LEGISLATIVE COUNCIL

Wednesday 29 October 1980

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

MINISTERIAL STATEMENT: SOUTHERN VALES WINERY

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: On 26 February of this year the Minister of Agriculture informed the House of Assembly of the untenable financial position of Southern Vales Co-operative Winery Limited, and announced that the Government had decided to request the State Bank to extend a seasonal loan to the co-operative under the Loans to Producers Act, to enable processing of the 1980 vintage.

On 4 March, the Minister further informed the House of Assembly that, since the State Bank was unable to comply with that request, the Government was prepared to make funds available to the bank, for advance to the co-operative, so that processing of the 1980 vintage could be financed and payments to growers could be made at a level comparable with payments in 1979. This commitment will be honoured.

The Minister made clear on that second occasion, and in answer to Questions on Notice 920 to 923 in the House of Assembly, that the decision to apply Government funds in this manner was conditional upon an agreement from the co-operative to work closely with the South Australian Development Corporation in formulating a sound commercial scheme to resolve the co-operative's financial problems, and to do so before the 1981 vintage.

This undertaking was given by the co-operative and, as a result, Mr. R. H. Allert, of Allert, Heard and Co., was appointed as a consultant by the S.A.D.C. to examine all possible options for ensuring that the winery became a viable commercial operation.

I must now inform the Council that the consultant's assessment of the co-operative's affairs confirms the advice received from the State Bank and S.A.D.C. that the co-operative is insolvent. Nevertheless, every possible avenue has been pursued to restore the co-operative to a position in which profitability can be resumed.

First, efforts have been made to arrange for the sale of the winery, or for the establishment of a management arrangement, which would permit its continued operation. Several expressions of buyer interest were received, but only one resulted in a firm offer, which was subsequently found to be unacceptable by the board of Southern Vales.

Secondly, detailed consideration has been given to different means by which the co-operative could reduce its debt burden, since it is agreed by all parties that the co-operative could not, in the next three to five years, service both its seasonal loans and at the same time generate sufficient operating surpluses to repay a substantial portion of the principal on those loans and so reduce its overall debt structure to an acceptable level.

One such means considered by S.A.D.C. was a three-year to five-year moratorium on payment of interest on the co-operative's seasonal loans, but, on the evidence available, it is most unlikely that the co-operative could return its operations to sufficient profitability in that period to be able to service both current interest and accumulated arrears at the end of the moratorium.

Moreover, the co-operative is currently trading at a loss prior to the charging of interest, so even though a deferment of interest payments may reduce that trading loss it will not restore the co-operative to a profit situation nor enable it to accumulate funds necessary to meet interest charges when they again become payable.

A further consideration is that under such a proposal the co-operative will be most unlikely to generate sufficient funds for replacement of capital items, the need for which will arise in the future when payment of deferred interest will provide a heavy burden. Consideration has also been given to reducing the co-operative's indebtedness by selling its surplus stocks and assets, but even such a sale, at reasonable valuations, would leave a debt commitment that cannot be serviced by the co-operative at its present levels of trading performance.

Thirdly, the possibility of providing further short-term Government assistance, whilst seeking another buyer for the winery, has been considered and rejected. This course of action, which would require the Government to indemnify the co-operative for further losses of an unknown extent in the period leading up to and including the 1981 vintage, has no greater attraction than the appointment of a receiver-manager to begin seeking a buyer now.

The Government has been compelled to conclude that a satisfactory solution to the co-operative's financial problems cannot be found. The co-operative is insolvent. At present it has a deficiency in shareholders' funds of approximately $450 000, and recorded an operating loss last year of approximately $400 000. Vintage loans exceed securities by approximately $650 000. There is no prospect of the co-operative trading out of its present position, and attempts to arrange a sale, or acceptable merger, or otherwise solve the financial problems of the enterprise, have proved fruitless.

In all the circumstances the Government has decided, regrettably, to inform the Board of Southern Vales Co-operative Winery that arrangements should be made immediately to settle its obligations to the State Bank and other creditors. That information was conveyed both to the co-operative and to the State Bank yesterday.

Finally, I wish to refer to the position of growers who will be affected by the co-operative's move into receivership. Many growers, who produce grape varieties in demand, will be able to sell their grapes to other wineries. This is already being done, and demand is expected to continue. Indeed, co-operative members already produce more than double the co-operative's intake, which indicates that some members themselves have used the co-operative as a receiver of grapes of last resort.

The growers most affected will be those producing unwanted or unpopular varieties of grapes who, until now, have sold much of their produce to the co-operative, and who now can be expected to experience greater financial stress. However, in recent times the demand/supply imbalance in the grape industry has appreciably improved. In addition, the Southern Vales area has shown an increasing reputation for quality grape and wine production.

Growers will be aided, wherever possible, by rural assistance funding administered by the Department of Agriculture, either in the long term through farm improvement loans to assist in vineyard redevelopment, or more immediately by wine grape carry-on loans, subject to meeting the normal criteria. Such loans are currently available to wine-grape growers in any part of the State.

PETITION: INFORMATION CENTRES

A petition signed by 348 electors of South Australia, stating that the Tonkin Liberal Government had broken its pre-election promise and praying that the Council would take whatever steps were within its power to ensure that the Government honour that promise by continuing to support community-based information centres and in particular restore the funding for the Thebarton Information Centre, was presented by the Hon. C. J. Sumner.

The PRESIDENT: This petition is identical to the petition presented by the Hon. J. E. Dunford on 28 October and, in accordance with Standing Order 95, I rule that the reading of the petition be dispensed with.

Petition received.

QUESTIONS

RIVERLAND CANNERY

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

Leave granted.

The Hon. B. A. CHATTERTON: Shortly before the recent Federal election an advertisement was inserted in the *Loxton News* of 15 October on behalf of Mr. Geoffrey O'Halloran Giles, the Federal member for Wakefield. The purpose of the advertisement was to make the accusation that the Labor Party was not interested in the Riverland. It claimed that Labor members of Parliament had not attended some important meetings in the Riverland, particularly the meeting held at Renmark to discuss the affairs of the Riverland cannery. That advertisement stated:

> Wouldn't you think that just one A.L.P. Senator or M.L.C. would have attended?

The interesting thing is that the Riverland cannery board sent out official invitations to members of Parliament to attend that meeting at Renmark. Invitations were sent particularly to Mr. Geoffrey O'Halloran Giles and Mr. Peter Arnold, the member for Chaffey, but no official invitation was sent to any A.L.P. Senator or any A.L.P. member of the Legislative Council.

The Hon. J. C. Burdett: How did you know about the meeting?

The Hon. B. A. CHATTERTON: I found out from a grower that the meeting was being held and sent an apology, because I had been informed only at the last minute. The interesting thing is that the Riverland cannery is, in fact, controlled by the South Australian Government through its statutory authority the S.A.D.C. It seems obvious that the Government must take responsibility, as it has direct control over the cannery, for the issuing of those invitations only to members of the Liberal Party to attend that meeting.

Can the Attorney-General give an assurance that in future the Government will not misuse its powers over the Riverland cannery to provide cheap publicity for its Federal colleagues?

The Hon. K. T. GRIFFIN: The Government has not misused its powers in relation to either the Riverland cannery or any other project in the Riverland or elsewhere in South Australia. I am not aware of the basis for the decision by the board of the Riverland cannery to invite members of Parliament to the meeting in the Riverland to talk about the future of the cannery. It is quite false to suggest that the Government controls the Riverland cannery through membership by the South Australian Development Corporation on the board of the cannery. That is nonsense.

The Government does not control the board of the cannery. If it did, the responsibility for the appointments to that board must be accepted by the previous Government, which ensured that S.A.D.C. had representation on the board of the cannery, and as far as I am aware the members of the board of Riverland Fruit Products Co-operative representing the interests of S.A.D.C. have been the same under both the previous Government and this Government.

FIRE DRILL

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to you, Mr. President, concerning fire drill.

Leave granted.

The Hon. J. R. CORNWALL: I regard this as a very serious matter indeed. In more than five years in Parliament House I have never known any sort of fire drill to be organised. Members would be aware that many of us work in rabbit warren type conditions in some of the offices, particularly in the basement and also on the second floor on the western side of the building. Even though the Chamber is grand and the external architecture of the building is delightful—

Members interjecting:

The PRESIDENT: Order! The question is addressed to me and I want to hear it.

The Hon. J. R. CORNWALL: Despite the upgrading and despite the fact that architecturally it is a delightful building, the fact remains that some office accommodation is less than commodious and spacious and is located in rather odd corners of the building. In fact, if there were a major fire, it would be a disaster of great proportions.

Members interjecting:

The Hon. J. R. CORNWALL: There would be a lot of by-elections necessary if a fire occurred at a particular hour of the day. Over the past 12 months, there have been a series of noises emanating from the mechanical speakers around the building which have been absolutely confusing. There is wailing, whining, intermittent beeps, and all sorts of noise. What worried me today was that some sort of alarm went off and nobody took the slightest notice of it.

The Hon. L. H. Davis: Speak for yourself.

The SPEAKER: Order!

The Hon. J. R. CORNWALL: The House of Assembly continued sitting as though nothing had happened.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: Whilst that may say a great deal for the cool and calm of members of the other House and of the Speaker in particular, I find it all rather distressing. I ask you, Mr. President, whether you will, as a matter of urgency, meet with the Speaker and arrange a full fire drill for all members and staff of Parliament House, so that we might at least be able to distinguish between a false alarm and the real thing.

The PRESIDENT: I will most certainly discuss the matter of fire drill with the Speaker, if that is the request. A document was issued giving information to honourable members as to the urgency of the various calls. No doubt honourable members have those details filed away in a convenient place and know where they are. The Hon. Dr. Cornwall's request is not for confirmation of signals but rather—

The Hon. J. R. Cornwall: A full fire drill. It should be

appreciated some of us are more slow-witted than others.

The PRESIDENT: I was going to ask the Hon. Dr. Cornwall whether he has any preferred time that he would like to do the fire drill.

The Hon. J. R. Cornwall: It should be done under full working conditions.

The Hon. N. K. FOSTER: Can you, Mr. President, ascertain the cause of the fire, if there was one? On how many occasions has there been a fire in the building in the last 12 months emanating from the engine room?

The PRESIDENT: I do not have those details but I will obtain them for the honourable member. I have located the statement regarding the Parliament House fire alarm system that was circulated to all members. However, in case all honourable members have not received a copy of it, I will now read the statement. It is as follows:

> In the interest of the safety of occupants of Parliament House, a fire alert and evacuation alarm system has been installed. It is similar to the systems in other Government and private buildings. All occupants of the building have been issued with instructions which identify two sounds which will be relayed through the speaker system normally used for the House of Assembly bells and the Legislative Council buzzer.
>
> While the alarms are unlikely to be heard without explanation and instruction from the evacuation officer (the caretaker), it is possible that they might be activated automatically by sensors which are part of the system, or, less likely, by manual interference. It is also possible that the evacuation alarm could be heard without prior alert. It is desirable that all occupants of the building recognise the sounds and act accordingly.
>
> The first sound, the fire alert, is a repetitive interrupted tone of ·6 seconds on and ·6 seconds off, that is, a beep signal similar to the engaged signal of a telephone. If heard, occupants are required to assemble at their appropriate fire alert intercom point to await further instruction.
>
> The second sound, the evacuation order, is a repetitive tone uniformly increasing in frequency, that is, a whooping sound similar to a submarine "dive" signal. When heard, it requires occupants to immediately leave the building and report to their designated assembly point in North Terrace.
>
> Strict adherence to the instruction to assemble in the correct location outside the building is essential to ensure that needless and dangerous searches within the building for missing personnel are unnecessary.
>
> Members are asked to accept the importance of familiarising themselves with the above procedures not only for their own safety but also for the safety of others should an emergency arise.

I hope that members have a copy of this circular. If they do not, they will be able to read *Hansard* and get their instructions.

The Hon. J. R. CORNWALL: That simply reinforces my point that a fire drill has never been conducted. The document refers to fire assembly points on North Terrace, and goodness knows where else. However, from my experience, no fire drill has been conducted in the past five years.

The PRESIDENT: Of course, we did not have fire alarms then.

