that, if the short cuts at the political level can be taken, this State can be assured of an agricultural school of excellence which has already achieved international recognition but which needs a new approach to funding if that eminent position is to be maintained.

The Hon. K. T. GRIFFIN (Attorney-General): I commend the Hon. Lance Milne for his initiative in bringing this matter before the Council to enable it to be debated here, and I indicate that the Government supports the motion, as amended. For all South Australians, the Waite Agricultural Research Institute has been a landmark for many decades, both in its obvious location, where again to the public its research work is obvious, but more particularly for the world recognised research which it has undertaken. It is, as both the Hon. Lance Milne and the Hon. Ren DeGaris have indicated, an institute which is recognised the world over for its results and for the training which it is able to give to scientists from all countries of the world.

I think it is reasonably well known that the emphasis on its overseas visitors is on persons from South-East Asia, but it should not be overlooked that many scientists come from other countries of the world, including Switzerland and other European countries, as well as from the American continent. It is perhaps even more recognised around the world than is the University of Adelaide, although that university, in some of its disciplines, has world-wide recognition for the excellence of its own research facilities and activities.

The maintenance of the status of the Waite Agricultural Research Institute depends on the standard of its work, which in turn depends on the funds available to it and on the way in which those funds are spent. The more funding available, both for direct research work and in more

general terms for its administration, the more effective will be the research initiatives it undertakes. It is, as speakers have already indicated, a recognised research school of national importance, but we want that to be recognised by the Federal Government, not only in status and in its funding, but in recognising that importance and the need for additional funding we want to ensure that what is given with one hand is not taken away by another; funding should be available to the Waite Institute in addition to that which is at present available to the Roseworthy Agricultural College and to other institutions, in particular the two universities in South Australia.

It is, I think, well recognised within Australia that the Roseworthy Agricultural College undertakes most important research which should not be prejudiced by some further recognition of the work of the Waite Institute. We, as a Government, support the motion.

We believe that it is a matter of importance to South Australia in particular, but generally to the whole of Australia, because the status of the work being undertaken in agricultural research depends on the amount of funding available in particular to the Waite Agricultural Research Institute. Therefore, I, as Leader of the Government in this Council, and on behalf of the Government generally, commend the motion to honourable members and ask for their support.

The Hon. ANNE LEVY: On behalf of the Opposition, I support this motion, and I am very pleased to do so. I think it was an earlier Vice-Chancellor at the Adelaide University who said, speaking of the Waite Institute, that it was the "jewel in our crown and the millstone around our neck". In so doing, he was referring to the remarkable achievements of the Waite Institute and the calibre of the work done there, which is known throughout the world, and likewise to the financial drain that the Waite Institute constitutes on the rest of the university.

The Waite Institute is part of the University of Adelaide, but it is very largely a research institute, with few undergraduate students. It has a considerable number of post-graduate students who come from all parts of the world, but still its staff-student ratio is very different from that of the rest of the university, because of its strong concentration on research. It is true that, in recent years, funding of universities has been more or less based on student numbers, and the famous weighted student units, or W.S.U.'s, play a great part in any discussion of university finance.

I have here a table prepared in the University of Adelaide on the current grant per weighted student unit in various universities throughout Australia for the year 1978. Adelaide University tops the list with $4 851 per W.S.U., whilst Melbourne received $4 410, New South Wales $4 350, Western Australia $4 315, Monash University $4 311, Sydney University $4 301, and Queensland University $4 119 per W.S.U. These figures show clearly that Adelaide University has received a larger grant per W.S.U. than has any other comparable established university in the country. The table does not include the newer universities, where the faculty mix is very different, and where the establishment of new developments is still occurring, so that the situation is very different.

Another fact which is very important when we are considering the financing of institutions such as the Waite Institute as part of the University of Adelaide is to look at the internal expenditure within the University of Adelaide on the different faculties.

The agricultural science faculty is based at the Waite Institute, and the figures for 1978 show that, in agricultural science, there was $9 193 per W.S.U., compared to an average for the whole of Adelaide University of $3 223 per W.S.U. Agricultural science heads the list by a considerable margin. The next are dentistry, with $5 633 per W.S.U., and medicine, with $4 486 per W.S.U. This extra expenditure on a weighted student unit basis reflects the fact that the Waite Institute is a research institute and is not financed by the university merely on the basis of the number of students there. There is a large expenditure purely for the research activities of the institute, which I am sure we all applaud.

At the Adelaide University, on a W.S.U. basis, the agricultural scientists received nearly three times the average expenditure, because the Waite Institute is not only a teaching institution but also a research institution. I take issue with the Hon. Mr. Milne, who suggested that the Waite Institute has received no benefit from the fact that the Tertiary Education Committee has provided funds to remove the distortion due to Waite, and I also take issue with the Hon. Mr. DeGaris, who suggests that the Waite Institute has suffered disproportionately compared to the remainder of the university. The grant to Adelaide University per W.S.U. is about 10 per cent higher than for comparable established universities.

The Hon. R. C. DeGaris: Don't the figures you have given bear out what I have said?

The Hon. ANNE LEVY: Not at all. They show that, on a W.S.U. basis, Waite Institute does very much better than the remainder of the university. I realise that this is not a valid comparison, because Waite Institute is not only a teaching institution but is also concerned in research. If we study the university's recurrent grants over a number of years and look at the proportion of the recurrent grant that has been spent by the Waite Institute, we find that this has fluctuated. The percentage going to the Waite Institute has fluctuated, from a high point of 12·9 per cent of the total university recurrent grant in 1966 to a low of 10·11 per cent in 1976.

Over the past five years, the proportion of the university's recurrent grant going to the Waite Institute has averaged 10·33 per cent, and I suggest that this indicates clearly that the Waite Institute has not suffered disproportionately compared to the remainder of the university. Adelaide University has been suffering owing to financial cuts. There have been many attempts to work out what part of the expenditure of Waite Institute is due to its research function, as opposed to what it would cost if it were financed only on a W.S.U. basis. In 1976, a calculation was made by the university that the Waite Institute at that time had an excess cost to the university of about $1 436 000, over and above what it would get if the W.S.U. only were used. Translated to 1979 dollars, this is equivalent to about $1 800 000.

The Hon. Mr. Milne has stated that twice in the past five years the University of Adelaide has been asked whether it believes that the Waite Institute should be funded by an earmarked grant, but the university has rejected this proposal. I suggest to the Hon. Mr. Milne that there is no documentary evidence of this statement. There have been only reports of conversations, which notoriously can readily be taken out of context.

The honourable member did say that the university has set up a committee to look at the relationship between the Waite Institute and the rest of the university.

I have been a member of this committee that has been looking at this very vexed question for about 18 months. As a member of the committee, I can state that we have had no documentary evidence that the university is averse in any way to Waite Institute receiving special status from the Government through the Tertiary Education Commit-

tee. In fact, for years the university has pressed for Waite Institute to be considered a national school of agriculture.

The Hon. Mr. DeGaris has quoted extracts from the reports of the Tertiary Education Committee, and I think some of them are worth repeating. The fifth report of the committee, in May 1972, states, in paragraph 8·55:

> In their submissions, the University of Adelaide and James Cook University of North Queensland argued strongly that their activities in agricultural research and tropical veterinary research respectively should be considered as meeting national needs and might therefore be considered appropriate to be given special financial assistance by the Commonwealth Government as national research schools. In the case of the Waite Agricultural Research Institute of the University of Adelaide, the university argued that its nature was similar to that of a research school at the Australian National University and that the existence of the institute had a seriously distorting impact on the university's budget.
>
> Although it believes that there is merit in arguments of the type set out by the University of Adelaide, the commission sees practical difficulties in determining whether a research operation in a particular university should qualify for special financial treatment. As discussed in paragraph 9·25, the commission believes that it would be wise to limit the number of research schools at the Australian National University and that there would be advantages in establishing, from time to time, similar national research schools in other universities.

Later the University of Adelaide, in making its submission for the 1976-78 triennium, prepared a document of 7½ pages, urging that the Waite Institute be considered a national school of agricultural sciences and be funded accordingly. I will not bore members by reading the total submission, but, if anyone is interested, I will have copies supplied. The report from the commission in 1975 made several comments in relation to this submission, as follows:

> The University of Adelaide has made a number of submissions to the commission for special consideration on account of the costs imposed on the university by the operations of the Waite Agricultural Research Institute. The commission has examined the funding of the Waite Institute carefully. As indicated at the beginning of this chapter, universities are not expected to provide uniformly for all activities and the commission believes it is not unreasonable to assume that, where a university decides to develop special concentrations of research activity, it would fund them from its normal recurrent grants. For largely historical reasons the Waite Institute is of a size relative to the University of Adelaide such that it imposes a financial responsibility on the University substantially greater than the kind just mentioned. Consequently, the commission has decided, over the three years of the current triennium, to grade in an allowance within the general recurrent grant for the University of Adelaide as a part contribution towards the excess of the costs of the Waite Institute over those that might be expected for a faculty of agriculture. The commission believes this should allow the Waite Institute to operate with a modestly expanded academic staff. Since the Waite Institute is in a large measure a research centre, the commission suggests that the university should, as far as possible, increase the ratio of untenured to tenured staff.

