

**HOUSE OF ASSEMBLY**

Wednesday, November 15, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

**QUESTIONS****SUPREME COURT HEARING**

The Hon. D. A. DUNSTAN (Premier and Treasurer): I ask leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: Yesterday, when the case of *Adriatic Terrazzo and Foundation Proprietary Limited v. L. J. Robinson, R. Owens and the Australian Building and Construction Workers' Federation* came on for hearing before Mr. Justice Hogarth in the Supreme Court, His Honour expressed the wish to be assisted by *amicus curiae*, that is to say, counsel briefed by the Attorney-General to assist the judge as friend of the court. As His Honour considers that this course is desirable to ensure that all relevant matters and arguments are brought to his attention before he decides the case, the Government is willing to provide such counsel, and appropriate arrangements are in hand.

Mr. MILLHOUSE: Can the Premier say whether the Government intends, in effect, to conduct the case for the defendant in the matter referred to? As I understand the situation, none of the defendants (Mr. Robinson, who is the secretary of the union, the union itself, and one other man whose name I forget) has entered an appearance in the proceedings, and this was the reason why His Honour invited the Government to come in as *amicus curiae*, to use the expression used by the Government. Either the Government is going to take over the defendants' case in the absence of the defendants on their behalf, or it is going to take some other line in the proceedings.

The Hon. D. H. McKee: Wouldn't you like to know?

Mr. MILLHOUSE: Yes, indeed. That is the purpose of my question, so that we may know what the Government intends, because we cannot forget what happened in the last proceedings of this kind, the Kangaroo Island dispute, when—

The SPEAKER: Order!

Mr. MILLHOUSE: —at the last minute the Government paid the costs.

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: The Government does not intend to appear in the case at all. It is not a question of the Government's appearing in the case: the judge has asked for the assistance of counsel, because he does not believe that the case should proceed without the matters of law that are before him being argued; counsel will be present not on behalf of any of the parties but in the public interest and at the request of the judge. The honourable member as a former Attorney-General and as a member of the profession knows that procedure perfectly well, and his misrepresentation of this matter in this House for political purposes does him little credit.

Mr. Millhouse: How have I misrepresented?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member is misrepresenting the matter in suggesting that the judge, in requesting that counsel assist him in the case, is thereby providing that the Government is appearing somehow as a party on behalf of someone involved in the case.

Mr. Millhouse: Well, the defendants are not there, are they?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member knows the procedure, and he is obviously again deliberately misrepresenting it to the public.

Mr. Millhouse: No fear I am not.

The Hon. D. A. DUNSTAN: The honourable member is and he is doing it while he is a member of the legal profession, knowing that he is deliberate in his misrepresentation.

*Members interjecting:*

The SPEAKER: Order! There are far too many interjections. The honourable member for Mitcham asked a question of the honourable Premier, and the honourable Premier should be given the courtesy of having the opportunity of replying to the question. I will not tolerate a barrage of continued interjections when the honourable Premier is replying to the question. Interjections have to cease.

The Hon. D. A. DUNSTAN: The position is that the judge has asked for counsel to assist him to argue the points of law that are put before him. In accordance with the requests by judges on previous occasions, all Governments have complied in providing counsel so that not just one point of view is put

before a judge on a matter of public importance. That does not involve the Government itself in putting a point of view or in representing anyone who is a party, either present or absent, in the case. That is the position in law. The honourable member knows that perfectly well, and either he is deliberately endeavouring to misrepresent the position of the Government or he is criticizing the action of the judge.

Mr. HARRISON: Can the Minister of Labour and Industry say whether the current dispute between Adriatic Terrazzo and Foundation Proprietary Limited and the Australian Building and Construction Workers Federation is in the hands of the United Trades and Labor Council Disputes Committee?

The Hon. D. H. McKEE: Yes. The Secretary of the Building and Construction Workers Federation placed the issue in the hands of the Trades and Labor Council Disputes Committee. Although he has not withdrawn it from the committee, he has indicated his unwillingness to accept certain conditions laid down under the rules of the Disputes Committee.

Mr. Millhouse: Can you tell us what they are?

The Hon. D. H. McKEE: If the matter is in the hands of the Disputes Committee, that committee is entirely in charge of negotiations and proceedings according to its rules. A person who places the matter in the hands of the Disputes Committee must abide by the committee's decisions. However, the Secretary has indicated that, although he wants to keep the matter before the Disputes Committee, he is unwilling to accept certain conditions laid down by the committee.

Mr. Millhouse: What are they?

The SPEAKER: Order! The honourable member for Mitcham will not evade Standing Orders by asking a dozen questions in the form of interjections. This is most discourteous. The honourable member for Albert Park has asked the honourable Minister of Labour and Industry a question, and he is entitled to hear the reply without any interjection.

The Hon. D. H. McKEE: I understand that, although the Secretary has shown his unwillingness to co-operate with the committee, he has not yet withdrawn the dispute from the committee. I have made approaches to have the matter discussed at a voluntary conference before the Industrial Commission. This could

have been arranged, but again the Secretary of the federation has declined to attend such a conference.

Mr. GUNN: In view of the Premier's statement in reply to the member for Mitcham, that the Government intended to fight a union case in the court, will the Premier also make available the same assistance to people who are affected by the stand-over tactics of certain irresponsible trade union officers?

The Hon. D. A. DUNSTAN: I reiterate, because the honourable member has completely misrepresented what I have said in this House and done so deliberately—

Mr. Millhouse: Who has done that?

The Hon. D. A. DUNSTAN: The member for Eyre did it.

Mr. Millhouse: Nonsense!

Mr. Gunn: Why don't—

The SPEAKER: Order! The honourable member has asked the honourable Premier a question and he must contain himself. If he continues to carry on in the manner in which he is carrying on, he will not be here to receive the reply. I warn the honourable member for Eyre that he must allow the honourable Premier to reply to the question.

The Hon. D. A. DUNSTAN: The Government's position simply is that, in accordance with a request by a judge, the Government will make available to him counsel to assist him in the case.

Mr. Millhouse: In the absence of the defendant.

The Hon. D. A. DUNSTAN: It will be in the defendant's absence, because that is the request of the judge.

The Hon. Hugh Hudson: He thinks the judge is crook!

The Hon. D. A. DUNSTAN: If the honourable member intends to attack the judge about what is a perfectly normal procedure in the court when a judge says that he does not consider he should decide the case without having all points of law argued before him, let the honourable member attack the judge and stop playing the most shabby and dirty politics that he can play.

Dr. EASTICK: Can the Minister of Labour and Industry tell the House the names of other union secretaries who have found difficulty in accepting decisions of the Disputes Committee of the Trades and Labor Council? When replying to the member for Albert Park, the Minister did not respond to the invitation to indicate the name of the person and his affiliation.

The Hon. D. H. McKEE: I know of no other union that has refused to accept the decisions of the Disputes Committee.

Mr. MILLHOUSE: Will the Minister of Labour and Industry use his best endeavours, either directly or through the Trades and Labor Council Disputes Committee, with Mr. Robinson and the union to persuade the defendants to appear in the proceedings so as to avoid the embarrassment into which the Government has fallen in having to represent them?

The Hon. D. A. Dunstan: The Government is not representing them and you are deliberately lying.

Mr. Clark: You are an insolent prawn.

The SPEAKER: Order!

Mr. MILLHOUSE: Did you hear what he called me? He called me an insolent prawn and I ask that that remark be withdrawn.

The SPEAKER: I have warned the member for Mitcham twice today and I will not warn him again. The honourable member must conduct himself in a proper manner. I rule the question out of order.

Mr. MILLHOUSE: On a point of order—

The SPEAKER: The honourable member can wait until I resume my seat. He cannot take a point of order while I am on my feet.

Mr. MILLHOUSE: A moment ago, while you were speaking, in rebuke of me apparently—

The SPEAKER: What is your point of order?

Mr. MILLHOUSE: —the honourable member for—

The SPEAKER: What is your point of order?

Mr. MILLHOUSE: For heaven's sake, let me get the words out of my mouth. The member for Elizabeth—

The SPEAKER: Order! I name the honourable member for Mitcham.

Mr. MILLHOUSE: Oh, fair go!

*Members interjecting:*

Mr. MILLHOUSE: What do you think you are doing to me? This is disgraceful.

The Hon. HUGH HUDSON: I think there may have been some misunderstanding in the matter. The honourable member wanted to raise a point of order, and I think you may have misunderstood his intention. He started to say, "The honourable member for." I think it related to something that happened in the

House and he needs to mention the honourable member in order to get his point of order in. I think there may have been a misunderstanding and I ask you to consider it in that light.

The SPEAKER: If there was a misunderstanding I deeply regret it and I withdraw, but I will not be continually rising to my feet calling honourable members to order. The honourable member said he wanted to ask a question. It is my job to try to follow the question and the answer as much as possible and I cannot pick up all interjections. I appeal to honourable members to conduct themselves in a proper manner in the Chamber. If they continue to interject they will be given justice. What is your point of order?

Mr. MILLHOUSE: While you were on your feet a few minutes ago the honourable member for Elizabeth interjected, saying that I was an insolent prawn. I greatly resent that interjection and I ask that you get the member for Elizabeth to withdraw it. I took the point of order as soon as I possibly could in accordance with your rulings on other occasions. I regard that as an unparliamentary expression and I ask that the member for Elizabeth withdraw it.

The SPEAKER: I did not hear the statement attributed to the member for Elizabeth. Did the member for Elizabeth make that statement?

Mr. CLARK: Yes.

The SPEAKER: I request that the honourable member for Elizabeth withdraw that statement.

Mr. CLARK: Out of respect for the prawn I am happy to do so.

Mr. MILLHOUSE: I now desire to take a further point of order. The question I asked the Minister was perfectly in order and I ask that you allow it. My question was simply to ask the Minister to use his best endeavours with certain parties to get them to enter an appearance in certain Supreme Court proceedings in order to avoid the embarrassment which the Government is obviously suffering. There is nothing out of order in that.

The SPEAKER: The honourable member was commenting and that is entirely out of order.

Mr. MILLHOUSE: With respect, I had not given an explanation; I had only got the question out.

The Hon. D. A. DUNSTAN: I raise a point of order on that matter. The honourable member in the statement of his question has deliberately misrepresented the position

as put by the Government repeatedly in this House this afternoon. The honourable member knows that the Government is not representing the union in this matter and yet he says that to the House.

Mr. Millhouse: I asked a question about it.

The Hon. D. A. DUNSTAN: What the honourable member said to the House is deliberately misrepresenting and telling a deliberate untruth in this House.

Mr. MILLHOUSE: I take a point of order on that. It is not a deliberate untruth: in fact it is precisely what the Government is doing and I ask that the Premier withdraw. This is my point of order. I ask that the Premier withdraw the statement that I am telling a deliberate untruth, because I am not. It is perfectly accurate, what I have said.

The SPEAKER: Order! In asking the question the honourable member for Mitcham made an allegation against the Government to which the Premier has replied and I am not going to ask the Premier to withdraw it.

Mr. MILLHOUSE: On a point of order, the Minister should answer the question.

The SPEAKER: I have given a ruling on the point of order and that ruling stands. Do you wish to have the question answered?

Mr. MILLHOUSE: Yes.

The SPEAKER: I call on the Minister to answer so much of the question as he desires to answer.

The Hon. D. H. McKEE: I think the Premier has replied adequately to the honourable member for Mitcham. He has explained the Government's position that we are not representing unions, and he knows that. The Premier has told him, and that is the truth. Everything possible has been done and is being done to bring about a settlement.

### SITTINGS AND BUSINESS

Dr. EASTICK: Has the Premier decided when the current session of Parliament will be concluded? Members on both sides appreciate that this question has been asked on several occasions, but there has been no reply. The solid effort of Opposition members in maintaining the numbers in the House last evening until the early hours of this morning, as well as last Thursday until after 6 p.m., indicates our willingness to complete the work of the House. However, we have seen the spectacle of Parliamentary business being shunned by the Premier as recently as last evening and early this morning, when he

was electioneering at Victor Harbour. Can we believe that the situation is such that the Premier's constant electioneering involvement is a sign of panic in a lost cause?

The Hon. D. A. DUNSTAN: The Leader has got to be joking.

Dr. Eastick: Not at all.

The Hon. D. A. DUNSTAN: Well, if he is not joking, I think there is something wrong with his sense of humour. The reason I was not in the House last evening but following political duties elsewhere was that there were sufficient matters for the Government to deal with in legislation before the House.

Mr. Coumbe: You are redundant, are you?

The Hon. D. A. DUNSTAN: I do not think members on this side think so.

*Members interjecting:*

The Hon. D. A. DUNSTAN: While standing here, I do not have to look over my shoulder and feel a twitching between the shoulderblades.

Mr. Coumbe: Where is the "colonel" today?

The Hon. D. A. DUNSTAN: He is electioneering today.

Mr. Coumbe: Whereabouts?

The Hon. D. A. DUNSTAN: He was running down North Terrace a few moments ago, but I do not know where to.

Mr. Clark: In which direction?

The Hon. D. A. DUNSTAN: Towards the railway station. As to the real purpose of the Leader's question, apart from his interest in asides—

Dr. Eastick: A very pertinent comment, too.

Mr. Millhouse: Very pertinent.

The Hon. D. A. DUNSTAN: I am glad to know the Leader thinks so. The Government's intention is that the House should rise on November 23, and we are endeavouring to order Government business to that end.

### ISLINGTON CROSSING

Mr. RYAN: I am not electioneering, but wish to ask a question of the Minister of Roads and Transport. Has he a reply to my recent question about upgrading Regency Road at the Islington railway crossing?

The Hon. G. T. VIRGO: This is not electioneering, either, but if the honourable member wishes to use this reply for electioneering purposes he may do so. It is intended

to construct a grade separation at the Islington railway crossing where Regency Road will be elevated to overpass the railway tracks, but this work is not programmed until 1974-75 owing to the preconstruction activities involved. A planning report on this project, which involves the widening of Regency Road to provide four traffic lanes throughout with additional turning lanes at the Churchill Road intersection, is nearing completion. The bridge over the railway will be located adjacent to and south of the present level crossing, and ramps are proposed for pedestrian access to the Islington station platform. It was intended that the rise in the road where the old sewage main crossed would be incorporated in the approach gradient to the bridge. However, the accident rate at this location has risen so appreciably in recent times and, as the final works cannot be undertaken for some time, arrangements are in hand to level this rise early next year.

### INSURANCE

Mr. HOPGOOD: Will the Premier take up with the State Government Insurance Office the possibility of providing blanket third-party cover for all vehicles in the Emergency Fire Services organization? I have been contacted by the District Council of Meadows, a portion of whose area lies within the District of Mawson. The council has contacted the underwriters association, the Minister of Agriculture and, I believe, several other members of Parliament, because it considers that third-party vehicle premiums for E.F.S. fire trucks are too high. I put this matter forward as a possible solution to the problem facing the E.F.S.

The Hon. D. A. DUNSTAN: I will take up the matter with the General Manager.

### SCHOOL OF ART

Mr. CUMBE: Does the Minister of Education recall that, following his announced decision to move the School of Art from Stanley Street, North Adelaide, and incorporate it in the Torrens College of Advanced Education at Underdale, I asked him a question about the availability of other land in North Adelaide owned by the Education Department? Has the Minister a reply to that question?

The Hon. HUGH HUDSON: I do recall that the honourable member asked the question. In fact, I had the reply for him yesterday, as he well knew. The Education Department does not hold any vacant land in North Adelaide. It did purchase two house properties near

the School of Art some time ago. One of these is to be renovated before occupation by the School of Art and the other is a small house occupied by a private tenant.

### NON-RATABLE LAND

Mr. RODDA: Has the Minister of Roads and Transport a reply to my question of October 25 about assistance given to councils that have non-ratable land in their areas?

The Hon. G. T. VIRGO: I have now obtained for the honourable member the information I undertook to provide him with concerning financial assistance for councils which are required to maintain roads through Government-owned forests. I have available details that I will give to the honourable member showing that over the last 10 years the District Council of Penola has received from the Highways Department funds to the extent of \$1,320,536 for road purposes. In addition, substantial amounts have been expended in the council area by contract and Highways Department day labour. The present position is such that the Penola council area is served by a very good network of roads, the more important routes being largely sealed. The council area is relatively small, and the department maintains more than 100 miles of the road network. As a result of the large expenditure on roads in the past, priority for work in the area has now decreased. To some extent this has been accentuated by the increased priority of major rural projects elsewhere in South Australia and the limitations imposed on rural expenditure under the Commonwealth Aid Roads Act. I reassure the honourable member that, in administering its policy of allocating road funds in accordance with road needs, the Highways Department does give due consideration to the difficulties which councils may experience in the maintenance of forest roads. I have told the District Council of Penola that, when Highways Department funds for roadworks in an area are drastically curtailed, the Commissioner of Highways can recommend limited assistance to a council to avoid the retrenchment of employees and, in the circumstances, the council should apply to the department immediately so that it may be told in detail the conditions governing the allocation of such special assistance. I ask leave to have a statistical table incorporated in *Hansard* without my reading it.

Leave granted.

DISTRICT COUNCIL OF PENOLA

Statement showing:

- (a) Ordinary grants allotted and payments for specific works undertaken on behalf of the department from 1963-64 to 1972-73, and
- (b) Payments for the construction of forest roads included in (a) above.

(a) Ordinary grants

	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Ordinary grants allocated, maintenance .	7,000	4,600	600	13,100	2,000	800	3,600	2,150	800	—	34,650
Ordinary grants allocated, construction .	8,000	38,000	36,800	57,500	35,000	41,500	30,600	31,000	32,000	—	310,400
Grant-in-aid.....	1,456	1,522	1,494	1,406	1,275	1,323	1,325	1,344	1,455	1,463	14,063
Total ordinary grants allocated.....	16,456	44,122	38,894	72,006	38,275	43,623	35,525	34,494	34,255	1,463	359,113

Note: Work covered includes construction and maintenance on roads used by timber industry

(b) Specific works (debit order grants)

	\$
1963-64	209,518
1964-65	70,234
1965-66	72,707
1966-67	28,033
1967-68	59,380
1968-69	109,600
1969-70	150,473
1970-71	100,498
1971-72	126,980
1972-73	34,000 (total allotted to date)
Total.....	\$961,423 (This includes work on roads serving forest areas)

(c) Forest roads (specific)

Included in (b) above are the following amounts representing payments to council under debit order grants:

	Debit order	Road	\$
1965-66	6344	Comaum forest reserve	13,200
1966-67	6344	Comaum forest reserve	1,400
1968-69	6344	Comaum forest reserve	32,400
1969-70	4171-5	Comaum forest reserve	10,334
		Total	\$57,334.....

Summary Ordinary and Specific Works

	\$
1963-64 ..	225,974
1964-65 ..	114,356
1965-66 ..	111,601
1966-67 ..	100,039
1967-68 ..	97,655
1968-69 ..	153,223
1969-70 ..	185,998
1970-71 ..	134,992
1971-72 ..	161,235
1972-73 ..	35,463
Total.....	\$1,320,536

### PARA HILLS EAST SCHOOL

Mrs. BYRNE: Will the Minister of Education examine the possibility of having paved, as a matter of urgency, the area between the primary school and infants school buildings at the Para Hills East Primary School? I have received correspondence from the Para Hills East School Committee, stating that this paving is necessary, as there are now nearly 900 children at the school and existing playing areas are extremely inadequate, especially in the infants section. The lack of hard playing areas is felt most during wet weather, when the mud brought into the buildings by the children causes much extra work for the cleaners. The original request for this work to be done was made on June 10, 1971, and a plan was submitted showing the area of paving required. Since then, many letters have been sent to the Education Department and telephone calls made about the matter.

The Hon. HUGH HUDSON: I will certainly examine the matter for the honourable member and find out what can be done about it.

### AMITROLE

Mr. EVANS: Will the Minister of Environment and Conservation obtain from the Director of Environment (Dr. W. G. Inglis) the source of his authority for the statement reported in the *Advertiser* of November 9 that an investigation by the National Health and Medical Research Council has shown that Amitrole (the active constituent of Weedazol) is not a major health hazard? I refer the Minister to an article in the *Advertiser* of November 9, headed "Risk of daisy spray queried", and a letter signed by Dr. G. E. Lewis (Reader in Organic Chemistry at the Adelaide University), under the heading "Herbicide danger", which appears in the *Advertiser* of November 11. Dr. G. E. Lewis has written to me explaining the dangers involved with the use of Weedazol, which has aminotriazole as its active constituent. Since the report of November 9, Dr. Lewis has spent considerable time trying, without success, to locate the report of the National Health and Medical Research Council referred to by Dr. Inglis. On November 13, Dr. Lewis telephoned Dr. Inglis for the exact details of the report, but he was directed to Dr. Woodruff (Director of Public Health). Dr. Lewis believes that, as the statement was made by Dr. Inglis and not by Dr. Woodruff, the responsibility should lie with Dr. Inglis to disclose the details. There

is a considerable amount of evidence based on overseas research which shows that Amitrole is a health hazard because of its goitrogenic action and experimental observations in its cancer-producing activity. Dr. Woodruff is reported to have given evidence, in Adelaide, to the Senate Select Committee on Water Pollution on January 29 and 30, 1969, showing his awareness of the toxic action of Amitrole on the thyroid gland.

The zero level of tolerance for residues of Amitrole in foodstuffs was imposed at Government level in the United States of America, the Federal Republic of Germany, and other European countries as a result of findings of the harmful toxic effects that Amitrole could have. The restrictions imposed in those countries relate to the time of the year and the conditions under which Amitrole can be used for weed eradication. No such restriction applies in South Australia. The 72nd session of the National Health and Medical Research Council, held in Sydney in May, 1971, recommended a zero level of tolerance for residue of Amitrole in foodstuffs as consumed. Will the Minister please obtain from the Director of Environment the name and date of the publication as well as the volume and page numbers referred to by Dr. Inglis?