The Hon. G. L. BRUCE: Like every other member of Parliament, I received a copy of that circular. However, mine has been filed or put away somewhere. Surely the Government, and you, Sir, in consultation with the Speaker in another place, could arrange for this circular to be put on the wall of every room in Parliament House. When the alarm sounded today, I did not have a clue what it meant, even though I had been given this information. Surely, this circular could be placed in all members' rooms.

The PRESIDENT: I accept what the honourable member has said.

ROAD SAFETY

The Hon. G. L. BRUCE: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about the Oaklands Park Road Safety Centre.

Leave granted.

The Hon. G. L. BRUCE: Recently a minute of the Road Safety Council came across my desk signed by E. W. Hender, Chairman of the Road Safety Council. In that minute, item No. 6, headed "Oaklands Park Centre—Grounds Maintenance", states:

> A contract has now been signed with a private firm for the maintenance of this centre. Previously this work was carried out by staff of the Marion City Council.

We all know that the Government has a fetish to see that private contractors get into the act. I understand from the Government that it intends to make sure that councils do away with their own labour and get into the private contract field.

The Hon. C. M. Hill: Not do away with its own labour.

The Hon. G. L. BRUCE: Then, rather, it will not replace its labour. By a process of attrition, it will wind down and as soon as possible get into the private contract field. I therefore ask how long the work in question has been done by the Marion City Council. Did the change of work from council to private contractor occur in line with the Government's request to councils to give as much work and as many contracts as possible to private firms? If not, what is the history of the work and change of that work to private contractors?

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

DRUGS

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Chief Secretary, a question about certain people involved in heroin trafficking.

Leave granted.

The Hon. J. E. DUNFORD: Last week I asked a question about heroin pushers in South Australia and referred to a television programme I saw on the Monday evening, *A State Affair,* on Channel 7. There has been a week of programming dealing with heroin users, drug pushers and the problems of the police in this regard. I missed the segments on Tuesday, Wednesday and Thursday, but saw the Friday segment. On that segment a senior officer of the Narcotics Bureau was being interviewed. That officer, whose name, I believe, was Mitchell, indicated the problems that the police were having in apprehending not so much the pushers but the people in the higher strata of society who never actually handle the heroin: they are the entrepreneurs and financiers. Because of a lack of legislation affecting these people, the police are unable to carry out their duties and apprehend them.

I congratulate Channel 7 on its presentation of this programme, as I believe it educates the public and politicians—it certainly educated me to some extent. When one saw the pushers on the programme last Monday night and saw the problems facing the police, one could see how this would have an impression on the younger

people who are more prone to these problems in our society.

Notwithstanding the shocking media coverage of the recent Federal election campaign, I am the sort of person who believes that the media plays its part properly in informing the public, and it gets my full marks in that respect. Will the Minister of Local Government ascertain whether the Chief Secretary (Hon. W. A. Rodda) intends to introduce legislation that will assist the Narcotics Section of the Commonwealth Police Force to investigate and prosecute heroin dealers in the upper strata of our society who are at present untouchable, as outlined by Superintendent Mitchell, of the Commonwealth Police, when he said on the programme *A State Affair* on Friday 24 October that he hoped that the necessary legislation would be introduced so that the police could apprehend and prosecute these individuals?

The Hon. C. M. HILL: I shall be only too pleased to refer the whole matter to the Chief Secretary and to seek from him a report as to whether it is possible for enabling legislation or legislation complementary to Commonwealth legislation to be introduced in South Australia or, alternatively, whether he can do anything, as a State measure, to alleviate the problem to which the honourable member has referred.

DESERT DOWNS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General a question regarding a property in the South-East of this State known as Desert Downs and its present ownership.

Leave granted.

The Hon. N. K. FOSTER: I am somewhat astounded to learn about a property in the South-East named Desert Downs, the previous owner of which I would not name in the Council. However, having tried to ascertain the name of the owner of the property, I have been told that it was owned by a German person, who was almost a public figure, but the people to whom I have spoken refused to give any names.

This property was the subject of a great deal of activity a few months ago. Indeed, questions were asked by the Leader of the Opposition in the Council regarding a Mr. Karl Schuller, who was involved with the Nugan Hand Bank, and who has disappeared off the face of the earth. The Attorney-General, who apparently has reason to smile, was asked what association any members of the Liberal Party or Cabinet had with this rather unsavoury gentleman. The answers to that question, as I recall it, which is recorded in *Hansard*, denies what was asked by the Leader of the Opposition in the Council. I was therefore surprised to come into possession of a document which indicates that such a reply is grossly misleading and not in accordance with the facts. I refer to a document, the heading of which states, "The Farm Management Foundation of Australia and the Australian Farm Management Society present 'Plan Your Estate, Reduce Your Tax'." This relates to a three-day course for farmers, graziers and their wives, to be held at Desert Downs (I ask honourable members to take note of that name) via Keith, South Australia, on Friday 27, Saturday 28, and Sunday 29 September, as far back as 1974 (of which honourable members should also take note). At that time, the Attorney-General was a leading figure, if not the top officer, in the Liberal Party in South Australia.

If I may prolong this matter, in order to be fair to the Attorney-General, I now refer to the topics and activities that were to be dealt with at this course. On 27 September, there was to be a welcome from the Farm Management Society, and an introduction to the course by Mr. Jim Richardson. It would be interesting to see what that gentleman is all about.

The Hon. B. A. Chatterton: He's the Chief Extension Officer in the Department of Agriculture.

The Hon. N. K. FOSTER: I thought so, although I was not going to go that far. The programme for the course, together with the leaders on each topic or activity, was as follows:

How I view estate planning estate analysis—plan your estate	Jim Richardson
Morning tea.	
Continue estate analysis.	
Lunch.	
Life assurance—assessing your needs	Karl Schuller
Discussion groups on life assurance	Jim Richardson
Reporting back.	
Afternoon tea.	
Ways of reducing your estate	Graham Trengove

On the following day, the programme was as follows:

Taxation for farmers in 1975 and 1976—Introduce the case study	Peter Hackett
Timing income and expenses and financing tax payments	Jim Richardson
Depreciation.	
Morning tea.	
Minimising tax— payment of salaries, wages, partnerships, trusts, companies, averaging, provisional	Peter Hackett
Lunch.	
Livestock profit and livestock trading	Peter Hackett
Group problem solving—livestock trading	Jim Richardson and Peter Hackett
Reporting back.	
Afternoon tea.	
Trusts	Mr. Trevor Griffin
Wills	Mr. Trevor Griffin

I assume that the Mr. Trevor Griffin referred to in that agenda concerning trusts and wills is the Hon. Mr. Griffin who is the Leader of the Government. In his replies to the Leader of the Opposition the Hon. Mr. Griffin said—

The Hon. C. M. Hill: What is wrong with that?

The Hon. N. K. FOSTER: You will find out. The agenda for the following day refers to Peter Hackett, Jim Richardson, Mr. Trevor Griffin, and Mr. Graham Trengove. The property was purchased by a gentleman who I and others believed was involved with Mr. Schuller, who was involved with the Nugan Hand Bank. The property is now owned by an outlandish organisation which calls itself CARE, to which the Government refuses to provide recognition. It is called the Christian Action Rural Education group, and they are the owners of that property. Did the Attorney-General mislead this Council when he answered a question by the Leader of the Opposition about whether any member of the Liberal Party was involved with Mr. Schuller or whether Mr. Schuller was a member of the Liberal Party, because the answers were in the negative. Secondly,—

The Hon. L. H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster has the floor and he need not know whatever the Hon. Mr. Davis said.

The Hon. N. K. FOSTER: I did not hear what the scoundrel said. Secondly, is Mr. Trevor Griffin, the present Attorney-General, the same Mr. Trevor Griffin who attended the seminar with Mr. Schuller? Is not Mr. Griffin a trained lawyer, is he not of that profession? How

could he expect this Council to swallow his answer that he did not know of Mr. Schuller's existence and that he had never had any association with him, when he was engaged at a conference over a period of three days with Mr. Schuller? I have more than an understanding that he was present before the address given by Mr. Schuller.

The Hon. L. H. Davis: Are you going to say that outside this Council?

The Hon. N. K. FOSTER: I take a point of order, Mr. President. When I ask questions in this Council, which is the right, particularly of Opposition members, it is time that you took some action against Davis, who says that I have not the guts to ask such questions outside this Chamber. I will not embarrass other people outside—you deal with him, it's your problem.

The PRESIDENT: Order! It is your problem.

The Hon. N. K. FOSTER: No, it is not. I would throw him out if it was mine.

The PRESIDENT: Order! It is not a point of order. If you wish to sort it out with Mr. Davis, you may do so. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: I did not mislead the Council. I have had no association with Mr. Karl Schuller. I have indicated that I have no recollection of having ever met him. I can remember the early 1970's when I participated in a seminar that was organised by a reputable organisation. The Hon. Mr. Chatterton interjected when the Hon. Mr. Foster asked his question to enlighten the Hon. Mr. Foster about the background of Farm Management Foundation, which was a reputable foundation and which had an association with a similar foundation in Western Australia where, from memory, it had organised a number of seminars for members of the farming community to give them guidance on areas such as tax, preparation of wills, companies and those sorts of matters in which members of the farming community have a direct interest.

My recollection is that Farm Management Foundation had organised this seminar. It was at a time when I spoke on a variety of occasions at many seminars on questions of wills, companies and estate planning.

The Hon. N. K. Foster: And tax dodging.

The Hon. K. T. GRIFFIN: And arrangement of estates to minimise tax. There is no sin in that.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: My recollection also is that the property known as Desert Downs in those days was a property which was used for camps and conferences and which was owned by a person whose name I cannot remember but whose father has been much involved with the development of that part of South Australia when it was being developed by the A.M.P. Society. I cannot remember the name of that person but, if it is relevant, I will endeavour to find out. The person who managed Desert Downs Station at the time did have a long association with that area. It was in the context of that property, Desert Downs, being the base for development of that area around Keith. My recollection is that after the A.M.P. Society had been involved in the area it was sold to individual landowners and was then taken over by a company called Scottish Australian Company Limited, which had subsequently divested itself of its interest in a number of properties in that area.

There is nothing sinister in attending at Desert Downs Station, which was then a conference centre. It was a seminar organised by the Farm Management Foundation, and my recollection (and it is a vague recollection) is that I was only there for part of the time. If Mr. Schuller's name is on the agenda as one of the people speaking, I have no recollection of his being there. I have indicated previously that I have had no association with him whatever, and I insist that that is correct.

TOURISM

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Tourism, a question about tourist maps and information.

Leave granted.

The Hon. L. H. DAVIS: First, I commend the Minister of Tourism and her department for the VISA (Visitor in South Australia) promotion designed to draw attention to the pleasures of sightseeing in South Australia. I was pleased to read that initial reports indicate that this promotion has been well received. The Minister has stated that constructive criticism or suggestion in the area of tourism would be welcome, and I certainly hope that South Australians and interstate or overseas visitors will communicate to the appropriate authority any shortcomings about the quality of tourist information, accommodation, facilities or service that they encounter.

In early September I had occasion to take an interstate visitor for a drive in the Adelaide Hills. I went to the Tourist Bureau for appropriate literature. I was attended to in a most courteous manner, but I must say that I was disappointed at the range of literature available. I have checked again in recent days, and the range of literature remains unchanged. More specifically, there is a pamphlet on the Torrens Gorge ring route, and an interstate visitor following the map would stand an excellent chance of getting lost—indeed, a South Australian may also get lost. Gumeracha and Houghton are both shown as districts rather than as specifically marked townships, and some of the venues advertised in the brochure, in my view, did not live up to expectations. Therefore, I ask the Minister, first, given the beauty of the Adelaide Hills and the many tourist attractions available, are there any immediate plans to upgrade the quality of tourist literature which will set out details of tours and venues available in the Adelaide Hills? Secondly, do officers of the Department of Tourism, or the Tourist Bureau, check venues advertised in brochures to ensure that they meet minimum standards?

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

ROADWORKS

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about roadworks.

Leave granted.

The Hon. C. W. CREEDON: Many people were very pleased when railway overpasses were completed on roads such as Grand Junction Road and Port Wakefield Road. No doubt they hope to see a completed overpass on Regency Road, one day. It disturbs me that major sections of the bitumen work on those roads and on the bridges are deteriorating so badly that those roads have been extensively patched for quite considerable distances. Last week I noted that the Highways Department had completely sealed at least parts of the Port Wakefield Road. I noticed in this morning's paper, I think it was, that the Highways Department has trouble at present with Eastern Parade, or the highway at Rosewater on the way

to the Gilman area; there was some excuse about water seeping through. I do not think that would be the case with these bridges. These projects are paid for with taxpayers' dollars, and I would appreciate the Minister giving reasons why these expensive works deteriorate so rapidly.