Further in that same report, referring to the Waite Agricultural Research Institute, the T.E.C. states:

> In preparing the Fifth Report, the commission had before it a proposal from the University of Adelaide that the Waite Agricultural Research Institute should be considered as a national research school, similar to a research school of the Australian National University. The university has re-submitted the proposal for the 1976-78 triennium. The commission recognises that the funding of the Waite Institute imposes financial problems on the University of Adelaide, and has taken this into account in assessing the general recurrent grant of the university (see paragraph 13.32). In addition, the commission would expect the University of Adelaide to treat the Waite Institute as a special postgraduate centre in making proposals for the use of the special research Category B grants for the 1976-78 triennium.

Those special research grants never eventuated. That report was not accepted by the Government, but an interim report was brought in for the following year and the triennia did not resume until later. However, it is quite clear from the quotations I have referred to that the university has long supported or requested special help for the Waite Institute. In the absence of adequate funding, it has maintained its support to the Waite Institute at the same level as a proportion of the funds available to the university as a whole. Lack of adequate funding for the Waite Institute is certainly not the fault of the university or even of the Tertiary Education Commission. Quite clearly, the fault lies with the Federal Government, which has been so parsimonious with respect to tertiary education.

I do not believe that the future will be any rosier. Only two weeks ago the Federal Minister for Education, Mr. Fife, announced funds for the universities and colleges of advanced education throughout Australia for the years 1980 and 1981. The funds allocated for tertiary education throughout Australia are falling yet again in real terms. I am sure members would be aware that the University of Adelaide's recurrent grant in 1979 was 2 per cent lower than what it received in 1978 in real terms. The figures published by the Federal Minister show that there are to be further cuts for the tertiary sector as a whole in 1980, and even further cuts in 1981. We do not yet know what proportion of the total money will be available for the University of Adelaide, and hence what proportion can be allocated to the Waite Research Institute. Quite obviously, the Tertiary Education Commission is not in a position to award money that it has not been given by the Government. The cuts made by the Federal Government for tertiary education in Australia are analogous to the 3 per cent cut for schools by the State Government in South Australia.

The current University of Adelaide submission to the T.E.C. yet again requests that support be given to the Waite Institute as a national research school in agricultural sciences. However, the report by the T.E.C. on this submission is not expected until later this year. Until that report is made available we will not know what moneys the University of Adelaide and the Waite Institute can expect to receive. Obviously, the T.E.C. cannot give money to tertiary institutions unless the Government funds it adequately. I am afraid that at the moment I am not in a position to make public any discussions that have occurred between members of the committee set up by the council of the University of Adelaide and people within the T.E.C., because, although the report by this committee has been completed, it has not yet been released and must remain confidential at this stage. I certainly recommend to all interested members that they look at this report when it becomes public, which will probably be in about a week's time.

I have been discussing the aspects of the Waite Institute that can be summed up in the previous Vice-Chancellor's quotation as a "millstone around the neck of the University of Adelaide". However, I would not like anyone to think that I have overlooked the first part of his quotation of it being "the jewel in the crown of the University of Adelaide". I have certainly had a very long association with the Waite Institute; my husband was on

the staff there for over 20 years. I am sure that no member doubts the excellence of the Waite Institute and the special work that has been done there, which has been mentioned by other honourable members.

There are 28 current projects being undertaken at the Waite Institute which have been funded by the Australian Research Grants Committee. That body only finances research on its merits and awards grants for research throughout Australia in a competitive manner purely on the basis of excellence. Those projects indicate the important and wide variety of work that is presently taking place at the Waite Institute. Those projects include the integrated control of insect pests in citrus fruits and peaches; the role of Boron in plant cells; and the effective control of cholesterol metabolism in cancerous and pre-cancerous liver. As honourable members can see, there is a wide range of very important work taking place at the Waite Institute at the moment.

The institute has also been recognised in other ways. It receives many grants from other bodies to carry out important research. I have here a list of 30 different projects currently being financed at the institute by other research granting bodies; for example, a grant from the Australian Meat Research Committee for studies on the *post partum* oesterus in sheep; a grant from the Australian Wool Corporation for a project on the use of pathogens to control Heliothis Punctigera in lucerne seed crops and field peas. One project is even financed by the Criminology Research Council on the forensic implications of the development of maggots in cadavers. A wide variety of important projects are being financed because of the excellence of the research facility and the research staff at the institute.

True, the institute is suffering at present, and it is for this reason that I heartily endorse this motion. Honourable members must not ignore the fact that Adelaide University as a whole is suffering at the moment — all universities in Australia are suffering at the moment, as are all the colleges of advanced education because of the policies of the Fraser Government regarding education.

The financial squeeze is so great that currently at Adelaide University 39 positions are vacant and frozen, unable to be filled because there is not finance available to appoint staff to replace those who have retired, resigned or died. Of those 39 positions, five positions are vacant at the institute, which is a significant proportion of the staff places at the institute to be vacant; these positions cannot be filled because of the lack of finance.

Honourable members can see that it is not just the institute that is suffering but it is the whole university that is suffering from the financial cuts that have been imposed by the Fraser Government. It is not only at Adelaide University, because the same story could be repeated for every university or college in the country. Although I support the motion very sincerely, I must admit that I am not too optimistic about the effects of the motion, although it is supported by all Parties in this Chamber, and hopefully in another place as well. I suggest that the Prime Minister is likely to refer it to the Tertiary Education Commission but without any additional funds being made available to the commission, which would then be unable to do anything.

I suppose it is possible that the Prime Minister could refer the motion to the Primary Industry Department. We already have a situation where the Federal Government has put education expenses into the defence budget, as instanced with the Defence Forces Academy, so it would not be unexpected if education expenses were included in the Primary Industry Department budget, although it might appear somewhat unusual. I predict that this motion is unlikely to achieve much in the way of positive results because of the stony-hearted attitude of the Fraser Government to the tertiary education sector in this country. I am willing and happy to endorse the motion and I hope against all hope that it does have some effect.

The Hon. M. B. DAWKINS: I rise to support the motion of the Hon. Lance Milne, and I commend him for moving it. I am also pleased for once to be on the same side of the debate, to some extent, as the Hon. Anne Levy, who has just resumed her seat and whose late husband, Dr. Barley, was a distinguished agronomist for many years at the institute. Also, I indicate that I am happy that the Hon. Mr. Milne included an addendum to his motion stating, ". . . without prejudice to the funding of Roseworthy Agricultural College or other similar institutions" or words to that effect. I am pleased that the honourable member made that point abundantly clear.

In moving his motion the Hon. Mr. Milne spoke about the Waite Institute and the history of it. He referred to the far-sightedness of Mr. Peter Waite many years ago. I do not intend to deal with that matter now, but I agree with what has been said in that regard. I am pleased that the honourable member clarified the position in respect of Roseworthy Agricultural College, because the Waite Agricultural Institute is part of Adelaide University, whereas Roseworthy is a college of advanced education. As has already been stated today, they are two completely different categories. Nevertheless, there has been some similarity in some of the work that has been done in those two places, notably in the breeding of cereals which, as the Hon. Mr. Milne said earlier, has been of immense benefit to this country and not merely to this State.

Any deficit that has accumulated by either the institute or the college must be looked at in the light of the immense benefit that has accrued to the agricultural economy of this country as a result of the research in various fields. I am speaking particularly about the research into the breeding of cereals that has gone on with great success in both these institutions.

Although Roseworthy College is a college of advanced education, honourable members should remember that for the first 20 years after the establishment of the Faculty of Agricultural Science, agricultural science students, who in those days did a four-year course, undertook part of that course at Roseworthy. Many distinguished gentlemen who passed through their degree course at Adelaide University by doing part of their training at Roseworthy are now employed in the Department of Agriculture or in private industry. I can recall two such such gentlemen now, one of whom was well known in this Chamber, the late Hon. Harry Kemp, who was an honours graduate at Adelaide University, and also Mr. Robert Herriot, O.B.E., who was Soil Conservator in the Department of Agriculture and whose pioneering work in soil conservation to my lay mind could have been the basis of a thesis that could have earned him a further degree. He later became Principal of Roseworthy Agricultural College.

Both of those gentlemen would be appalled at the problems that are now facing the institute, and they would have been disturbed at the lesser problems that have faced Roseworthy. I am extremely pleased that the motion is being supported by all Parties in this Chamber. I am sorry that the Hon. Miss Levy was so pessimistic about the outcome of the motion that she had to bring politics into it, because the Hon. Mr. Milne hoped it would be a non-Party political debate. I am afraid that that was a pious hope. Nevertheless, the motion has been supported by all Parties in this Chamber. The motion is concerned basically

with the Waite Agricultural Research Institute as part of Adelaide University. The institute is affectionately and well known throughout the informed agricultural community as "the Waite". It is known by that name throughout Australia and beyond as a centre of immense value to this nation. Therefore, I underline the urgency of the problem that has been so properly aired by the Hon. Mr. Milne in his motion, which I support.