The Hon. G. R. BROOMHILL: I will seek the required information. Following the present reports on the use of Amitrole, this matter was investigated at my request by officers of my department and discussed with officers of the Agriculture and Public Health Departments. I have been told that officers of the National Health and Medical Research Council have been studying for some time the problems associated with the use of this chemical and have taken into account all the examinations and research that has been done in the United States and in Sweden. I am told that a subcommittee of that council provided, in August, 1972, a report for the National Health and Medical Research Council. That report, which was given to the Public Health Advisory Committee, indicated that there was no definite evidence against the use of Amitrole, and no restriction on its use in Australia could be recommended at that time. After careful consideration by the research committee, this recommendation was accepted. However, in view of the aspects raised by the honourable member, I will call for another report.

### DIVORCE CASES

Mr. PAYNE: Can the Attorney-General say why delays are occurring in divorce petitions being listed for hearing in the Supreme Court? A constituent of mine who is anxious for proceedings to be expedited has been advised by her solicitor that the delay in her case has been caused by pressure of work in the courts.

The Hon. L. J. KING: I cannot give precise up-to-the-minute information on this, although I know that there was some delay in respect of undefended cases. However, I understand that something of an onslaught has been made in connection with these cases and that about 600 have been listed between now and the end of December, so that this should bring the undefended list under control. I do not know whether the action to which the honourable member refers is a defended or an undefended action and, of course, that would make a difference to my reply. However, if the honourable member will let me have details of the case I will ascertain the possible extent of the delay.

### NURSES MEMORIAL CENTRE

Dr. TONKIN: Will the Premier say whether a firm decision has been made by the Government on where the nurses memorial centre may be erected, and can he give any assurance that no major obstacles remain that may prevent its completion before the end of 1973?

The Hon. D. A. DUNSTAN: I had a report this morning from the Director of Planning. I wrote to the Nurses Memorial Centre Committee last month assuring it of the Government's support and informing it of the basis of our proposals. We have examined the various proposals that it has put to us and, of those that have been discussed with the department, only one site seems at all feasible. However, the market price currently being asked for that site is far above the Land Board valuation. On the reports made to me, I see no difficulty in the nurses proceeding on their present site, with due arrangements being made with the Government. Having received a minute, I shall be in touch immediately with the Royal Australian Nursing Federation, and I expect that our negotiations can proceed perfectly normally.

### MOUNT GAMBIER HOSPITAL

Mr. BURDON: Will the Attorney-General take up with the Chief Secretary the matter

of providing some form of medical attention by a resident officer at the Mount Gambier Hospital? As the number of graduates from the Adelaide University does not now meet the requirements of the Royal Adelaide and Queen Elizabeth Hospitals, first, I ask whether the Chief Secretary will take up with the Director-General of Medical Services the possibility of final-year medical students being attached to the Mount Gambier Hospital during elective periods of study. Secondly, I point out that further development and training programmes conducted by the Royal College of General Practitioners could involve some country hospital experience being obtained at this hospital by doctors during the second and third year after their graduation.

The Hon. L. J. KING: I will refer the question to the Chief Secretary.

### OPAL MINING

Mr. GUNN: Can the Minister of Environment and Conservation make a detailed statement concerning the Government's policy on the back-filling of bulldozer cuts in the opal-mining fields? Last weekend, when I visited the northern part of my district, I found that there was much confusion there in the minds of miners who are not fully aware of the Government's attitude on this matter. Several conflicting statements having been made on the matter, I refer to a report in the *Opal Miners' Weekly*, headed "Back-filling Confusion Reigns Supreme" and commenting on an article by Mr. Whitten, of the Mines Department, in which he was interpreting section 60 of the Mining Act. The report, quoting *Hansard* of December 1, 1970, states that the Act will not apply to the opal-mining areas. As statements on this matter have been made by other people, no-one is sure about how the Act will operate, and the people concerned would like to have, either from the Premier or from the Minister of Environment and Conservation, a clear statement of the Government's intention.

The Hon. G. R. BROOMHILL: Members, especially the member for Eyre, will recall, when this matter was last considered by the House, a provision for the Mines Department in certain circumstances to require back-filling in the opal-mining areas. Indeed, there was strong resistance to this from miners, as well as from some members. I understood that some people were not anxious to comply with the provisions—

Mr. Gunn: That's an understatement.



The Hon. G. R. BROOMHILL: That may well be so. Although I think that some people have deliberately tried to create confusion about the Government's intention here, I think that in some areas there is genuine doubt about the requirements. I have discussed this matter with the Director of Mines, who intends next week to visit the areas concerned, and I am sure that he will then be able to fully explain the requirements under the Act and the department's intention regarding the requirements of people in the area who use bulldozers.

### **DROUGHT RELIEF**

Mr. CURREN: Can the Premier say what action should be taken by district councils to obtain an allocation from the Government grant of \$250,000 which the Premier said yesterday would be made available to district councils in the Murray Mallee districts?

The Hon. D. A. DUNSTAN: Application should be made to the Lands Department, as is the case in respect of other drought relief measures or unemployment rural assistance. The Lands Department will be pleased to receive submissions from a council and to discuss with it measures to be undertaken in its area.

Mr. ALLEN: Can the Premier say whether, regarding drought relief, councils other than the 14 named yesterday have been considered? Members will recall the Premier's statement yesterday naming the 14 councils eligible for drought relief and specifying the sum of \$250,000 for the purpose. The Premier said that he and the Minister of Lands had received representations from the Murray Lands and Riverland local government areas, as well as from zone 10 of the United Farmers and Graziers organization, requesting drought relief. However, I point out that other areas in the State are suffering from drought. Indeed, areas along the eastern boundaries of five district council areas in my district are suffering from drought, and this applies also to two council areas in the district of the member for Rocky River, those two areas suffering not only from drought but also from grasshoppers and cockatoos.

The Hon. D. A. DUNSTAN: I am not certain that grasshoppers and cockatoos come under the heading of drought. If the honourable member has some difficult areas to be examined, we shall certainly have a further look at them. The basis of the decision was that the council areas to be assisted were those which had suffered over more than one season. It was the view of the department

and of our advisers that, where a difficulty occurred in one season which could normally be expected to occur, the reserves of people in those areas would be able to tide them over for one especially difficult season and that the areas to be dealt with were those that had had persistent difficulty compounded by the especially difficult season this year. Of course, this does not close off individual applications for drought relief by farmers. As the honourable member would have seen, my statement yesterday referred to specific works for drought relief in specific areas, apart from the general provisions of the assistance legislation passed in 1967. If honourable members have further submissions to make for assistance to councils in other areas, we shall be pleased to look at them.

### **ELECTORAL ROLL BOOKS**

Mr. LANGLEY: Will the Attorney-General consider having larger type used in the printing of the next State electoral roll books? Members have already received, or soon will receive, the new electoral roll books for their districts. It is noticeable that the number of entries on each page is now 95, whereas in the past it was only 60. Excellent eyesight is now needed to read a page and, with the names printed so closely together, a mistake could easily be made at the polling booths.

The Hon. L. J. KING: I will have the matter examined.

### **GLENELG TRAM**

Mr. MATHWIN: Has the Minister of Roads and Transport a reply to my recent question about making available to the Glenelg Retail and Tourist Association a Glenelg tram for the association to paint?

The Hon. G. T. VIRGO: Although I had this reply available for the honourable member yesterday, he did not ask for it. Since the honourable member asked this question on November 8, I have found that the Glenelg Retail and Tourist Association in February, 1972, approached the Premier asking that a number of Glenelg trams be painted in gay colours. The President of the Glenelg Retail and Tourist Association was advised by the Premier, by letter of May 10, that he should contact the General Manager of the Municipal Tramways Trust to discuss the proposals further. No such approach has been made. I would therefore presume that the Glenelg traders have thought better of that idea. However, as I said to the honourable member on November 8, if he is speaking with the knowledge and authority of the Glenelg traders he

should go back to them and tell them that if they have a proposal to put they should adopt the suggestion which was made to them by the Premier last May and which they have apparently ignored.

### **MURRAY NEW TOWN**

Mr. HALL: In view of the long delay since the subject of Murray New Town was opened to public discussion, and in view of the subsequent legislation and the amending legislation now before the House, will the Premier soon tell the House and the people of South Australia the site of the town so that all those who are interested in and connected with this area can make calculations on the basis of sound information, rather than on speculation as a result of the Premier's mischievously withholding details of the actual site?

The Hon. D. A. DUNSTAN: There has been no mischief on the part of the Government.

Mr. Hall: Why won't you tell us the site?

The Hon. D. A. DUNSTAN: I have said that the information will be given as soon as it is possible to give it publicly, and that will be done.

### **TREASURY BUILDING**

Mr. BECKER: Can the Premier say why the walls of the Treasury Building have been painted white? On examining these newly painted premises, I noticed much soot on the window sills and on the various ledges on the walls. In view of the considerable pollution in the city, why was a colour more serviceable than white not chosen?

The Hon. D. A. DUNSTAN: Given the architecture of the building, the traditional colour of the painting of the Treasury Building seemed appropriate to the Government architects. No doubt the honourable member would like the building painted puce in accordance with his political beliefs, but the Government considered white to be the appropriate colour.

### **GOOLWA BARRAGE**

Mr. McANANEY: In the absence of the Minister of Works, has the Minister of Education a reply to my recent question about raising the level of the spillway at the Goolwa barrage?

The Hon. HUGH HUDSON: It is not economically feasible to raise the levels of the causeways across Ewe and Tauwichee Islands during years when a shortage of water is predicted. The controlled level of Lake Alexandria at the barrages was determined after consideration of the land levels around the

lakes and the Lower Murray River. The freeboard of the main structures and banks was determined from this level as were the causeways across the islands. The ponding of an extra, say, 6in. of water would require extensive works along the 11 miles of causeway as well as additional maintenance on the banks, and in addition would inundate further land around the lake perimeters.

### **SUBDIVISIONS**

Mr. GOLDSWORTHY: Can the Minister of Environment and Conservation say what will be the position of people, who are currently subdividing property in the Adelaide Hills water catchment areas, when the new Planning and Development Act Amendment Act is proclaimed? I have been approached by two people who are subdividing their properties, one having had his land surveyed, and the other being about to have it surveyed. Both people initially received approval for what I think is called the outer boundary plan. One person has received the following letter from the State Planning Office:

With reference to the abovementioned resubdivision, please provide a comprehensive report on the intended use of these lots.

As they do not know who the buyer is, such a report cannot be supplied. As the progress on this subdivision seems to be held up, I ask the Minister to give an assurance to those people who have gone into this matter and who have incurred certain costs (they are currently having the survey made). I understand the Minister and the member for Heysen have discussed this matter, and I ask the Minister to clarify the position of these people who are anxious about the outcome of their venture, which has been under way for some months.

The Hon. G. R. BROOMHILL: I think that I dealt with this matter in the recent debate in this House on the Planning and Development Bill. As I then explained, I expect that those applications being processed at the time the Act is proclaimed will be approved. However, I could not give a firm assurance, because there might be a substantial number of applications placed before the Registrar-General, and some consideration might have to be given to that aspect. Regarding the correspondence to which the honourable member has referred, I should be grateful if he would hand it to me, and I will check with the Director of Planning to see exactly what he was contemplating when he sent the letter to which the honourable member has referred.

Mr. EVANS: Will the Minister obtain a report on the attitude of the State Planning Authority to owners of allotments who wish to build houses on allotments below the present minimum requirements, when new areas are subdivided in the Stirling council area? Some allotments are still being subdivided in the Stirling council area and the minimum size for allotments is half an acre. Many allotments have been established as long ago as the 1870's on small areas, some being even less than 7,000 sq. ft. in area. Many young people in the area who own small allotments are concerned that they may be prevented from building on them. I am not sure whether the State Planning Authority has power to prevent building on these allotments, but the authority could give some direction to the council if there was any doubt. I ask the Minister to take up the matter because, if houses are not built on these allotments, there will be no chance to sell them and the young people will lose their life savings.

The Hon. G. R. BROOMHILL: I will obtain a report for the honourable member.

#### COAST PROTECTION BOARD

Mr. VENNING: Can the Minister of Environment and Conservation say when it is expected that the Coast Protection Board will be equipped to handle the business coming before it? Some time ago I wrote to the Minister regarding work to be undertaken at Port Broughton. The Minister's reply stated that the board (one of the many established by the Government) was looking for an engineer. When is it expected that the board will be ready to carry out the work already piling up?

The Hon. G. R. BROOMHILL: As the honourable member knows from the information to which he has already referred, the engineer for the Coast Protection Board will take up his duties, I think, on December 5. It has taken some time to call applications for the position and to enable the appointee to complete his present employment before taking up his position.

Mr. Venning: Will anything be done before Christmas?

The Hon. G. R. BROOMHILL: I do not know. Many matters are awaiting the appointment of the engineer before decisions are made. The honourable member would appreciate that it is necessary for the engineer to be involved in decisions that will be of importance in areas similar to those with

which the honourable member has his problem. It is contemplated that, immediately after the engineer takes up his appointment, additional staff will be appointed to the board, and I hope that we will soon be able to catch up with the backlog that has accrued.

#### BRAHMA LODGE WATER SUPPLY

Dr. EASTICK: In the absence of the Minister of Works, can the Minister of Education give me a reply to my recent question on the water supply for Brahma Lodge?

The Hon. HUGH HUDSON: The Engineering and Water Supply Department has been informed of the organization's expected usage of water and has made arrangements to meet this accordingly. It is now possible to supply the wool-scouring plant and the adjoining industrial area either by means of the Barossa trunk main from the Barossa and South Para reservoirs or from the Mannum-Adelaide main via Anstey Hill and the trunk mains in Hancock and Yatala Vale Roads. With these alternative methods of supply available, no difficulty is expected in being able to meet the demands of all consumers in this area.

#### POLITICAL INFORMATION

Mr. MILLHOUSE: I did have a question for the Minister of Labour and Industry, but he seems to have escaped, so I will ask one of the Premier on another topic. Will the Premier say what are the guidelines for Ministers to follow in deciding what information from State Government sources can be used to further political controversy? I have been handed a photostat of what appears to be a memorandum from the Premier to all Ministers, which states:

I have been informed that information from State Government sources could be used to further political controversy during the course of the Federal election campaign. Accordingly I suggest that you request all heads of your departments and authorities to refer any inquiries concerning matters raised by either Party during the course of the election campaign to yourself for decision.

That memorandum is dated yesterday. In view of the comments made by the Minister of Roads and Transport in replying to a question asked by the member for Price, one wonders whether it has been conveyed at all, because the Minister invited the honourable member to use certain information for electioneering purposes. If one thinks of the performance of certain Ministers in this House and expects—

The SPEAKER: Order!

Mr. Millhouse: —to know—

The Hon. D. A. DUNSTAN: The position has been in the past in South Australia that, where members of Parliament or Ministers in another Parliament have asked for information from a Government department, it was done through the Minister. What has been happening recently, we have discovered, is that certain Commonwealth Ministers have been trying to use their officers to obtain information from officers of South Australian Government departments. This is a discourteous business and we are faced with the fact that the Commonwealth Minister for Education and Science has tried this in relation to the Education Department.

Mr. Millhouse: On what subject?

The SPEAKER: Order! One question at a time.

The Hon. D. A. DUNSTAN: I understand on a number of topics. In addition, there have been inquiries from Canberra to certain people in the Housing Trust. Normally speaking, however, these things should come through the Minister. Apparently the normal courtesies are not being observed, so I have simply told my fellow Ministers that they should insist that these courtesies be observed and, if information is sought, it should be sought in the way in which it has always been traditionally sought by other Governments and given by the Government of which the honourable member was a member.

### DRINKING DRIVERS

Mr. PAYNE: Will the Minister of Roads and Transport discuss with the Road Safety Council and representatives of the hotel trade the possibility of the council issuing posters of a cautionary nature for display in hotels throughout the State? Many motorists perhaps do not understand what is the consumption equivalent of the .08 alcohol level. If a poster were prepared showing the equivalent volume of beer or the number of brandies to be consumed to reach that level, I believe it could result in drinkers keeping an eye on their consumption and thereby leaving hotels in a condition more conducive to safe driving.

The Hon. G. T. VIRGO: I shall be pleased to discuss the matter with the Chairman of the Road Safety Council.

### POLICEWOMEN

Mr. MATHWIN: Will the Attorney-General ask the Chief Secretary whether it is intended to have policewomen directing traffic in Adelaide? A recent newspaper report states that in Victoria policewomen are to be used directing traffic for an experimental period of

two months. As other members would have noticed when visiting overseas countries, police-women are used widely to direct traffic, particularly in parts of Europe. For example, in Zurich they direct, successfully, a heavy flow of traffic.

The Hon. L. J. KING: I will speak to the Chief Secretary about the matter.

### BANDS ASSOCIATION

Mr. GOLDSWORTHY: Will the Treasurer say whether the Government will further consider increasing the grant to the South Australian Bands Association for next year? The Treasurer probably knows that the Australian band championships will be held at Tanunda next year. I think you, Mr. Speaker, had the privilege of opening the competition this year. Next year the event will be somewhat larger because the Australian championships will be held. I understand that the Government makes a grant to the association and that the association, in turn, allocates money to various bands in South Australia. In view of what I have said, I ask the Treasurer to consider the matter at the appropriate time, as the championships will be important not only to the Barossa Valley but to South Australia.

The Hon. D. A. DUNSTAN: I will examine the matter.

### STRAYING ANIMALS

Mr. EVANS: I ask the Minister of Environment and Conservation whether he knows that on Monday, November 13, at about 11.30 p.m. a kangaroo emerged from Belair Recreation Park, at the top of Foot Hill on the Upper Sturt road, and was involved in a collision with a Holden motor car, causing much damage to the motor car and shocking injuries to the animal and placing a local resident in the position of having to destroy the animal at the front gate of his residence. Will the Minister obtain for me a report on the accident if he has no knowledge of it now? On August 1 this year, I asked the Minister a question about the release of animals (emus as well as kangaroos were released) in Belair Recreation Park and I explained that the fences were not of high standard. The Minister replied:

Although some weeks have passed since the animals were released in the park, I have certainly not heard of problems occurring in the way referred to by the honourable member. Subsequently, on August 16 (at page 804 of *Hansard*) the Minister gave a more detailed reply, saying:

Since the release of the kangaroos from the enclosure at Belair Recreation Park, no problem has arisen in regard to the animals causing

a hazard on the roads. However, to cover any situation which might arise in the future, a number of standard kangaroo warning signs will shortly be erected at suitable points on all roads within the park. Similar signs have also recently been erected at Para Wirra Recreation Park, where there is a large population of black-faced grey kangaroos. Should there be any indication that the kangaroos released in Belair Recreation Park are attempting to stray on to the nearby public roads, the matter will be brought to the attention of the Highways Department for consideration whether similar signs are needed on these roads.

In further explanation, the emus in Belair Recreation Park—

The SPEAKER: Order! The honourable member sought leave to explain his question, not to give further information.

Mr. EVANS: In further explanation, emus from Belair Recreation Park are venturing into the gardens of private houses and causing much damage. I ask the Minister to obtain a report, particularly on the accident that occurred on Monday evening.

The Hon. G. R. BROOMHILL: I am not aware of the accident but I will obtain a report.

### DRUGS

Dr. TONKIN: Has the Attorney-General a reply from the Chief Secretary to my question of October 25 about whether a reported case relating to the supply of marihuana to a prisoner in Adelaide Gaol was the only case of its kind detected?

The Hon. L. J. KING: My colleague states that the recent case of marihuana being smuggled into Adelaide Gaol is the only detected case of such a happening. The fact that it was detected reflects credit on the alertness of the officers and the effectiveness of the security. The police have been checking the means by which the cigarettes were introduced and, so far as can be ascertained, there is nothing to suggest whether the drug was solely for the prisoner's use or for other purposes. Normal security precautions will be observed to ensure that there is no recurrence of this event.

Dr. TONKIN: Will the Attorney-General ask the Minister of Health how many people have been treated for drug dependence under the auspices of the Alcohol and Drug Addicts Treatment Board this year compared to the number treated during the corresponding period last year and for what dependence they are being treated?

The Hon. L. J. KING: I will obtain the information from my colleague.

### STRATHALBYN POLICE STATION

Mr. McANANEY: In the absence of the Minister of Works, has the Minister of Education a reply to my question about the progress of work on the Strathalbyn police station?

The Hon. HUGH HUDSON: It is planned to call tenders for this project on November 20, 1972, and, subject to the receipt of an acceptable tender, work should commence on site in February, 1973.

### CRAFERS LAND

Mr. EVANS: Will the Minister of Roads and Transport ask the Highways Department to delay its decisions to subdivide the land lying between Atkinson Avenue and the "on" ramp at Crafers? This vacant land is no longer necessary for use by the Highways Department and I have been told that it is to be subdivided. The Crafers tennis club has applied to the Minister for use of the land for its home courts, and the Hills branch of the South Australian Camellia Society I as asked permission to use the land for a camellia garden. Will the Minister ask his officers to delay the decision to subdivide the land until representations are made by the Crafers tennis club and the Camellia Society of South Australia, so that the land may be used for the benefit of the community?