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

KIDNEY DONORS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about kidney donors.

Leave granted.

The Hon. FRANK BLEVINS: To give a brief history of my involvement in this matter prior to asking this question, I refer to *Hansard* of 4 June, which records my asking a question of the Minister. I was prompted to ask that question by publicity in newspapers surrounding Cabinet members signing cards which permitted their kidneys to be taken in the event of death and to be used for transplants. I congratulate members of Cabinet on their action. It was stated in that question that more than 500 people suffering from kidney disease in Australia are experiencing long delays before transplant operations, because of a shortage of donors. My suggestion to the Government was that South Australia could perhaps adopt the practice of having people opt out of kidney donation rather than opt in. In other words, all kidneys or other organs would be available for transplantation after a person died unless that person had specifically given a direction to the contrary. That would obviously make very many more kidneys available. The response to that by the Minister of Health was full, but I do not believe it appeared in *Hansard*. That response was in the form of a letter.

Briefly, the Minister did not agree that my suggestion was one that should be put into practice and quoted the Law Reform Commission on Human Tissue Transplants, which does not recommend that procedure. It was also interesting that the Minister said in the letter that a 1975 Gallup Poll showed that 82 per cent of Australians were in favour of donating their organs in the event of sudden death. The Minister went on, later, in that reply to state that members of transplanting teams in Adelaide had a procedure which they went through and which they thought was working quite all right and to leave it alone. Subsequent to that, the *Advertiser* of 25 October published an article under the heading "Australia short of donor organs" by medical writer Barry Hailstone. It quotes the Reader in medicine at the University of Adelaide (Dr. Harry Lander), and this is a problem I had not heard of before, as follows:

> He said that often relatives of potential donors said "No" to doctors who asked if the organs could be taken for transplant purposes. This was despite the fact that many had indicated before death they would be happy to give their organs.

Dr. Lander went on to instance the case of a young Melbourne mother who was being forced to give a kidney for her daughter because there was not a suitable donor kidney available for transplant. It seems that the situation regarding organs available for transplant is deteriorating.

The Hon. R. C. DeGaris: Have you seen the latest figures on the number of transplants that should be done but that cannot be done because of lack of organs?

The Hon. FRANK BLEVINS: I hope to find out. It seems to me that the situation regarding organs for transplantation is deteriorating. The structure set up to provide for these donations is not satisfactory when people are dying and when, as the polls show, 82 per cent of Australian people would be glad to have their organs used after death, yet the system that exists for collecting those organs is falling down to the degree that live donors have to be found.

In view of that preamble, will the Minister inform me of the best estimates of the number of people waiting for kidney donations where kidneys are not available and, also, the length of time they are having to wait? Also, in view of the remarks made by Dr. Harry Lander as reported in the *Advertiser* of 25 October this year, could the Minister reconsider the present position, with a view to possibly adopting the "contracting out" system?

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

FORESTRY ACT

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Forests, a question about the Forestry Act.

Leave granted.

The Hon. B. A. CHATTERTON: About this time last year the Minister of Forests indicated that he was going to introduce a Bill to amend the Forestry Act. The purpose of the Bill was mainly to give the Woods and Forests Department flexibility in the control of forests so far as the recreational use of those forests was concerned, and, in addition, the legislation was to give greater protection to the areas of native forests that are under the department's control.

At present, those native forest areas are not protected by any legislation from clearing and converting to pine plantations, and the purpose of part of the legislation was to make clear the distinction between native forests and pine plantation forestry.

The Minister did not introduce the Bill as he had indicated, presumably because there were a number of other pieces of legislation before Parliament at that stage. My question is: does the Minister intend to introduce that Bill to amend the Forestry Act and, in particular, does he intend to ensure that there is adequate protection for areas of native forest land under the control of the Woods and Forests Department?

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

THORNDON PARK RESERVOIR

The Hon. N. K. FOSTER: I seek leave to make an explanation before directing a question to the Attorney-General representing, I think, the Minister of Tourism, regarding Thorndon Park reservoir.

The Hon. J. C. Burdett: I represent the Minister of Tourism.

The Hon. N. K. FOSTER: You had better amend this sheet, then.

Leave granted.

The Hon. N. K. FOSTER: Members will be aware that the previous Government, and a previous member for Coles (Des Corcoran), through the department, had plans for some considerable time about what would happen to the Thorndon Park reservoir. That concept was for a caravan park and a swimming pool that was badly needed

by the students of Campbelltown High School, Thorndon High School, a private Catholic school, Campbelltown Primary School, Paradise Junior Primary School, Paradise Primary School, Athelstone Primary School and Thorndon Primary School.

All those schools are within a mile of the complex, and have no nearby facilities for swimming, despite what the present member for Coles has said. Inherent in the design and restoration of that area near Reservoir Road and Gorge Road was the restoration of a very historic residence and the stables. The plan of the previous Government was that that quite substantial historic residence, the first of its kind in the State, I believe, be restored so as to contain a museum and tea room, and it was to include the extensive buildings known as the stables. They had been flattened, knocked down completely.

The place appears as though an atom bomb has cracked down in the middle of the reservoir. It is a real eyesore and a disgrace to the present member for Coles. The plans of the previous Government have been the subject of a number of press statements by Mrs. Adamson, or Ms. Adamson, if she calls herself that. She was in a rage over that proposal.

The PRESIDENT: Order! I think the honourable member should come to the detail of his question.

The Hon. N. K. FOSTER: Therefore, I ask whether the Attorney can request the House of Assembly member for the District of Coles to inform the Parliament why the Thorndon Park historic residence and other historic buildings were demolished and what persons' signatures appear on such a docket and/or authorities. Is the Minister of Tourism aware of the eyesore in her district, created by her contempt for the original plan of the previous member for Coles (Des Corcoran), including the plan for swimming pool facilities so badly needed by students at the schools I have mentioned?

The Hon. J. C. BURDETT: If the member had read his list he would have seen, on the first page, reference to the Minister of Community Welfare and, at the bottom, reference to the Minister of Tourism.

The Hon. N. K. Foster: I apologise. I looked at "Minister of Recreation and Sport".

The Hon. J. C. BURDETT: That list clearly indicates that I represent the Minister of Tourism.

The Hon. N. K. Foster: I feel sorry for you.

The Hon. J. C. BURDETT: I find it very rewarding.

The Hon. N. K. Foster: That's a beauty!

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I always get good and prompt replies. I will have pleasure in referring the question to my colleague and will bring back a reply.

SELECT COMMITTEE ON URANIUM RESOURCES

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

That the time for bringing up the report of the Select Committee be extended until Wednesday 26 November 1980.

Motion carried.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1283.)

The Hon. R. J. RITSON: In speaking to this second reading of the Bill, I want to discuss in some detail the effects of various parts of the Bill. In doing this, I will have to touch on a number of matters of law. I have conferred with a number of lawyers, including senior counsel, but, knowing my limitations, I will be happy to accept correction from lawyers on either side of this Chamber if I stray from the truth on matters of law.

This Bill does several quite different things, and I want to discuss it under several different headings. First, parts of the Bill break new ground and probably create new law for the general purposes of the State of South Australia. Secondly, parts of the Bill, without breaking new ground but in a declaratory fashion, affect the general law of South Australia. Finally, the parts of the Bill that deal with patients' rights and living wills deal, again in a merely declaratory fashion in my view, with only those people who choose to make a declaration under the Bill.

I had hoped to avoid occupying a lot of the Council's time with the brain death matter but, in view of the fact that a report in the *Advertiser* a few days ago, a report that I consider highly irresponsible, cast some doubt and created some fears about the matter of brain death, I would ask the Council to bear with me while I speak at some length about the question of brain death.

I think the best way to approach this is to consider, first of all, what current medical practice is, and then consider the possibilities that are open, the possibilities of seeking to change that practice of doing nothing, or of seeking to endorse it. The whole question of death has existed more as a matter of common knowledge and folk-lore through centuries (in fact, thousands of years) than it has as a legally defined thing, but, in scientific terms, when through illness or injury the vital functions of breathing and heart beat fail, the body begins to die and this death process takes some time.

Within a few minutes of the failure of the vital functions, the brain dies. Then, after something of the order of perhaps half an hour, other vital organs, such as the kidneys, will deteriorate. Voluntary muscle will take several hours, and skin, as I have mentioned once previously, survives for several days.

Our society has never waited on proof of total death and dissolution of every cell of the body before recognising the fact of death. It has taken for granted for so long that cessation of breathing and heartbeat is the point of no return and has recognised in practical terms the fact of death when that point of no return has been reached. Of course, in the last decade or two the technological advances that enable quite heroic resuscitations to be embarked upon have meant that the cessation of respiration and heartbeat are no longer the point of no return.

The problem therefore arises in cases of acute illness and injury (as distinct from chronic illness) where a patient, either apparently dead or very close to death, presents at a hospital and the diagnosis is unknown, as is the prognosis of his condition. In the absence of any knowledge as to whether the condition may be remedial, the doctors feel obliged to apply maximum resuscitatory effort. If their efforts succeed in restoring circulation or respiration or maintaining respiration artificially and then they discover that that patient has passed what really is the point of no return, namely, death of the brain, they are forced to consider the wisdom and the effects of continuing this so-called life support, of continuing to maintain the body of that person who has passed the point of no return in the dying process as some sort of obscene tissue culture—a travesty of human life.

Members of the medical profession have, in recent years, developed a set of guidelines and ethics which enable them quite reliably to determine when this point of

no return has been reached and, of their own volition and without any clear understanding of what the legal situation is, they have quite rightly, in my view, adopted a policy of withdrawing treatment when this point of no return is diagnosed. The difficulty is to discover what the legal status is. We have in South Australia, to my knowledge, no quantity of case law to enable us to determine this. A case was described in an anecdotal way by one of the witnesses that appeared before the Select Committee, and I have heard slight variations from other sources.

It was a case of a doctor in Alice Springs who, after a telephone consultation with a very senior specialist, withdrew treatment from a brain dead patient. Another party at the hospital, believing that it was some sort of act of euthanasia, reported the matter to the police. Here the facts became very obscure, because all we know is that nothing happened to the doctor, but I was unable to discover whether that was because the Crown did not proceed, whether it went before a Magistrate, or in fact whether a point of law was decided. Even if a point of law was decided, it was not in a South Australian jurisdiction, so I cannot be sure of its status as a precedent here.

Another case mentioned by Mr. Justice Kirby in his address to the Royal North Shore Medical Association (an address referred to by the Hon. Frank Blevins last Thursday) was Potter's case. In Potter's case, a victim of assault suffered brain death and after the onset of brain death the victim's kidneys were removed. At the trial, a charge of manslaughter against the assailant failed. It failed as far as I can see because the removal of kidneys cast doubts on the causation of death. The question as to who killed the patient—the assailant or the doctor—was not able to be answered with sufficient certainty to sustain the charge of manslaughter, and so the Crown had to be content with a conviction for assault. That again was not in our jurisdiction.

What the legal situation is in South Australia in terms of causation of death by withdrawing treatment from patients who have suffered brain death or by taking kidneys from people who have suffered brain death, I do not know and I do not think anyone else can know. The legal vacuum and the dearth of case law in which we have to try to work and practise in South Australia is probably due to the reluctance of authorities to use prosecutions as a means of clarifying the law. The authorities (merely to provide judicial decisions that would clarify the law) doubtless are very reluctant to bring charges against doctors who are acting with compassion and care and competence.

Before us today in Parliament is an opportunity to clarify the law if we think it should be clarified. One of the options would be to go backwards. Let us consider the consequences of people taking seriously the article in the *Advertiser*. This matter is a scientific one. In the first place, the anecdotal descriptions mentioned in the *Advertiser* article lack enough information to carry any weight. I certainly understand that the dailies, in competing with each other, regard speed rather than research as the essence of the article. To give them credit, the article did contain a few comments by eminent medical authorities in Britain who did express a great deal of doubt and displeasure at the material that was reported.