The Hon. K. L. MILNE: I thank honourable members for their support, particularly the Hon. Mr. DeGaris and the Hon. Miss Levy. I believe that the Hon. Miss Levy's contribution dealing with the position of the university, puts the whole debate into perspective, and she was very fair. However, the figures that she quoted clearly showed that other faculties in the university are receiving more money per student than are similar faculties in other Australian universities. However, that puts it into focus. To me, the whole debate underlines the need for an approach directly to the Prime Minister. If the entire Parliament is behind the request, surely the Federal Government cannot refuse it and I suggest that we continue to press our case as best we can with malice towards none.

Motion carried.

The Hon. K. L. MILNE: I move:

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's resolution relating to the Waite Agricultural Research Institute, without any amendment.

MOUNT GAMBIER BY-LAW: TRAFFIC

The Hon. L. H. DAVIS: At the request of the Hon. J. A. Carnie, I seek leave to move Notices of Motion, Private Business, Nos. 1 to 3, standing in his name.

Leave granted.

The Hon. L. H. DAVIS: I move:

That by-law No. VII of the Corporation of Mount Gambier in respect of traffic, made on 17 January 1980, and laid on the table of this Council on 19 February 1980, be disallowed.

The Joint Committee on Subordinate Legislation looked at this matter and noted that, since the Mount Gambier City Council announced its intention to close portion of Gray Street lying within about 46 metres of Commercial Street West, there has been opposition to the closure from several directions. First, opposition comes from the proprietors of two motels in Gray Street who claim that the closure has reduced their trade by 30 per cent to the extent that very little passing trade is attracted and that their main clientele is those that book in advance. There have been other considerations that have also affected that trade, which has declined more than the average for motel occupancy in the South-East over recent years.

The objection is further supported by the Mount Gambier Chamber of Commerce, and there have been other objections from retail stores in that area. It is not to say, in moving this disallowance as I do today, that the members of the Mount Gambier City Council have not acted in a responsible manner. The evidence suggests that the members of that council have examined the situation in a most responsible manner. Moving disallowance of this by-law provides more time to analyse and evaluate alternative moves. This motion is an interim measure to permit further negotiation.

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

PUBLIC SERVICE ACT REGULATIONS

The Hon. L. H. DAVIS: I move:

That the regulations made on 6 December 1979 under the Public Service Act, 1967-1978, in respect of reduction of salary, and laid on the table of this Council on 19 February 1980, be disallowed.

The Subordinate Legislation Committee has resolved in favour of disallowance. I am moving this motion to allow other members to record their disapproval, as 14 sitting days have elapsed since the regulation was first tabled. In common law contracts of employment, it is common for employers to deduct pay from employees during absence while on strike. This has been the case in connection with officers employed under the Public Service Act, but there has been some doubt regarding this matter in the regulations that have been passed pursuant to the Public Service Act which set out the code and conditions of employment of officers and contain specific provisions for disciplining officers.

The new regulations simply remove any possible doubt and eliminate the need to invoke the disciplinary provisions of the Public Service Act which are completely impractical in the case of strike action. It is important to note that, by providing in the regulations a power to discipline employees under the Public Service Act, this is in accordance with the practice in the private sector and in accordance, as we understand it, with other States where, if this was not the case, one could well have the situation where people would be striking, knowing full well that they would always be remunerated in full.

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

SELECT COMMITTEE ON LAW REFORM PROPOSALS

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

That a Select Committee of the Council be appointed to inquire into and report upon the matter of processing law reform proposals and that the committee pay particular attention to the Report of the Senate Standing Committee on Constitutional and Legal Affairs on Processing Law Reform Proposals and Reforming the Law, and any other related matters.

The Hon. C. J. SUMNER seconded the motion.

The Hon. R. C. DeGARIS: The Senate Standing Committee on Constitutional and Legal Affairs, in its report brought up and printed on 10 May 1979, was charged with the responsibility of reporting to the Senate particularly:

(1) methods of ensuring that proposals for law reform by the (Australian) Law Reform Commission are implemented or are otherwise processed;

(2) the adequacy of existing machinery for the collection and assessment of proposals for law reform put forward by judges, commissions, committees and organisations or individuals; and

(3) the effectiveness of existing machinery for co-ordination of the work of the various law reform agencies in Australia.

During the last 10 years, a lot of intellectual effort has been put into recommendations for law reform both at the Federal and the State levels. All States of the Commonwealth have established law reform commissions or committees, and special reports have also been made from special commissions appointed; however, the effort that has been directed towards recommendations has not been matched by legislative action to implement the recommendations.

The present system of law reform needs examination and report, and probably requires further institutionalisation. Law reform is a matter for the Legislature, and the Legislature should be seeking means of providing the machinery to fulfil the function of putting into effect the recommendations that are made. This should be done in a regular and orderly way.

One of the reasons why a lot of the recommended reforms have not been implemented is not opposition or a conflict of political differing policies, but apathy and lack of time. The traditional initiators of law reform are Ministers and their departments and, because of the heavy administrative burden placed upon Ministers, there is indeed a lack of time for the Executive to be the initiators of much of the recommendations that have been made.

The law reform agencies that have been established and are making their reports do not have ready-made machinery for enactment. No matter through what sources the recommendations for reform come, they are referred to an appropriate Minister and are processed in the same way as are the department's own initiatives. Law reform agencies are not in any special relationship to the Parliament, even though they may have statutory responsibility to review the existing law and formulate proposals for change.

There is not in existence in Australia, either at Commonwealth or State level, any commonly accepted practice for Parliamentary time to be allocated for debate of any law reform proposals. It is the function of the Parliament and the Parliament alone to finally enact the legislation for law reform, but only rarely are such proposals initiated entirely from within the Parliament.

There is a tradition which allows Parliamentary time for private member's Bills, but the resources available to a private member and the time available for private member's Bills mean that only small Bills on the question of law reform can find their way to Parliament in this way. Also, if the Parliament has to rely upon private members to introduce law reform proposals in this way, we are going to have a multiplication of small Bills which will eventually require some form of consolidation.

Ministers of the Crown over this 10-year period have increasingly recognised the advantages of using law reform agencies for reports on certain matters; so, too, should the Parliament. Parliament itself lacks the expertise to consider every aspect of the law that should be right for reform, and Ministers have much greater resources in that respect. Also, Ministers often find it difficult or inconvenient to allocate resources away from the more immediate pressing political tasks.

What is required is that a Parliamentary committee should be responsible for processing law reform reports and ensuring that Parliamentary time is available for such considerations and that the Parliamentary committee is adequately staffed to be able to fulfil its function. A number of these views have already been reported on by the Senate Standing Committee on Constitutional and Legal Affairs, and, although some of the recommendations may not necessarily fit such a committee being established in the South Australian Parliament, nevertheless the recommendations deserve close examination.

In a newspaper article on 24 May in the *Australian*, Peter Ward reflects the views of Judge Kirby, Chairman of the Australian Law Reform Commission, when he said:

> The Commission operates only when a subject for possible reform has been referred to it by the Federal Attorney-General. That is a kind of insurance policy that ensures the commission is not wasting time or public money and the Executive is interested in the area being investigated.

And Michael Kirby would like to see that the system is further institutionalised. He would like to see the commission built into some kind of routine function so that busy politicians who are often engaged in headier efforts much closer to the political debates of our society can find a means of not forgetting very important problems which were formerly dealt with by the judges. I quote Mr. Justice Kirby, as follows:

> Judges today are inclined to say law reform is a matter for the Legislature, but the problem is that we have not found machinery yet to do the nuts and bolts work of the Legislature. My hope is that the commission would become a useful adjunct to the Parliament to do that in a routine, regular and orderly way.

Later in the article by Peter Ward, Mr. Justice Kirby is reported as saying:

> This is important because the peril of law reform in Australia is often not frank opposition or a feeling of political difficulties but just plain apathy or lack of time.

Mr. Justice Kirby also described the overall situation in respect of inaction over reports recommending reform in Australia as a "graveyard of reports". I think all members of this Council would agree with those sentiments. However, nearly all of these matters to which I am referring have been covered in the Senate Standing Committee Report which I believe the Select Committee should consider in its deliberations and by which it should be largely guided.

In this area, the Legislative Council has a unique opportunity to play a more significant part in the legislative programme if a well staffed Council committee was structured to consider the many reports that have already been made and no doubt will continue to be made. Unless some such Parliamentary move is made, the necessary reform of the law will take a very long time to achieve, if it is ever achieved. The actual structure of such a committee and its responsibilities needs to be examined very carefully, and no doubt if the general thrust of the argument is accepted there will be a number of differing opinions as to how the committee should operate.

The committee, if established, would also fulfil a worthwhile role in assisting private members in the presentation of private members' Bills. Already, some private members' Bills have been presented to the Parliament which formed a small part of a law reform report. A special law reform committee with allocated time within the Parliament for its legislation would be of great assistance to private members who have a keen interest in one small area of recommended law reform. The committee could also act for private members to look at the broader aspects of law reform in certain areas where, because of the lack of facilities available to a private member, that private member finds it impractical to do so.