The Hon. G. T. VIRGO: I will certainly seek information from the Highways Department about the land referred to but, apart from that, I cannot give the honourable member an undertaking. From the way he is speaking, I do not think he knows that there are predetermined guidelines for the disposal of Government property. The property is first offered to Government departments and, secondly, to the local government body concerned. In the third instance, it is disposed of normally by auction or tender. On one special occasion, I assisted the headmaster of a school in the honourable member's district, as he would know, regarding—

Mr. Evans: He appreciated it, too.

The Hon. G. T. VIRGO:—a request for a house, and I am sure he appreciated it. That is the general situation in relation to the disposal of surplus property, and that procedure will be followed in this instance if there is a land surplus to which the honourable member refers. However, I will speak to Highways Department officers and ascertain what is the situation.

### CITY AIR POLLUTION

Dr. TONKIN: Can the Minister of Environment and Conservation say what

investigations are being made into the levels of air pollution in parking stations in the city area and what action the Government intends to take to relieve any dangerous situation that may exist?

The Hon. G. R. BROOMHILL: Readings have been taken in recent months in various parts of the city, although I do not think that any special reading has been taken at a parking station site. I will have the matter examined to see whether this has been done and tell the honourable member the results of any such tests. If no test has been taken, it is obvious from reports in the last week or two that there is a need for us to consider aspects of air pollution in confined areas such as parking stations. I will consider whether tests, if not already taken, should be taken.

Dr. TONKIN: Will the Minister of Roads and Transport take appropriate action to re-route buses that travel along Rundle Street and Hindley Street to North Terrace and Grenfell Street, as an initial action to reduce air pollution in Rundle Street?

The Hon. G. T. VIRGO: I think the Premier has already made a public statement, which the member for Bragg may not have seen, that the matter of converting Rundle Street to a shopping mall is receiving full and proper consideration. Obviously, part of that consideration concerns the routes of buses that now use Rundle Street. I have already had a preliminary report prepared on this matter. In fact, the matter was considered a long time ago. I think that most members (although I do not know whether the member for Bragg is included) know that I have stated in this House at least a dozen times that I consider that Rundle Street should be a shopping mall. I do not see any great difficulty in that, but there would be need to be thorough consideration of re-routeing buses, provisions of adequate bus zones, and matters of this kind. The proposal is being considered at present and information being prepared will be given to the Premier so that all matters affecting Rundle Street can be considered in detail.

### **BROKEN WINDSCREENS**

Mr. ALLEN: Will the Minister of Roads and Transport ascertain why many car windcreens are being broken as cars travel along the Broken Hill road near Yunta? On a visit to the area last weekend, my attention was drawn to this matter. In fact, I had the misfortune of having a stone hit the windscreen of my car but, as it is a good car, the windscreen withstood the test. Local people con-

sider that the material placed on the shoulders of the sealed road is such that it will not set, with a result that the wheels of cars that leave the sealed surface throw the stones on to road, and the stones are then picked up by the wheels of oncoming vehicles, thus causing broken windscreens. Will the Minister ask for a report on this matter?

The Hon. G. T. VIRGO: Yes.

### **PORT ROAD BRIDGE**

Mr. CUMBE: Will the Minister of Roads and Transport obtain some information for me on the roadworks being carried out, I believe by his department in conjunction with the Adelaide City Council, on Port Road near the West Terrace and North Terrace corner and also at that corner? In asking this question, I seek the approval of the member in whose district this section of Port Road is situated. Inquiries have been made to me about this matter and, indeed, on most days of the week I traverse that road. Extensive roadworks in progress on this section of Port Road have resulted in a marked improvement but, as the road approaches the bridge over the railway line, which is near the police barracks, it narrows down to its old width. Does the Government intend in future to reconstruct or to build a new bridge at this point, so that this new divided four-lane highway, as I understand it, will be extended further into Southwark, involving other sections of Port Road? This is a busy road and, where the road now narrows at the point in question, problems are occurring that involve almost a bottleneck.

The Hon. G. T. VIRGO: I will obtain that information.

### **OAKBANK AREA SCHOOL**

Mr. McANANEY: Will the Minister of Education say what action the Government intends to take to remedy the situation concerning the boys' toilets at the primary section of the Oakbank Area School? These toilets having been out of order for some time, letters have been written to the Health Department stating that the toilets should be condemned. Indeed, the old primary school section of this school is in a far more dilapidated state and has older buildings than the wooden school buildings that I have seen the department replacing in other parts of the school. Does the Government intend to take action regarding these toilets, or is the work being delayed because the primary section is on the list for early replacement?

The Hon. HUGH HUDSON: I will obtain a report for the honourable member.

### **BRIGHTON CEMETERY**

Mr. MATHWIN: Will the Minister of Roads and Transport say when it is expected that work on resiting and rebuilding the Brighton cemetery wall will be commenced? The widening of Brighton Road in this area could take some time, and the wall of the cemetery is dilapidated and in a bad condition; indeed, it is collapsing in several places. The wall is to be replaced, and the graves immediately behind it have been removed in order to allow this area to be taken over. Also involved is the rebuilding of toilets behind the wall. As the wall is in such a bad condition, will the Minister obtain this information for me?

The Hon. G. T. VIRGO: Yes.

### **FAMILY PLANNING CLINIC**

Mr. KENEALLY: Will the Attorney-General ask the Chief Secretary to ascertain whether there is any plan to set up in Whyalla soon a family planning clinic? I have received a request from the Whyalla Counselling Service stating:

We believe that a family planning clinic should be established in Whyalla as soon as possible, as there is an urgent need for this facility in our community.

I agree with that statement and, indeed, the Government has indicated that family planning clinics will be set up in the country as well as in the city.

The Hon. L. J. KING: I will take up the matter with the Chief Secretary.

### **WEEDS**

Mr. GUNN: In the absence of the Minister of Works, who represents the Minister of Agriculture, I ask the Minister of Education whether the Government will reconsider its decision to set up a weeds control board. I have received a letter from the District Council of Murat Bay stating:

As a result of a council meeting, I am directed to advise that this council strongly opposes the introduction of the weeds control boards as proposed. Council considers that the eradicating and controlling of weeds in marginal areas is impracticable when the returns from this type of land are considered. In view of the financial position of the council, this proposal could place a burden on it. Indeed, as the land in question is only low in value, the cost of eradication would be more than the rate revenue received. In addition, I point out that the Government has done nothing to eradicate African daisy in the

Adelaide Hills. Will the Minister refer this matter to his colleague?

The Hon. HUGH HUDSON: I will take up the matter with my colleague, but not because of the muck-up of logic put forward by the honourable member.

### **BORDERTOWN ROAD**

Mr. RODDA: Will the Minister of Roads and Transport obtain a report about the safety of the section of the road east from Bordertown to the Victorian border, as this section of road has some bad bends? One bend especially was drawn to my attention last weekend. This bend, which is about five miles east of Bordertown, has been known as Butler corner but is now more popularly known as Grassby corner because of the name of the people who have purchased the Butler property, which is near this bend in the road. The road design is such that traffic travelling east tends to lug in, whereas traffic travelling west tends to lug out. I understand that three fatal accidents have occurred at this bend during the last eight years. Having driven over this section of road last Sunday, I believe that it should be examined by one of the Minister's experts. Will the Minister arrange to have this section of the road examined soon?

The Hon. G. T. VIRGO: I shall be delighted to do that for the honourable member.

### **MARION SCHOOL LAND**

Mr. MILLHOUSE: Can the Minister of Education say in whom the title to the land recently bought by the Marion High School will be vested? Last week it was announced that the Parents and Friends Association of the Marion High School had purchased an area of land that I think was to be left in its natural state for the use of students. This has been praised by all who have commented on it. As I regard it as an extremely sound idea, I congratulate the school on taking this step. It immediately occurred to me that there would be a problem as to the proprietor of the land once the transfer was made. As I understand the situation, normally if a parents and friends association purchases property it is vested in the Minister. If that is to occur in relation to this land, I presume that the council in whose area the land is located will lose the rate income from it. Therefore, I ask the Minister what is proposed in this case, because it will no doubt set a precedent (I hope it will) and a good example to be followed by other schools.

The Hon. HUGH HUDSON: Section 27a of the Education Act (which was included in the 1970 amending legislation) provides for the incorporation of school councils and committees. For the benefit of the honourable member, I will read the relevant subsection, as follows:

(1) Every school committee and council constituted or appointed under section 25, section 25a or section 26 of this Act and in existence immediately before the day hereinafter referred to shall, upon a day to be fixed by proclamation for the purposes of this section, and every school committee and council so constituted or appointed after that day shall, upon being so constituted or appointed, become incorporated under this section as a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name and may in that name hold, sell, mortgage, lease or otherwise deal with real and personal property as fully and effectually as an individual person could do, but shall not have power to hold, sell, mortgage, lease or otherwise deal with real property except with the written consent of the Minister.

That proclamation was issued subsequent to the passing of that legislation. Consequently, the Marion High School will be able to hold the land in its own name.

Mr. Millhouse: And the rate question will not arise?

The Hon. HUGH HUDSON: I cannot answer that.

### REGIONAL OFFICE

Mr. HALL: Has the Minister of Roads and Transport decided whether or not he will arrange for regional offices of the Motor Vehicles Department to be established in country areas? I refer the Minister to a request that I have received (and I believe he has also received it) in recent months from the Kadina council stating that the town is ideally situated for the establishment of such an office. I am sure that the Minister has received similar requests from other towns in the State. Therefore, I ask him whether he will put into practice this rather idealistic and as yet unfulfilled promise regarding decentralization that he and his Government made before the 1970 election.

The Hon. G. T. VIRGO: It is obvious from the honourable member's concluding comments that he has been so busy during the past 12 months with his own domestic problems that he has not noticed the advances made by the Government in this area.

Dr. Tonkin: You're running quite true to form.

The Hon. G. T. VIRGO: The member for Bragg will be dealt with later for the lies he told last evening.

The SPEAKER: Order!

The Hon. G. T. VIRGO: The situation with regard to decentralizing the Motor Vehicles Department is that it is now about four months since the first regional office of the department was opened in Mount Gambier. This represented the first positive step taken by any Government in South Australia to decentralize the activities of this department. About three months later, the second step was taken when a further office was opened at Whyalla. If the member for Gouger had not been so busy with his internal bickerings, he would probably have known about these matters.

Mr. Hall: There's been nothing in my area.

The Hon. G. T. VIRGO: Moreover, I have already announced that the department is currently examining the possibility of further decentralization in other areas. It has drawn up a list in accordance with a criterion based on the number of registered vehicles within, I think, a 25-mile radius of a certain location. A calculation is thus made on the amount of business that an office will be likely to transact. On that score, if my memory is correct, the next office will be opened in the Murray River area, possibly at Berri.

Mr. Venning: What about Clare?

The SPEAKER: Order! What about ceasing to interject?

The Hon. G. T. VIRGO: I do not know whether the member for Gouger would like us to play politics, putting these offices in locations purely to serve political expediency, or whether he would prefer us to act responsibly. Some decisions made by earlier Governments were understandably made on the basis of political expediency. However, we do not choose to follow that line.

Mr. Hall: It looks that way.

The Hon. G. T. VIRGO: It just looks that way to the honourable member, because he is so narrow in outlook on this kind of question. That is why he was able to hold the Premier's job for only two years and why he could not even hold the job of Leader of the Opposition for much more than 12 months. The actions of this Government in the area of decentralization speak for themselves. If members look at what has been achieved they will see that what has been achieved is a tremendous amount more than the "nil" that was achieved by the honourable member for Gouger when he was Premier.



Mr. VENNING: Will the Minister now make available the names of centres in South Australia where offices of the Motor Vehicles Department will be established?

The Hon. G. T. VIRGO: I have already told the member for Gouger where we intend to establish offices. If the honourable member is referring to what we will do in the future—

Mr. Venning: I thought you said your survey had been undertaken throughout the State.

The Hon. G. T. VIRGO: I did not say that at all. I said there was a criterion laid down as to the number of vehicles expected to be attracted to a specific centre which was, I think, based on a 25-mile radius of the town concerned in an effort to determine the viability of establishing a branch office of the department.

Mr. Venning: It is clear—

The SPEAKER: Order! We are not in Committee. The honourable member has asked a question and I ask the honourable Minister to make a brief reply.

The Hon. G. T. VIRGO: I am trying to give the honourable member the information he seeks and to make the reply as brief as I can. Much of the information he is seeking has already been given in reply to a question asked by the member for Gouger. In addition, if the honourable member checks *Hansard*, he will find that there has been a further statement given by me in explanation of the Motor Vehicles Department's approach to this matter. If the honourable member is too tired to check that and if he lets me know, I will look it up for him.

#### TEACHERS SALARIES BOARD

Mr. GOLDSWORTHY: Can the Minister of Education say what is the function of the Teachers Salaries Board in determining the salaries of teachers in South Australia? A report in today's press indicates that the Minister has undertaken and completed negotiations with the executive of the South Australian Institute of Teachers regarding salary claims in respect of teachers in South Australia, and that the agreement reached will now go to the board for ratification. I have not been aware of this procedure applying in the past. According to the report, the Minister and the institute, after negotiation, have agreed to rises in salaries that are to be put before the board for ratification. This action seems to make the board redundant.

The Hon. HUGH HUDSON: The function of the Teachers Salaries Board is an arbitral one for the determination of salaries and

allowances for teachers in this State. The board fulfils that arbitral function, but the existence of the board and the availability of it to fulfil that function does not mean that there can never be any negotiation between the institute and the Education Department or that agreement can never be reached between the institute and the department so that it can be registered, in effect, as a consent agreement and become an award of the salaries tribunal. In fact, this has happened in the past on other more minor matters. In this case it has just arisen as a consequence of a relatively straightforward adjustment across the board in teachers' salaries following the changes that have taken place in other States. I should have expected that the honourable member would appreciate that, wherever an arbitration tribunal is established, means of conciliation are required as well. That is all that has happened in this instance.

Mr. Goldsworthy: That comment is not relevant to my question.

The Hon. HUGH HUDSON: The honourable member is asking whether a teachers salaries board operates as an arbitration tribunal: why are not all salaries determined in this way and in no other way, never being the subject of consultation or conciliation? The reply is that we believe in conciliation and arbitration.

#### MODBURY HOSPITAL

Mrs. BYRNE: Has the Attorney-General a reply from the Chief Secretary to my question of October 31 concerning the establishment of a ladies' auxiliary at Modbury Hospital?

The Hon. L. J. KING: The Chief Secretary reports that it is still intended to establish a ladies' auxiliary at Modbury Hospital. Preliminary inquiries, indicate that there is local interest in the formation of such a body, and an approach will now be made to the Mayor of Tea Tree Gully to arrange for a public meeting to be called in the near future to discuss the proposal.

#### BURRA HIGH SCHOOL

Mr. ALLEN: Can the Minister of Education say what stage planning for the proposed new Burra High School has reached? Earlier this year the Public Works Committee visited Burra and recommended a change in site for the proposed new high school, and this has required an alteration in planning.

The Hon. HUGH HUDSON: I will get a report for the honourable member.

#### AFRICAN DAISY

Mr. McANANEY: In the absence of the Minister of Works my question is addressed

to the Minister representing the Minister of Agriculture. Last week I asked what action the Minister of Agriculture was taking to eradicate African daisy in the council areas of Burnside and Mitcham. As part of my question was not answered, will the Minister supply me with the reply to that part of the question?

The Hon. HUGH HUDSON: I will consult with my colleague and, if *Hansard* has heard the honourable member well enough, my colleague will no doubt see what can be done.

### TRAM CROSSINGS

Mr. BECKER: Can the Minister of Roads and Transport say when warning signals will be provided on the Glenelg tramway crossings at Morphett Road and Marion Road?

The Hon. G. T. VIRGO: I think I have made four statements on this matter during this financial year.

### ABORIGINAL HEALTH

Mr. GUNN: Will the Attorney-General ask the Minister of Health whether, when giving effect to the new health plans for Aborigines announced recently, he will consider appointing officers to train Aborigines in personal hygiene? Recently, while I was visiting reserves in my district, some of the problems that Aborigines have in the care and maintenance of their houses, because of a lack of knowledge of what we would call normal hygiene habits, were brought to my attention.

The Hon. L. J. KING: There have been continuing initiatives and efforts to educate Aboriginal people who are making a transition from one style of life to another in the habits of hygiene, nutrition and diet that are necessary to make this transition satisfactorily. However, I will speak to my colleague and ask him whether measures of this kind can be integrated in the new programme.

### PORT LINCOLN SCHOOL CANTEEN

Mr. CARNIE: Can the Minister of Education say whether tenders have been called for the erection of a canteen at the Port Lincoln Primary School and, if they have not been, when it is intended to provide a canteen at this school? In March, 1971, the Port Lincoln Primary School Committee applied to the Education Department for the provision of a canteen at this school. A reply in April, 1971, indicated that the canteen would be included in the 1971-72 Loan programme, and the Minister gave me that impression at about the same time. I understand that the committee was given plans to check at about this time and

was asked where the electric wiring was to go. I also understand that in August, 1971, the Headmaster was told that the expected completion time was about June, 1972. The need for this canteen has been increasing for some time, not only because of the increasing number of children but also because of the increasing volume of traffic in the streets that the children must cross to go to shops to buy lunch. The difficulty increased so much that this year it was necessary to confine the children to school during the lunch break, and a local shopkeeper was delivering lunches to the school. However, the shopkeeper says that in 1973 he will no longer be able to do this, and a survey of other shops in the city has shown that no other shop is either willing or able to provide this service. Therefore, a position that up to date has been manageable, although not completely satisfactory, will be serious in 1973. A canteen subcommittee was formed last year and that committee is equipped, financially and in planning, to operate the canteen immediately. In view of the urgency of the matter, will the Minister consider providing a canteen for the school? I also ask the Minister whether it would not have been possible to provide this canteen at one end of the six-teacher unit that is almost complete. Surely if this had been done there would have been a saving to the department.

The Hon. HUGH HUDSON: The contract for the six-teacher unit at Port Lincoln Primary School may well have upset in some way the plans to provide a canteen. There may have been a conflict in the planning. However, I will check that matter thoroughly for the honourable member. Regarding the latter part of his question about combining the canteen with the six-teacher unit, one advantage has been that for these units we have used standard plans with no variation, and this permits construction of four-teacher units and six-teacher units to proceed more rapidly than otherwise would be the case. Generally, we have tried to avoid varying plans. However, I will examine the matter of plans for this canteen and bring down a reply as soon as possible.

### SCIENTOLOGY

Mr. MILLHOUSE: Will the Attorney-General say whether the Government still hopes to get through Parliament, during the remainder of this session, legislation dealing with Scientology? Last Thursday I asked whether the Government still intended to introduce legislation on this topic and

the Attorney-General said that it did. The Premier has announced this afternoon that the Government hopes that the House will rise tomorrow week and, from experience as Ministers, some of us know that it is exceedingly difficult to get a Bill through both Houses in a week. As far as I know, the Attorney-General has not even given notice yet of the Bills on this topic. It is probably proposed by the Government, as a gesture, just to bring the Bills in and let them lie.

The Hon. L. J. KING: Tomorrow I shall give notice of the Bills to which the honourable member refers and the Bills will be introduced next Tuesday.

### DRAINAGE SALINITY

Dr. EASTICK: In the absence of the Minister of Works, has the Minister of Education a reply to my recent question concerning drainage salinity?

The Hon. HUGH HUDSON: Most soils have an inherent salt content and particularly in the lower reaches of the Murray Valley, which was originally covered by an arm of the sea, is this so. With the low rainfall of this area the salts have not been leached out naturally as is the case in higher rainfall areas. Any application of irrigation water in the initial stages must dissolve some of these salts and over a long period of time the salinity of water drained will get progressively less although it will never become equal to the salinity of the applied water. As the soil salinity varies with the soil type and its relative location, the quoting of any figures on the possible reduction of salinity of drainage water with time could be inaccurate and misleading.

### LOCAL GOVERNMENT ACT

Mr. MILLHOUSE: Can the Attorney-General say what work is being done actively on the drafting of the new Local Government Bill? Some time ago we received a report of the Local Government Act Revision Committee, which report had been many years in course of preparation. Yesterday, when we debated a Bill to amend the present Local Government Act so that it might be consolidated, the Leader expressed surprise that this should be necessary when we all thought a new Act altogether was being prepared as a result of the report of the Local Government Act Revision Committee. One wonders, as that report has been out for a couple of years now (it was certainly hoped for when we were in office, but I think it was not ready) just what work has been done on it. I know, from

my own experience, of the difficulty of obtaining Parliamentary Counsel. Looking at the staff of the Parliamentary Counsel and doing a little arithmetic, I wonder whether any of them are working on this Bill. I therefore put the question to the Attorney-General because, if nothing is being done, we ought to know about it.

The Hon. L. J. KING: The honourable member is correct when he refers to the extreme difficulty we are having in obtaining qualified Parliamentary Counsel. Indeed, it is not only a matter of difficulty: it is a matter of impossibility and every effort that has been made has so far failed to attract candidates with the requisite qualifications notwithstanding the status of the positions of Parliamentary Counsel and Assistant Parliamentary Counsel being upgraded and the salaries being increased substantially. The unhappy fact is that people with the necessary qualifications are not available. This means that it has proved impossible to put a qualified Parliamentary Counsel on revising the Local Government Act. The men we have have been busy with the current Parliamentary programme. However, officers of the Local Government Department have been working on preliminary work in relation to the proposed revised legislation and as much as can be done at that level is being done, but we are still faced with the problem of the need to obtain the services of qualified Parliamentary Counsel to tackle the work.

*At 4 o'clock, the bells having been rung:*

The SPEAKER: Call on the business of the day.