Let us consider, and certainly we must allow room for this consideration, that there is the possibility of diagnostic error in determining brain death. The possibility of error is always present in any medical judgment. It is there at present in accordance with current practice. If we do nothing, we are not going to contribute one way or the other to the level of diagnostic accuracy. This practice is going on. It will continue to go on unless Parliament forbids it. What are the consequences of forbidding it? I was struck a little while ago by the Hon. Mr. Blevins's remarks at Question Time about the organ donor shortage. At the moment probably a number of people are dying because there is a relative lack of suitable donor organs. Considering that the majority of these organs come from brain dead victims of trauma, if this Parliament goes backwards and insists that the diagnosis of brain death is not sufficient ground to withdraw treatment and requires the maximum technology to be applied to each patient virtually until the body rots, then, apart from drying up a useful source of donor organs and thereby condemning hundreds of people to death, we are going to condemn another group of people to death.

That other group will be those people who are denied intensive care treatment because the facilities are obstructed by a lot of dead people. I hope that, if I survive my first coronary long enough to get into a hospital, or when I have my head-on collision, I can get into that intensive care unit and that it is not stuffed full of bodies that doctors are too afraid to abandon. The dangers and the deaths that will be caused by this Parliament if it is moved by that *Advertiser* article to go backwards are immense, and I urge honourable members to think about that carefully.

If we do nothing, we leave this legal vacuum. It has been said, "So what if it is ignored; the people are not prosecuting the doctors." I have already referred to the problem of the occasional case of a criminal taking refuge in the causation aspect. The causation problem raises other matters. I refer, for example, to the question of the year-and-a-day rule in relation to homicide. I read six months ago, I think it was, of a man in America who, having assaulted his son and caused brain death, then sought an injunction to prevent the withdrawal of artificial respiration from his son's body. If brain death is not legally recognised and that man can sustain his action for a year and a day, he escapes liability for causing his son's death.

Again, the recognition of brain death as legal death would avoid the possible manipulation of the date of death. I would not be surprised, if we were to examine the records, to find that the death rate at the Royal Adelaide Hospital in the last week of December was rather low, and that it soared in January. I would not be surprised if that information was discoverable, because on 1 January death duties were abolished. Of course, the date of death is legally significant in many matters of law and inheritance.

In recent years, large amounts of quite cheap term life insurance have been written. Those chickens have not yet come home to roost, but the expiry dates of those policies will be coming up over the next decade or so. One can imagine $500 000 hanging on a decision as to whether a respirator should be switched off today or tomorrow. I do not think that that is a proper form of pressure for doctors to be suffering under when trying to make this sort of decision.

I submit that, if the date of death is the date of appearance of the signs of brain death, regardless of decisions to maintain a body for transplant purposes for a while longer, the date of death for legal purposes is clear and not subject to manipulation or to pressures on medical staff. I had hoped not to go through all this, as this is the least contentious part of the whole Bill. However, that newspaper article stimulated me once again to put those matters before honourable members for their consideration.

I should like now to make some comments on those parts of the Bill which, in my view, are merely declaratory but which are applicable to the law of the whole State. Clause 2b of the Bill provides that, for the purposes of the

law of this State, the non-application of extraordinary measures to, or the withdrawal of extraordinary measures from, a person suffering from a terminal illness does not constitute a cause of death.

To give an example of the way in which this Bill has been repeatedly misunderstood, I should like to state the sort of objections that have been raised. It has been said that that clause exempts medical practitioners from the general law of homicide. Of course, it does not, and the key to consideration of the rest of the Bill lies in the definition clause.

So, having started this argument in the middle, I will now work backwards towards the beginning and have a look at the definitions. The term "extraordinary measures" is an old term: at least several decades old, to my knowledge. I first came across it as a theological term in a book on pastoral medicine. This term was examined by Keyserlingk in his paper "Quality of Life, Sanctity of Life", which he prepared for the Canadian Law Reform Commission. He formed the opinion that the term should be abandoned because it did not of itself say whether it meant extraordinarily expensive, extraordinarily infrequent, extraordinarily painful, or extraordinarily unlikely to succeed. The evidence that the committee received from Professor Margaret Somerville indicated that many doctors, in interpreting "extraordinary", believed that no treatment was *per se* ordinary or extraordinary treatment, but that extraordinariness was intimately bound up with the situation for which the treatment was proposed.

Thus, artificial respiration is "ordinary" during anaesthesia. It is an ordinary measure in resuscitating someone who has fallen into a swimming pool, but it is an extraordinary measure if applied to someone who is known to be dead. Blood transfusion or blood replacement during childbirth or after trauma is considered quite ordinary. The hundredth pint of blood in a patient who is dying of leukaemia and who has become allergic to all known blood types is considered extraordinary.

So, we have used this term in the Bill, but we have given the definition a particular meaning for the purposes of this Bill. The paragraph referring to the term "extraordinary measures" defines them essentially as neither "ordinary" nor "extraordinary" but as "artificial", so we are describing artificial measures.

However, when we come to look at what a terminal illness is, we find that it is an illness not only such that death is imminent but an illness from which there is no reasonable prospect of permanent or temporary recovery, even if extraordinary measures were undertaken. So, "extraordinary measures" read in conjunction with "terminal illness" means that they must be construed as *(a)* artificial measures and *(b)* measures that are useless. The term "recovery" is not meant to mean full recovery. When one reads the Bill, one sees that it includes temporary remissions of symptoms.

So, as one contemplates this Bill, it is useful for one to keep in mind all the time that, when we say "terminal illness" or "extraordinary measures", we are talking about situations of imminent and unavoidable death and where artificial measures are useless. In no sense does this Bill make any pronouncement upon a situation where the measures might have done some good.

As the report indicates, the committee contemplated this difficult problem of withdrawal or refusal of treatment that might have done some good (I refer, for instance, to the treatment of intercurrent disease with measures such as antibiotics), and we decided that that area should not be disturbed but that we, as a Parliament, should leave that matter to the ethics of the doctors, the confusion of the common law, the wisdom of judges, and the common sense of juries.

Bearing that in mind, if we look at the causation clause on page 2, we see that we are talking about the non-application or withdrawal of measures which could not have prevented death. It seems to me that the common law requires a new and intervening cause of death to break the causal chain. I would not have thought that any judge would consider the non-application of measures, which could not have helped, to be a new and intervening cause of death, but it is there in the Bill in a declaratory fashion. In spite of it being there, the Bill is still misunderstood by some people. It certainly does not exempt doctors from the general law of homicide. Let me now turn to the question of living wills and patient's rights, a question of considerable interest.

I was impressed by the opening remarks of Professor Sommerville when she addressed her mind to this problem before the Select Committee. I will attempt to paraphrase her words. In effect, she said that the Statute is not of itself the whole of the law. It is not in a vacuum: it is like a ship which floats on a sea of common law. To extend that thinking, the ship goes into ports where it touches other Statutes, and in difficult waters it is piloted by judicial interpretation.

I would now like to reflect on what I think the sea of common law is; it will help us see why the living will section of this Bill is so harmless. I hope that the medical profession will in time come to see that it is not here to alter medical practice but to endorse what we currently believe, and what the profession currently believes, to be good medical practice. The question of rights of refusal of treatment can rest on one of two possible principles. The first principle is that a person has an absolute right not to have his body interfered with in any way, and that that right will make it unlawful for anyone to interfere in the absence of informed consent.

That view is that the right of refusal of treatment is absolute. One may refuse even beneficial treatment. There is an instance to support that view of it. The *Bulletin* recently reported a case where the plaintiff was a man named Hart, who recovered $60 000 damages. I have not been able to obtain a copy of the judgment, and what I say has to be treated with some care, but the article in the *Bulletin* pointed out that this was a matter of great interest, because the action had failed as an action in negligence. The treatment was of a type that is normally beneficial. In fact, it was psychiatric treatment involving electro-convulsive therapy, but it was performed specifically against the patient's will and, according to the *Bulletin*, the grounds for the successful action were those of assault and false imprisonment.

If those facts are correct, and I say that with caution, that would tend to strengthen the view that one may refuse treatment even that is beneficial. The other principle upon which one might think about the question of patients' rights of refusal of treatment that the right to privacy of your own body is a protective right and can only be exercised in a protective way. In other words, perhaps one could not give consent to harmful intrusions into one's body, and some of the case law, including sado-masochistic cases, tells us that, as a matter of construction, consent to grievous bodily harm, it is just impossible as a matter of law. Whichever is so, if we start on the basis that it is probable that anyone can refuse any medical treatment and even more probable that he can refuse useless medical treatment, then it seems that we have the legal basis of living wills even without this Bill. It would seem that if a Jehovah's Witness wrote on a piece of paper, "I refuse all blood transfusion on religious grounds," that

would probably be a binding living will.

The Hon. J. C. Burdett: What about the minors' consent legislation?

The Hon. R. J. RITSON: I am talking about adults. If an adult wrote this, the doctor would probably be bound by it. Again, we have this legal vacuum, because there was such a case in South Australia in which the doctor considered himself bound by it. The patient died. The patient would otherwise not have died but, again, there was no legal test to give us any signposts. The authorities simply chose not to act. Therefore, what this Bill is really doing is saying that those people who would feel better if they had the chance to turn that probability into a certainty will be provided with a convenient evidentiary statutory basis for reassurance, but only in respect of terminal illness and useless treatments.

That is my view of what this Bill is doing—it is a declaratory Statute that takes a right that very probably exists at common law and provides a statutory basis for it, but probably without creating new law. It is there for those people who would feel better if the probability was made a certainty as far as they were concerned. The Select Committee has expanded the amount of wordage in clause 3, but has not expanded the concept of the living will. What it has done is to express throughout the Bill a lot of issues which again are of a declaratory nature, and the legal effect of the Bill would probably be no different without them. For example, the Bill provides:

> This Act does not affect the right of any person to refuse medical treatment.

I would not expect that it would, but people may feel more comfortable in their interpretation of the Bill if they understood that, almost entirely, clause 4 is of that nature—it is simply saying repeatedly in different ways that, if passed, this Bill will mean that Parliament does not wish to disturb any of that body of common law, except to make certain the right of refusal in writing of useless treatments when dying. Some of the objections that have been raised by medical practitioners are readily answered.

One objection that has been raised is the fear that this legislation will increase the quantity of diagnostic mistakes. Of course, the Parliament, as I said earlier, cannot legislate to make people infallible but, if any medical practitioner thinks that this Bill somehow diminishes the duty of care to be right about the diagnosis, then he is wrong. I just cannot see that there is anything in the Bill to indicate that a person who has made a declaration has any less right to careful diagnosis and to the application of every bit of treatment that might save him.

I would like to refer to an example in the evidence, where a medical witness described a patient who was suffering from arthritis and who came in with a bracelet which simply said, "No life support systems". She had come to the hospital with a perforated ulcer and peritonitis, and the doctor giving evidence said that he was concerned about this refusal of life support systems, whatever the patient might have conceived them to be, because he felt that she just did not understand what the issue was with this ulcer. He put it simply to her and said, "Do you want us to try to cure you?" and she said "Yes". I do not know what he thought his legal position was. If that patient had been unconscious, I do not know whether he thought that that bracelet meant he had to let her die, or that he should act preventatively. I do not know whether he would have thought that that was a terminal illness, even though he felt that there was a chance of recovery. I think he was in a difficult situation, and I think that, had this Bill been in force and that patient had come in with a declaration under this Bill, he would have known clearly that it applied only where there was no real prospect of recovery.

It would not relieve him of the duty to decide on the recoverability of the patient. It would not relieve him of the duty to decide whether the patient understood the consequences, but clause 4 (3) gives him an indemnity in that he incurs no liability for a decision made in good faith without negligence.

The Hon. R. C. DeGaris: On what you say, you could also make out a case for banning or making bracelets illegal.

The Hon. R. J. RITSON: It would certainly give the doctors a much clearer idea of what life support systems and terminal illness, etc., meant at law than having people coming in with a message the meaning of which was unclear.

The Hon. R. C. DeGaris: The point is that the bracelet would still be unclear in law. If a person had not made a declaration and was wearing a bracelet, it is still going to be confusing for a doctor.

The Hon. R. J. RITSON: It is harder to know whether the patient knows what the bracelet means than to know whether he knows what the declaration means. If I were that doctor, I would feel more comfortable with this Bill in force than faced with a bracelet and a common law vacuum. Some other objections raised to me were that the Bill might be misunderstood and that doctors might think that they have to let people die that they thought they could save, and that, even though the Bill clearly does not mean that, if it were misconstrued by doctors as meaning that then a tragedy could result.