There is a great deal more that can be said on this question, but I believe that, at this stage, it is best left unsaid and left to an inquiry to make its own investigation and report to the Council on the best way for the many law reform reports that are being made to finally find their way, in the form of legislation, into the Parliament for debate.

I appreciate that a large number of Select Committees is

sitting at present and that most members are engaged in some form of Select Committee work. I also appreciate the difficulty of adequately staffing a Select Committee of this Council when so many such committees are sitting. However, I feel that the Senate report is of such significance to the future of law reform that in some way the Council should undertake a study of that report, which I believe is most relevant to the whole question of assisting law reform when there is no absolute opposition or political difference involved in the recommendations.

There are many ways in which this could be approached. I have suggested the appointment of a Select Committee as one way of approaching the matter to get some machinery established so that the work achieved over the last 10 years in law reform could at least have some means of reaching the Legislature, with the possibility of members understanding exactly what is concerned in many of the issues of law reform. I appreciate the difficulties in establishing a Select Committee at this time, but I would be interested to know the views of honourable members on this very vital question in relation to law reform proposals.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

The Hon. C. J. SUMNER obtained leave and introduced a Bill to amend the Residential Tenancies Act, 1978. Read a first time.

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

That Standing Orders be so far suspended as to enable me to move that this Bill be read a second time forthwith.

The Council divided on the motion:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and C. W. Creedon. Noes—The Hons. J. A. Carnie and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

STATUTES AMENDMENT (INTEREST ON JUDGMENTS) BILL

The Hon. C. J. SUMNER obtained leave and introduced a Bill to amend the Supreme Court Act, 1936-1980, and the Local and District Criminal Courts Act, 1926-1980. Read a first time.

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

That Standing Orders be so far suspended as to enable me to move that this Bill be read a second time forthwith.

The Council divided on the motion:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and C. W. Creedon. Noes—The Hons. J. A. Carnie and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

ENVIRONMENT PROTECTION (ASSESSMENT) BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 2015.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I rise to inform the Council that if this Bill goes to a vote I will have to oppose it. I hope that the honourable member who introduced this Bill will, in view of the Ministerial statement that I made in this Council yesterday on behalf of the Minister of Environment, accept that the general thrust of this Bill will be included in a Government package that covers other matters. I acknowledge that the Hon. Dr. Cornwall believes that environmental impact assessments should be separated from the planning process. However, the statement made yesterday indicates that the Government proposes to amalgamate the two departments. It will be a total package that, in effect, will rewrite the Planning and Development Act. I hope that the Hon. Dr. Cornwall can see that the appropriate course would be to wait until the Government introduces that Bill, speak to it and, if he sees fit, amend it at that stage.

The Bill now before the Council provides for the examination and assessment of certain undertakings carried out by Government departments and instrumentalities, local councils and private developers. The types of undertakings have to be declared for the purposes of the Act, but any undertaking can be declared to be an "examinable undertaking" at any time if it is thought likely to have a significant effect on the environment. The relevant Minister and the Minister of Environment have to be notified of a proposed examinable undertaking; an impact statement or an environment protection agreement may then be sought and public notification of the proposal may be necessary. If an impact statement or an agreement is not required then public authorities and approving authorities may proceed. If environmental assessment is necessary, both public authorities and approving authorities are precluded from action until the assessment procedures are completed.

If an impact statement or an agreement is made, approving authorities must take them into account when making a decision. The Minister of Environment must be informed if an approving authority does not require observance of a condition in an impact statement or agreement. However, the Minister can still secure enforcement of such a condition through the Supreme Court.

The Bill binds the Crown. Thus it puts into statutory form the procedures which have applied administratively to Government departments and instrumentalities by Cabinet direction since December 1973. These procedures were reaffirmed by the present Government in September 1979. They work well and the Hon. Dr. Cornwall admits the system has "achieved a good deal".

The Bill enables the Minister of Environment to take legal action against another arm of the same Government for non-compliance with conditions included in an impact statement or agreement. It is difficult to prosecute the Crown. Speaking in the debate on the City of Adelaide Development Control Bill, I said:

> The basic concept of the Crown surely requires that in some respects the Crown must be above the law. In general, in this kind of legislation the Crown should not be bound. . . .as far as is compatible with individual rights, we ought to

preserve the principle that the Crown is above the law, particularly laws that require some sort of prosecution to enforce a sanction.

The Hon. Dr. Cornwall has stated that public development will "account for the bulk of projects likely to be considered under the system". The Bill is not necessary for the purpose of ensuring that Government departments and instrumentalities give attention to the environmental effects of their proposals. This is already being done and to replace an effective administrative system by an untried statute will only create bureaucratic delay and legal complications.

The Hon. Dr. Cornwall has stated that it is a fallacy to suggest that "trail blazing" legislation of this kind would scare private investors away from South Australia. there is general acceptance of the objective of having environmental matters taken into account at the outset of the design of a project but it is not necessary to introduce bureaucratic controls to achieve an educational objective.

Mr. Hart, in his Report on the Control of Private Development in South Australia, pointed out that we already have over 80 Acts, imposing controls of private development, and of these about 60 require prior approval to be obtained before various types of development can begin. The Bill introduces procedures which seriously impair the simpler and speedier controls called for in that report. Private investors and the public generally are looking for a streamlining of procedures, not for "over-regulation". Few will oppose the underlying philosophy of the Bill, as stated by the Hon. Dr. Cornwall, "to bring about a fuller consideration of environmental factors by developers, decision makers and the community with regard to actions which significantly affect the environment". The issue is to determine how this objective can be achieved using existing administrative procedures and statutes, thus avoiding the legal and administrative shambles that can result from superimposing this kind of all-embracing legislation.

It is stated in the second reading explanation that costs and delays will not be significant, as over 95 per cent of projects will only require simple notification form to be completed. It is then stated that only about 5 per cent of developments will require an environment protection agreement, and only 5 per cent of those requiring an agreement will require an impact statement. Presumably these figures are based on experience gained since December 1973 which has been mainly concerned with Government projects. Thus the Bill will create excessive bureaucratic machinery to deal with comparatively few projects. More importantly, however, it will create uncertainties and delays for all projects whether public or private.

The Hon. Dr. Cornwall states that it would not be adequate to incorporate environmental assessment procedures with the controls exercised under the planning legislation. He argues that the planning legislation does not cover a range of developments considered under other Acts. If this is so then the planning legislation could be easily modified.

In the United Kingdom the existence of a well developed system of development control and schemes for controlling pollution have caused scepticism of the American environmental impact statement procedure. Current planning procedures in the United Kingdom ensure adequate assessment as planning authorities can require relevant information to be submitted. The planning legislation in this State also allows councils and the State Planning Authority to request further information on any proposal and, if necessary, this can be in the form of an impact assessment. Streamlining and minor modifications of our present planning legislation, coupled with adequate advice to decision-making bodies, can achieve the objectives of this Bill much more satisfactorily.

The Bill is said not to diminish the role of existing approving authorities, as it merely ensures that those authorities are better informed when they make decisions. Local councils dealing with the day-to-day control of private development in their own areas are unlikely to agree. The City of Adelaide has voiced strong opposition to the Bill. The Bill gives power to the State to delay or influence every decision made by councils in exercising their powers to control development under various Acts committed to them. The procedures for publicising impact statements could be particularly confusing if councils, as approving authorities, are required to carry separate public notification procedures under the planning legislation.

The Hon. Dr. Cornwall makes special reference to deficiencies in existing procedures for assessing the environmental effects of mining operations, and suggests that the Bill will overcome them. Mr. Hart in his Report on the Control of Private Development in South Australia draws attention to areas of overlap and possible conflict in the control of the extraction of minerals. He says that further potential conflict exists if new and separate controls are introduced relating to environment protection, and recommends that a special study should be made to secure effective integration of control. Mr. Hart, in his continued role as inquirer, is presently carrying out that study in co-operation with officers directly concerned.

In conclusion, I will summarise what I said at the outset, that I would have to oppose this Bill if the mover insists that it goes to a vote. I commend him for some of its thrust, with the reservations that I have made about the Bill. I suggest that, in view of the Ministerial statement made yesterday, which made it clear that the Government intends a total package, not necessarily in one Bill to include the matter of environmental statements and the other planning and environmental matters, I suggest it would be more appropriate to allow the Government to introduce its legislation that it has been planning for some time.

If the Hon. Dr. Cornwall believes that some alteration should be made to the various Bills that may be introduced, he can do it then by way of amendment. If it does become necessary, I shall have to oppose the Bill.

The Hon. G. L. BRUCE: I rise to support the Bill. I am perturbed to see that the Government has the view that it will have to oppose this Bill if it is taken to a vote. Rather than seeing that, it would be better for the Government to amend the Bill and change those provisions that it does not think are relevant, or clear up the loose ends that it believes are contained in the Bill. Taking the Bill on a broad front, I cannot see how there can be any really valid argument against what the Bill attempts to achieve. The Minister already admitted that.