### TRAVEL AGENTS BILL

Notice of Motion, Government Business, No. 1: The Hon. D. A. Dunstan to move:

That he have leave to introduce a Bill for an Act to provide for the licensing and control of travel agents; and for other purposes.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Government does not intend now to proceed with this measure this session and I should explain why. The measure is ready to be introduced in the House. However, it provides for an indemnity fund based on ½ per cent of the gross turnover of travel agents or for an exemption for travel agents who have provided another form of adequate indemnity. The fund to be built up in consequence would be based on the turnover of the smaller travel agents; the larger ones

would get other forms of indemnity from the insurance companies; and it would not be a large fund. As much as ½ per cent of gross turnover would be a high proportion of the actual return to the smaller travel agents. The travel agents agree with the general provisions of the Bill. However, they have requested that consideration of the Bill be postponed until next session as they are arranging Australia-wide for an indemnity fund to which all travel agents in Australia would contribute and which would provide a much better indemnity fund than one that could be provided only on a State basis. The Government has agreed on that point and has agreed to introduce the Bill next session.

Motion lapsed.

### **LOCAL GOVERNMENT ACT AMENDMENT BILL (CONSOLIDATION)**

Returned from the Legislative Council without amendment.

### **EDUCATION BILL**

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to make proper provision for primary and secondary education in this State; to repeal the Education Act, 1915-1971; to amend the Statutes Amendment (Long Service Leave) Act, 1958, and the Age of Majority (Reduction) Act, 1970-1972; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

*That this Bill be now read a second time.* Detailed work on the revision of the existing Education Act has been in process for a number of years. This Bill together with a Further Education Bill to be introduced next year represents the culmination of that detailed work. It has not been possible in the time available to complete the preparation of the proposed Further Education Bill. The continued functioning of the Department of Further Education is provided for either through this Bill or the Public Service Act. Members will be aware that the Government proposes to provide for the registration of non-government schools. The details of the scheme for such registration have not been finalized, and full consultation with independent school organizations has not been possible. As a consequence, the proposals for the registration of independent schools have been deferred until next year.

A number of significant changes in the legislative provisions are proposed in this Bill.

The composition and powers of the Teachers Appeal Board have been widened so that an appeal will lie against disciplinary actions imposed by the Director-General on teachers. In addition, it is provided that an appeal will exist to the Appeal Board against any decision of the Minister acting on the recommendation of the Director-General to dismiss a permanent member of the teaching service.

The Bill provides for the registration of teachers. The scheme proposed involves the establishment of a Teachers Registration Board representative of the department, Institute of Teachers and the independent schools. The purpose of the registration of teachers is to ensure the safeguarding of the public interest through the employment only of competent persons.

The scheme contemplates the establishment of appropriate qualifications and experience before any person can be registered as a teacher. Exit students from teachers colleges will be provisionally registered, as initially they will possess only the requisite qualifications. Provision is made for the registration of all existing teachers who may not have appropriate qualifications but who have given two years satisfactory service. It is proposed that, two years after the commencement of the relevant portion of the Act, no person can be a teacher in a Government or non-government school who is not registered by the board. Provision is made in the Bill to ensure that the Minister has power to enable unregistered teachers to be employed in Government and non-government schools should that be necessary or expedient in the public interest.

The Bill provides for a common retiring age for men and women teachers. Once the provisions of the Bill come into force, any teacher will be able to retire on the last day of the school year in which that teacher reaches the age of 60 years or on the last day of any subsequent school year up to the year in which the teacher reaches the age of 65. The Bill thus ensures equality of treatment under the legislation of male and female teachers. The new Bill repeals the provisions of the existing Education Act with respect to religious instruction. It provides instead a simple provision that regular provision shall be made for religious education at a Government school under such conditions as may be prescribed. Appropriate arrangements must be made for exemption from such education on conscientious grounds.

Members will be aware that, with the agreement of the heads of churches, a special

committee has been established under the chairmanship of the Assistant Director-General (Mr. Steinle) to devise a new system of religious education in Government schools. When the work of that committee is complete and the heads of churches have agreed, appropriate provision will be made in the regulations. I have written to the heads of churches with respect to the proposed provision for religious education in the Bill, which was the unanimous suggestion of the Steinle committee, and they have signified their agreement.

Members will be aware that one recommendation of the Karmel committee report was that all officers of the Education Department below the level of Deputy Director-General should cease to be public servants and therefore cease to be appointed by the Public Service Board. The Bill does not implement that recommendation. An arrangement has been reached with the Public Service Board whereby the board has delegated its power of appointment of all professional educators who have a Public Service position of inspector of schools or below. The department in carrying out this delegation will establish appropriate selection committees to interview and consider applications for any position. Should this process of delegation prove to be successful, it is conceivable that it will be extended further.

Clause 2 of the Bill provides a means whereby different portions of the Act can be brought into operation at various times. This is an important provision, for example, with respect to the Teachers Registration Board or the new salaries board. Clauses 1 and 3 are formal. Clause 4 sets out the repeals of various Acts effected by this Bill. The remaining subclauses of this clause are concerned with various saving provisions to ensure continuity between the old Act and the new. It is provided in subclause (4) that a person holding the position of Assistant Director-General will become one of the Deputy Directors-General. Clause 5 is definitional. Clauses 6 to 10 deal with the powers of the Minister. Clause 8 repeats the provision in the existing Act whereby the Minister is able to delegate any of his powers, duties, responsibilities or functions other than his power to dismiss an officer of the teaching service.

Clause 10 enables the Minister to appoint such advisory committees as he considers necessary to investigate any matters affecting either the administration of the Act or the provision of primary and secondary education

in the State. Clauses 11 to 14 provide for the Education Department. The main change from the existing Act is that more than one Deputy Director-General can be appointed. With the translation of Mr. Steinle's office from that of Assistant Director-General to Deputy Director-General, the Education Department will be staffed by two deputies, one responsible for schools and the other for resources. Clause 13 provides that the Director-General has a general power of delegation. It is hoped that the administrative practice of the department will be for decisions to be taken at an appropriate level in terms of the broad policies which are laid down.

Clauses 15 to 17 provide for the teaching service. Under clause 15, an officer appointed on a temporary basis or appointed on probation shall hold office at the pleasure of the Minister. Separate provision is made under Division V for the procedures involved in the dismissal of a permanent officer. Clause 16 enacts new provisions relating to the retrenchment of officers of the teaching service. The clause requires that at least 12 weeks notice must be given or where the notice is less than 12 weeks an equivalent salary payment made. The decision to retrench an officer of the teaching service is subject to appeal. Clause 17 provides for the retirement of officers by reason of invalidity or physical or mental incapacity. Again, an appeal is provided against the decision of the Minister to retire an officer from the teaching service.

Division III re-enacts the provisions with respect to long service leave. One or two minor changes are involved in the re-enactment. Pro rata leave has been extended to provide for a female teacher who resigns to care for an adopted child under the age of two years. The opportunity has also been taken to clarify the provision of pro rata leave for a teacher who resigns on account of pregnancy. Clause 22 provides for continuity of service for the purposes of long service leave for officers whose service has been interrupted by retirement on grounds of invalidity or by situations which arise other than by resignation, or dismissal for misconduct. This provision is relevant to many teachers who had an interruption of service through the depression years as a consequence of the failure of the department to offer a teaching position immediately on their completion of teacher training.

Clause 25 provides for retirement provisions and enables any teacher to retire on the last day of the school year in which the teacher reaches any age between 60 and 65 years.

The clause thus provides for a common retiring age for male and female teachers. Subclause (3) permits all female teachers above the age of 45 years to be given a right to elect whether they wish to exercise the right provided under the existing Act to retire at the age of 55 years. After the day determined by the Minister for this purpose, no female teacher will be able to retire at the age of 55 unless an appropriate election has been made.

Clause 26 sets out the circumstances in which the Director-General may take disciplinary action against an officer of the teaching service. The Director-General is given power to reprimand the officer, impose a fine not exceeding \$50, or reduce the classification of the officer. In any of these circumstances, the officer affected by the decision may appeal to the Appeal Board. The Director-General is also given power to recommend to the Minister that the officer be dismissed. Should the Minister accept the recommendation, the officer affected is again able to appeal to the Appeal Board. Under the existing Act the appeal against the dismissal is made to the Chairman of the Public Service Board.

Clause 27 provides the power for the Director-General to suspend an officer. A person so suspended is entitled to salary in respect of the period of suspension unless the Minister otherwise directs. Division VI, covering clauses 28 to 33, re-establishes the Classification Board. The board is given power to advise the Director-General on the classification of any teacher and to review classifications on application. A decision of the Classification Board is subject to appeal.

Clause 30 constitutes the board, while clause 31 sets out the terms and conditions under which members of the board hold office. A feature of this clause which is repeated in a number of other cases in the Bill is that provision is made for the appointment of deputy members and for temporary members. It is envisaged, for example, that the Institute of Teachers in arranging for the election of members of the board under clause 32 (c) would also arrange for the election of deputy members. The provision for the appointment of a temporary member is considered necessary in case there should be any dispute at any stage in relation to the validity of the election of a member or deputy member.

Division VII, covering clauses 34 to 44, reconstitutes the Teachers Salaries Board. In the reconstitution the membership of the board has been reduced from five to three. This

change has been thought desirable in view of the lengthy sittings of the board and the difficulties in arranging meetings when five different members have to be accommodated. As with the Classification Board, provision is made for both deputy and temporary members. Clause 38 gives effectively legislative recognition to the South Australian Institute of Teachers. Under this clause, the Institute of Teachers will be the only teacher organization or association of teachers capable of applying to the board for an award. Clause 39 (4) provides a new power to the board in that in special circumstances the board may fix an earlier starting date for an award than the date of application.

Clause 40 sets out other powers of the board in detail. Under this clause the board is able to make an interim award, appoint a board of reference, correct irregularities in documents and declare how the award is to be interpreted. Clause 41 deals with the powers of the board to issue summonses, to inspect books, papers and documents and to require answers to questions on oath or affirmation. Subclause (2) sets out offences in relation to these powers. Clause 42 permits legal representation before the board, while clause 43 provides that the board is not bound by the ordinary rules of evidence. Clause 44 repeats the provision of the existing Act and gives priority to the Industrial Commission of South Australia should there be any inconsistency between an award of the board and that of the commission.

Division VIII covers clauses 45 to 54 and constitutes the Teachers Appeal Board. The board is constituted by a Chairman who shall be either a local court judge or special magistrate, a panel of officers of the department and of the teaching service nominated by the Minister, and a panel of elected officers of the teaching service nominated by the Institute of Teachers. For the purpose of hearing any appeal the Appeal Board consists of three members, namely the Chairman, a member of the Minister's panel to be selected by the Director-General, and a member of the institute panel selected by the appellant.

Clauses 46 and 47 set out the terms and conditions under which members of the board shall hold office. Under clause 50, the board is given the powers to issue a summons, inspect books, papers and documents and to require answers to questions on oath or affirmation. The jurisdiction of the Appeal Board is very much wider than the jurisdiction of the Appeal Board under the existing Act. The latter had

very limited jurisdiction in relation to appeals by a teacher against his exclusion from a promotion list against an appointment made to a special position, or against a teacher's position on a special promotion list. Under the new arrangement, the right of appeal for the teacher is extended to cover appeals against dismissal, retrenchment, retirement on grounds of invalidity, disciplinary action by the Director-General or classification decisions by the Classification Board.

In addition, clause 54 provides that an appeal will lie against any administrative action or decision affecting an officer in relation to which a right of appeal is conferred by regulations. Part IV provides for the registration of teachers. The proposed Teachers Registration Board will consist of eight members of whom seven would have the experience and qualifications to be registered teachers. The Chairman is appointed on the nomination of the Minister, and two members are nominated by the Director-General. The Institute of Teachers is given the right to elect two members, while the independent schools gain two members, one nominated by the Director of Catholic Education and the second nominated by the head teachers of those non-government schools which do not come under the control or oversight of the Director of Catholic Education. A further member is to be nominated by the Board of Advanced Education from the academic staff of a college of advanced education in which courses of instruction for the education of teachers are provided.

Clause 56 provides for the terms and conditions upon which members of the board hold office, and provides also for the appointment of deputy and temporary members. Clause 60 sets out the functions of the board. The board must operate a system of registration so that the public interest in primary and secondary education is safeguarded by ensuring that such education is undertaken only by competent persons. The board is required to collaborate with the Board of Advanced Education and with tertiary institutions concerned with teacher education. Under clause 60 (3) the board must collaborate with interstate authorities exercising similar functions.

Clause 61 sets out qualifications required for registration. The board is given power to determine certain qualifications and experience either in South Australia or in other States that will be necessary before a teacher can be registered. It provides also that a person who applies for registration within two years

of the commencement of this part of the Bill and who has had satisfactory experience as a teacher for two years immediately preceding the date of his application shall be registered. The wording of this subclause will ensure that all existing teachers who have had two years satisfactory service as a teacher will be able to gain registration. In other words, in providing for registration, the aim is to upgrade the qualification that will be required for work or employment as a teacher in a period of two years after the commencement of this provision. After that time, teachers who have had two years experience, even though they may not have the requisite qualifications, will be registered. Subclause (2) provides for provisional registration while subclause (3) provides that such provisional registration shall be effective for no longer than five years. Subclause (4) permits the board to grant registration or provisional registration subject to terms or conditions which restrict the subjects that may be taught and the academic levels at which they may be taught. Clause 62 provides for a fee to be charged for registration. In clause 63 after the expiration of two years from the establishment of the board no person shall, without authority of the board, be able to administer or teach any course in primary or secondary education without being registered.

Subclause (3) of this clause permits the Minister to suspend the operation of this section to such extent as he may consider necessary or expedient in the public interest. This subclause enables emergency measures to be adopted to overcome an acute shortage of teachers. Clause 64 sets out the various offences. Clause 65 sets out the circumstances in which the board may cancel the registration of any teacher, while clause 66 sets out the powers of the board in carrying out an inquiry before the cancellation of registration. Clause 68 gives the right of appeal to a local court of full jurisdiction against any decision of the Registration Board, while clause 69 requires that the board gives reason for any decision.

Clause 70 provides for the position of Registrar, while clause 71 sets out the requirement for the keeping of a register of teachers registered by the board. The register must be available for public inspection. Part V covering clauses 72 and 73 re-enacts provisions with respect to non-government schools from the existing Act. Part VI sets out the provisions for compulsory attendance and for zoning. Clause 74 enables the Minister to

zone in relation to enrolment for any secondary school.

Clause 75 sets out the provisions for compulsory enrolment, while clause 76 deals with compulsory attendance. The new Bill provides for compulsory enrolment and attendance at school in appropriate circumstances for handicapped children. This enacts a provision which has been recommended most strongly by the Psychology Branch of the Education Department. It is felt that there are many cases where parents of a handicapped child act mistakenly in not permitting a child to attend school when considerable benefit could be gained by so doing. Clearly there will be circumstances in which on medical grounds the Minister will grant an exemption for a handicapped child. However, with transport arrangements for handicapped children greatly modernized and with the vast bulk of the cost being borne by the Government, it is felt that the new arrangements with respect to handicapped children can work effectively in the interests of all concerned. This provision means that the Government is accepting full responsibility for the education of handicapped children.

Clause 77 provides the Minister with the power to exempt a child from attendance at school. Clause 78 deals with the employment of children of compulsory school age, while clause 79 provides for the problems of habitual truancy to be dealt with in accordance with the provisions of the Juvenile Courts Act. Clause 80 deals with attendance officers, while clause 81 is the evidentiary provision.

Part VII sets out provisions with respect to courses of instruction, and provides that the Director-General be responsible for the curriculum for Government schools. Under clause 82 the provisions for Advisory Curriculum Boards are re-enacted.

Part VIII sets out provisions with respect to school councils. Clause 83 deals with the power of the Minister to establish councils whose membership would be prescribed in regulations. It is proposed that under this provision primary school councils will be established with representation similar to that of high and technical high school councils but without student representation. Clauses 84, 85 and 86 re-enact provisions of the existing Act with respect to the borrowing powers of councils and the establishment of the School Loans Advisory Committee.

Clause 87 gives the Minister power to make grants to any council. Clause 88 provides for

the keeping of accounts which may be inspected by the Auditor-General. Clause 89 provides for affiliated committees, while clause 90 deals with the power of the Minister to abolish councils.

Part IX re-enacts provisions with respect to licensing of private technical schools. These provisions will be removed from the Education Act and revised completely when the Further Education Bill is presented to Parliament next year. Clause 102 sets out the provision with respect to religious education to which I referred at the beginning of this speech. The provision is in the form agreeable to the heads of churches. Clause 103 re-enacts section 70 of the existing Act which gives the Minister powers to take a census of a school district.

Clause 104 provides for an offence against any person who acts in an offensive or insulting manner to a teacher in the course of his duties. Clause 105 provides for the summary disposal of offences. Clause 106 is the financial provision, while clause 107 sets out the regulation-making powers.

I thank officers of the Education Department for their assistance, particularly Mr. Wilson, who has been involved from the departmental end in doing all the hard detailed work in preparation of draft instructions to the Parliamentary Counsel. I especially thank the Parliamentary Counsel for his valuable assistance in somewhat trying circumstances, and I commend the Bill to members.

Mr. GOLDSWORTHY secured the adjournment of the debate.

## **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (MINING)**

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935, as amended. Read a first time.

The Hon. L. J. KING: I move:

*That this Bill be now read a second time.*

This short Bill inserts a new section in the Criminal Law Consolidation Act, 1935, as amended, and provides for an offence of stealing precious stones from mines. Members will be aware that considerable difficulties have been caused in the opal fields of this State, because of thefts of opals. A peculiar feature of these precious stones is that they are extremely valuable and readily portable, and it is somewhat difficult to identify the mine from which they were obtained. The Premier, in moving to amend the Mining



Act this week, explained the difficulties that have arisen on the opal fields in connection with this matter.

I now consider the Bill in detail. Clauses 1 and 2 are formal. Clause 3 inserts a new section 152a in the principal Act. In form this section follows section 152, which deals with gold stealing, except that in this case the penalty has been increased from two years to five years. Clause 4 amends section 153 of the principal Act which deals with the fraudulent removal of gold or ore from a mine, and the amendment proposed is to include precious stones. Clause 5 inserts a new section 153a in the principal Act and provides definitions of "mine" and "precious stones" that are related back to the Mining Act, 1971.

Dr. EASTICK secured the adjournment of the debate.

#### **POLICE OFFENCES ACT AMENDMENT BILL (LOITERING)**

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953, as amended. Read a first time.

The Hon. L. J. KING: I move:

*That this Bill be now read a second time.*

It is the last of a series of measures dealing with offences in relation to opal fields, and is intended to facilitate the detection of offences akin to stealing opals and the apprehension of the offenders. Clauses 1 and 2 are formal. Clause 3 inserts a new section 18a in the principal Act which provides for the offence of loitering at night on land comprised in a precious stones claim. Loitering may generally be described as "hanging about" without being able to give a reasonable account of one's purposes. While, in principle, this activity is not of itself reprehensible, it is not unreasonable to assume that a man who is found in such circumstances on a precious stones claim in the middle of the night may well be there for some improper purpose. It is considered that the creation of an offence of this nature may well go some way towards the prevention of the commission of rather more serious offences.

Mr. MILLHOUSE secured the adjournment of the debate.

#### **MURRAY NEW TOWN (LAND ACQUISITION) ACT AMENDMENT BILL**

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from November 14. Page 3001.)

Mr. WARDLE (Murray): I do not oppose the Bill, but I wish to make several comments on it. First, it is disappointing at this stage to find that the area has to be extended. It is a shame that it could not have been declared at the original size, because people have been concerned whether they are situated in the area, whereas more people will now be worrying about whether they are to be included in the extension.

The Hon. D. A. Dunstan: They won't have long to wait.

Mr. WARDLE: I am delighted to hear that comment, because people who have made plans in this locality have discarded them while awaiting further details. Many people wish to renovate or add to their houses or perhaps buy equipment and machinery. I heard of one person who wanted to erect about two miles of fencing, but wondered whether he should bother about it, as he might be located in the new area. As I understand it, the area would have been about six miles by six miles, which is about 25,000 acres, but will now become eight miles by eight miles or about 40,000 acres, and this will become the designated area. The extension of the area will involve 40 families instead of 24 or 25 families, and will affect more people.

The Bill allows the Government to control land subdivision, land use, and building outside the designated area, and to me this is one of the more disturbing features. I appreciate the fact that the Hills are situated between the present metropolitan area and Murray New Town and that there should not be any link of dwellings and small populated areas that would bring the metropolitan area in contact with the Murray New Town area. However, if my calculations are correct the extension of 10 km around the outside of the designated area of the new town covers an area that is larger than half the metropolitan area, which reaches from Sellick Beach to Gawler and is about 711 square miles. The "adjoining" and "designated" areas are more than 400 square miles and could stretch from Murray Bridge to Mannum, Mannum to Birdwood, Birdwood to Nairne, and back to Murray Bridge. This large area covers about 250,000 acres. I hope that I have been correct in what I have said this Bill does in regard to the Murray New Town site. I support the measure and I think all other members on this side will support it. The Premier has given the assurance that it will not

be long before the designated area will be designated.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Control of land subdivision."

Dr. EASTICK (Leader of the Opposition): I should like information on whether this matter would be completely within the province of the Director of Planning, rather than a matter that will be dealt with by his delegating authority to officers on the site. An assurance given during debate is of no real value: it is what is in the Bill that matters.

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation): I have no hesitation in giving the Leader an assurance. A decision of this kind would have significance for the person seeking the subdivision. This goes beyond the type of delegation of authority dealt with in similar legislation recently, when we were dealing with delegation on machinery matters.