That argument was pursued by others who said, "If the Bill is not clearly understandable by laymen, it is bad legislation." I want to question that argument. I sat back here and stared towards the Chair, listening to and attempting to understand the offences at sea legislation. I do not think I grasped that legislation.

The Hon. C. J. Sumner: Mr. DeGaris confused us all.

The Hon. R. C. DeGaris: I think everybody is still confused.

The ACTING PRESIDENT (Hon. Anne Levy): Order!

The Hon. R. J. RITSON: Of course, a lot of this technical legislation worked out by Attorneys-General is legislation that will work well for the purpose for which it is designed, and when one sees two Attorneys on opposite sides of the Council both agreeing about a Bill, to the utter bewilderment of the rest of us, we can rest assured that it is probably pretty good legislation.

The Hon. R. C. DeGaris: They're probably wrong.

The Hon. R. J. RITSON: That may be so. If we are worried about lay inability to understand legislation as a test of whether something is good or not, let us look at something like the Mental Health Act. I would be surprised if more than 1 per cent or 2 per cent of the medical profession had read the Mental Health Act, and it is probably a good job that they have not done so. What they do is work very well with a translation into medical terms in the form of a useful information booklet put out by the Health Commission and circulated by the Medical Association, which explains in real and practical terms how they can live and work with this Act. That does not depend on having read the original Act. Neither does the operation of the Boating Act. That Act is not read or understood by the layman, but the department puts out a simple information booklet which, by and large, works very well. The understanding of this Bill and its effect in court is one thing: the social effect of the Bill upon the people who have to work with it is another thing. There is no reason why literature cannot be produced for the profession as a guide to interpretation.

One doctor raised an objection with me which was a conscience objection. He said that, given the case of a patient with a massive cerebral haemorrhage which was untreatable, and from which he was certain the patient would be dead in 12 hours, he did not feel he could pull out the airway and kill that patient in three minutes. He felt that that was homicide. I can see no reason why his solution is not to turn to the last part of the Bill, which provides:

> Nothing in this Act authorises an act that causes or accelerates death as distinct from an act that permits the dying process to take its natural course.

If he took refuge in that provision, he would not, in fact, have over-treated the patient, the patient would have expired and certainly no-one would be looking for litigation or remedy. Turning to the matter of remedy, we initially had a submission that complained that the Bill had no penalty and then, having complained bitterly that the Bill had no penalty, the submission went on to urge that the partial indemnity in clause 4 (3) did not go far enough and should be expanded to indemnity against not only tortious liability but also criminal liability. That is the sort of difficulty we have had with some of the objections that people have raised. My understanding, from working on the committee and discussions with counsel, is that the most likely form of remedy would be to seek an injunction if in the opinion of people acting on behalf of the patient a doctor was persistently applying useless treatment (and one would have to imagine something fairly bizarre such as a doctor maintaining a brain-dead patient on a respirator, without certifying death, for some useless purpose), but it is hard to imagine that happening.

If some prolonged abuse or breach of duty in respect of the patient's wishes in this matter did occur, injunction would be the remedy. One could not imagine an interim injunction being that treatment should be withdrawn while the fact of whether it should be withdrawn was discussed, so I think it would take several months to obtain such a remedy by way of injunction. I think that this Bill, if properly understood by the public and the profession, will be well accepted and that we will see very little litigation.

The Hon. R. C. DeGaris: It may prevent litigation.

The Hon. R. J. RITSON: Yes, I think the Bill is prophylactic by clearing up some of the legal vacuum in which doctors are practising, conscientiously but possibly illegally. I think the Bill changes the law so little that it is truly a sheep in wolf's clothing, and I urge the Council to give it deep consideration.

There are lots of other little things that perhaps I may like to talk about in the Committee stage, but I hope that all members will state their views for or against the measure so that it is properly and deeply examined, and I hope that, when the Bill gets to the other place, the same thing will occur.

Finally, I want to thank the Chairman of the Select Committee, in the first place, for saying nice things about me the other day. I am sure it is the last time that he will say something nice about me in the Council for some time but, in his chairmanship of the Committee, at no stage did I feel he was trying to do any of the underhand euthanasia-type things that some people thought he might have been doing.

The Hon. R. C. DeGaris: He was difficult at times.

The Hon. R. J. RITSON: Yes, but not about that. His preparedness to consider the merits of all amendments in a very generous way was something that made it a pleasant committee to sit on.

The Hon. L. H. DAVIS secured the adjournment of the debate.

KANGAROO ISLAND LAND

Adjourned debate on motion of the Hon. J. R. Cornwall:

> That in the opinion of this Council the area of unallotted Crown land on Kangaroo Island adjacent to Flinders Chase national park in the hundreds of Gosse, Ritchie and MacDonald should not be alienated for development. The Council also calls on the Government to dedicate the area under the National Parks and Wildlife Act of 1972 for conservation in perpetuity. It further calls on the Government to provide adequate management in the area so that adjoining landowners are not disadvantaged.

(Continued from 22 October. Page 1286.)

The Hon. C. M. HILL (Minister of Local Government): This motion was moved by the Hon. Mr. Cornwall and relates to the question of future use of a large area of land on Kangaroo Island. I listened with interest to the explanations he gave and the comments he made last Wednesday. The Government's situation in this matter at this stage is that it has not reached a decision regarding the future use of this land and, therefore, because of that it finds itself in a position where, if the Hon. Mr. Cornwall pursues the matter to a vote, the Government members will have no alternative but to vote against the motion.

I think the Hon. Mr. Cornwall will admit that any vacant Crown land is public land and that the Minister, who in this case is my colleague the Minister of Lands, or the Government has the right to investigate its future use for any purpose whatsoever, whether for farming, conservation, forestry, or mining. The situation at present is that the matter is under review by the Minister of Environment, the Minister of Agriculture, and the Minister of Lands and their senior officers. That in-depth study is taking place at present.

Therefore, whilst I appreciate the concern expressed by the Hon. Mr. Cornwall, it is simply too soon yet for the Government to make a decision. I can assure the Hon. Mr. Cornwall that the Government will give every consideration to the matters he raised when he moved the motion. Government Ministers are considering the matter. The Nature Conservation Society, which I think was the organisation to which the honourable member referred, has been informed of the Government's position. On Thursday 16 October members of the society met the Minister of Lands in his office to discuss the question of the land and to lodge their objection to the use of it for any purpose whatsoever other than conservation purposes.

The Minister advised the society that the Government had not made any decision and was not likely to make any decision on the future use of the land in the near future without that in-depth investigation to which I have just referred. I trust that the Hon. Mr. Cornwall appreciates the position in which the Government is situated at present. I noticed that the honourable member mentioned that he had not had time to adequately and exhaustively prepare a case for the retention of the area for conservation purposes. If he makes a submission to the Government as the spokesman for the Opposition regarding that matter, I assure him that full consideration will be given to it.

I also noticed that the honourable member declared that the submission he made was the firm policy of his Party regarding this question, so at least all those people interested in the subject know the definite policy of the Labor Party regarding this matter. We are in a position where, if we have to vote on the matter, we have no alternative but to vote in the negative, because the Government has not made a decision at present. That,

briefly and clearly, is the Government's situation at this stage.

The Hon. K. L. MILNE: I have heard what the Hon. Mr. Hill has said, and I am very relieved to hear it. I think the issue is a little confused because of the way in which it has been handled. Some say to declare the land for farming and some say to preserve it and attach it to the Flinders Chase national park. I think members of political Parties are divided on the issue, and rightly so.

Members interjecting:

The Hon. C. J. Sumner: We are not.

The Hon. K. L. MILNE: It seems to me that the number of people who are likely to farm the land is not significant. The amount of produce likely to be grown on the land even if successfully farmed is not significant. My own view at present is that it would be wise to do nothing—just leave it as unallotted Crown Land while the whole project is studied further. There is going to be an organised visit for those who can get there next Sunday and I think that this will prove to be most successful, because there will be people with opinions on both sides.

The Minister of Agriculture is away sick and now convalescing. He has a special interest in what we have to say and in what is decided. The Nature Conservation Society has made a submission to the Minister of Lands saying that it is unaware of the potential of the land and that it is unaware of the environmental implications and wants to have more information. The Minister of Environment has made statements giving a different opinion from that of the Minister of Agriculture. I see nothing wrong in that; in fact, it is a healthy sign that both are doing their job. However, it increases the doubts that all of us are harbouring. I am grateful to Dr. Cornwall for raising these matters, as otherwise I am quite sure that the land would have been cut up without sufficient thought. Obviously extreme care is needed before a decision is made, and a proper plan or feasibility study should be made and published. A number of questions should be answered before doing anything.

How much of the 14 000 hectares is suitable for farming? Who said that it is suitable and on what grounds? Need the whole 14 000 hectares be cleared? Why not just a little of it? Who will get the new blocks—the adjoining owners or new owners altogether? Will the applicants be vetted to ensure that they are capable of farming successfully? Will they be *bona fide* Kangaroo Island residents or will Rundle Mall and Brougham Place farmers be allowed? Would it be better to be a part of Flinders Chase or not? I submit that there is no real plan as is required in 1980 thinking. The attitude of the department and the Minister seems to be the same as that adopted in 1880. It is not good enough, and I suggest that we leave things as they are until a comprehensive and sensible plan is put before us. We can then consider the matter properly.

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

BEVERAGE CONTAINER ACT

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

That the Regulations made on 31 July 1980, under the Beverage Container Act, 1975-1976, in respect of P.E.T. bottles, and laid on the table of this Council on 5 August 1980 be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

CONSTITUTIONAL POWERS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1288.)

The Hon. R. C. DeGARIS: The questions raised in this Bill are extremely complex and difficult to understand. Probably because I do not thoroughly comprehend the whole of the effects of the Bill (and I add that at this stage I do not think anyone can say what the total effects of the Bill are or can say that they absolutely understand the position) I will vote against it and rely upon the recommendations of the Standing Committee of Attorneys-General to continue to investigate and report upon this question. Having said that, I give guarded support to the general intention of the Bill.

The Hon. C. J. Sumner: Why are you voting against it?

The Hon. R. C. DeGARIS: If the Leader would listen for a moment, I will tell him. What I have said so far is that I do not think anyone fully understands the effects of the Bill and what it would do but that I am giving guarded support to the general intention of the Bill. I intend to take a conservative line and not push the issue until more information is available and until we are certain that we know exactly what we are doing.

The system of colonial Government which the British followed involved the creation of legislative, executive and judicial organs for the colonies under their control. It is obvious in the transition from colony status to some other status that differences of opinion on matters of policy would arise between the colony in its new status and the Imperial Parliament.

Conflicts of law would also inevitably arise between local laws and the laws of Westminster. Doubts arose in the nineteenth century concerning the powers of colonial Parliaments to legislate contrary to United Kingdom Statutes or to the common law of England.

Because of these doubts, the Colonial Laws Validity Act, 1865, was passed to make it clear that the authority of the colonial Legislature within its own sphere was not subordinate to the law of England—but only to Acts of the Imperial Parliament applying to the colony. I quote the 1865 Colonial Laws Validity Act in defining a colonial Legislature, as follows:

> The authority, other than the Imperial Parliament, or Her Majesty in Council, competent to make laws for any colony.

The Act also stated:

> That an Act of the Imperial Parliament extended to a colony only when it was made applicable to a colony by express words or necessary intendment.

So, following the passage of the Colonial Laws Validity Act, the U.K. Parliament still remained supreme where it wished to make applicable to a colony any legislation. A colonial Legislature could depart from the rules of the common law and was not required to observe Acts of the U.K. Parliament, unless they were expressly made to apply to the colony.

The Trethowan case in New South Wales was based on section 5 of the 1865 Colonial Laws Validity Act—a case which has been quoted many times in debate in this Council. The whole thing arose as explained by the Hon. Mr. Sumner in his introductory speech in regard to judgments of Judge Boothby, who made certain judgments in relation to the validity of Acts. To overcome

that problem the Colonial Laws Validity Act was passed. The next step was the Statute of Westminster (1931) which, in reality, was the statutory recognition of dominion status for Australia.

The Imperial Conference of 1926, chaired by Lord Balfour, declared that Great Britain and the dominions were autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations. The important statement in 1926 of equality of status was not matched by the law, which, if one can take a line that has been used recently for another comparison, the law was limping sadly behind convention.