The very name and the fact that it gives teeth to environment protection shoud make the Bill worthy of favourable consideration by the Government. Honourable members had only to be watching Channel 2 television last night to see *Nationwide,* which showed the effect of waste from paper processing mills in Gippsland on some of the enclosed waterways, and how there is some talk about putting a pipeline out into Bass Strait without knowing what the effect of that pipeline and its waste materials would be.

The Hon. M. B. Cameron: Like the Mount Gambier sewerage situation.

The Hon. G. L. BRUCE: It may well be. The point is

well made that the problem now is a monumental task compared to the situation had an environmental impact study occurred in connection with the initial siting of the mill and coming to grips with the problem then by making adequate arrangements to ensure that environmental protection was given at least as much consideration as all the other factors in determining the site of the plant. It seems that that was not done.

There may be many occasions when the decision has to be made about what is in the best interests of the community as a whole, weighed up against what will happen to the environment if a project is proceeded with.

This Bill will at least ensure by law that a clear and comprehensive list of environmental procedures will be gone through before a project can be attempted. Surely that is a principle that nobody in the community could object to, considering some of the monumental blunders that have taken place in earlier days. Of course, before the consideration of earlier environmental impact statements, projects were just proceeded with, and now we are picking up the tab for the cost of those projects.

While it can be argued that a Bill giving teeth to environment protection cuts across the decision-making power of other departments and in fact limits what role they play in the planning and development of projects, it surely cannot be sustained when one realises that the decisions giving the go-ahead to a project can for all time cancel out some environmental aspect of our State that cannot be replaced, cannot be observed, and cannot be retained for future generations of South Australians to enjoy.

Honourable members have only to look at the fragile nature of the land in South Australia to realise how easily the balance of what nature we have left can be upset. For the sake of our Flinders Range, our beaches, our foreshore, the hills and rivers, it is our duty to see that a balance between the commercial needs of the people and environment protection for the people is achieved. This Bill will help to do that, and I would urge the support of the Government to see that the ideals and the aims that it seeks to achieve are incorporated in legislation.

The Hon. M. B. Cameron interjecting:

The Hon. G. L. BRUCE: It would not matter if it took years to do. The fact that we decide to proceed along these lines will tell the people and industry in this State what is being expected. To put it into a statutory form as has been done since 1973 seems to be a logical step, and not as the Hon. Mr. Burdett argued, namely, that it is already happening, so why worry about it? The position can be changed and reversed if it involves only administrative matters. The present situation is not good enough. There should be statutory compulsion so that industry, for its own sake, knows where it is going and to what it is committed. It is important, because of the aims and ideals expressed, that the Bill be proceeded with and amended where necessary.

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

That this debate be now adjourned.

The Council divided on the motion:

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

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

Pairs—Ayes—The Hons. J. A. Carnie and R. J. Ritson. Noes—The Hons. B. A. Chatterton, and C. W. Creedon.

Majority of 1 for the Ayes.

Motion thus carried.

PARKING REGULATIONS

The Hon. L. H. DAVIS: I move:

That the control of traffic—parking regulations, 1979, made on 24 May 1979, under the Local Government Act, 1934-1979, and laid on the table of this Council on 30 May 1979 be disallowed.

In speaking briefly to this motion for disallowance, I point out that officers of the Local Government Department and the Adelaide City Council and Subordinate Legislation Committee agree that a large number of amendments and further regulations are required in this matter. Some of the regulations are arguably *ultra vires* and some are badly drafted, resulting in confusion and, as members may be aware, also resulting in some difficulty in enforcement.

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

The Hon. L. H. DAVIS: I move:

That the regulations made on 24 May 1979 under the Road Traffic Act, 1961-1979, in respect of parking and standing of vehicles, and laid on the table of this Council on 30 May 1979, be disallowed.

The remarks that I made in relation to the previous motion also apply equally to this motion, and I have nothing further to add.

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

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1690.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I do not propose to speak at any length on this Bill, because the remarks I made in regard to the Environment Protection (Assessment) Bill very largely apply, namely, that while the Government has some sympathy with at least some of the apparent thrust and direction of the Bill, it does propose sweeping amendments to the National Parks and Wildlife Act encompassing this matter, although not necessarily in the same form, and other matters as well. In that case it seems to be inappropriate for this Bill to be proceeded with at this stage, and it would be better to allow the Government, which has been planning the legislation for some time, to introduce its Bill and for the Hon. Dr. Cornwall, if he wishes, to move amendments to that Bill at that time.

I indicate that, if necessary, I would have to oppose the Bill and vote against it, but I would prefer that the honourable member either withdraw the Bill or allow it to be adjourned to enable the Government to introduce a Bill to present the total package upon which it has been working for a considerable period.

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

That this debate be now adjourned.

The Council divided on the motion:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B.

Cameron, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, and K. L. Milne.

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

Pairs—Ayes—The Hons. J. A. Carnie and R. J. Ritson. Noes—The Hons. B. A. Chatterton and C. W. Creedon.

Majority of 1 for the Ayes.

Motion thus carried.

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 2 April. Page 2017.)

The Hon. C. J. SUMNER (Leader of the Opposition): I am replying today to the debate—

The PRESIDENT: Order! The Hon. Mr. Sumner is winding up the debate?

The Hon. C. J. SUMNER: Yes. It is not my duty—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Davis rose to his feet, and I was confused as to whether it was his motion or that of the Hon. Mr. Sumner. The Hon. Mr. Davis has the call.

The Hon. L. H. DAVIS: The Hon. Mr. Sumner has put forward this motion for a Select Committee in relation to all aspects of retail development planning in South Australia and the problems associated with the proliferation of large retail shopping centres. It was put forward on 27 February, more than three months ago, and in that time and even before that time the Government made several initiatives which one would have imagined would have made Mr. Sumner's proposal quite irrelevant. In fact, it comes as something of a surprise to see that it is still on the Notice Paper.

As the Labor Party would know, in December 1979 this Government introduced a major discussion paper relating to retail development, prepared by the Department of Urban and Regional Affairs, in conjunction with a committee comprising retailers, local government, and the development industry. There was a three-month period during which members of the public, and presumably members of the Labor Party, could have commented on the discussion paper put forward at that time; they had until 31 March to make such comment. Their silence was not exactly golden in this matter because, as far as I am aware, no attempt was made to use the opportunity for discussion. The Labor Party did not put forward a submission, nor did members opposite discuss the matter at any time with DURA. In view of their interest in this matter through the proposal for a Select Committee, this is something of a surprise.

Honourable members opposite asked what initiatives were taken by the Government in relation to retail development over the past few months. Their absence from this Chamber has dimmed their memories. As I recollect, it was on 1 April that we passed the Planning and Development Act Amendment Bill, an initiative which I imagine would have been regarded by members of the Opposition, albeit reluctantly, as something positive and a substantial measure of progress in this admittedly difficult area.

Another thing which Labor Party members forget in raising this matter is that a Retail Consultative Committee has been established, and its composition has been augmented to include a representative of the Mixed Business Association and a person knowledgeable in financial matters, an accountant, to provide input on the problems encountered by small businesses in retail development. Contrary to what some members opposite may think, I am not an uncharitable person, and I think it important to recognise that this Retail Consultative Committee was set up by the previous Labor Government. It was a sensible and practical move, and provided a measure of flexibility in a very important, fast-moving, and difficult area. That committee has been strengthened by the addition of a representative of the Mixed Business Association and a person knowledgeable in financial matters to look at matters in relation to retail development, and in fact it is at the moment in the process of dealing with a few matters which I shall mention shortly.

One point to be noted is that the Minister of Consumer Affairs has established an inter-departmental working party on shopping centre leases, comprising representatives from the Department of Public and Consumer Affairs, the Department of Industrial Affairs and Employment, and the Department of Urban and Regional Affairs, to look at problems of perceived oppressive clauses in leases for retail premises. The Government is not unaware of and is not unsympathetic with problems associated with shopping centres and their development.

The formation of a retail data base is being pursued through the Australian Bureau of Statistics, the Building Owners and Managers Association, and local councils in response to calls for a data base to provide a framework for considering retail proposals.

What we have here is a situation where there is an existing body, the Retail Consultative Committee, established by the previous Labor Government for the purpose of monitoring this area, about which now members of this same Labor Party, in Opposition, and still, I would suspect, suffering the slings and arrows of outrageous fortune from the surprise result of last September, are saying, "The Retail Consultative Committee that we established when in office is of no consequence. We really want to render it superfluous. We think there should be a Select Committee. That is the only way it can be looked at."