Dr. EASTICK: It is difficult to define what is "prejudicial" to the designation of the new town within the boundaries of the site. Will this matter be interpreted by one person, or will Cabinet or the Minister decide? Can the Minister clarify what type of subdivision is likely to be allowed in the buffer zone?

The Hon. G. R. BROOMHILL: I cannot deal with all aspects that would be in the discretion of the Director of Planning. However, we are trying to make sure that any development that takes place in the areas will not detract from our general intentions regarding the designated area. For example, we do not want subdivisions to take place that are likely to cause drainage problems or detract from the appearance of the area.

Dr. Eastick: Do you think that may also include such things as a shopping complex?

The Hon. G. R. BROOMHILL: Yes. There could also be problems with factories, or something else that is unsatisfactory, having regard to the total complex. The clause does not prevent all subdivisions, but the Director of Planning is given the power to determine the effect of a subdivision on the new town.

Mr. WARDLE: Does the Minister contemplate any difficulty about large subdivisions being prevented in the adjoining area? I am wondering whether, in the enlargement of rural properties, the Director of Planning is likely to refuse. A neighbouring property may be divided into two or three sections and added to two or three properties.

The Hon. G. R. BROOMHILL: I do not think that is contemplated in this provision.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

*Later:*

Returned from the Legislative Council without amendment.

## NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Narcotic and Psychotropic Drugs Act, 1934-1970. Read a first time.

The Hon. L. J. KING: I move:

*That this Bill be now read a second time.*

It makes two principal amendments to the Narcotic and Psychotropic Drugs Act. Certain difficulties have been experienced by the courts in the interpretation of the evidentiary provisions contained in section 14. Subsection (7) of that section provides for the admission in evidence of a certificate under the hand of an analyst appointed under the Food and Drugs Act. It provides that the certificate is to be evidence of the analysis of a substance and of the results of that analysis. The provision is deficient, however, because it does not contain evidentiary provision for the identification of the drug or substance that was submitted for analysis. The Bill overcomes this deficiency and in addition provides for a certificate to be given by a botanist as to the *genus* of a plant submitted to him for identification. This amendment is necessary in view of the provisions of the principal Act dealing with the cultivation of prohibited plants. The two new evidentiary provisions are similar in form.

Secondly, the Bill repeals section 14a of the principal Act. This section was inserted by the amending Act of 1970. It was an innovative provision which has unfortunately led to certain problems in sentencing drug offenders. Some judges have felt that it requires a court to impose a suspended sentence upon an offender in almost every case. While this interpretation is very much open to argument, it is felt better that the provision should be removed and the matter of sentencing left to the ordinary discretion of the court. The Government has in fact looked at a number of proposals designed to preserve the spirit of the original amendment without leading to the difficulties of the present provision. However, after full consideration the conclusion has been reached that the matter of sentencing drug

offenders is best left to the discretion of the court which is, of course, to be exercised in accordance with the established precedents.

Clauses 1 and 2 are formal. Clause 3 amends section 14 of the principal Act by striking out subsection (7) and inserting new subsections (7) and (7a). New subsection (7) provides for a certificate to be given by an analyst appointed under the Food and Drugs Act of the results of an analysis to which he has submitted a drug or substance. New subsection (7a) provides for a certificate to be given by a botanist identifying the *genus* of a plant or part of a plant submitted to him for examination. Clause 4 repeals section 14a of the principal Act.

Dr. TONKIN secured the adjournment of the debate.

### **MOTOR VEHICLES ACT AMENDMENT BILL**

The Hon. G. T. VIRGO (Minister of Roads and Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1972. Read a first time.

The Hon. G. T. VIRGO: I move:

*That this Bill be now read a second time.*

It introduces miscellaneous amendments to various parts of the principal Act. One significant amendment is the exempting of motorized wheelchairs from the requirements of the Act. With today's increase in mechanization, many incapacitated people are finding a degree of independence through motorized wheelchairs. The granting of licences to drive motorized wheelchairs, and the requirement to register them, result from the definition of a motor vehicle in the principal Act. No practical purpose is served by this. With their limited speed and use, motorized wheelchairs appear to be no greater danger to the public than a bicycle or unmotorized wheelchair, whilst obviously of immense benefit to handicapped persons. Therefore, exempted vehicles used by invalids or incapacitated persons are exempted from all licensing, registration and insurance provisions of the Act. As many of the persons who could benefit from these chairs are under the age of 16 years, the Registrar is given a discretionary power to grant licences to incapacitated persons under that age who, though invalids, show themselves capable of handling a motorized wheelchair in a safe manner.

This exemption from licensing, registration and insurance is further extended to cover the larger power mowers. Where the operator does not control the mower as he walks behind it, but is carried on a machine, it becomes a

"motor vehicle" for the purposes of the principal Act. Operators of these mowers have occasion to go on the roadway or footpath with their machine. Private lawn often extends on to the footpath, and a grassy median strip is often cut by private persons in the street. Similarly, the larger machines are regularly on the road moving from place to place, in pursuance of a council's duty to keep the area under their control in a tidy state. It is quite unnecessary to require these vehicles to be fitted with equipment normally required for a motor vehicle on the road.

To overcome certain anomalies in the issuing of general and limited trader's plates, certain amendments have been made. Caravan and trailer dealers, who previously have had to purchase general trader plates for which they have had no use, are placed in the class requiring only limited trader plates. The plates may be issued singly or in pairs, and made out in either the name of a private individual or business. The Registrar is given a discretionary power to issue temporary driving licences to persons who, for reasons he deems satisfactory, are unable to complete their licence applications before the expiry of the licence. This most frequently occurs where the renewal falls due while the holder of the licence is in another State or abroad. The Minister is also granted a discretionary power in relation to applications for approval as an "approved insurer", where the application cannot be made at the appropriate time.

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act, by widening the interpretation of the words "motor vehicle" to include the word "caravan". Clause 4 amends section 12a of the principal Act. This extends the class of vehicle exempted from registration and insurance to include a self-propelled wheelchair used by a person who because of physical infirmity requires its use, and a self-propelled lawnmower which is used to cut grass, or is being driven to or from a place for this purpose. Clause 5 amends section 31 of the principal Act by striking out paragraph (1) which required self-propelled invalid chairs to be registered without fee.

Clause 6 amends section 62 of the principal Act by enlarging the class of persons eligible for the issue of a limited trader's licence. The class of persons now includes all persons engaged in the caravan or trailer trade, whether as manufacturers, repairers or dealers. To come under the amendment, however, the caravan and trailer trade must be separated from

trade in motor vehicles of other kinds. The plates may be issued singly or in pairs, to any person who carries on business under a name registered under the Business Names Act, 1963, and the Registrar shall determine the date on which they are deemed to have been issued.

Clause 7 repeals section 63 of the principal Act, and enacts a new section in its place, which concerns the fees payable for trader's plates. Clauses 8 to 15 enact amendments consequential on the enactment of clause 6. Clause 16 contains a consequential drafting amendment. Clause 17 amends section 75 of the principal Act, by providing that, on failure to renew a licence in time, the Registrar may issue a temporary licence if he sees fit in the circumstances. An application for renewal of the previous licence may be made before the expiration of the temporary licence. Where it is granted, the term of renewal runs from the expiry of the previous licence.

Clause 18 amends section 76 of the principal Act. This provides that the Registrar may issue a licence, subject to whatever restrictions he sees fit to impose, authorizing a person to drive a self-propelled wheelchair. Clause 19 amends section 78 of the principal Act. It provides that a licence to drive a self-propelled wheelchair only may be issued to a person under the age of 16 years. Clause 20 is a consequential drafting amendment. Clause 21 amends section 98b of the principal Act, by providing that, where a person is convicted of an offence that carries demerit points, those demerit points are not to be recorded against him until the time for applying for a rehearing has expired, or, where there is such an application, until the determination of the rehearing.

Clause 22 amends section 99a of the principal Act. This provides that the application for transfer of trader's plates shall be deemed to be an application for transfer of registration. Therefore, as soon as the application has been made, all motor vehicles driven in pursuance of these trader's plates, whether or not they have been transferred, are covered by third party insurance. Clause 23 amends section 101 of the principal Act. It empowers the Minister, where he is satisfied that special circumstances exist, to grant, or withdraw, approval as an approved insurer at a time other than July 1. In this event, the grant or withdrawal is effective from the date determined by the Minister.

Mr. MATHWIN secured the adjournment of the debate.

## LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

In Committee.

(Continued from November 14. Page 3041.)

Clause 21—"Poll"—which the Hon. G. T. VIRGO had moved to amend by striking out in new section 190 (2) "owners of ratable property in" wherever occurring and inserting "ratepayers for".

Amendment carried.

The Hon. G. T. VIRGO (Minister of Local Government) moved:

In new subsection 190 (3) to strike out "owners of" first occurring and insert "ratepayers in respect of"; to strike out "owners of ratable property in the area" and insert "or more of those ratepayers"; and to strike out "the owners of ratable property in that part of the area" second occurring and insert "those ratepayers".

Amendments carried; clause as amended passed.

Clause 22 passed.

Clause 23—"Method by which poll is to be taken."

The Hon. G. T. VIRGO: I move:

After paragraph (a) to strike out "and"; in paragraph (b), in new paragraph I, to strike out "this" first occurring and insert "the"; to strike out "owner of ratable property in the area, or part thereof" and insert "ratepayer in respect of ratable property in the area, of part thereof"; after "ward" to insert "to which the proposal relates"; in new paragraph II to strike out "owner of" and insert "ratepayer in respect of"; and after paragraph (b) to insert the following paragraph:

and

(c) by striking out from paragraph III of subsection (2) the passage "owners of" and inserting in lieu thereof the passage "ratepayers in respect of".

The purpose of these amendments is identical to that relating to clause 21, namely, to apply the provisions to ratepayers instead of to owners.

Amendments carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Poll."

The Hon. G. T. VIRGO: I move:

In new section 197, in new subsection (2), after "the" fourth occurring, to strike out "owners of ratable property in" and insert "ratepayers for"; after "those" to strike out "owners of ratable property" and insert "ratepayers"; in new subsection (3), after "the" third occurring, to strike out "owners of" and insert "ratepayers in respect of"; after "those" first occurring to strike out "owners of ratable property" and insert "ratepayers"; and after "those" second occurring to strike out "owners of ratable property" and insert "ratepayers".

Again, the purpose of these amendments is identical to that in respect of the amendments just dealt with.

Amendments carried; clause as amended passed.

Clause 26—"Method by which poll is to be taken."

The Hon. G. T. VIRGO: I move:

After paragraph (a) to strike out "and"; in new paragraph I to strike out "owner of ratable property in the area, or part thereof" and insert "ratepayer in respect of ratable property in the area, or part thereof"; after "ward" to insert "to which the proposal relates"; in new paragraph II, after "every", to strike out "owner of" and insert "ratepayer in respect of"; and to insert the following paragraph:

- (c) by striking out from paragraph III of subsection (2) the passage "owners of" and inserting in lieu thereof the passage "ratepayers in respect of".

The reason for these amendments is the same as previously stated.

Amendments carried; clause as amended passed.

Clause 27 passed.

New clause 27a—"Voting rights."

The Hon. G. T. VIRGO: I move to insert the following new clause:

27a. Section 200 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "owner of" and inserting in lieu thereof the passage "ratepayer in respect of";
- (b) by striking out from subsection (1) the passage "of which he is the owner" and inserting in lieu thereof the passage "for which he is the ratepayer";

and

- (c) by striking out from subsection (2) the word "owners" wherever it occurs and inserting in lieu thereof in each case the word "ratepayers".

This is consequential on the previous amendments just dealt with.

New clause inserted.

Clauses 28 and 29 passed.

Clause 30—"Repeal of s. 214 of principal Act and enactment of sections in its place."

Mr. WARDLE: I instance the disadvantage that might occur as a result of allowing a council to declare a differential rate in, say, half a dozen cases even within one ward. Will the Minister explain the reason for inserting the provision contained in new section 214 (3)?

The Hon. G. T. VIRGO: The whole purpose of this exercise is to give a greater degree of flexibility and autonomy to councils, which are in a far better position than is anyone else to determine the needs and application of rates within their areas. In fact, if that were not the case, there would be justification for say-

ing, for example, that a new council ought to be quickly elected. I do not believe that councils will act irresponsibly. I think it must be acknowledged that, under the present system of determining either rental or land values over the whole area and of determining a constant general rate, there are many anomalies and undesirable features. As a result, we are providing this authority to councils, so that they can try to contain a situation within their own area, and I believe that councils are competent to handle this authority.

Mr. WARDLE: Although I think it is good to introduce flexibility, bearing in mind that this legislation will allow flexibility, I believe that it can be taken too far, that is, to a point where a council can declare several differential rates within a ward, that ward being finely divided into building zones. For instance, the area of General Motors-Holden's at Woodville could be a zone in itself, although it may be a small portion of a ward, and the same thing could apply to a group of shops. Councils are guided by the need for a suitable assessment, and this is made on a broad enough scale so that no small section is penalized. Councils are always in need of funds. Some councils may be tempted to take advantage of some aspect of the legislation, believing that they are justified by their need to raise funds. For these reasons, I move:

In new section 214 (3), after "wa d", to insert "or"; and to strike out "or zone".

The Hon. G. T. VIRGO: For the reasons I have already stated, I oppose the amendments, which tend to defeat what we are attempting to achieve. By striking out the words "or zone" we would be virtually saying to councils that we did not believe that they would act responsibly and that we should therefore limit their power. The honourable member intends to leave the word "township" in this new subsection. Many townships in South Australia would be far smaller than zoned areas. Therefore, the word "township" would also have to be struck out. However, I do not think this would be desirable either.

Amendments negatived; clause passed.

Clauses 31 to 44 passed.

New clause 44a—"Fencing of swimming pools."

The Hon. G. T. VIRGO: I move to insert the following new clause:

44a. Section 346a of the principal Act is amended by inserting after subsection (5) the following subsection:

- (6) This section does not apply to a swimming pool to which the Swimming Pools (Safety) Act, 1972, applies.

This new clause is necessary because of an amendment made to the Swimming Pools (Safety) Bill in another place. As that Bill left this Chamber, it sought to delete a provision which gave councils power to require that swimming pools be fenced. However, councils have realized that a provision was being taken out of the legislation that they might wish to use, so that this provision is being enacted in a modified way to cover the swimming pools legislation.

New clause inserted.

Clauses 45 to 50 passed.

New clause 50a—"Power to declare lighting rate."

The Hon. G. T. VIRGO: I move to insert the following new clause:

50a. Section 488 of the principal Act is amended by inserting after the passage "any district" wherever it occurs in paragraphs (a) and (b) the passage "or part of a district".

This new clause makes a slight alteration with regard to councils having power to declare lighting rates.

New clause inserted.

Clauses 51 to 53 passed.

Clause 54—"Keeping of cattle, etc."

Dr. EASTICK (Leader of the Opposition): I have already expressed my fears about the failure of a council to control the keeping of swine or cattle in its district. I have been assured that the matter is totally covered under this provision. However, I point out that, by this provision, section 536 (1) of the Act will be amended by adding after the word "municipality" the words "or township, or an area within 100 m of the borders of a township". The reference to 100 m suggests to me that a differentiation will be made in respect of areas within that distance of the border of a municipality. The definition of "township" in the Act is as follows:

"township" means—

(a) any Government township and any land laid out as a township, plans whereof have been deposited in the Lands Titles Registration Office, the General Registry Office, or the Surveyor-General's Office;

(b) any part of the area containing at least 20 dwellinghouses, the boundaries whereof have been defined by a resolution of the council published in the *Gazette*.

This suggests to me that it is not synonymous with the interpretation of "municipality". It may be necessary to obtain even further advice on this matter. It may be necessary to make a simple alteration to include both township

and municipality. Unfortunately a clear and positive definition has not been made, but I will check the matter further. I give notice to the Minister of the possibility of that move being made necessary later.

Clause passed.

Clauses 55 to 61 passed.

New clause 61a—"Application of Part."

The Hon. G. T. VIRGO: I move to insert the following new clause:

61a. Section 847 of the principal Act is amended by striking out subsection (2).

This is a simple consequential amendment.

New clause inserted.

Clauses 62 to 66 passed.

Clause 67—"Vesting of Beaumont Common in the Corporation of the City of Burnside."

Mrs. STEELE: Beaumont Common is in my district and, since the Bill was introduced, I have had one or two calls from people who live adjacent to the common who are somewhat concerned still that vesting the common in the Burnside council may lead to tennis courts or basketball courts being placed on the common. I told them that I would seek further information from the Minister. It is good that the common will be vested in the Burnside council, because I have no misgivings that the council is likely to do any of the things that people interested in maintaining the common as it is feared will be done. The history of the common is unique, but I suppose its uniqueness will pass into the realm of forgotten things. Will the Minister assure me that these people's fears are groundless?

The Hon. G. T. VIRGO: Subclauses (3) and (4) of new section 886c provide the safeguards for the very purpose the honourable member has raised.

Clause passed.

Title passed.

Bill read a third time and passed.

## CROWN LANDS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## APPROPRIATION BILL (No. 3)

Returned from the Legislative Council without amendment.

## INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

In Committee.

(Continued from November 14. Page 3053.)

Clause 4 passed.

Clause 5—"Act not to apply to mines."

Mr. EVANS: I move:

After "in relation to" to insert "(a)"; and to insert the following new paragraphs:

- (b) any mine as defined for the purposes of the Mines and Works Inspection Act, 1920-1970;
- (c) any activity carried on under and in accordance with the Petroleum Act, 1940-1971, or the Petroleum (Submerged Lands) Act, 1967-1969.

Members of the Select Committee know that, from the time the report of that committee was made available, I raised this issue. I sought the views of people after that time. I had been caught up in operations related to the mining industry, and I had an appreciation of the work of the Mines Department inspectors, their qualifications, and their strictness in the application and interpretation of safety provisions, and of the record they have established and maintained in the industry over the years. The Mines Department has carried out its duties responsibly and satisfactorily.

Whether we accept the Minister's interpretation or mine, doubts about jurisdiction will continue. It has been said that, if both Acts remain in force, the departments will reach agreement as to which will accept specific sections of the plants in operation. I do not think it is good legislation; it should be clear cut. If any Government member can prove that the present system has not operated satisfactorily I shall listen, but it has not been proved. The only doubt has been as to the jurisdiction between the Mines Department and the Department of Labour and Industry. I ask the Minister to seriously consider these amendments. The jurisdiction argument has continued since the early 1920's, and it is my strong conviction that this duty should remain with the Mines Department.

The Hon. D. H. McKEE (Minister of Labour and Industry): I cannot accept these amendments. This Bill, which is a direct result of the work of the Select Committee, has been designed to give effect to the findings of that committee, members of which came from both sides of the House. I realize the differences of opinion that have existed, but I believe we have reached agreement. In the early stage we had some point of difference with the Health Department, but that has been overcome. Only recently I have had discussions with my colleague, the Minister of Environment and Conservation, in his capacity as Minister Assisting the Premier, and with the heads of the Mines Department and the Department of Labour

and Industry. It is clear that the Bill in its present form will not present any administrative problems, and there is no reason at all why the unanimous recommendations of the Select Committee should not be adopted. The clause defines mines and quarries. Where certain minerals and metals are involved, the inspections could still be carried out under this Act in co-operation with the Department of Labour and Industry.

Mr. Coumbe: Do the Director of Mines and his officers agree with your comment?

The Hon. D. H. McKEE: There may be a slight difference on some points, but the situation we put up was agreed to. The Minister of Environment and Conservation who was present at that conference with representatives of the Mines Department, agreed with the proposal. I am convinced that officers of the department were satisfied that they would not lose any jurisdiction regarding their department and its functions. We can now say that this Committee must decide the real question and put into effect the findings of the Select Committee, which held 23 meetings and examined 55 witnesses, of whom 42 appeared before it representing 25 organizations apart from the trade union movement. It was the opinion of all those people that this legislation should cover persons in employment throughout the State. Having brought down that report, we have had to stick by the evidence presented, otherwise there is no point in having a Select Committee. In these circumstances, the Government must reject the amendments.

Mr. EVANS: I do not accept the Minister's interpretation of what Parliament should do in relation to the report of a Select Committee. The report was put here for us to make a judgment on it in the final stages.

The CHAIRMAN: Order! I will not allow debate on the activities of the Select Committee. The only debate in that regard is the determination of that committee and discussions held in connection with clause 5.

Mr. EVANS: The Select Committee recommended that the Mines and Works Inspection Act should be repealed. That was not acted on by the Government, which did not accept in every detail the recommendations of the Select Committee, nor was that ever intended. The guide to this Parliament was that the Mines and Works Inspection Act should be repealed, but that has not been the case. The Minister has shown that nothing better can be offered than what has been offered under the jurisdiction of the other four Acts.

Amendments negatived; clause passed.

Clause 6 passed.

Clause 7—"Interpretation."

Mr. COUNBE: Does the definition of "industrial premises" include warehouses, factories, offices, or banks? What does it cover?

The Hon. D. H. McKEE: My interpretation is that "industrial premises" means any building, structure, or place that is for the time being declared by proclamation to be industrial premises for the purposes of this Act. As it will have State-wide coverage, it could take in the pigsty of the member for Rocky River, if necessary. It means any building that can be proclaimed.

Mr. Counbe: What do you intend to proclaim?

The Hon. D. H. McKEE: Wherever there is industrial activity and persons are involved in employment.

Mr. MATHWIN: Does work in or in connection with excavating, shaft sinking, or tunnelling refer to mines or mining operations?