As far as the law was concerned, the dominions still had the status of colonies and were subject to the Colonial Laws Validity Act of 1865. Because of this there were still limitations upon the legislative autonomy, even of the Commonwealth, although dominion status had been agreed to by convention.

One example, which has direct comparison to the present position of the States, was the upholding of the right of appeal to the Privy Council, even though the Canadian Parliament wished to legislate to abolish appeals from the Canadian criminal courts by special leave to the Privy Council. Those limitations on Dominion States were mainly dealt with by the 1931 Statute of Westminster, which sought to give effect to the conventions adopted to Lord Balfour's dictum of 1926.

One interesting side issue to this question is that the Crown as the symbol of the free association of the members of the British Commonwealth of Nations was subject to, in succession to the throne, the assent of the Dominion Parliaments, as well as the United Kingdom Parliament. That was part of the 1931 Statute of Westminster. It may be recalled that, on the abdication of Edward VIII, there was consultation between the United Kingdom Parliament and the Parliaments with Dominion status. Section 2 of that Act provided that the Colonial Laws Validity Act of 1865 should cease to apply to the Dominions (and to the Provinces of Canada), that a Dominion Parliament have power to amend or repeal Acts of the United Kingdom Parliament, and no law should be void on the ground of repugnancy to United Kingdom laws. However, United Kingdom laws could apply to the Dominions provided the Dominion Parliament requested and consented thereto. On the other hand, under the Colonial Laws Validity Act, the United Kingdom Parliament can pass an Act and apply it to the States if it seeks to do so. That is the distinction between the two.

So, it can be seen that sections 2 and 3 of the Statute of Westminster allowed the Dominion Parliaments, if they so chose, among other things, to abolish appeals to the Privy Council. Although it has been accepted that the Imperial Parliament cannot pass any law on its own initiative applying to the Commonwealth of Australia, it has been argued that the Imperial Parliament could repeal sections of the Statute. However, this point has been disputed by other constitutional lawyers, and the convention of the Commonwealth conferences would stand, I am sure, that Dominion status could only be revoked by the dominion itself.

In the case of some constitutions, the local legislature may have power to regulate the condition on which appeals may be taken to the Privy Council, but it will not have power to legislate contrary to the provisions of the U.K. Act applying to the Territory. Thus, it cannot abolish the power of the judicial committee to grant special leave to appeal. The conferring of independence does not in itself have the effect of terminating such appeals.

Federal legislation in 1968 virtually abolished appeals to the Privy Council on Federal issues, although I am informed that some appeals are still possible, but from State courts, on matters of State law, appeals can be undertaken.

I think it can be said in all fairness that the legal link which arises from the provision of appeals to the Privy Council is gradually wearing thin. Comments in South Australia by many people including judges who have a deep knowledge of our history and Constitution have already made clear statements on the policy that should be adopted. Several suggestions have been made by other eminent constitutional lawyers. One suggestion is for a judicial committee, which they feel could exercise an important role as a constitutional court and could take the place of the Privy Council. The view is that the Privy Council has already exercised a very important role as a constitutional court and has helped to develop the common law outside the United Kingdom. However, that committee should be reformed into a judicial committee and act more or less as a travelling Commonwealth court of appeal. That suggestion has been made and has received much support in certain constitutional areas.

The process recommended in the Bill is to request the Commonwealth, under the powers of section 51 (38) to legislate to cut the final ties of the Colonial Laws Validity Act. As I understand it, this would need to be requested by all States.

The Hon. C. J. Sumner: No.

The Hon. R. C. DeGARIS: I ask the Leader to wait just a moment. I understand that this would need to be a request from all States, although the Hon. Mr. Sumner said in his speech that this was not so. Even the Hon. Mr. Sumner was not certain about it.

The Hon. C. J. Sumner: Did you read the document that I tabled?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. Sumner: And they said that it could be done.

The Hon. R. C. DeGARIS: That is so, but the Leader said "probably". If he was certain about it, he would have said so. I am merely saying that, as far as I can see from my reading of it, the Commonwealth would not act unless there were requests from all States.

The Hon. C. J. Sumner: The Commonwealth would not act, but it is probable that it could act, and that was the advice on which the Standing Committee acted.

The Hon. R. C. DeGARIS: It probably could, but there is nothing certain about it. The Statute of Westminster could probably be repealed in the Imperial Parliament. However, I think that that would be impossible in the conventions that exist. I suggest that in this matter no Commonwealth Government would act in this way unless all the States requested the use of section 51 (38). That is my view.

The Hon. C. J. Sumner: But it could.

The Hon. R. C. DeGARIS: The Leader said that it could, and he also said that it probably could. There is a difference between those two statements.

The Hon. C. J. Sumner: What about the seas and submerged lands legislation? You agreed to it then.

The Hon. R. C. DeGARIS: Yes, but all the States requested those Bills. That is the important difference that the Leader must understand. In any case, it is not an important point, although I have put my views on it rather forcibly. Victoria, New South Wales and Tasmania have all passed such legislation. However, if the information that was provided by the Hon. Mr. Sumner in his speech is

correct, both Western Australia and Queensland are not prepared to take that step.

The Hon. C. J. Sumner: Didn't we add our support to the other States?

The Hon. R. C. DeGARIS: That was when the Party of which the Leader is a member was in Government.

The Hon. C. J. Sumner: Why shouldn't you do it now, then?

The Hon. R. C. DeGARIS: If the Leader will wait, I will give him my reasons. I thought that I had given him some very good reasons so far.

The Hon. C. J. Sumner: No, you'll need to give me more.

The Hon. R. C. DeGARIS: Western Australia and Queensland have decided not to proceed at this time. They may not agree with the way in which it is being done. That, I think, is an important point. The use of section 51 (38) for this purpose does have some difficulty, as the Hon. Mr. Sumner will know. It may be that in the continuing discussions of the Standing Committee of Attorneys-General a different means of achieving the desired end may be recommended.

The Hon. C. J. Sumner: Like what?

The Hon. R. C. DeGARIS: I do not know, but I do know, and the honourable member knows, that there have been discussions on suggesting a different approach. There may be a different approach on which all the States can agree. That may be possible.

The Hon. C. J. Sumner: They agreed on this occasion to this approach.

The Hon. R. C. DeGARIS: At this stage Western Australia and Queensland are not impressed.

The Hon. C. J. Sumner: They are being their usual unco-operative selves.

The Hon. R. C. DeGARIS: It is not that at all. As the Attorney-General pointed out, there are some grave issues and areas that need to be examined. I would say that if there is another way of achieving this end without using section 51 (38) we should, if possible, take that action rather than using the Federal Constitution for this purpose. For these reasons and for the reasons given by the Attorney-General, upon which I will not comment, but which I believe are valid reasons, I believe that the best course is not to pass this Bill as presented but to allow the Standing Committee of Attorneys-General to continue to follow its deliberation.

The Hon. C. J. Sumner: Why have they passed it in New South Wales, Victoria and Tasmania? Victoria has a Liberal Government.

The Hon. R. C. DeGARIS: That may be so, but just because there is a Liberal Government in Victoria it does not mean that the particular issues in Victoria are applicable to South Australia, and vice versa. The Colonial Laws Validity Act—

The Hon. C. J. Sumner: It does not deal with this issue.

The Hon. R. C. DeGARIS: No, but parts under that Act applied particularly to South Australia and Tasmania. It did not apply equally to all the States for various reasons. I believe that eventually we will cut the tie with the Privy Council but, in the meantime, meaningful discussion may develop another approach to which all States could agree. I oppose the Bill at this stage.

The Hon. L. H. DAVIS secured the adjournment of the debate.

RAILWAY AGREEMENT (ADELAIDE TO CRYSTAL BROOK RAILWAY) BILL

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

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

That this Bill be now read a second time.

It seeks to ratify the agreement between South Australia and the Commonwealth for standardising the Adelaide to Crystal Brook rail line, a project which is a major step forward for the transport system of our State.

Honourable members will recall that for many years South Australian Governments have sought the connection of Adelaide to the standard gauge railway system serving the other mainland capital cities. In 1974 the then Commonwealth and State Governments agreed to construct such a connection. Under the terms of that agreement the State was required to contribute one-third of the cost of the line's construction. A subsequent review of that proposal indicated that it was of such a magnitude that its construction costs appeared to be much greater than those which could be justified by the benefits gained from it.

Accordingly, the project lapsed, and after that the non-urban railways of the State were transferred to the ownership of the Australian National Railways Commission. In 1978 that commission re-examined the Adelaide standard gauge connection with a view of devising a less costly means of achieving it. In doing so, a new proposal was designed which, from an operating point of view, provided all the significant benefits of the earlier proposal, but at a much lower cost—so much lower that the entire investment appeared to be financially justified by the operating savings which would result from using the new standard gauge link.

The Liberal Government in its election policy on transport stressed the importance of this matter and promised to press ahead with all necessary negotiations with the Commonwealth. We have been most successful in reaching such a complex agreement in such a short time since we took office. This is yet another of the promises that we have fulfilled. The negotiations now come to fruition in this agreement.

From South Australia's point of view, to provide this link greatly improves the Adelaide area's rail accessibility to the major markets in the Eastern States, particularly New South Wales and Queensland, as well as improving the access for areas in the North of the State and the Northern Territory to Adelaide and the port. It is expected that the provision of the standard gauge link will reduce the transit time for Adelaide goods movement through Port Pirie by more than one day because there will be no need to exchange the bogies from one gauge to the other at Port Pirie or Peterborough.

Such improvements—long overdue—will greatly improve South Australia's commercial and industrial relationship to the rest of Australia, bringing greater opportunities of growth for both primary and secondary industry, with improved job opportunities for South Australians. Our State's central geographic location should be a real advantage in stimulating our trade and commerce. The standardised line will be a practical way of reinforcing that advantage.

The new proposal does not require the State to contribute toward the construction or operating cost of the standard gauge link. All such costs will be borne by the Australian National Railways Commission, and the State will be absolved of any debts arising out of the 1974 agreement. However, the State will grant certain metropolitan land presently owned by State agencies to the Australian National Railways Commission. Most of that land is presently held as railway reservation by the State Transport Authority. Such land is described in the agreement which is the schedule to the Bill. The new standard gauge railway will comprise: a new line between

Merriton and the Broken Hill to Port Pirie line in the vicinity of Crystal Brook; a new line generally alongside and to the west of the S.T.A. lines from Salisbury North to Mile End; a new interstate and country passenger terminal at Keswick; a standard gauge link from Dry Creek to Gillman and Port Adelaide sidings; a standard gauge link to the Pooraka livestock sidings; provision of standard gauge links to selected broad gauge sidings near Mile End, Gillman, Pooraka, Dry Creek, Port Adelaide and Islington; a major supplementary freight terminal at Islington; provision to extend the line to Outer Harbor; and conversion of the line between Salisbury North and Merriton from broad gauge to standard gauge.

Following the construction of the standard gauge link it is expected that traffic flows to and from Adelaide will undergo radical change and that arising from this change staffing requirements will not follow the present pattern. During the period over which the traffic flows are changing, the Australian National Railways Commission intends to relocate staff between Peterborough, Port Pirie, Port Augusta and the Adelaide metropolitan area. There will ultimately be an overall reduction of staff and my colleague the Minister of Transport has already conferred with the Commonwealth Minister for Transport seeking his assurance that due consideration will be given to the continued well-being of both Peterborough and Port Pirie while staff from those towns are being relocated elsewhere on the Australian National Railways system.

As honourable members are aware from recent announcements, the Government's initiatives for the northern regions of the State are bearing fruit and renewed growth of industrial activity will greatly enhance employment opportunities, more than offsetting any reduced activity that may result from the transfer of railway staff to other locations. The standard gauge railway is an important component of the infrastructure which will support not only the future growth of industry in the north but also the future growth of the whole of the State. Therefore, I commend to the House this Bill to ratify the agreement between the State and the Commonwealth of Australia for the construction of the Adelaide to Crystal Brook standard gauge railway. I seek leave to have the detailed 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 on a day to be proclaimed. Clause 3 repeals the Adelaide to Crystal Brook Standard Gauge Railway Agreement Act, 1974. Clause 4 provides the definitions necessary for the operation of the measure, mainly by reference to definitions contained in the agreement. At this stage it is necessary to note that the phrase "operative date" means the date at which the agreement comes into force. Clause 5 contains the approval of the agreement, the consent of the State to the construction of the railway and a direction to the Government of the State and the State Authorities to observe the terms of the agreement.