The Labor Party, in Opposition, has a conditioned reflex, saying, "Anything that we are not sure about, we will have a Select Committee on." It is a simple and expeditious device, but it is a destructive and mischievous device if used incorrectly. I suggest that the setting up of machinery which has been strengthened and developed by the present Liberal Government in respect of retail development, the Retail Consultative Committee, which has been supplemented by the inter-departmental inquiry which I have mentioned, strengthened by the Planning and Devlopment Act Amendment Bill which passed through this Council on 1 April, added to and further strengthened

by the statement only yesterday in this Council by the Minister representing the Minister of Planning in another place, provides an irrefutable and unanswerable case against a Select Committee. These facts support very much the proposition that the Government's method of handling this area by inter-departmental committees, the Retail Consultative Committee, legislative changes, and the general relationship and continuing communication between the Government and all the parties involved in the area makes for no course other than again to resist this mischievous and very stale call for a Select Committee to report on shops and retail development planning in South Australia.

The Hon. C. J. SUMNER (Leader of the Opposition): Members may be a little bemused about the motion that we are debating, because this has been one matter, like so many others, on which the Government does not wish a vote to be taken. I moved the motion on 27 February, more than three months ago, and there have been nine sitting days since then. Apart from a reply by the Minister of Community Welfare and an inadequate contribution from the Hon. Mr. Davis, the Government has made one contribution, namely, that of adjourning the debate every day it has come on. Therefore, members could be forgiven for having forgotten the motion, which is:

> 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 development on the viability of existing small businesses and the nature and fairness of shop leasing agreements in the developments.

The Hon. Mr. Burdett replied to the motion on 5 March but since then the Government has not wished the matter to be debated. I doubt that it still wants the matter voted on, despite the fact that I made an official request to the Leader of the Council before the end of the last sitting that a vote be taken. It seems that the Government has adopted the tactic, not only with this motion but also with the Pitjantjatjara land rights matter, that it would do anything to stop debate and to avoid committing itself. There was the same approach in relation to the environment assessment legislation introduced by the Hon. Mr. Cornwall and in relation to the national parks and wildlife Bill. It appears that the Government will adjourn questions to avoid having a vote taken on them.

It has been the tradition in the House of Assembly that, at the end of a session, private members' matters are given a vote if there has been a speaker in favour and a speaker against. However, it seems now that the Government members in the House of Assembly are about to abuse that tradition. That is another example of how this Government has not seemed to take into account the normal niceties and traditions in this Council and in the Public Service. We had another example earlier today when the Hon. Mr. Burdett, in the area of his portfolio, arranged for a political appointee, Mr. Story, to be appointed to a selection committee for a Public Service job. This shows the disregard in which the Government holds the normal conventions in Parliament and Government.

It seems that in the Lower House the Government is trying to avoid the normal tradition on the Prostitution Bill by not allowing it to go to a vote, and it seems that it is prepared to do the same thing in this Council by avoiding votes. My motion is a prime example of the sort of tactic that the Government is adopting on private members' business. The Minister of Community Welfare opposed the motion. He was crying in his non-existent beard, because he said it was the first time that he had opposed the setting up of a Select Committee. I do not know whether that is true but I am sure he would have opposed the appointment of Select Committees on uranium resources and random breath tests had he not realised in time that he did not have the numbers in the Council.

The PRESIDENT: I think the honourable Leader should give some outline of the motion.

The Hon. C. J. SUMNER: I am. I am replying to what the Hon. Mr. Burdett said.

The PRESIDENT: In my opinion, you have not touched on the subject before the Council at this stage.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett said that it was the first time that he had opposed the appointment of a Select Committee and I am directing my attention to those remarks. At that time he seemed to be quite disturbed by having to oppose the appointment. The arguments against the setting up of a Select Committee were twofold, as I gathered from the Hon. Mr. Burdett's comments. The first was that a Retail Consultative Committee was set up by the former Government and charged with looking at the areas that this Select Committee would cover.

The second argument put by the Hon. Mr. Burdett was that the setting up of a Select Committee would delay matters and there would be no possibility of implementing the amendments to the Planning and Development Act which he introduced earlier this year and which provided for some controls over retail shopping centres. The appointment of a Select Committee will not delay anything, because the legislation dealing with the extension of controls over retail development has been passed by Parliament, albeit with reluctance on this side because the controls were inadequate.

We can only come to the argument relating to the Retail Consultative Committee, which the honourable member says covered all the material that would be covered by my motion. That is clearly not correct. This argument relating to the Retail Consultative Committee was that a paper had been prepared by the Department of Urban and Regional Affairs, which was a discussion paper produced by the department in consultation with the Retail Consultative Committee, which was available for public discussion, and on which opinions were sought. That paper does not deal in any depth with a number of the issues with which this Select Committee would deal. It does not deal with traffic flow problems to any extent, energy impact assessments, the design of shopping centres, or the tremendous energy waste that there is with the current design.

The paper does not deal in any significant way with environmental assessment procedures. That is a clear indication that this Select Committee would be looking at matters that are broader than the DURA discussion paper and the terms of reference of the Retail Consultative Committee. Further, it is unlikely that the Retail Consultative Committee will adequately deal with the problems of small businesses and the question of the profitability and viability of proposals.

The Hon. J. C. Burdett: But a working party has been set up to look at that matter.

The Hon. C. J. SUMNER: It is all very well for the Hon. Mr. Burdett to say that. The Hon. Mr. Burdett, in

opposing the establishment of this committee, said:

> It is inappropriate for the Government to become involved in assessing the viability of proposed retail developments.

That remark is a mirror of the Government's attitude. In that same speech the Hon. Mr. Burdett also said:

> Government involvement in assessing the viability of retail developments would, first, introduce further inflexibility, delays, and costs into the development process; next, it would be bureaucratic and require the employment of additional public servants and remove from local government the decision-making responsibility on most major developments.

That is the Government's attitude as stated by the Hon. Mr. Burdett in this Council. Yet one of the areas that the Opposition wishes to cover through the establishment of a Select Committee is just that: a re-assessment of the profitability and viability of proposals. Indeed, the terms of reference of this Select Committee are broad, in that they deal with the general problems of small businesses in the face of a proliferation of shopping centres. That matter does not come within the terms of reference of the Retail Consultative Committee. However, after pressure and representations from the Opposition during the debate on the Planning and Development Act, the Government has now agreed to add a representative from the Mixed Business Association to the Retail Consultative Committee. The Government has also asked that committee to look at economic viability.

In view of what the Government has said through the Hon. Mr. Burdett in this debate (he thinks it is completely inappropriate for those matters to be looked at by the Government and the Government does not support them) the question is this: what is going to happen when this committee reports? The Government has an attitude on this matter, and it will not take one jot of notice of what the Retail Consultative Committee or its subcommittee says about this issue. You are aware of that Mr. President, and the Hon. Mr. Burdett is aware of that, as are other honourable members in this Council. If that argument is not powerful enough to ensure that there is some Parliamentary supervision and some Parliamentary monitoring of the Government's action in this area, then I do not know what is.

The Government has a stated attitude that is opposed to taking into account the assessment of viability and profitability in this area. That is the Government's stated approach, even though it has set up a committee. Surely the fact that that is Government policy should give this Council and Parliament a right to monitor and ensure that what the Government has said it is doing in setting up this committee is *bona fide* and is in fact carried through and not just a sham and a means of getting the issue off its plate.

The other question raised relates to the fairness of leasing provisions, particularly in relation to small businesses in shopping centre developments. Very late in the day, on 27 May, the Minister announced that a working party had been set up to look at the problems of small businesses and the fairness of leasing arrangements. Once again, we do not know who precisely is on that working party, we do not know whether its report will be made public, and we do not know whether it will seek public submissions. There is a case for Parliament to continue to monitor that area, which is of great concern to many small business people in the community, particularly if that report is not made public.

It seems to me, in this area particularly, that the Government wishes to keep everything under its wing. It also seems that the Government wishes to keep control of the committees that have been set up, and it keeps control of the recommendations that those committees produce. As I have said, we do not know whether the recommendations of these committees will be made public, either on the question of the viability of businesses or on the question of the fairness of leasing arrangements, because the Government may receive reports and the Government may shelve reports.

The Government's whole attitude seems to be to say that it does not want to have anything to do with Parliament on this issue. In fact, it appears that the Government does not want any Parliamentary scrutiny or monitoring. I would have thought that, in an issue of concern to the community and small businesses in the community, the Government would welcome the opportunity to involve Parliament in the decision-making process through the setting up of a Select Committee, because there is no question that this is still an issue of major concern that has not been resolved.

Parliament has an important role in keeping the Government honest and making the report that the Government intends to get open to the public. That can be done through a Select Committee receiving the same information, assessing it itself and making its own recommendations. I believe there is nothing wrong with having some overlap through a Government inquiry and a Parliamentary inquiry. In any event, there would be no overlap, because there are many areas within the terms of reference proposed by the Opposition that are not covered by any of the Government inquiries.

In summary, in response to the Hon. Mr. Burdett's argument, the question of delay is no longer relevant because he already has the interim proposals passed by Parliament. The question of duplication has no validity, because the Opposition's terms of reference are much broader. In any event, surely on an issue such as this it is preferable to have Parliament monitoring and providing some scrutiny of the Government's activities, particularly, and I say this advisedly, as the Government seems intent upon keeping this issue within its own domain and not making it available to the public generally or to Parliament. Accordingly, I believe that the Council should support this motion and set up a Select Committee.