The Hon. D. H. McKEE: Wherever a shaft was being sunk or underground tunnelling was being undertaken, it would be declared mining.

Mr. EVANS: Does that mean that excavating, shaft sinking or tunnelling will be covered by the Mining Act? I understood it to be construction work.

The Hon. D. H. McKEE: At present, any sewerage work comes under the jurisdiction of the Department of Labour and Industry, as would open-cut trench work for water piping. A mine is a mine, and deep-sinking shaft work would be defined as mining.

Mr. EVANS: Would the proposed underground railway line be defined as a mining project?

The Hon. D. H. McKEE: Qualified miners would be employed on such work.

Mr. GUNN: At Coober Pedy and Andamooka much large plant and equipment is used in mining operations, as well as tunnelling machines and underground elevators. Would these operations come under the provisions of the Mining Act?

The Hon. D. H. McKEE: All activities in places such as Coober Pedy and Andamooka would be declared mining activities.

Mr. COUNBE: Does the definition of "occupier" include self-employed persons who do not employ other people?

The Hon. D. H. McKEE: This is a similar definition to that in the Industrial Code. Probably a self-employed person in his own premises would not be covered. Employed

persons are referred to in the Bill and, obviously, they would not be self-employed people.

Clause passed.

Clause 8—"The Industrial Safety, Health and Welfare Board."

Mr. COUNBE: Subclause (4) provides that the permanent head (the Secretary for Labour and Industry) shall be the Chairman of the board; that is a sound provision, but occasionally the permanent head may be absent through illness or because he has to travel to another State or another country. I therefore suggest that subclause (4) should provide that the Chairman shall be the permanent head or his representative, and I believe that that representative should be his deputy.

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation): The point that the honourable member has raised is covered in subclause (8).

Clause passed.

Clause 9 passed.

Clause 10—"Casual vacancies."

Mr. COUNBE: This clause provides that the office of a member of the board shall become vacant if that member is convicted of an indictable offence, and paragraph (g) provides that the office of a member shall become vacant if he is convicted of any other offence. What is meant by "any other offence"? Surely paragraph (g) does not refer to a driving offence.

The Hon. G. R. BROOMHILL: Paragraph (g) is a common provision; it simply gives the Minister a discretion. An offence may not be indictable, but there may be a reason why the Minister should consider whether a person is suitable to continue as a member of the board. I assure the honourable member that the provision will not be used in connection with trivial offences.

Clause passed.

Clauses 11 to 15 passed.

Clause 16—"Duties and powers of Board."

Mr. COUNBE: During the Select Committee's meetings, a very strong case was presented by some witnesses regarding the safety training of apprentices. It was submitted that some aspects of safety training were almost as important as was the actual trade training. I hope that the board will pay due regard to the greater emphasis that is now being placed on safety training. Of course, it may be necessary for the board to negotiate with the Apprenticeship Commission and the Education Department. I have a



voluminous document from Victoria that stresses the point I have made.

The Hon. G. R. BROOMHILL: Government members certainly support the point made by the honourable member, and I shall refer his submission to the Minister of Labour and Industry.

Clause passed.

Clause 17 passed.

Clause 18—"Inspectors."

Mr. MATHWIN: Regarding subclause (1), what type of person would be regarded as suitable for appointment as an Inspector of Industrial Safety?

The Hon. G. R. BROOMHILL: The words "The Governor may appoint a suitable person" are also used in section 6 of the Construction Safety Act, which is being repealed by this Bill.

*[Sitting suspended from 6 to 7.30 p.m.]*

The Hon. G. R. BROOMHILL: The appointment of inspectors has been made in accordance with the procedures laid down in the Public Service Act. The Public Service Board interviews the applicants to ensure that the successful applicant has the required qualifications. Whilst the term may be general, it enables a wide range of qualifications to be required for the various positions. The Public Service Board considers and advertises the qualifications of the various inspectors to be appointed.

Mr. MATHWIN: As the member for Torrens has said, I think only two inspectors in the Labour and Industry Department are graduates, yet inspectors under the Mining Act must have qualifications and the appropriate certificate. Because this Bill covers a wider area and has bigger scope, one would expect the qualifications required of inspectors to be higher than are required at present. I ask the Minister whether the department will expect a higher standard of qualification for this type of work.

The Hon. G. R. BROOMHILL: That would be so in some areas but not necessarily would all inspectors be performing the additional duties proposed by the Bill. Each inspector will be required to have qualifications in terms of his responsibilities. The advertisements for the various positions will vary, depending on the areas in which inspectors are required.

Mr. McRAE: Recommendation No. 71 of the Select Committee contemplates that the labour inspectorate will need enlarging and reorganizing and will have a much wider range of skills to cope with the increased scope of

its responsibilities. The recommendation also states that specialist staff such as chemists, electrical engineers, mechanical engineers, physicists and civil engineers could also be employed to assist field inspectors and to advise employers on particular safety problems.

The member for Fisher is maintaining a reactionary and rather archaic attitude that will not allow that to happen. We need to do away with the petty squabbles and empire building in our labour inspectorate. We will get results if we have doctors, chemists and physicists on the inspectorate and have the inspectorates centralized. The committee had in mind what the member for Glenelg has said, but the bureaucracy of this State seems to have frustrated that to some extent, just as a bureaucracy in any State or nation will frustrate any idea.

I think the reference to "suitable person" in the clause is as explicit as we can be. We would never complete a list of every type of person we wanted. I am not particularly happy with the provision, as a member of the Select Committee, and in many ways I agree with the member for Glenelg. I should like the bureaucracy to be dealt with more soundly, but I think this is the best that can be done. Even if bureaucracy could be brought to heel more quickly (and that is difficult wherever one goes), we could not spell out the requirements any better.

Dr. Eastick: Are there any particular bodies?

Mr. McRAE: I do not think the Leader was present last evening when the member for Fisher and I debated the sort of area that the labour inspectorate ought to cover. I say that we ought to have one inspectorate, covering health, safety and welfare, but education is required so that people will understand the role that the inspectorate is playing.

Clause passed.

Clause 19—"Powers of entry, etc., of Inspectors."

Mr. GOLDSWORTHY: Inspectors seem to be given wide powers. Under subclause (3) (b) an inspector may "require any person to answer any question put to him by the inspector whether that question is put to him directly or through an interpreter". Therefore, if he wishes, an inspector can ask any question and look at any records. Having heard complaints in this place previously about the power of the Commissioner for Prices and Consumer Affairs to examine records, etc., I think that under this provision inspectors have as much power.

The Hon. G. R. BROOMHILL: True, wide powers may be given to inspectors, but these powers are identical to those that have existed ever since arbitration legislation has been in force in this State and, to my knowledge, there has never been a complaint about an inspector unduly causing any problems as a result of these powers. It is necessary, of course, to provide these powers because some accidents have serious repercussions, and it is necessary for inspectors to establish the cause or likely cause of an accident. Had inspectors used the powers improperly, obviously those in the industries concerned would have complained, and certainly, as a member of Parliament, I have never heard of any such complaint.

There is only one slight alteration to the existing provisions, namely, the provision of a power for an inspector to take photographs in any premises: this duty has normally been carried out with the consent of management. However, generally speaking, the powers have existed for many years and have never been found by occupiers of factories to be onerous.

Mr. MATHWIN: Under subclause (2), an inspector could, if he wished, take along to any premises his wife, or his girl friend, if she was desirable.

The Hon. G. R. BROOMHILL: I can understand why the honourable member notices this provision, whereas most other members may have failed to notice it. Again, this re-enacts an existing provision, and the object is that, if an inspector requires an expert opinion on a certain matter, he may take along with him, for example, a medical practitioner or a person with a knowledge of scaffolding requirements. I do not think any problem will arise under this provision.

Mr. McRAE: I doubt that an inspector's girl friend would find much solace in a Port Adelaide shipyard or at the Broken Hill Associated Smelters works, or that she would find these premises suitable as a place of dalliance. This provision is needed because in the past interpreters, among other people, have been needed. Further, not only certain trade union officials need some police urging to get them to behave: some employers need it also. Therefore, inspectors may need to take police officers along to premises, and that is why the clause is drafted so widely.

Mr. EVANS: I realize that inspectors must have fairly wide powers, but in certain circumstances a person may consider that, if he answers a question put to him by an inspector,

he will be incriminated or at least misinterpreted. The person concerned may not know the language as well as do his fellow workers. Although this person may have fears, he is bound to give a reply. As I think some discretion should be allowed here, I should like the Minister or the member for Playford to elaborate.

The Hon. G. R. BROOMHILL: A similar provision has been in the Industrial Code for many years, and no problems have ever arisen either from the legal point of view or from the point of view of someone complaining that he has been forced to give information that he was unwilling to give. I suggest that the fears expressed by the honourable member are unjustified.

Mr. EVANS: If, say, a migrant could not understand the language and was not willing to have an interpreter's version accepted, would there be any discretion for an inspector to tell that person to contact a fellow countryman and to have him present at an interview?

The Hon. G. R. BROOMHILL: I certainly have never heard of any problem arising here. As a dangerous situation may be involved, an accident having occurred or being likely to occur, I think it is only right that an inspector should be able to seek the information required, and no problem or legal difficulty would arise as a result of the information given. Where a dangerous situation exists, the matter should be cleared up as soon as possible, and that is the whole object of giving inspectors these powers.

Mr. McRAE: A person is bound to answer a question only to the best of his knowledge, information and belief; if he cannot speak the language, the matter is not within his knowledge.

Mr. EVANS: As long as he said he did not understand, it would be all right?

Mr. McRAE: Yes, provided the fact of the matter was that he did not understand. If, in fact, a man did not understand English, he would incur no penalty but, in my view, one or two (a small minority) of our migrant friends sometimes fall back on an alleged incapacity to understand English. That predicament is overcome by subclause (3) (b), so that an interpreter can put a question to this person. If such a person has a remarkable grasp of English arithmetic in normal business affairs but suddenly develops an alarming incapacity to understand a simple English question, this can be overcome by an interpreter.

Mr. COUMBE: Subclause (3) (a) is similar to section 207 (d) of the Industrial Code. However, why have the words "in his opinion", relating to the inspector, been added to the new provision relating to inspecting and copying books and papers, etc.?

The Hon. G. R. BROOMHILL: The two provisions referred to by the honourable member are substantially the same. We want to enable an inspector to obtain without difficulty the material he requires to determine whether there has been a breach of this legislation.

Clause passed.

Clause 20—"Directions by an Inspector."

Mr. MATHWIN: It may be impossible in the outlying areas of the State to comply with the provisions of subclause (3) that an appeal must be lodged in writing within 48 hours.

The Hon. G. R. BROOMHILL: I do not think that in any circumstances it would be impossible to lodge an appeal within 48 hours. I point out that, under section 15 of the Construction Safety Act (and this was the basis of this provision), the time allowed for an appeal against any direction is 24 hours. To overcome any difficulties in this case, the time was extended to 48 hours. Although we do not want to prevent appeals from being lodged, it is important to prevent any delay in implementing the provisions of the legislation, so this time must be kept at a minimum. Inspectors would take action in these cases only when it was apparent that the problem could not be solved without a notice being given to ensure the safety of persons. Therefore, any extended period during which an appeal could be lodged would be likely to cause a serious situation to develop.

Mr. MATHWIN: I appreciate that some leeway has been given in extending the time to 48 hours. However, in the case of an area such as Moomba, it would be virtually impossible to lodge an appeal with the Minister within 48 hours.

Mr. McRAE: When an inspector was called by a crane driver to look at the block and tackle at the new Tourist Bureau building site, he saw an apparent crack in the surface of the block. Fairly lengthy discussion ensued between the inspector and management representatives. The inspector and the member on the job believed that the block was probably inadequate for the purpose. The doubt that remained was given to the employer, who unfortunately permitted the block to be used. After 10 minutes, the ambulance carried away

one dead body. Chances cannot be taken in these situations. If anyone is to suffer, it should be the company, because labour resources can be used elsewhere. Even if labour resources cannot be relocated, I think the circumstances are so serious as to override the normal freedom of management. It is fairly simple within 48 hours to lodge an appeal in writing with the department. Perhaps there is another way of dealing with this matter; perhaps we could vest in the Industrial Magistrate some sort of arbitral authority in the same way as we give such authority to the Industrial Commissioners. I believe that a period of 48 hours is more than reasonable in the circumstances.

Mr. COUMBE: Subclause (4) provides that the Minister may hear an appeal against an action by one of his officers; in effect, this is an appeal from Caesar unto Caesar. Since the Minister may appoint a person to hear an appeal on his behalf, will the Minister consider referring such appeals, when necessary, to the special board that is being set up? I realize that the delay may create difficulties in some instances, but there may be other instances where my suggestion could be advantageous.

The Hon. G. R. BROOMHILL: I shall be happy to consider the honourable member's suggestion, which seems to be reasonable. Because of the time factor, some appellants may not be able to wait until the board can hear their appeals.

Clause passed.

Clause 21—"Obligation on Inspectors, etc."

Mr. MATHWIN: Regarding subclause (1), how will the Minister be able to control the actions of former inspectors?

The Hon. G. R. BROOMHILL: If the Minister is informed that a former inspector has made public any information that came to the inspector's knowledge in the exercise of his powers and functions, obviously an offence has been committed in the terms of the clause, and a penalty not exceeding \$200 is provided. Naturally, inspectors would be informed of this obligation. The clause is identical with section 208 of the Industrial Code, with the exception that this clause extends the prohibition to former inspectors in order to conform to Labour Inspection Convention No. 81 of the International Labour Organization. That organization recommends that all countries apply this type of provision to former inspectors as well as to those currently employed. It is important that, wherever possible, we adopt I.L.O. conventions. The

provision relating to divulgence of information applies in the Public Service generally.

Clause passed.

Clause 22 passed.

Clause 23—"Industrial premises not to be erected without approval."

Mr. EVANS: This clause is completely satisfactory in the metropolitan area and industrial towns, but some people in remote parts of the country may decide to build a small garage or workshop of a kind that may be declared by the Minister to be industrial premises. By what method will those people be made aware of their obligations under this Bill? In the past some such people have not had to apply to their local council for approval to erect such buildings, but they will have to do so in future. Will local councils inform the people of their obligations under this Bill?

The Hon. G. R. BROOMHILL: This clause is similar to section 163 of the Industrial Code and no problems have arisen in connection with people being unfamiliar with their obligations.

Mr. Evans: We are covering a wider field now.

The Hon. G. R. BROOMHILL: Yes, but there is close liaison between the department and the councils. When people apply to councils for permission to erect buildings that are likely to be used for these purposes, they have to state the purpose they have in mind. Because the liaison between local councils and the department is good, people are informed of their obligations in this respect. After the Act has been proclaimed, we intend to issue a booklet setting out the obligations of people under the Act. When people seek permission to erect a building, they normally inquire about their obligations.

Mr. MATHWIN: Regarding subclause (3) (c), will the amount of the fee be governed by the size of the building to be erected, or will it be governed by the number of employees in the industry? Will it be confined to the type of industry or the size of the business? The prescribed fee in the case of, say, Broken Hill Company Proprietary Limited could amount to thousands of dollars.

The Hon. G. R. BROOMHILL: The prescribed fee would apply to the size of the industrial premises concerned. The prescribed fee will be included in regulations still to come before Parliament, but it will be based on the size of the premises.

Mr. EVANS: I refer to subclauses (2) and (7). These subclauses are all-embracing and,

although the department may not intend taking action against the contractor employed by the proprietor, they refer to the person carrying out the work and could apply to the person carrying out the work as well as to the person who gave the instruction.

The Hon. G. R. BROOMHILL: It is intended that, if the owner of industrial premises causes any work to be done in connection with the erection of or extensions to industrial premises, he will be the person responsible under this provision. The clause is directed toward the owner of the building rather than a person engaged to perform work on behalf of the owner. It is unlikely that any problem will result.

Mr. McRAE: I agree with what the Minister has just said. This provision is similar to that currently existing in the Industrial Code, and no specific problem has arisen. It is intended that the owner be responsible. I do not believe there is a problem because, if action was taken against the contractor instead of the owner, the court would have to take notice of the clause as a whole. The owner has the obligation placed on him to give notice. There is no reason for an amendment if the subclauses are read together. I refer the honourable member to section 163 (2) of the Industrial Code, which is, if anything, more vague than this clause.

Mr. EVANS: I am happy with that explanation because, if there is a dispute, the parties can refer to Parliament's intention.

Clause passed.

Clause 24—"Registration of industrial premises."

Mr. COUMBE: I suggest that this clause could be improved by deleting "a person" and substituting "an owner or occupier", because the words "a person" can be ambiguous. We are referring to industrial premises and they will be occupied by the owner or a lessee. The substitution I have suggested would remove any ambiguity.

The Hon. G. R. BROOMHILL: Having regard to consistency we have used the term "a person", meaning an occupier.

Clause passed.

Clause 25—"Change of occupier."

Mr. COUMBE: The word "forthwith" is abrupt and in this context means "immediately". It would be reasonable to allow seven days, which would be in line with provisions of the Bill recently introduced by the Attorney-General regarding premises used for credit purposes. The Minister may even provide for a period of 14 days. As the clause stands,

action must be taken by a person who moves to other premises even before he has put a table in the office.

The Hon. G. R. BROOMHILL: The word "forthwith" has been defined as meaning "immediately", "at once" and "without delay". When a court is considering provisions in which such a term is used, it usually gives a decision favourable to the defendant. Therefore, virtually we are faced with the meaning of "without delay". The clause has been designed in this way to confer a benefit on a person who takes over a business that is being conducted in premises already registered under clause 24. At present a person who takes over, from a previous occupier, premises that have already been registered must re-register the premises and pay another fee. The combined intention of clauses 24 and 25 is to permit a new occupier of premises already registered to take over the unexpired portion of the existing registration.

Mr. Coumbe: I am referring to a new building.

The Hon. G. R. BROOMHILL: We suggest that the general meaning of the word "forthwith" is to take action as quickly as possible, or without delay, and we are anxious for people to do that in the case of new premises, for the purposes of the administration of the measure.

Clause passed.

Clause 26—"Notice of intention to carry out construction work."

Mr. COUMBE: Before the Select Committee much stress was laid on the importance of safety supervisors and good suggestions were made. I suggest that it would be wise to put the provisions of section 9, and the various subsections following, of the Construction Safety Act in this clause.

Mr. McRAE: Can I take a point of order, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. McRAE: I think the Committee may become confused, because I understand the Minister has an amendment to strike out subclause (1) and insert a new subclause. It may be better to consider that amendment first.

The CHAIRMAN: Until an amendment has been moved, all that is before the Chair is the clause, and the amendment has not been moved yet.

The Hon. G. R. BROOMHILL: Although it is desirable to have safety inspectors with the qualifications that have been referred to, we

intend to have people operating throughout the State and I doubt whether it would be desirable to spell out the activities under construction work. That would confine the activities.

The CHAIRMAN: At this stage we can deal only with the clause under discussion.

The Hon. G. R. BROOMHILL: I move:

To strike out subclause (1) and insert the following new subclause:

(1) In this section "construction work" means—

(a) any construction work,

or

(b) any construction work of a class or kind,

for the time being declared by the proclamation to be construction work to which this section applies."

The purpose of the amendment is not to alter significantly the intention of the clause but to set out more clearly what is intended and to make the meaning more readily apparent.

Amendment carried; clause as amended passed.

Clauses 27 to 29 passed.

Clause 30—"Duty of workers."

Mr. MATHWIN: I move:

To strike out "Ten" and insert "Fifty".

I believe that it is as important for an employee to be responsible under this provision as it is for the employer and that, bearing in mind that an employer may be fined a maximum penalty of \$200, \$10 is inadequate.

The Hon. G. R. BROOMHILL: I regret that I cannot accept the amendment. An employer is responsible to ensure that he himself is aware of his obligations under this measure and to see, for example, that the supervisors are watching the employees. One cannot expect the many employees involved, especially those with language difficulties, to be aware of these provisions. A maximum penalty of \$50 for an employee does not represent a fair balance as between him and his employer.

Mr. CRIMES: Clause 36 provides that if a person repeats an offence he may be liable to a maximum penalty of \$500.

Mr. COUMBE: We believe that there is an obligation on every workman, not only in his own interests but also in the interests of his fellow workers, to observe these provisions wherever possible. We must ensure that an employee does not wilfully prejudice the safety of his fellow workers, and I think that a maximum penalty of \$10 is too low.

Mr. WRIGHT: In normal circumstances, I would not at all support a fine for a worker

unless he wilfully disobeyed his instructions or these provisions. Some workers often change their jobs and may not be familiar with the various requirements. If the maximum penalty for the employee is retained at \$10, it is about one-sixth or one-seventh of the average weekly wage, and it is a bigger penalty for him than is a maximum penalty of \$200 for an employer. If employees fail to observe the regulations in some cases, I will go along with there being a fine, but it should not be more than \$10.

Mr. EVANS: I support the amendment. I believe all human beings at times take unnecessary risks. Sometimes severe penalties are necessary to deter people from taking such risks, penalties under the Road Traffic Act being examples of this. I have worked in industry and taken short cuts, and I have seen others take them, possibly at the risk of injury. It is impossible always to supervise the actions of individuals. Only in the most serious cases would the maximum fine of \$50 be imposed.

The Hon. G. R. Broomhill: It doesn't say that in the amendment.

Mr. EVANS: True, but \$50 is the maximum fine, and that would be applied only in the most blatant cases. People will continue to take risks unless there is a real deterrent.

Dr. TONKIN: I support the amendment.

Mr. Jennings: Here's the reject from actors' equity.