Clause 6 refers to the Parliament of the Commonwealth the matter of the construction and operation of the railway. A similar reference was made in the Railways (Transfer Agreement) Act, 1975, with regard to the non-metropolitan railways, but the Commonwealth has no power to legislate with reference to the urban sector. Provision for the reference is contained in section 51 (xxxvii) of the Commonwealth Constitution. Clause 7 provides that the State, the transport authority and any other State authority involved is from the operative date discharged from any liability incurred in carrying out work on the Adelaide to Crystal Brook railway project under the 1974 agreement. The commission will become subject to those liabilities.

Clause 8 provides for the vesting of relevant land in the commission upon the signing of a certificate relating to that land by the appropriate Ministers. Clause 9 provides for the continuance against the commission of proceedings against the State or a State authority in respect of matters for which the commission will assume liability. In respect of land, that liability is assumed at the date of vesting; in respect of other matters, it is assumed at the operative date.

Clause 10 provides that a joint certificate signed by the appropriate Ministers is conclusive evidence as to the vesting of land in the commission and that a joint certificate of those Ministers relating to other matters arising under the proposed Act or the Agreement is *prima facie* evidence of the matters stated therein. Clause 11 provides that, notwithstanding any law to the contrary, the parties may submit a dispute to arbitration. Without this provision it is possible that section 24a of the Arbitration Act would make void the provisions in the Agreement relating to arbitration. Clause 12 provides for the making of regulations by the Governor.

The Agreement

The recitals set out the history of the agreement of 1974, relating to the construction of a standard gauge railway for Adelaide to Crystal Brook, and the Railway Transfer Agreement of 1975, and the intention of the parties to terminate the 1974 agreement and make new arrangements. Clause 1 sets out the arrangement of the agreement. Clause 2 provides for the interpretation of certain expressions used in the agreement. Clause 3 provides specifically for the interpretation of the phrases "the Commonwealth Minister" and "the State Minister".

Clause 4 provides for the interpretation of cross-references, and other ancillary matters. Clause 5 provides that the agreement shall have no effect until the relevant legislation of the Commonwealth and the State has come into operation. Clause 6 sets out the matters that are to be covered by the relevant legislation. Clause 7 provides for the termination of the 1974 agreement, and the discharge of all liabilities of the parties under that agreement. In particular, the State is relieved of the obligation to pay interest in respect of financial assistance received from the Commonwealth thereunder. Clause 8 provides that the Commonwealth shall refund to the State an amount equal to the sum of all the repayments of capital and payments of interest made by the State under the 1974 agreement.

Clause 9 provides for an audit of accounts and records relating to railway works under the 1974 agreement. Clause 10 provides for the construction of the commission of the proposed railway as soon as is reasonably practicable. Clause 11 provides for necessary deviations in the non-urban sector of the railway, with the consent of the State Minister. Clause 12 refers to the railway work, which is set out in detail in the second schedule to the agreement. Clause 13 provides that the Outer Harbor connection may be added to the railway, if at any time the Commonwealth and State Ministers so agree. Clause 14 requires the Commission to carry out its work in the urban sector with the minimum of disruption to the operations of the transport authority. The commission and the authority are to make arrangements to minimise interference with the day-to-day operations of the authority, and recourse to

arbitration is provided for in case agreement is not reached.

Clause 15 provides that the commission shall not be liable for disruption unavoidably caused to the operations of the authority. Clause 16 requires the State and the authority to take steps to ensure that the railway work is not impeded. Clause 17 provides for variations of the railway work with the consent of the appropriate Minister. Clause 18 provides for the use of land and equipment thereon by the commission before the vesting of that land in the commission, and for an indemnity by the commission in respect of any damage or loss to the State or any State agency or servant arising from the operations of the commission on the land before it vests in the commission.

Clause 19 provides that the commission shall bear the reasonable costs of relocating equipment or other facilities during the construction of the railway. There is provision for arbitration. Clause 20 provides for the vesting in the commission of the land described in Part 1 of the third schedule, and, if effect is given to clause 13 (the Outer Harbor connection), the land in Part 2 of that schedule. Nothing in the agreement is to require the State to acquire compulsorily any land for the purposes of the railway. Clause 21 provides for a survey of the relevant land and for arbitration in case of disagreement as to the survey. Clause 22 provides for the giving of a joint certificate by the Commonwealth and State Ministers, upon which the relevant land shall vest in the commission.

Clause 23 provides for the conveyance by the State to the commission of an estate in fee simple of any land in the non-urban sector that is required for the construction of the railway. There is provision for arbitration in the case of a disagreement as to whether or not the land is reasonably required. Subclause (2) provides for the taking by the commission of stone, soil and gravel from Crown land for railway construction purposes. Subclause (3) requires the commission to comply with the State's requirements as to the method of extracting construction materials and as to the reinstatement of the affected land. Clause 24 provides for the surveying of land by the commission at its expense. Clause 25 provides that the commission will use land transferred to it under the agreement only for railway purposes and will return to the State any such land that is no longer required for railway purposes.

Clause 26 provides for mutual rights of way and other easements over the lands of the commission and lands of the State or State authorities. Clause 27 provides that the commission shall be, from the operative date, the beneficial owner of all the assets collected for the purposes of carrying out the 1974 agreement. Clause 28 preserves rights and claims of any person, other than the State or a State authority, in respect of the property referred to in clause 27. Clause 29 provides for the commission and the transport authority to make necessary arrangements for the co-ordination of their operations, and to go to arbitration in case of disagreements. Clause 30 provides for the commission and the transport authority to make arrangements about the use by each of them of the railways of the other. A recourse to arbitration is provided.

Clause 31 provides for the appointment of an arbitrator and excludes the operation of section 24a of the Arbitration Act of the State. It is also necessary for this exclusion to be included in the legislation, and it appears in clause 11 of the Bill. Clause 32 provides that the agreement does not, in general, affect the operation of the Railway Transfer Agreement. The first schedule sets out the railway route. The second schedule sets out the railway work. The third schedule indicates the land that is to be transferred, by reference to a plan which is to be exhibited with, and identified, for the purposes of the agreement. The fourth schedule lists assets collected under the 1974 agreement.

The Hon. J. E. DUNFORD secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1289.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill, first, amends section 136 of the Real Property Act dealing with mortgagee sales and makes it quite clear that a purchaser takes the land free of any mortgage or any encumbrance registered subsequent to the mortgage which has given rise to the sale. This had always been thought to be the case, but the Government thinks that there is now some doubt about the drafting of the section because of a decision in the Victorian courts and it wishes to clarify the position. The Opposition has no objection to this clarification, although it is interesting to note that the legislation is going to be retrospective. I am sure that certain members opposite will have a lot to say about the dangers of retrospective legislation. It is quite clear that this amendment will apply to all mortgagee sales whether prior to the passage of this Bill or after it.

The second thing that the Bill does is allow for the strata titling of properties that were built before 1940. At present that is prohibited by the strata title provision of the Act. The Opposition has no objection to this. Indeed, a provision to do this appeared in the Bill introduced into the House of Assembly by the Labor Government in 1978, along with a number of other matters dealing with strata titling. The only problem that the Opposition can see on this matter is that it will now be open to developers to purchase old properties, strata title them and sell them. The Opposition feels that some form of notification ought to be available to those people who currently live in premises which could be subject to development and strata titling as a result of this amending Bill. This could be particularly applicable within the inner suburbs of the Adelaide metropolitan area where there may be people who have been living in premises for a considerable time as tenants in common in a group of units whose properties would now become considerably more valuable as the result of the passage of this legislation.

The difficulty we see is that some of the developers may be able to purchase these properties at cut rates without the occupants knowing the increased profitability that has arisen because of this amendment. Then, following purchase, the purchaser would develop the properties and sell them as individual, strata title units. We believe that people in that position, or indeed persons who own a property with a number of units on it, ought to be made aware that this Bill has been passed and that, because of that, the value of their property or unit has been increased substantially. I will be moving an amendment, when it has been prepared by the Parliamentary Counsel, to provide that notification of this amendment should be given to those people who buy and sell in that situation.

The third matter that the Bill deals with, and this was not really explained to any great extent in the second reading explanation and I believe it should have been amplified much more for the benefit of the Council, deals

with the question of certificates that local government bodies, the councils, may give that a property is satisfactory for strata title development, which must then be presented to the Registrar-General at the Land Titles Office before the strata title is issued. The present system is that councils under section 223 (md) of the Real Property Act may give a certificate showing that the building or buildings proposed to be strata titled have been completed in compliance with the provisions of the Building Act.

While councils have given these certificates, a problem has now arisen whereby a council is being sued for negligence because a certificate was given, and, in fact, the building had not been completed in compliance with the Building Act, so councils are concerned that if this present provision remains they could be subject to further claims for negligence because in some circumstances it is just not possible to determine whether a building is completed in compliance with the provisions of the Building Act. So, the legal advice that has been given to councils is not to grant the certificate and that, of course, is holding up some development which could otherwise go ahead.

The amendment that this Bill contains is that the councils can issue this certificate if they are satisfied that the building is structurally sound or in good repair and, therefore, suitable for division into strata titles. The reasons for that amendment were not fully given in the second reading explanation, but that is the purpose. The councils will then be in a more secure legal position to assess whether a building is satisfactory, and whether it complies with the Building Act as such will be irrelevant. The proponents of a particular scheme will have to satisfy the council that the building is structurally sound and in good repair.

The fourth matter that the Bill deals with is ensuring that people who have guide dogs or need guide dogs because of blindness can have them in strata title units, despite the fact that there may be a prohibition on keeping pets in the units, which prohibition has been decided on by other members of the corporation. The amendments raise the general question of the Government's attitude to a more thorough review of strata title legislation. In 1978 the Labor Government introduced a Bill in the House of Assembly to enable comment on changes to strata title legislation, and it dealt with several matters. They included cluster housing development and a Commissioner of Unit Schemes to settle disputes between the unit owner and the corporation and to settle disputes under the Act.

There were also suggestions regarding the licensing of managing agents of strata title units. Suggestions have also been made relative to insurance. The suggestion has been put that insurance ought to be obligatory and that a corporation cannot, by agreement, opt not to insure a group of units for strata title. Other matters have been raised about the position of the original proprietor and whether he can alter the 26th schedule before selling off the individual units. That schedule sets out the rights and obligations of members of the corporation.

Some of these matters were dealt with in the Bill that the Labor Government introduced in 1978 and were recommendations of the Strata Titles Review Committee that had been set up prior to that time. Amendments to streamline the provisions of the Real Property Act and possibly to place them in a separate Act are necessary. They have been recommended, and in some other States that has been carried out.

The question of cluster housing development, while a difficult one, ought to be considered by the present Government, along with suggestions I have made, including the suggestion of a Strata Titles Review Committee. I should like the Attorney-General, in reply, to comment on the Government's general intention regarding strata title legislation and on whether the Bill introduced in 1978 will in some form be reviewed by the present Government.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the Leader of the Opposition for indicating that the Opposition will support the Bill. I have previously indicated that it deals with the urgent amendments to the Real Property Act affecting strata titles. There is currently a more comprehensive review being undertaken with a view to amendments being sought to the Real Property Act in so far as it relates to strata titles generally. I am not in a position to indicate when that review will be completed but I envisage that there will be other amendments, hopefully during the current session but not necessarily so, in respect of upgrading the Real Property Act.

The Leader has made two specific points to which I want to refer. The first is the retrospective effect of clause 2, which relates to the interests that are affected when a mortgagee exercises power of sale. Ordinarily, I would be somewhat concerned about a retrospective provision but, as I indicated in the second reading explanation, the retrospectivity provided in clause 2 really does not alter previous practice or established rights. It ensures that the principles enunciated in proposed new subsections (1) and (2) of proposed new section 136 are, in effect, carried through into current practice and support a practice that has been recognised for decades in South Australia.

There is no prejudice created by the retrospective effect of that clause. The second matter to which I want to refer is the Leader's suggestion that there ought to be some form of notification to those who may be affected by a change in strata title legislation that will allow strata titles to be issued for buildings erected before 1940. I think it must be made clear that devices have been adopted for obtaining strata titles for buildings erected before 1940 in consequence of proprietors undertaking substantial alterations that have been sufficient to avoid the time limit of 1940.