The Hon. N. K. FOSTER: I desire to add my voice—

The PRESIDENT: Order! I am sorry, the debate is closed, despite the fact that the Hon. Mr. Foster was working furiously on his notes.

The Council divided on the motion:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and C. W. Creedon. Noes—The Hons. J. A. Carnie and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

CONSTITUTION ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1978. Read a first time.

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

That this Bill be now read a second time.

I am pleased to introduce this Bill to amend the Constitution Act to recognise local government in the

State Constitution. Since the Second World War, but particularly in the last 10 years, local government in Australia has pressed strongly for its recognition in the Commonwealth Constitution. This has not been possible, principally because the Commonwealth Constitution Act is essentially an agreement between the States as to the powers of the Federal Government. Nevertheless, this has not prevented local government being recognised as an integral part of the governmental system of Australia. In particular, the institution of tax-sharing arrangements with local government by the Commonwealth has meant that the services provided by local councils are seen to be of importance to all members of the local community and that the ratepayer should not be the sole source of funds for these general community services.

Local government in South Australia has developed greatly and can be seen as a level of government actively providing services of a wide range to the local community. It is extremely pleasing that local government in South Australia is now seen to ge be the most innovative and active in Australia at present. Councils now provide services for the aged, for youth, for specialist recreation purposes, and for the enrichment of the entire community through library services, as well as the important basic services of roads, streets and drainage.

The State Government emphasised in its election policy that it would work toward the continuing development of local government as an autonomous and independent level of government capable of making decisions for its local area with the minimum of interference from other Governments. It is therefore a major acknowledgement of the maturity and the place of local government in our system of government that it should be accorded recognition in the Constitution of the State. This recognition, the Government believes, will indicate clearly to local government and the community that local councils have a standing and a role which enables them to act in the best interest of their residents and ratepayers.

The question of constitutional recognition has been a subject of discussion at Local Government Ministers' Conferences since 1975. The States of Victoria and Western Australia have already afforded this recognition to local government. New South Wales, I understand, is considering the form of appropriate recognition in its Constitution Act. It is therefore in line with these developments that this Bill is introduced to extend the same recognition to councils in this State.

The Bill provides for the continuation of the system of elected local government in this State. By doing so, it acknowledges the present geographical extent of local government but, of course, enables other arrangements to be made in respect of areas of the State which are quite unique in their low population and sparsity of settlement. Protection is provided to the on-going existence of local government by ensuring that any steps, if they ever were taken to abolish a system of local government must be taken publicly in the Parliament by a constitutional majority. In the preparation of this Bill I have had discussions with the Local Government Association, which agrees with this Bill as drafted.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act, which sets out the various parts of the Act, by incorporating reference to the new Part which will be inserted by this Bill. Clause 4 enacts Part IIA of the principal Act. This consists of a single section, numbered 64a, which provides for the constitutional recognition in this State of a system of local government by means of elected local governing bodies. The proposed section stipulates that the constitution of local government bodies, and the nature and extent of their powers, functions, duties and responsibilities shall be determined by Acts of Parliament, and that no Bill that would result in the cessation of local government as we know it in this State shall be assented to unless it is passed by an absolute majority of the members of each House of Parliament.

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

SOUTH-EASTERN DRAINAGE 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.

Its principal object is to abolish drainage rates in respect of the South-East, the Millicent council district and the Eight Mile Creek area. The Government considers that the whole of the South-East area of the State has received some form of benefit from the drainage systems that have been constructed in the various districts over the past 100 years, and that it is difficult to determine the degree of benefit that drainage has bestowed on any particular rural or business activity in the area.

As the State is receiving a return from the revenue generated by the increased productivity made possible by drainage, the Government considers that the maintenance and administration of the system should be financed from State revenue. Consequently, the Government has decided to abolish drainage rating in the South-East, effective from the commencement of the 1980 rating year, as it is a selective tax burden levied on a minority group of landholders in the area.

There are currently three separate drainage schemes in the whole area of the South-East, namely:

(1) the South-Eastern Drainage Board scheme—administered by the board under the South-Eastern Drainage Act, 1931-1977;

(2) the Eight Mile Creek scheme—administered by the Engineering and Water Supply Department under the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1979; and

(3) the District Council of Millicent drainage scheme—administered by the District Council of Millicent pursuant to section 5 of the South-Eastern Drainage Act, 1931-1977.

The Bill seeks to rationalise these three schemes by bringing them all in under the South-Eastern Drainage Act, so that all the separate drainage authorities have the same powers and duties with respect to the drainage system in their areas. The Government considers that drainage administration is now entering a second phase where the drainage scheme should be manipulated to meet changing community needs. There is a growing community concern that conservation and utilisation programmes should be undertaken, where possible, in the drainage system. The Government is responsive to this community concern, and therefore this Bill further provides for the South-Eastern Drainage Board and the Minister to participate in water conservation programmes in the areas under their control.

In summary, this Bill seeks—

(1) to give effect to the Government's policy of abolishing drainage rates in the whole of the South-East;

(2) to rationalise all drainage administration, con-

struction and maintenance functions under one Act and to clarify and simplify administrative procedure; and

(3) to enable the South-Eastern Drainage Board and the Minister to participate in water conservation and utilisation programmes in the board's area and the Eight Mile Creek area.

The Eight Mile Creek Settlement (Drainage Maintenance) Act will be repealed by a separate measure. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the Act to come into operation upon proclamation. Clause 3 amends the long title to the Act by providing that the Act will now cover the Eight Mile Creek area and the Millicent council district, as well as the area currently under the jurisdiction of the South-Eastern Drainage Board. The board's area is referred to throughout the Act as the "South-East".

Clause 4 repeals a section of the Act that gave the board the right to acquire land; this power appears again later in the Act, and so section 2 is superfluous. A transitional provision is inserted, relating to the repeal of the Eight Mile Creek Settlement (Drainage Maintenance) Act. Clause 5 amends the arrangement of the Act. Clause 6 repeals a transitional provision. This section preserved the powers of councils in earlier repealed Acts in relation to their drainage systems. Millicent council is the only council to which this section has any application. The section is no longer necessary as Millicent is being brought into the Act as an authority referred to in all the provisions of the Act.

Clause 7 provides a definition of the area for each of the three authorities, namely, the South-Eastern Drainage Board, the Minister and the Millicent council. A definition of "authority" is provided. The board is the authority for the defined area of the South-East. The Minister is the authority for the Eight Mile Creek area. The Millicent council is the authority for its council district. The definitions of "drain" and "drainage works" are given a clearer, simplified form. The definition of the "Eight Mile Creek area" is the same as that appearing in the Eight Mile Creek Settlement (Drainage Maintenance) Act. The definition of "petition drains" is unnecessary and so is repealed. The definitions of "private drains" and "private drainage works" are re-enacted with consequential amendments. Town drains are excluded from the Act, so a definition is provided. A definition of "water conservation works" is provided.

Clause 8 re-enacts section 7 in an amplified form, thus empowering the Governor to proclaim natural watercourses, private drains, etc., as a drain or drainage works vested in the authority of the relevant area. Drainage works may be declared to be obsolete—the section as it now stands does not provide for this situation. Clause 9 repeals a now obsolete transitional provision relating to the South-Eastern Drainage Act Amendment Act, 1971. Clause 10 inserts a heading.

Clause 11 makes it clear that the board not only has the power to acquire, hold and dispose of real or personal property, but also the power to deal with (e.g. lease) any such property. Clauses 12 and 13 amend the provisions of the Act that deal with elections of members of the board. The basis of eligibility for voting is currently based on whether or not a landholder is a ratepayer. With the abolition of rating, eligibility will be determined on whether a landholder's land is benefited by the drainage system of his area. The Minister will cause lists of such landholders to be kept, thus establishing an electoral roll.

Clause 14 effects a consequential amendment. Clause 15 provides for the appointment of deputies to members of the board. It is also provided that whoever presides at any meeting of the board has a casting vote. Clause 16 provides that a quorum is constituted by two members, one being an elected member and one being an appointed member. Clause 17 makes the board subject to the general control and direction of the Minister, instead of being merely responsible to the Minister. As this provision is provided later in the Bill in respect of the Millicent council, it is thought that both provisions should be the same.

Clause 18 repeals the section relating to the vesting of drains in the board. This provision is re-enacted in a later part of the Bill. Clause 19 repeals four sections. Three of those sections relate to the power of the board to hold inquiries and, for that purpose, to summons witnesses, etc. This power appears never to have been exercised, and is seen in any event as inappropriate. There is no need for the board to conduct semi-judicial inquiries, and the powers of the board relating to determining whether or not to construct drains or drainage works are very clearly set out elsewhere in the Act. Section 22 is repealed as the powers referred to in this section are to be incorporated in a later provision.