Dr. TONKIN: I would rather be a reject from actors' equity than a reject of the honourable member's type. Every day I see the result of the failure of workmen to wear protective eyewear issued by management. Eye injuries occur in industry in many ways. I have no quarrel with the present fine of \$200 for an infringement by management. However, if we leave the fine at \$10 for an employee, employees will regard the matter as being of no consequence at all. The general acceptance of safety measures is now much higher than it used to be, with a consequent drop in the accident rate, but accidents still happen. Therefore, I see no reason why the maximum penalty in this case should not be \$50.

Mr. CRIMES: Surely we should look at the relative incomes of employers and workers. Especially in the engineering industries, employers are getting bigger and bigger. If it is suggested that penalties must be high before people take notice of them, surely a fine of \$200 would not count for much in

the case of a wealthy employer with a consistently large income. On the other hand, a fine of \$10 would have a real impact on a worker, who was supporting a wife and two or three children. Therefore, if there is to be any alteration to these penalties, it should be in the case of the employer rather than in the case of the worker.

Mr. MATHWIN: I am sorry that the Minister will not accept the amendment. The member for Spence has suggested that all employers are in the range of millionaires.

Mr. Crimes: I didn't say that.

Mr. MATHWIN: The honourable member said that employers were getting great sums of money. However, hundreds of businesses make only a small margin on top of what is paid to workers in those businesses. Having heard what the Minister of Labour and Industry said about my suggestion that the penalties for employers and employees should be more comparable, I decided that I should compromise, and I thought my suggestion of a maximum fine of \$50 would be acceptable. If the maximum fine is \$10, possibly people will be fined as little as 50c, which would be ridiculous. However, a maximum fine of \$50 would be a deterrent to workers. I am aiming for something realistic. The sum of \$10 will not buy something very great for the average person.

Mr. McANANEY: I support the remarks of the member for Glenelg. We all know how lenient the courts can be in imposing penalties, and in cases of a minor nature the charge is often dismissed with only costs having to be paid. I am sure that under the provision in the Bill the minimum fine might be only \$1 or \$2. The fine should be realistic enough to make people take precautions.

Amendment negatived; clause passed.

Remaining clauses (31 to 39), schedule and title passed.

Bill read a third time and passed.

### **BARLEY MARKETING ACT AMENDMENT BILL**

Received from the Legislative Council and read a first time.

### **COLLEGES OF ADVANCED EDUCATION BILL**

Returned from the Legislative Council without amendment.

### **SWIMMING POOLS (SAFETY) BILL**

Returned from the Legislative Council with amendments.

**LAND AND BUSINESS AGENTS BILL**

Returned from the Legislative Council with the following amendments:

No. 1. Page 10, line 22 (clause 15)—Leave out “eighteen” and insert “twenty-one”.

No. 2. Page 11, lines 34 to 36 (clause 16) — Leave out “the persons required to be fit and proper persons to manage, direct or control the affairs of the corporation under subsection (1) of this section” and insert “the prescribed officers of the corporation”.

No. 3. Page 11, lines 39 and 40 (clause 16)—Leave out “those persons” and insert “the prescribed officers of the corporation”.

No. 4. Page 11 (clause 16)—After line 40 insert new subclause (2a) as follows:

“(2a) In this section—

“the prescribed officers” in relation to a corporation means the persons who are required to be fit and proper persons to manage, direct, or control the affairs of the corporation under subsection (1) of this section except such of those persons as have been exempted by the board from the requirement to be licensed or registered for the purposes of subsection (2) of this section.”

No. 5. Page 18, line 11 (clause 32)—Leave out “eighteen” and insert “twenty-one”.

No. 6. Page 19, line 22 (clause 33)—Leave out “March” and insert “February”.

No. 7. Page 21, line 37 (clause 41)—Leave out “and”.

No. 8. Page 21 (clause 41)—After line 38 insert the following:

“and

(d) if the agent has been appointed by his principal to act as sole agent in the transaction, that he has been so appointed.”

No. 9. Page 22 (clause 45)—After line 42 insert “Penalty: Two hundred dollars.”

No. 10. Page 22 (clause 45)—After line 42 insert new subclause (1a) as follows:

“(1a) Where an agent presents an instrument prepared for the purposes of subsection (1) of this section for signature by any person, he shall supply that person with a copy of the instrument as soon as practicable after the instrument is signed. Penalty: Two hundred dollars.”

No. 11. Page 23, lines 1 to 10 (clause 45)—Leave out subclauses (2) and (3).

No. 12. Page 23, lines 38 and 39 (clause 47)—Leave out “licensed agent, or to a registered manager or registered salesman in the employment of the licensed agent” and insert “registered manager or registered salesman in his employment, or to a licensed agent”.

No. 13. Page 24, lines 8 to 10 (clause 48)—Leave out all words in these lines.

No. 14. Page 24, line 17 (clause 48)—After “Minister” insert “or the Real Estate Institute of South Australia Incorporated”.

No. 15. Page 24, lines 26 to 28 (clause 49)—Leave out all words in these lines and insert new paragraphs (c), (d) and (e) as follows:

“(c) one shall be a licensed land broker nominated by the Real Estate Institute of South Australia Incorporated;

(d) one shall be a licensed land broker nominated by the Minister;

and

(e) one shall be a person (not being a legal practitioner) nominated by the Minister.”

No. 16. Page 27, lines 28 to 46 and page 28, lines 1 to 4 (clause 61)—Leave out subclauses (2) and (3).

No. 17. Page 42, lines 36 to 43 and page 43, lines 1 to 40 (clause 88)—Leave out the clause.

No. 18. Page 44, lines 15 to 18 (clause 90)—Leave out all words in these lines.

No. 19. Page 44, line 19 (clause 90)—Leave out “mortgages, charges and prescribed” and insert “prescribed mortgages, charges and”.

No. 20. Page 44, lines 32 to 34 (clause 90)—Leave out “prescribed inquiries, and such other inquiries as may be reasonable in the circumstances” and insert “reasonable inquiries”.

No. 21. Page 44, lines 34 and 35 (clause 90)—Leave out “mortgages, charges and prescribed encumbrances” and insert “prescribed mortgages, charges and encumbrances”.

No. 22. Page 44, line 44 (clause 90)—Leave out “mortgages, charges and prescribed” and insert “prescribed mortgages, charges and”.

No. 23. Page 45, line 25 (clause 90)—After “under” insert “paragraph (a) of subsection (5) of this section or”.

No. 24. Page 45, lines 35 to 39 (clause 90)—Leave out all words in these lines.

No. 25. Page 50, line 28 (clause 107)—Leave out “or licensed land brokers”.

Consideration in Committee.

*Amendment No. 1:*

The Hon. L. J. KING (Attorney-General):

I move:

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment to clause 15 seeks to increase the minimum age of a licence holder from 18 to 21 years. This Parliament has passed legislation making 18 years the age of majority in South Australia. There seems to be no good reason why we should make a different age for the holding of a licence under this Act. The licensing authority needs to be satisfied that the land agent or the land salesman is a fit and proper person to hold a licence and will therefore take into account all factors including maturity. As there seems to be no good reason for an age other than the age of majority to apply, I ask the Committee to disagree to the amendment.

Motion carried.

*Amendment No. 2:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 2 be agreed to.

This amendment and amendment No. 3 relate to the persons who may be required to hold a land agent's licence in relation to a company.

As the Bill left this place, all persons who came under subclause (1) were required to hold such a licence. This presents difficulties in the case of some companies, particularly companies in other States that are operating in South Australia. Although I think it proper that a company in another State that is operating here should form a subsidiary in this State and that the directors should be licensed persons, it would be repressive to require all directors of the parent company and any other persons who might be able to control the company's activities to be licensed persons. Amendments Nos. 2, 3 and 4 are designed to confer on the board a discretion in this regard. The board may, if it so desires, exempt from the requirement of licensing other persons who otherwise would come within the class of person in subclause (1).

Motion carried.

*Amendments Nos. 3 and 4:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendments Nos. 3 and 4 be agreed to.

These amendments are consequential on amendment No. 2.

Motion carried.

*Amendment No. 5:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 5 be disagreed to.

This, again, is a move to increase the minimum age for holding a licence.

Motion carried.

*Amendment No. 6:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 6 be agreed to.

This amendment corrects an error in the original drafting.

Motion carried.

*Amendments Nos. 7 and 8:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendments Nos. 7 and 8 be disagreed to.

These amendments require that an agent, if he has been appointed a sole agent, shall state that fact in any advertisement. Although I understand the motives of those who moved and supported these amendments in the other place, I think they would be ineffectual and my advice is that they could lead to an undesirable increase in pirating practices in relation to properties where the sole agency was not advertised, because the omission of the term "sole agent" in an advertisement would be an admission to other persons that sole agency

was not held. Piracy, which causes trouble in the industry, may be increased if these amendments are agreed to.

Motion carried.

*Amendment No. 9:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 9 be disagreed to.

This amendment is related to amendment No.

11. The Committee will recall that amendments were adopted here, at the instance of the member for Mitcham, adding two subclauses to the original clause 45. The effect of those subclauses was to prohibit an agent from demanding or receiving commission on a transaction that the purchaser had rescinded. By amendment No. 11, to which I will refer soon, the Legislative Council has deleted those two subclauses and amendment No. 9 merely removes the penalty provision in consequence of the omission of those two subclauses. As I intend subsequently to recommend that the Committee reject the amendment that removes the subclauses, I recommend that it not accept amendment No. 9.

Motion carried.

*Amendment No. 10:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 10 be agreed to.

This amendment provides that, where an agent presents an instrument for signature by any person, such as a vendor, he shall supply that person with a copy of the instrument as soon as practicable after the instrument is signed. I think this is a valuable addition to the Bill.

Motion carried.

*Amendment No. 11:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 11 be disagreed to.

I have already referred to this matter in dealing with amendment No. 9. The amendment deletes the subclauses inserted at the instance of the member for Mitcham. When the matter was before this Committee previously, I said that I considered that the drafting of these subclauses needed attention. However, the stage of amending them was not reached in the other place, because a clear indication of opposition led to the deletion of the subclauses. Although I still think they need attention, I have no doubt that the principle behind them is correct and that the Legislative Council's amendment should be disagreed to.

Motion carried.

*Amendment No. 12:*



The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 12 be agreed to.

This is an improvement in the drafting.

Motion carried.

*Amendment No. 13:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 13 be agreed to.

This amendment deletes part of the definition of "instrument" and has the effect of confining the operations of a land broker to the preparation of instruments under the Real Property Act. The original definition would have embraced old system conveyances. I have no strong views about the matter, but the Legislative Council considered that this ought to be excluded, and I see merit in the amendment.

Motion carried.

*Amendment No. 14:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 14 be disagreed to.

This amendment and amendment No. 15 are designed to provide that the land brokers' representative on the Land Brokers Board be nominated by the Real Estate Institute. I have previously given my reasons for opposing that clause, and those reasons remain.

The Hon. D. N. BROOKMAN: The other place has made out a good case for this amendment and I want to hear what the Attorney has to say in rebuttal.

The Hon. L. J. KING: I am happy to oblige and to repeat the reasons I gave previously. The whole purpose of this Bill is to provide for a new and more satisfactory system of handling land transactions in South Australia, with consequent improved protections for the public. An essential feature of that system is the separation of the functions of land agents (that is to say, the business of buying and selling land on behalf of others) and the function of land brokers (that is to say, the function of preparing documents and attending to settlements in relation to land transactions). Consequently, I am not willing to accept a provision that assumes that the Real Estate Institute is now and for all time the appropriate organization to represent the interests of land brokers.

True, at present most land brokers are members of the Real Estate Institute. That, of course, is because of the land-broking system which has operated in this State and which makes the land brokers, to a great extent, a tool of their employers, who dominate the Real

Estate Institute. I look to a situation in South Australia where we will develop a separate and distinct semi *quasi* profession of land broking, and where we will have men who are independent of the profession, or land agents' industry, and who will recognize and understand that their sole duty is to the people for whom they are preparing the documents and attending to settlements.

I believe that the logical extension of that point of view is that there ought to be, in time, an independent professional or semi-professional body representing the land brokers. I am not willing to see written into an Act of Parliament something that assumes that it is appropriate that the one body should be representative both of land agents and of land brokers. This amendment really goes to the root of the philosophy which underlies this Bill and about which there has been both conflict in this House and now a controversy between this Chamber and the other place. It is an unresolved conflict. My objection to this amendment is tied up with my objection to other amendments inserted by the Legislative Council which strike at the fundamental concept of the measure.

The Hon. D. N. BROOKMAN: I consider that the amendment should be accepted, and I do not agree with the Minister's statement about this tremendous division, which he says is necessary. Land transactions in South Australia have been executed as efficiently and as justly as has applied in any other part of the world. I believe that the Minister is simply setting up one more organization over which he has full control regarding selection. The Real Estate Institute has figured many times in legislation considered in this place in the last few years, and its representations have always been heeded as those of a responsible organization. I see no reason why we should reject this worthwhile amendment, which provides that the institute has a say in the composition of the board. I oppose the motion.

Motion carried.

*Amendment No. 15:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 15 be disagreed to.

As this is consequential on amendment No. 14 and is part of the same series of amendments, I ask that it be disagreed to for the same reason.

Motion carried.

*Amendment No. 16:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 16 be disagreed to.

Here, the Legislative Council has deleted from clause 61 the vital subclauses (2) and (3), and it has thereby struck at the whole basis of the protection of the public that is visualized by this Bill. I have given my reasons, over and over again and at considerable length in this Chamber, why this provision is of vital consequence to the people of South Australia. I utterly deplore what has occurred in the other place.

The Hon. D. N. Brookman: Why?

The Hon. L. J. KING: Having spoken for about 60 minutes previously, I do not want to go over the same ground again. Since I have spoken, we have had yet another occasion on which His Honour the Chief Justice of South Australia has, in the case of *Hines v. Taylor*, drawn attention to the extremely unsatisfactory situation which occurs in South Australia and which is directly traceable to the fact that the parties do not get independent advice. As I say, it is unnecessary to retrace everything I said previously. Although I am terribly tempted to renew the debate, I will restrain myself from so doing, and I ask the Committee to support the motion.

The Hon. D. N. BROOKMAN: I think the Attorney-General is taking the advice of another place far too lightly. The Attorney-General is being inflexible about this matter. I oppose the motion.

Mr. MILLHOUSE: I support what the Attorney has said. Since I spoke in the second reading debate, I have heard or read nothing said in this place or in another place that would change my mind. There is no doubt in my mind that as a matter of theory anyway the original provision was completely and utterly desirable.

Mr. GOLDSWORTHY: I oppose the motion. I agree that in theory the original provision sounded all right. The only evidence the Attorney-General has advanced in support of his argument indicates that there could be some reason for looking at the activities of some land agents, but there has been no complaint with regard to the action of land brokers. There has been much talk about a conflict of interests. In any business transaction we can dig up what the Attorney-General would see as a conflict of interest. This system has worked well and inexpensively to the satisfaction of most people in the State. This

is the most obnoxious provision in the Bill, and I support the Legislative Council's amendment.

Mr. GUNN: The system that has operated in South Australia for many years is the best in Australia. The Attorney-General has not advanced any reasonable argument to support why it should be altered. He has cited one or two cases.

Mr. Becker: He didn't reflect on brokers.

Mr. GUNN: True. If we follow the example of the Attorney-General, perhaps we should examine certain actions of members of the legal profession and of other professions.

The CHAIRMAN: Order! We are dealing with the motion before the Committee.

Mr. GUNN: I strongly approve of the amendment by the Legislative Council.

Mr. BECKER: The Attorney-General quoted some cases previously, but no land broker has ever had his licence suspended, so why should we change this system?

Mr. Burdon: There's never been any procedure to strike them off.

Mr. BECKER: From my years in the banking business, I know how much money and time is saved by the present system.

Mr. GUNN: Why, on occasions, do lawyers who are acting for one party ask land brokers who are acting for another party to draw up the documents for both parties? Why, when this occurs—

The CHAIRMAN: Order! I will not allow the honourable member to ask a further question.

The Hon. L. J. KING: It is easy to ask "why" on facts which are simply not established. I will read an extract from a case in the Supreme Court which may be instructive for the honourable member, and I will not state the land agent's name. The following evidence was given:

Q. You told the employee of the defendant agent about your Mallala property?

A. Yes.

Q. Before you went to inspect the property you told him he could have the sale of Mallala?

A. Yes.

Q. Did you pay the agents any commission on that sale?

A. Yes.

Q. Why did you pay them commission on that sale? You had the purchaser, and it was only a matter of drawing the documents.

A. We agreed or accepted paying commission on it as they were our agents.

Q. They were not your agents in relation to the sale at Mallala?

A. Yes.

Q. What had they done regarding that sale to claim commission?

A. All the usual paper work.

Q. Prepared the transfer from you to your brother?

A. Yes, all the forms of settlement and such like.

Q. That is all they had done. The whole thing was arranged before you saw the employee of the agent?

A. Yes.

Q. You paid them about £340 for that?

A. Yes.

Q. Did you realize you didn't have to pay them that?

A. No.

Q. You didn't know you could have saved £340 on that transaction?

A. I didn't know.

The documents in that case were drawn up by a broker employed by the agent. He attended to the settlement statement. Once again, he did not choose to tell the people who were paying for his services that they were being charged a commission which they did not have to pay. These established facts are preferable to hypothetical questions.

The Committee divided on the motion:

Ayes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McRae, Millhouse, Payne, Simmons, Slater, Wells, and Wright.

Noes (18)—Messrs. Allen, Becker, Brookman (teller), Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 5 for the Ayes.

Motion thus carried.

*Amendment No. 17:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 17 be disagreed to.

This amendment strikes out clause 88, which provides for a cooling-off period for purchasers.

Motion carried.

*Amendment No. 18:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 18 be disagreed to.

This amendment rearranges the scheme of clause 90, and I am not at all clear why the other place sought to do this. The clause was worked out in considerable detail, and there were considerable consultations with the Real Estate Institute over various aspects of it. Without suggesting that the institute necessarily supported the principle involved, I thought that it was considered that the scheme in the Bill was the most convenient and satisfactory to all parties.

Motion carried.

*Amendments Nos. 19 to 24:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendments Nos. 19 to 24 be disagreed to.

These amendments relate to clause 90, and what I said about amendment No. 18 relates to these amendments, too.

Motion carried.

*Amendment No. 25:*

The Hon. L. J. KING: I move:

That the Legislative Council's amendment No. 25 be disagreed to.

This amendment was inserted by the Legislative Council to strike out the expression "or licensed land brokers" from clause 107, which is the regulation-making power. The relevant provision is the power to make regulations to prescribe maximum fees for services performed by licensed land brokers. The argument in support of taking out these words is that there is to be provision under the Real Property Act for regulating fees of land brokers in relation to Real Property Act work and that therefore there is no occasion for this provision; that argument has a certain superficial appeal. Actually, I think Government members in the Legislative Council supported the amendment but, on consideration, I believe it is unwise to strike out the words, because among the charges commonly made by land brokers are charges not necessarily for work done under the Real Property Act and, if the words are struck out, it may not be possible to prescribe those charges. One of the most important of such charges is the procuration fee for obtaining finance, which accounts for a substantial part of the charges of land brokers and of land agents (where the broker is employed by the agent).

The Hon. D. N. Brookman: Why did the Government support the amendment in the Legislative Council?

The Hon. L. J. KING: Because it appeared at first sight that the argument that the fees could be regulated under the Real Property Act was valid and that it was therefore unnecessary to have a power to fix the charges under this legislation. However, it now appears that it would be unwise to limit the power to the Real Property Act, because that would limit it to the preparation of Real Property Act documents, and we would have no power to prescribe maximum fees that are often far greater than the fees for preparing documents—up to 11 per cent or 2 per cent of the finance obtained by the land broker for the client. This is very much more than the

fees charged for the preparation of documents, and it is a heavy impost on the public. Whilst I do not say that the procuration fee is wrong in all circumstances, it is certainly something that ought to be capable of regulation, and maximum fees ought to be prescribed. Whilst I accept responsibility for the fact that Government members in the Legislative Council supported the amendment, I now believe it would be a mistake to agree to the amendment.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1, 5, 7 to 9, 11, and 14 to 25 was adopted:

Because the amendments destroy an essential part of the measure.

*Later:*

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. L. J. KING (Attorney-General) moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1, 5, 7 to 9, 11, and 14 to 25.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Eastick, Evans, King, McRae, and Payne.

*Later:*

A message was received from the Legislative Council agreeing to the conference to be held in the Legislative Council Conference Room at 5 p.m. on Thursday, November 16.

### **REAL PROPERTY ACT AMENDMENT BILL (FEES)**

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 10 (clause 2)—After "2" insert "(1)".

No. 2. Page 1 (clause 2)—After line 11 insert new subclause (2) as follows:

"(2) Notwithstanding the provisions of subsection (1) of this section, the Governor may in the proclamation made for the purpose of that subsection suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or until a day to be fixed by subsequent proclamation."

Consideration in Committee.

The Hon. L. J. KING: I move:

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

The effect of these amendments is to provide that the Governor may, by proclamation, sus-

pend the operation of any specified provision of this legislation. There are two main provisions of this legislation. One relates to the rationalization of the fee chargeable for documents lodged under the Real Property Act, and the other relates to licensing of land brokers. The provisions concerning the licensing of land brokers cannot come into force until the Land and Business Agents Bill has been passed and the necessary machinery has been established and is in operation. However, it is desirable that the fee provisions come into operation at the earliest possible time, and it is therefore necessary to proclaim that part of the Act earlier than other parts of it.