Notwithstanding that, it would appear to me to be something of a mammoth task if we were to endeavour to seek out those persons who may be affected by the legislation and whose properties may be the subject of application for strata titles if proprietors so wish, and for us then to ensure that they are given appropriate advice in the light of amendments in the Bill.

It would be an extraordinarily difficult and complex task, and I am not prepared to contemplate undertaking that programme, because of the serious complexity of it, the administrative costs involved, and the fact that, if notice is given, proprietors may not act on the information. A lot of people prefer not to have strata titles. They prefer to live in properties that may be subject to old systems that guarantee them exclusive occupation without the expense and worry of having to apply for strata titles.

I do not believe that any form of notification, other than through the media and to agents, including the Real Estate Institute, drawing their attention to the change in the legislation, can be warranted. I thank the members for their attention to this Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PLANNING AND DEVELOPMENT ACT (No. 3)

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

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

That this Bill be now read a second time.

This amendment to the Planning and Development Act has been made necessary by an amendment to the Port Adelaide Centre Supplementary Development Plan. The section of the Act to be amended enables the State Planning Authority to acquire land within the Port Adelaide District Business Zone for the purpose of redevelopment. When the Port Adelaide Centre Supplementary Development Plan was amended in 1977, it was not realised that a change in the title of the District Business Zone to Port Adelaide Centre Zone effected by the plan effectively precluded the authority from exercising its powers under section 63a, as the District Business Zone referred to in section 63 cannot be identified.

The purpose of this amendment is to change references in section 63a to the Business Zone to references to the Centre Zone, thus re-enabling the authority to exercise its land acquisition powers. Without the ability to exercise these powers the significant urban redevelopment initiative which the Port Adelaide project represents will be disrupted. Some of the land required is required immediately, in relation to significant private developments which are scheduled for completion between November of this year and April 1981. Clause 1 is formal. Clause 2 substitutes the passage "Port Adelaide Centre Zone" for the passage "Port Adelaide District Business Zone" in subsection (1) of section 63a, and the second part of clause 2 substitutes a definition of the Port Adelaide Centre Zone for the definition of the District Business Zone in subsection (6) of section 63a.

SELECT COMMITTEE ON ASSESSMENT OF RANDOM BREATH TESTS

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

That the time for bringing up the report of the Select Committee be extended until Wednesday 26 November 1980.

Motion carried.

CROWN LANDS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 October. Page 1479.)

The Hon. J. R. CORNWALL: The Opposition supports this Bill. It contains one apparently simple amendment, and two comments only should be made on it. First, as I have said in this place on other occasions, it seems a pity that relatively minor amendments to the Crown Lands Act have to be introduced piecemeal from time to time, as the Act needs a complete overhaul. Indeed, a strong case could be made out for rewriting it. Some months ago we had a Crown Lands Act Amendment Bill before this Parliament, and I would renew the plea I made then, because there is no doubt that the Act in general needs to be dragged screaming into the last quarter of the twentieth century. The Minister will recall that I brought the matter up some months ago. The Crown Lands Act is very archaic and needs to be completely revised or preferably rewritten.

With regard to this Bill, during the debate in the Assembly yesterday, the matter was raised by my colleague the member for Mitchell concerning the possibility that sections 107 and 107a might create some conflict. A request was made that an undertaking be obtained from the Attorney-General. I hope that during the discussion on this Bill the Minister can clarify that position for us. I certainly have no desire to hold up the Council in any way. We are happy to support the Bill, provided that matter is ironed out.

The Hon. C. M. HILL (Minister of Local Government): I thank the honourable member for his study of the Bill and for his response. In reply to the question he has raised dealing with the matter mentioned in the other place when the Bill was before that Chamber, I point out that there is nothing to be concerned about in regard to the amendment. I believe that it was really a misunderstanding by the honourable member in the other place when he brought the matter forward. Quite clearly, if one relates the Bill to the Act, it can be seen that the questions of the interest rates at 5 per cent and other matters as a result of the amendment before the Council apply only to Loan funds and other moneys that were involved prior to the amendment.

The wording in line 20 indicates that this will apply before the commencement of the Bill that is now before the Council. The advance that is involved in this Bill will not be caught up in the provisions of the parent Act. The provisions of that Act in relation to this interest rate will apply only to moneys involved before the advance that will flow as a result of the passage of this Bill. I hope that that explanation satisfies the honourable member.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 October. Page 1482.)

The Hon. M. B. DAWKINS: I support this Bill, which does a number of necessary but, for the most part, minor things in relation to the Local Government Act, which has been under consideration for a long time and of which, I am encouraged to understand, there may finally be a rewrite in the not too distant future. It is not often that I must take my friend the Hon. Mr. Creedon to task, but I should like to draw attention to a couple of things that the honourable member said. He commenced his speech by saying that he supported the Bill, for which I am thankful, and then continued as follows:

> Councils, after struggling and battling from time immemorial, had their needs recognised by the Whitlam Government of 1972-75. The Labor Government made a grant to councils of 1½ per cent of income tax, and in the five years since 1975 the present Liberal Government has expanded the amount by a further ½ per cent.

Later, the honourable member said:

> I am well aware of the policy of Liberal Governments of starving the needy community of funds . . .

The clear implication is that the Labor Government made a tremendously generous gesture in 1975 of 1·5 per cent of income tax and that, in the five years since then, the Liberal Government has merely added another ·5 per cent. However, the facts are these: in 1975, the Labor Government (to give it credit) made an allocation of about $80 000 000 to local government. It was handed out from

Canberra by Canberra and, if one was a good boy, one got a certain sum of money.

In 1976, the new Liberal Government almost doubled that sum to $140 000 000, and at present the amount is well over $300 000 000, which is almost four times that provided by the Labor Government. Also, rather than the money being handed out from Canberra, we now have State Grants Commissions that distribute the money more satisfactorily in the State spheres. So, when the honourable member implies that the Labor Government did a wonderful job in 1975 and that the Liberal Government has given only ·5 per cent since then, the fact is that the Labor Government gave $80 000 000, whereas the present Liberal Government is giving almost four times that sum.

The Bill itself is generally non-controversial. I have had a good look at its provisions. For example, clauses 51 to 65 refer to updating the electoral procedures, and make provision for deputy returning officers and presiding officers. Scattered through the Bill there are another half a dozen clauses which refer to that matter. So, about 20 clauses would refer to the alterations of voting and electoral procedures. That is very important.

The main thrust of the Bill is contained in a clause which the Minister said provides for the change of election dates from July until October. Also, the Bill alters the time of nomination from the present almost two months to about one month. I believe that that is adequate in the circumstances.

The move to having October elections is a good one. In clause 3, there is a transitional provision for the move, in so far as councillors who would normally complete their term at the end of July will, in the year of the change-over, go through to the following October and, if this Bill passes, the elections will be held in the first week of October. In his second reading explanation, the Minister said:

> For several years, there has been general dissatisfaction where new councillors elected to office in July who have had no previous exposure to the workings of a council find amongst their first duties the determination of a budget and the declaration of rates.

Certainly, if there is a big change-over of personnel, that is a big disadvantage at present. One of the leading arguments, apart from the fact that the weather is more suitable in October, has been that councils will not have to consider the budget and declare the rate immediately after the new councillors are elected. Of course, that can well be so as things stand at present.

However, there is no provision in this Bill to indicate that this consideration of the budget must happen before October. If one looks at section 214, one sees that it was amended by striking out subsections (1), (2) and (3), and inserting certain new subsections, the first of which is as follows:

> Subject to this section, the council may, at any time declare—
>
> *(a)* a general rate on property within its area; or
>
> *(b)* differential general rates . . .

This means that, unless the Bill is amended to provide for councils to be obliged to declare their rates before an election, a council that felt that it would be unpopular to alter the rate at that time could, in some instances, if it was politically advantageous for it to do so, postpone declaration of the rate until the October meeting. This would be irresponsible, but it could happen as the Bill stands at present.

I therefore believe that this argument about October elections will hold water, provided that councils are obliged to discuss and consider the budget and declare the rate before the October election. I hope that I might be able to move an amendment to that effect. Then the argument which has been advanced, that the budget will be considered and the rate set by a council that has some experience rather than by a council that could comprise several new members, will have some force.

Therefore, with that qualification, I support the move of the Government to alter the election date from July to October. Also, I point out that presently the time allowed for payment of rates is 60 days from the date of the notice. I think it was three years ago, if I remember rightly, that the Hon. Mr. DeGaris and I tried to alter it to 90 days, and we were not successful in doing so, so the present lead time is still 60 days. That could mean that, if it were not the date of the notice which is operative, if a council was obliged, for example, to declare its rate in August, ratepayers would only have 60 days after that time in which to pay their rates, but that of course is not the case.

The situation is that the 60-day period carries forward from the date of the notice and, if a council finds it necessary, particularly a country council where there may be seasonal problems, it can postpone the collection of the rate, because of the difficulties in which some people may find themselves, by postponing the time when the notice is forwarded. Although it declares a rate, and it is made obligatory to declare that rate in August or September, a council need not post out the notice until, say, 1 November, and the 60-day period would apply from that date.

I do not believe that inserting an amendment to make it obligatory for councils to consider the Budget and declare the rate prior to the election—so that councillors who were working on this important function would be councillors of some experience—would in any way upset the situation with regard to councils wishing to send out rate notices at a later stage because, as I have been advised by the central office and by a prominent official of a country council, this has always been the case, that the date of the notice has been the date in question. Therefore, there is that provision for councils to consider their ratepayers. Incidentally, the word "ratepayers" comes back into view immediately one starts to collect money.

I support the Bill in general terms. As I said, many clauses refer to changes in regard to voting. In some clauses the word "electors" replaces the word "ratepayers". We were supposed to have made these corrections on a previous occasion, but obviously some of the provisions were overlooked then. Therefore, these remaining errors have been corrected in this Bill.

As I have said, the Bill is non-controversial and, if the Government has any controversial provisions, it seems that they will be brought forward at a later stage. Clause 3 refers to the transitional provision regarding the period of time from July to October. Clause 16 is the operative clause with regard to the matters that I have just been discussing, that is, altering the date from the first Saturday in July to the first Saturday in October. There are a couple of consequential clauses following that. Clause 12 provides:

> Section 102 of the principal Act is amended—
>
> *(a)* by striking out subsection (1) and substituting the following subsection:
>
> (1) The council shall at the first meeting of the council after the conclusion of each annual election appoint a returning officer and one or more deputy returning officers.

Those sorts of amendments which commend themselves to me are scattered throughout the Bill in order to provide, I believe, for the fact that, particularly in urban areas, the electoral roll is much bigger than it was, and the

opportunity is given for elections to be carried on in an adequate manner. Clauses 37 and 38 deal with memorials. The amendment provides that a memorial regarding a specific work to be carried out in a specific portion of the council area must be signed by a majority of the electors for that portion. At present if a memorial is needed, it has only to be signed by one or more electors of that portion. That amendment is reasonable.

Other amendments to which I wish to refer (the actual clauses have escaped me at the moment) include the opportunity for the council to provide authorised financial assistance to life saving clubs, libraries and bus services. That brings into regular form some practices that have already been occurring. Clause 43 amends section 468 and provides that the Minister of Lands and not the Governor will be responsible for confirming Orders for Exchange of council land. There is also a consequential amendment. These are sensible provisions.

The matter of the appointment of council officers is also brought into proper perspective. For a considerable period there has been the need, from time to time, for the Minister to approve appointments of people who, whilst they may be well qualified in another area, are not directly qualified in the local government area and, because they are obviously suitable people having other qualifications and having every prospect of becoming qualified in the local government area, they have been appointed. In this Bill (and I cannot put my hand on it at the moment) there is provision for that to occur, so that the Minister will now have the right to exercise his discretion with regard to appointments where there is not a person who is suitable for the particular job who has the required local government certificate. That situation is brought into proper perspective. I do not wish to discuss the Bill in any further detail. There are a number of other clauses that other members may wish to refer to but, at this stage, I support the Bill.

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

APPROPRIATION BILL (No. 2)

(Second reading debate adjourned on 28 October. Page 1475.)

Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

PUBLIC PURPOSES LOAN BILL

(Second reading debate adjourned on 28 October. Page 1475.)

Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

ADJOURNMENT

At 5.33 p.m. the Council adjourned until Thursday 30 October at 2.15 p.m.