Clause 20 provides that the board may enter into contracts where the consideration does not exceed $10 000 without having to get the approval of the Minister. The current limit of $4 000 is far too low in view of the inflation that has occurred since the Act was passed in 1926. Clause 21 re-enacts a heading. New section 27 vests in the board all drains and drainage works delineated on a plan that is to be lodged with the Minister. It is obvious that, over the 100 years or so since the drainage system was first established in the South-East, drains and drainage works have been constructed in circumstances that are now obscure, and so the board wishes to clarify the situation so that, upon the commencement of the amending Act, there will be a master plan that decides quite clearly what is, or is not, under the control of the board. All drains and drainage works constructed by the board in its area after the commencement of the amending Act are of course vested in the board.

Power is given to the board to correct any error in the plan. In relation to water conservation works undertaken by the board, it is envisaged that in some cases the works will be under the control and management of the Government authority for whose benefit the works are constructed (e.g. a pond in a national park would be under the control of the body responsible for that park). New section 27a vests all drains and drainage works in the Eight Mile Creek area in the Minister, subject to any direction to the contrary in respect of any particular water conservation works. New section 27b provides for the vesting in the council of all drains and drainage works delineated on a plan lodged with the Minister, or constructed by the council after the commencement of the amending Act.

Clauses 22 and 23 amend two headings. Clause 24 repeals and re-enacts two sections relating to petition drains. All petitions, whether made to the board, the Minister or the council, are to be dealt with initially by the board, as the expert body in all matters relating to the drainage system generally. All the provisions relating to petition drains are widened so as to include petitions for drainage works. Clauses 25 and 26 effect consequential amendments.

Clause 27 provides that the method for determining the value of the lands to be benefited by the petition drain or drainage works is to be determined under the regulations, so that whatever is the current method for valuing land for

rating purposes generally may be reflected in this Act. Clause 28 provides that once the board has determined that a petition drain ought to be constructed, then the relevant authority for the area in which it is to be constructed must proceed to draw up plans and call for tenders. If the petitioners decide not to go ahead with the drain or drainage work at this stage, the costs of those plans and other incidental costs may be recovered from the petitioners. If the petitioners do not veto the drain or drainage works, construction by the authority must then go ahead at the cost of the authority.

Clause 29 provides the Minister with a discretion as to the recovery of the cost of a petition drain or drainage works from the landholders benefited by the drain or drainage works. He may direct that the whole of the cost must be borne by the authority, or that the whole or part of it may be recovered from the landholders. Clause 30 effects consequential amendments. Clause 31 provides that the Minister may direct that the authority shall not proceed with an apportionment of the costs of a petition drain or works.

Clause 32 provides that objections to a preliminary apportionment of costs may be made to the authority concerned, but that all objections will be forwarded to the board for determination by the board, again as the expert in the field. Clauses 33, 34, 35, 36, 37, 38 and 39 effect consequential amendments. Clause 37 also increases the amount of costs the authority can order in settling disputes between landholders and their lessees as to the payment by the lessee of a proportion of the costs of the petition drain or drainage works. The maximum amount of costs that may be ordered is increased from $10 to $100.

Clause 40 provides that an authority may, at its own discretion but subject in the case of the board and the council to the approval of the Minister, remit the whole or any part of any amount due to the authority by a landholder for a petition drain or drainage works. At present, section 46 of the Act only provides for remission in respect of the drain known as the Symon petition drain. Clause 41 amends a heading. Clause 42 provides that each authority must maintain its drains and drainage works. The council is to be permitted to discharge township stormwater into its rural drainage system, provided that the council bears the costs entailed in such a discharge out of its general funds.

Clauses 43 and 44 repeal all those sections of the Act that relate to drainage rates. Clause 45 amends a heading. Clause 46 provides a general power for the construction of new drains and drainage works by each authority. The council must seek specific approval from the Minister before it proceeds with any new work. The board in relation to its area, and the Minister in relation to the Eight Mile Creek area, are empowered to carry out water conservation works.

Clause 47 includes in this section that deals generally with the powers relating to the construction and maintenance of drains and drainage works the powers relating to entry on land, the carrying out of surveys, etc, that presently are set out in section 22 of the Act. Clauses 48, 49 and 50 effect consequential amendments. Clause 51 repeals three sections. The section dealing with the diversion of water by landholders from the drains or drainage works of the board is repealed and re-enacted, with a requirement that a landholder must obtain a licence from the appropriate authority before he may divert water on to his land and that he must comply with any conditions of the licence. The present section only requires that the consent of the board be obtained, and there is no clear provision for attaching conditions. Section 74, which deals with fees for the diversion of water, is repealed as a new provision dealing generally with fees is to be inserted in the Act. Section 75, which provides that a landholder must pay the full cost of any fence erected on his land by the board, is repealed. It is considered that the question of fencing ought to be subject to the Fences Act, so that the landholder should be in the same position in respect of a fence erected by an authority as he would be in with respect to any other fence bordering his property.

Clause 52 increases the penalty for obstructing any drain, or discharging foul or poisonous matter into a drain without consent from $40 to $1 000, and from $4 to $100 for each day an offence continues. It is provided that consents under this section may not be granted unless the Minister for Water Resources has first given his approval. Clause 53 increases the penalty for damaging a drain or drainage works, or tampering with anything appertaining thereto without consent from $100 to $1 000. Consequential amendments are also effected.

Clause 54 effects consequential amendments and increases the penalty for removing any material from any drain, drainage works or drainage reserve without consent from $40 to $1 000. The minimum penalty of $4 is deleted. Clause 55 effects consequential amendments and increases the penalty for cutting drains through roads without a licence from $40 to $1 000. The minimum penalty is deleted.

Clause 56 effects consequential amendments and increases the penalty for building bridges without a licence from $100 to $1 000. Clause 57 effects consequential amendments and increases the penalty for constructing a drain or drainage works without a licence, or contrary to the conditions of a licence, from $100 to $1 000. The penalty for discharging water from a private or drainage works into the drains or drainage works of an authority without a licence is increased from $4 a day to $100 a day. Clauses 58, 59, 60, 61 and 62 effect consequential amendments. Clause 63 effects a consequential amendment and increases the penalty for hindering authorised persons from carrying out their functions under the Act from $40 to $500. Clause 64 effects consequential amendments. Clause 65 effects consequential amendments and increases the penalty for failing to maintain any private drain or drainage works in a proper manner from $100 to $1 000.

Clause 66 inserts three new sections in the Act. New section 89 provides that any consent or licence granted under this Division of the Act may be subject to conditions. Breach of any conditions attracts a penalty of $1 000. New section 90 provides that an authority may fix fees for the granting of any consent or licence. The board and the council must comply with any direction the Minister gives in relation to fixing fees. An authority may recover any fees due to it in the same manner as a debt may be recovered. New section 91 provides for the funding of drains or drainage works constructed by an authority out of moneys appropriated by Parliament for the purpose. Clause 67 repeals Part IVA of the Act which provided for the construction of extra drains by the board in the South-East. These provisions are no longer needed in view of new section 68a of the Act.

Clause 68 inserts five new sections in the miscellaneous provisions part of the Act. New section 105a places the council under the general control and direction of the Minister in respect of its functions under this Act. New section 105b requires the council to establish a separate fund for the moneys it receives under this Act. These moneys must be expended by the council on performing its functions under this Act. The usual requirements relating to the keeping and auditing of accounts is provided in respect of the council by new section 105c. New section

105d provides that each authority must prepare and maintain a plan of its area, showing all the drains and drainage works of the authority. These plans are to be available for public inspection. New section 105e provides that both the Minister and the council may delegate any of their powers under this Act in respect of their areas to the board. The board currently is the delegate of the Minister in respect of the Eight Mile Creek area.

Clause 69 effects consequential amendments to the regulation-making power. Further matters in respect of which regulations may be made are included, so that all matters dealt with under the Eight Mile Creek Settlement (Drainage Maintenance) Act regulations may be dealt with under these regulations. The penalty that may be fixed for breaches of regulation is increased from $100 to $500. Clause 70 repeals section 107 of the Act, which is a transitional provision related to the South-Eastern Drainage Act Amendment Act, 1971. This section is now redundant. Clauses 71 and 72 effect consequential amendments. Clause 73 repeals those schedules to the Act that contain forms relating to petitioning for drains or drainage works. These forms will in future be simply as approved by the Minister.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT REPEAL 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 is consequential upon the proposed amendments to the South-Eastern Drainage Act, whereby the provisions of that Act are to be widened so as to apply to the drainage system of the Eight Mile Creek area. It is desirable that there be one comprehensive Act which will provide the same powers and duties for each of the three authorities, namely, the South-Eastern Drainage Board in respect of its defined area, the Minister in respect of the Eight Mile Creek area, and the District Council of Millicent in respect of its district. Administrative confusions and complexities should be reduced if there is only one "code" to be consulted in administering the drainage systems of the whole of the south-eastern area of the State. Clause 1 is formal. Clause 2 provides for the commencement of the Act upon proclamation. Clause 3 repeals the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1979.

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

Later:

ADJOURNMENT

At 6.16 p.m. the Council adjourned until Thursday 5 June at 2.15 p.m.