Motion carried.

### **LISTENING DEVICES BILL**

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 11 and 12 (clause 3)—Leave out all words in these lines.

No. 2. Page 2, lines 28 to 33 and page 3, lines 1 to 21—Leave out all words in these lines.

No. 3. Page 5, lines 21 to 28 (clause 9)—Leave out all words in these lines and insert "the number of occasions on which a listening device was used under section 6 of this Act and the general purposes for which a listening device was used on each such occasion".

The Hon. L. J. KING (Attorney-General): I move:

That the Legislative Council's amendments Nos. 1 to 3 be agreed to.

The effect of the amendments is to delete from the Bill the provision that the police must, before using a listening device, obtain the authority of a judge. I regret that the Council has deleted this provision. However, the Government has considered that it is practicable to institute satisfactory surveillance measures relating to the use of devices by the police by Executive arrangement, and that it is possible to manage without the judicial procedures contemplated in the Bill. It is a second-rate course, but, as the Council seems to be set on this action, the Government has decided to recommend to the Committee to accept the amendments, leaving the Government free to take the alternative course of action.

Motion carried.

### **BUSH FIRES ACT AMENDMENT BILL**

Consideration in Committee of the Legislative Council's amendment:

Page 13, line 18 (clause 37)—Leave out "seven" and insert "fourteen".

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendment be agreed to.

This amendment does not destroy the provisions of the Bill. As we think it is reasonable, we recommend that the Committee agree to it.

Motion carried.

#### **LICENSING ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 9, Page 2932.)

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill, which makes several miscellaneous amendments to the principal Act, and these are all evident to any member who has studied the titles of the clauses. Many types of licence have been tidied up. Having perused the Bill with the Parliamentary Counsel, I see nothing against any of these amendments. Under clause 5 the court is allowed to prescribe that club licensees can purchase liquor from retail storekeepers instead of having to purchase only from hotels. The Bill provides for new year occurring on a Sunday, and also for holiday ships. I do not object to the Bill.

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

#### **STATE BANK ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 9, Page 2931.)

Mr. BECKER (Hanson): The Bill has three main purposes. It establishes three committees in the State Bank, under the Public Service Act, to deal with disciplinary appeals, promotion and classification. Committees have operated previously but this Bill enables the State Bank Board to establish a classification committee. The board agrees with this, and it has been requested by the Australian Bank Officials Association. The matter of classifications in banks has been a long and complex exercise. It was first raised about seven years ago and it took about 18 months to negotiate the various classifications with the private trading banks in Australia. The State Bank would have some form of classification arrangement.

However, by the establishment of this committee and the detailing of the appointment of the personnel, for the first time the bank and the association will be able to make an arrangement that benefits the staff. The Australian Bank Officials Association recently filed a new award salary structure and the association intends to go deeply into classifications

in banking in Australia. The outcome of this will affect the State Bank and the Savings Bank of South Australia. Many of those involved in banking wanted to arrange this structure many years ago, but it was found that the work load varied because of the number of positions, despite the fact that some positions may have similar titles in various banks.

The association desires to have a classification committee for each bank, comprising two representatives of the bank and two representatives of the association, to deal with matters in the bank award relating to classifications and grading. The introduction of computers has made the problem even more complex. Generally a bank would appoint its personnel officer and staff manager as its representatives on such a committee and the association would appoint the delegates from the bank who were members of the association. I have found myself in the position of sitting on one side of the table negotiating with the bank on behalf of the staff about classifications, with the staff manager sitting opposite me.

In this way, a person can be put in a difficult position and his career can be dangling in front of him. Those who are negotiating with the management need independence. It was always encouraging to know that we had competent officers of the association, such as our Federal Secretary, willing to come along and back us up or take our position at the conference table. I see much merit in the Bill and the officers of the State Bank will benefit from it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Appointment of officers."

Mr. BECKER: I move:

In new subsection (11) to strike out paragraph (c) and insert:

(c) a person nominated by the association.

This makes the provision more flexible. I assume that the nominee will be an officer of the bank who is a member of the committee of the association. An officer could be embarrassed in negotiating classifications and it would be more advantageous to appoint the Secretary or the Administrative Officer of the association, thus retaining independence. At times there has been difficulty in obtaining members of the association as delegates to fill positions on the association committee.

However, I hope that State Bank officers will now be encouraged to take part in the activities of the association.

Amendment carried.

Mr. BECKER: I move:

To strike out new subsection (12).

This amendment is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

### **REAL PROPERTY ACT AMENDMENT BILL (STRATA TITLES)**

Adjourned debate on second reading

(Continued from November 9. Page 2932.)

Mr. CARNIE (Flinders): In his second reading explanation, the Attorney-General said that the amendment contained in this Bill was consequential on the provision contained in another measure recently considered by this House. However, I cannot see that it is a consequential amendment, because two different situations are involved: there is a difference between subdividing land and constructing home units or block of flats. It is difficult to justify a three-fold increase in charges, the fee under this Bill, as in the case of the recent amendment to the Planning and Development Act (the other measure to which the Attorney-General was referring), being increased from \$100 to \$300.

This increase will ultimately be added on to the cost to consumers, who in this case will be mainly young people wishing to buy a house. Last evening, the Prime Minister announced a scheme designed to help house purchasers but, once again, we see this Government eroding generous provisions implemented by the Commonwealth Government. I do not think that the Attorney-General is so naive as to think that this increase will not be passed on by way of increased costs: of course it will be. Despite what it says, the Government is not helping the consumer. This measure and the other measure to which I have referred are yet further examples of hidden revenue for the Government and of the increased charges it finds necessary to finance its policies.

Under the amendment to the Planning and Development Act, \$300 is paid in respect of a subdivision of 20 allotments or fewer, any subdivision greater than 20 allotments involving the provision of 12½ per cent of the area in question as open space. Under this Bill, \$300 will be paid in respect of all strata titles

on one property. Near my city flat, a developer bought two houses, both of which he demolished, and on the vacant two blocks of land he built eight units, from which this Government would now receive \$2,400, instead of the \$600 that it would have received previously. As I have said, this represents an extra cost to the house purchaser. Amendments moved to the other measure referred to which were designed to reduce the fee provided therein were defeated by the Government; nevertheless the member for Kavel fore-shadows moving amendments to this measure in order to reduce the increased fee provided. Although I do so grudgingly, I support the second reading.

Mr. GOLDSWORTHY (Kavel): Although far from happy about this Bill, I support the second reading, and I endorse the comments of the member for Flinders. The Attorney-General said that the Government had introduced these provisions in order to be consistent, and he was referring to the recent amendment to the Planning and Development Act which provided for an increase similar to the one contained in this Bill. However, the only consistency is that the Government intends to make yet another jab at the public of South Australia by way of imposing this sort of indirect taxation and increasing charges in every direction that it can. Subdividing property into new allotments is a different procedure from that of applying strata titles to home units.

However, the Attorney-General has said that to be consistent we must increase the charge three-fold. This is therefore simply an unjustifiable attempt to make a threefold increase in the charge made for obtaining a strata title on a home unit. This is completely unrealistic. Of course, this \$300 will now be added to the cost of a home unit. The Director of Planning will reject an application if he does not first receive \$300 a unit in connection with an application for strata titles. This increase in the fee is typical of taxation charges made by the present Government.

The most spectacular increases in this regard are in the field of stamp duties, which have increased so rapidly since the Government took office. I recently bought a car, and anyone who has had this experience has brought home to him forcibly the way in which indirect taxation has been increased by the Government. This points to a basic difference in the philosophy of the two major Parties. Members on this side believe that people should own their own houses, and we encourage them to do so.

Other members on this side and I are not particularly interested in high-rise development, which seems to be a pet subject of the Premier. I believe that we should encourage people, especially young people, to take an interest in their own properties. People who own their own houses have much more respect for them than they have for something provided by the Government. I am inclined to oppose the Bill outright, but in the hope of achieving some reduction in this fee I intend to support the second reading and move an amendment in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Certificate on behalf of council and by the Director."

Mr. GOLDSWORTHY: I move:

To strike out "three" and insert "two".

The Bill seeks to increase the sum paid in respect of strata titles from \$100 to \$300, but my amendment will reduce that sum to \$200. This charge will be levied by the Director of Planning in relation to a fairly simple procedure. Although it has been said that the increase in the fee proposed is designed to make this legislation consistent with the Planning and Development Act Amendment Bill (General), I do not think such consistency should be sustained. I believe that \$200 is a sufficient fee. I hope the Government will accept this realistic compromise.

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation): I oppose the amendment for the same reason as was given for opposing a similar amendment in relation to the fee charged under the Planning and Development Act Amendment Bill (General) with regard to subdivisions containing 20 allotments or fewer. This is not a form of revenue raising by the State Government. Money from the Open Space Development Fund under the Planning and Development Act is specifically allocated for the purchase of open-space areas. The sum of \$300 is required to be paid for each block on subdivisions of less than 20 allotments and is used to purchase land set aside in the 1962 development plan as approved by this Parliament in 1967 for the purchase of open space at strategic points in the metropolitan area. There is a greater need for this provision to apply because in areas where home units are constructed the density of people living on each block is much higher and the need for open space is consequently greater.

Members should accept this proposal in the interests of the community and the families about whose interests they have been so vocal, because the moneys paid are earmarked for the purchase of open spaces in areas where the need is the greatest.

Mr. CARNIE: I concede some merit in the Minister's statements, but it is home owners who will have to pay the extra money. Home ownership, as the Minister will admit, is becoming an increasing burden for everyone. This provision simply adds to it. The Minister has said that the sum is not taken as normal Government revenue but is earmarked for a specific purpose.

The Hon. G. R. Broomhill: It is earmarked for the benefit of home owners.

Mr. CARNIE: The Minister says there are more people in strata title developments than in normal subdivisions, but can he say that a correspondingly larger area of open space will be made available in these areas? This is still a heavy slug. The double increase is too much for anyone to pay. I support the amendment.

Mr. GOLDSWORTHY: No-one argues with the basic point made by the Minister that we need open-space areas for recreation purposes, not only for the owners of home units but also for members of the general public. It seems that the charge is being levied on only one section—the owners of home units. It is a matter of considering what is a reasonable contribution to expect the owner of a home unit to make towards this fund. The increase sponsored by the Minister is too steep. We may yet reach the position applying in Sydney where it is impossible for the man in the street to own his own home, and this increase is the sort of thing that will contribute to the difficulty of a young couple owning their own home.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

## **BILLS OF SALE ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 9. Page 2929.)

Dr. EASTICK (Leader of the Opposition): I support the Bill, which makes an alteration consequential on another Bill not yet passed by another place. I take it that this Bill will not be assented to until it is clear that the other measure will be assented to. The third reading of this Bill could well be delayed until agreement of the Legislative Council on the other matter was received.

The Hon. L. J. KING (Attorney-General): Obviously, this Bill cannot be proclaimed until the Consumer Transactions Bill is proclaimed, because it would have nothing to operate on. It refers to consumer mortgages as defined in the Consumer Transactions Bill and it would be nonsense on the Statute Book before the Consumers Transactions Bill was passed. I do not think that the third reading should be delayed in this House, because I do not know what the Legislative Council's time table will be in considering the other measure and at this stage of the session it would be undesirable to leave the Bill in this House until a message was received that the other Bill had been passed. The better course is to pass the Bill and send it to the Legislative Council, which obviously will deal with it only after the other Bill has been dealt with.

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

#### **MINING ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 14. Page .)

Mr. GUNN (Eyre): I support the Bill. It is a measure that the people involved in the opal mining industry have been requesting for a long time and I thank the Minister for his co-operation in introducing it. The explanation states that an unlawful element is operating at Coober Pedy, causing much concern to residents who are trying to go about their business and make a lawful living for their wives and families. Recently when I attended a meeting of constituents at Coober Pedy, I was told of the activities of this organized group of criminals who are terrorizing legal miners.

I will not mention any names, but the first three persons who spoke to me had been forced to sleep at their mines because of the activities of the group. The fourth person had had his mine robbed four times. The next person had had his mine robbed twice and, when he caught the culprit, the group threatened to blow up his dug-out if he reported the matter to the police. He was frightened to take any further action, because if he did his wife and family would have been injured. Other people whose mines have been robbed more than once have told me that, if the persons who carry out these activities do not find any opals on the claims, they steal jack hammers, gelignite, detonators, or anything else they can lay their hands on.

I am pleased that the Bill bans people from precious stones prospecting areas, because in

the past the courts have imposed completely unsatisfactory penalties. The only way to deal with these people is to remove them for all time from the opal field if they are convicted. They treat the law with complete contempt. They are organized and have large financial resources at their disposal. They can get legal advice and it is difficult to get a conviction. As the law stands, the only offence with which they can be charged is that of being illegally on another person's claim. They cannot be charged with stealing opal unless they are caught red-handed. I support the Bill, which will assist an industry that brings in more than \$8,000,000 annually. It is the second largest mining industry in the State and can become the biggest if it is given the protection it deserves.

Mr. EVANS (Fisher): I do not object to the Minister's having power to have a man removed from a precious stones field if an offence against the Mining Act is committed. It is important that the right of appeal be preserved. The Bill provides that a suspension imposed is operative while an appeal is pending, and that would mean that a person could not go on to the opal fields until the appeal had been heard. I question the objective of expelling a person from the field for all time.

Mr. Gunn: Surely you've had enough experience to know what's going on.

Mr. EVANS: I wonder what the member for Eyre would say if, because of something a person had done in connection with his wheat quota, he lost that quota for all time and consequently lost his farm. Many people at the opal fields are committing offences against Commonwealth Acts. Although I do not condone criminal acts, such as blackmail or unlawfully carrying firearms or explosives, for instance, in order to gain wealth (this situation also applies to people in the city), I point out that we have laws and that, as I have said, the right of appeal for an individual should be retained. The penalty of a fine of \$2,000 or imprisonment for two years is not light. However, I support the Bill and hope that, as its provisions are just, they will be retained in their present form.

Mr. MILLHOUSE (Mitcham): I cannot believe that the Government would introduce a provision such as that contained in clause 6; it is the most arbitrary thing I have seen.

The Hon. G. R. Broomhill: You ought to go to the area and see what the problem is.

Mr. MILLHOUSE: Maybe I ought to, but I will need a great deal more convincing about that problem before I will agree to this most



scandalous provision. Section 74 of the Act is a pretty wide provision as it stands, but under clause 6 (2) we are proposing to tack on to that already severe provision another severe provision, the same penalty (a fine of \$2,000 or imprisonment for two years) being provided as is provided in section 76. I know that there has been trouble at Coober Pedy, but we find something not at all connected with this, and I refer to subclause (3), which provides:

The Minister may, by order in writing served personally upon any person, prohibit that person from entering or remaining upon any precious stones field.

This could relate to you, Mr. Speaker, to me or to anyone else. It is the most arbitrary thing I have ever heard of. I understood previously that it was to relate only to a person who had been convicted of an offence.

Mr. Gunn: I think that'll be taken care of.

Mr. MILLHOUSE: It had jolly well better be! I cannot understand how people such as the Premier and the Attorney-General, who mouth platitudes about human liberties and rights, and so on, could ever have been parties to the introduction of a Bill such as this. It must have gone through Cabinet, unless the processes of law-making have changed since I was in office. Cabinet must take the responsibility for this. A Minister (one man) can by an administrative direction prevent a person from entering or remaining on any precious stones field. I heard the member for Eyre say that the people concerned ought to be removed for all time, and apparently they can be. Then there are some provisions for appeal, but what do they mean? This is the most arbitrary provision I have ever seen inserted in a Bill in this Parliament, and I most vigorously protest about it.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Progress reported; Committee to sit again.

#### **DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 14. Page .)

Mr. McANANEY (Heysen): I am glad to see the Government and the Minister of Agriculture taking an interest in improving the standard of a dairy herd, as is provided in this measure. I support the second reading.

Dr. EASTICK (Leader of the Opposition): Although my colleague the member for Heysen has indicated that he supports the second reading (and I feel compelled to support it

also), I believe that the proposal contained in this measure will be an abject failure. It is suggested that the provision will remove ambiguity existing within the dairying industry regarding the description of a bull. It is suggested that it has been difficult to interpret previous provisions, and that this measure will help to make easier the interpreting of the licensing requirement of a bull to be used on a dairy farm. However, the new subsection refers to "dairy purposes" for which the bull is to be used. How will "dairy purposes" be defined? Many people who run a herd for dairy purposes do so only in certain seasons of the year. Generally, during harvest time and during seeding time, they run the herd as a beef herd, with the calves running on the cows and no production being taken from the cows. The term "herd sire" used in the new subsection is of little help, because invariably people in the industry construe a herd as being a stud herd. Obviously, having regard to the other provisions in the Bill, it is not intended that this should necessarily be a registered stud or that the bull should be of pure breeding. Therefore, the terms used have grave failings. The new subsection provides:

A licence is hereby required for every bull over the age of twelve months used as a herd sire for dairy purposes.

I suggest that the person dealing with this legislation would find the provision much clearer if it stated simply that "a licence is hereby required for every bull over the age of 12 months used in a herd which is used at any period during the 12 months for the production of dairy produce". That is a longer provision, and it may not be acceptable to the industry. However, it would certainly be clearer than the provision in this Bill. Although I do not think that this provision will successfully fulfil the purpose for which it has been introduced, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Bulls over twelve months old to be licensed."

Dr. EASTICK (Leader of the Opposition): What does the Premier understand this provision, relating to the use of a bull for dairy purposes, to mean?

The Hon. D. A. DUNSTAN (Premier and Treasurer): I do not have much information on the file about bulls used for dairy purposes. I have a note stating that the Bill has been examined by the department, which has found

it to be satisfactory. A further note from the Director of Agriculture says that the main object of the provision is to confine the licensing of bulls that are to be used as herd sires for dairy purposes to those over the age of 12 months (this was formerly six months).

Dr. EASTICK: This clause does not alter the age in respect of the licensing of a bull, as this change was made previously. I do not think the age has any real importance. What will really affect the situation is how the term "dairy purposes" is interpreted. Although I will support the clause, I believe it will increase the confusion of those who are concerned with this provision.

Clause passed.

Title passed.

Bill read a third time and passed.

### **RURAL INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 14. Page .)

Mr. NANKIVELL (Mallee): The purpose of this Bill is to make it quite clear that there is an agreement between the State and the Commonwealth that grants to people receiving protection under this Act the protection of the Commonwealth Bankruptcy Act. This is essential for the proper functioning of the Act. This Bill achieves its purpose, and I support it.

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

### **PHYSIOTHERAPISTS ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from November 14. Page .)

Mr. CARNIE (Flinders): The purpose of this Bill is to do one thing requested by the Physiotherapists Board of South Australia—simply to transfer the Diploma of Physiotherapy from the University of Adelaide to the South Australian Institute of Technology. It is important that this Bill be passed before the end of this academic year. I support the Bill.

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

### **PUBLIC ACCOUNTS COMMITTEE BILL**

Consideration in Committee of the Legislative Council's amendment:

Page 3, lines 32 and 33 (clause 12)—Leave out all words in these lines and insert "The Governor may, on the recommendation of the Committee, appoint a".

Mr. NANKIVELL: Clause 12 as it left this House provided:

The Governor may, on the recommendation of the Speaker of the House of Assembly, appoint from the staff of that House a secretary to the committee and such other officers of the committee as are required for the performance of its functions.

The Legislative Council's amendment varies the clause to make it read as follows:

The Governor may, on the recommendation of the committee, appoint a secretary to the committee . . .

The vital difference between these alternatives is that the Legislative Council's proposal envisages the appointment as secretary of this Parliamentary committee of a person who is not an officer of Parliament but an officer of the Government. This seems to me to be wrong in principle. I consider it fundamental that the committee's officers should be Parliamentary officers and, as the committee is a Parliamentary committee consisting exclusively of House of Assembly members, I am of the further opinion that the secretary and officers of the committee should be, or on appointment should become, officers of the House of Assembly.

In the House of Commons and in the Parliaments of the Commonwealth, Victoria, Western Australia and Tasmania, the Secretary of the Public Accounts Committee is an officer of Parliament. In the United Kingdom the Secretary is an officer of the House of Commons; in the Commonwealth Parliament the Secretary is appointed on the joint recommendation of the presiding officers; and in Victoria, Western Australia and Tasmania he is appointed on the recommendation of the Speaker and is an officer of the Assembly. I believe that the ideal person to recommend such an appointment to the Governor is the Speaker of the House of Assembly, as he does now for senior appointments on the House staff. He is best able, in my view, to recommend for appointment a person who is capable of efficiently discharging the functions of his office and also fits into the organizational structure of the staff of the House of Assembly. I think it unwise to depart from that practice, a practice that has been followed in the establishment of similar committees in all other Parliaments where these committees have been appointed. I therefore move:

That the Legislative Council's amendment be disagreed to and that clause 12 be reinstated and amended as follows:

After "Assembly" to insert "after consultation with the committee"; to strike out "from the staff of that House"; and after "functions" to insert "and the Secretary and

officers shall, if they are not already officers of the House of Assembly, on appointment become such officers.”

Clause 12 will then provide:

The Governor may, on the recommendation of the Speaker of the House of Assembly, after consultation with the committee, appoint a Secretary to the committee and such other officers of the committee as are required for the performance of its functions, and the Secretary and officers shall, if they are not already officers of the House of Assembly, on appointment become such officers.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment proposes a method for appointment of the committee's officers which is contrary to the best Parliamentary principles and to usual Parliamentary practice.

#### **ADJOURNMENT**

At 11.12 p.m. the House adjourned until Thursday, November 16, at 2 p.m.